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PENNSYLVANIA BULLETIN

Volume 44

Number 30

Saturday, July 26, 2014 • Harrisburg, PA

Pages 4985—5166

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The Courts

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Development

Department of Conservation and Natural
Resources

Department of Education

Department of Environmental Protection

Department of General Services

Department of Health

Department of Labor and Industry

Executive Board

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Insurance Department

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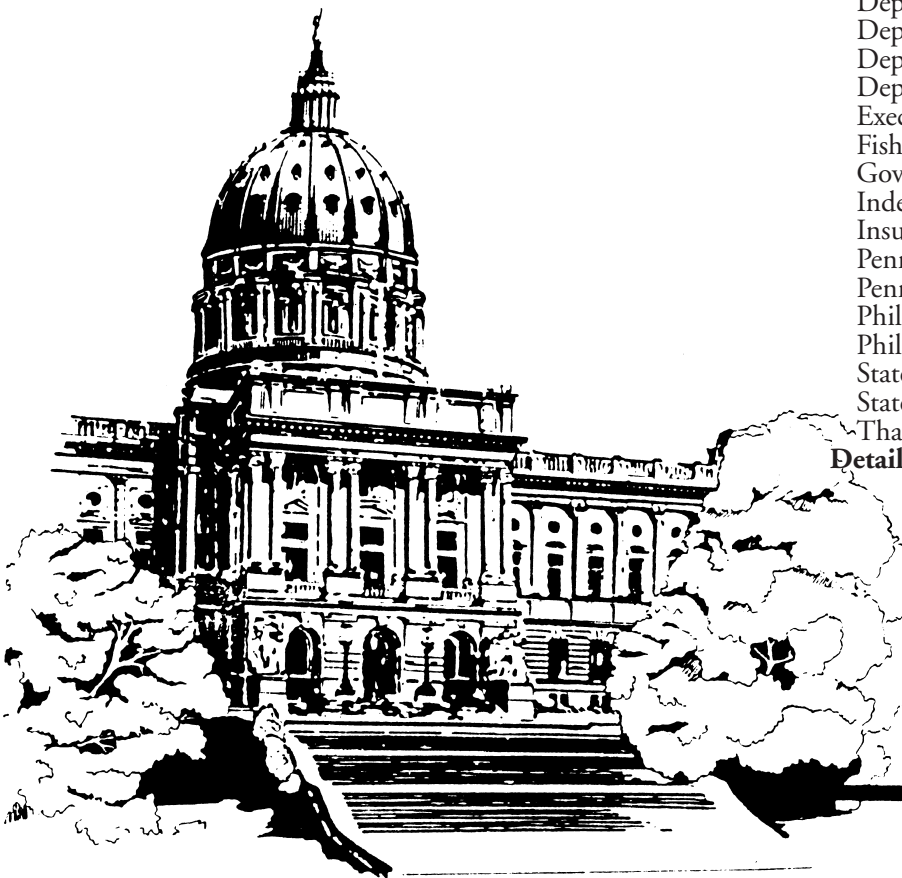
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State Board of Nursing

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Thaddeus Stevens College of Technology

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

No. 476, July 2014

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2014.

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THE GOVERNOR

GOVERNOR'S OFFICE

[EXECUTIVE ORDER NO. 2014-04]

Transition Period for the Pennsylvania Health Care Cost Containment Council

July 1, 2014

Whereas, the act of July 8, 1986 (P. L. 480, No. 89), as re-enacted and amended by the act of June 10, 2009 (P. L. 10, No. 3), known as the Health Care Cost Containment Act (the "Act"), expired on June 30, 2014, because the Act was not reenacted by that date. See Act § 19, 35 P. S. § 449.19 ("This act shall expire June 30, 2014, unless reenacted prior to that date."); and

Whereas, the sunset of the Act caused the Pennsylvania Health Care Cost Containment Council ("PHC4") to cease its existence under statute effective July 1, 2014; and

Whereas, PHC4 and its employees (the "Staff") collect and analyze data for the production of hundreds of public reports that help inform consumers and purchasers about the quality and cost of health care in the Commonwealth; and

Whereas, the Act lacked provision for a transition period or mechanics for winding up the affairs of PHC4.

Now, Therefore, I, Tom Corbett, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws of the Commonwealth, do hereby declare the following:

1. The members of PHC4 shall continue to comprise PHC4 and shall hold their offices as members of PHC4 in the same manner as provided in the Act.
2. Those individuals employed by PHC4 on the date the Act sunset shall continue to be employed by PHC4.
3. PHC4 members and its Staff shall work to prepare the agency for reauthorization or for permanent dissolution, as appropriate.
4. All permissions granted by hospitals for PHC4 to view hospital specific data reported to the National Healthcare Safety Network pursuant to chapter 4 of the act of March 20, 2002 (P. L. 154, No. 13), known as the Medical Care Availability and Reduction of Error (Mcare) Act ("Act 13"), are hereby vested in PHC4 and the Staff during the term of this Executive Order. PHC4 and the Staff shall use such data in accordance with Act 13 and solely for the purpose of analysis and reporting on hospital acquired infections.
5. PHC4 as established under this Executive Order shall be deemed a continuation of the PHC4 as established under the Act. PHC4 members and Staff shall continue to operate under, and shall continue to possess all of the authority and duties provided in, the Act, associated regulations, contractual obligations and PHC4 internal policies and protocols, including the confidentiality provisions governing the data and material in possession of PHC4.
6. The Office of Administration shall provide administrative and technical support to PHC4. The Office of the Budget shall provide accounting services to PHC4.

7. This Executive Order shall take effect immediately and shall expire on the date upon which the PHC4 is reauthorized by the General Assembly.

A handwritten signature in black ink, appearing to read "Tom Corbett", with a long horizontal stroke extending to the right.

Governor

Fiscal Note: 2014-04. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 14-1554. Filed for public inspection July 25, 2014, 9:00 a.m.]

THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 3000]

Proposed Amendment of Rule 3136 Governing Distribution of Proceeds of Sheriff's Sales; Proposed Recommendation No. 260

The Civil Procedural Rules Committee proposes that Rule of Civil Procedure 3136 governing distribution of proceeds of sheriff's sales be amended as set forth herein. The proposed recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

All communications in reference to the proposed recommendation should be sent no later than September 26, 2014 to:

Karla M. Shultz
Counsel
Civil Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
P. O. Box 62635
Harrisburg PA 17106-2635
FAX 717-231-9526
civilrules@pacourts.us

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

Rule 3136. Distribution of proceeds.

(a) Not later than thirty days after the sale of real property and not later than five days after the sale of personal property, the sheriff shall prepare a schedule of proposed distribution of the proceeds of sale which shall be [**kept on file and shall be available for inspection in the sheriff's office**] filed in the prothonotary's office. No schedule of distribution or list of liens need be filed when the property is sold to the plaintiff for costs only.

* * * * *

Explanatory Comment

Current Rule 3136 provides for the sheriff to prepare a schedule of proposed distribution of proceeds (schedule) no later than thirty days after a sale of real property or five days after the sale of personal property. The sheriff is required to keep the schedule on file so that it is available for inspection in the sheriff's office. The parties in interest (parties) then have ten days to file exceptions to the schedule. The rule, however, does not require the sheriff to serve or notify the parties that a schedule has been prepared. As a result, the parties must monitor the sheriff's office on a daily basis to acquire the schedule in order to have the full ten days with which to prepare and file the exceptions. Instead of keeping the schedule on file in the sheriff's office, the proposed amendment would require the sheriff to file the schedule with the prothono-

tary and is intended to give the practitioner the ability to consult the docket, which in some counties can be done electronically.

By the Civil Procedural Rules Committee

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 14-1555. Filed for public inspection July 25, 2014, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 4000]

Amendment of Rule 4003.5 of the Rules of Civil Procedure; No. 604 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 10th day of July, 2014, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 40 Pa.B. 7334 (December 25, 2010):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 4003.5 of the Pennsylvania Rules of Civil Procedure 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 August 9, 2014.

Mr. Justice Saylor dissents. *See Barrick v. Holy Spirit Hosp. of Sisters of Christian Charity*, 91 A.3d 680, 689 (Pa. 2014) (Opinion in Support of Reversal) (Saylor, J.).

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 4000. DEPOSITIONS AND DISCOVERY

Rule 4003.5. Discovery of Expert Testimony. Trial Preparation Material.

(a) Discovery of facts known and opinions held by an expert, otherwise discoverable under the provisions of Rule 4003.1 and acquired or developed in anticipation of litigation or for trial, may be obtained as follows:

(1) A party may through interrogatories require

[(a)] (A) any other party to identify each person whom the other party expects to call as an expert witness at trial and to state the subject matter on which the expert is expected to testify and

[(b)] (B) **subject to the provisions of subdivision (a)(4)**, the other party to have each expert so identified state the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion. The party answering the interrogatories may file as his or her answer a report of the expert or have the interrogatories answered by the expert. The answer or separate report shall be signed by the expert.

(2) Upon cause shown, the court may order further discovery by other means, subject to

(A) such restrictions as to scope and such provisions concerning fees and expenses as the court may deem appropriate[.], and

(B) the provisions of subdivision (a)(4) of this rule.

(3) A party may not discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation for trial and who is not expected to be called as a witness at trial, except a medical expert as provided in Rule 4010(b) or except on order of court as to any other expert upon a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means, subject to such restrictions as to scope and such provisions concerning fees and expenses as the court may deem appropriate.

Official Note: For additional provisions governing the production of expert reports in medical professional liability actions, see Rule 1042.26 et seq. Nothing in Rule 1042.26 et seq. precludes the entry of a court order under this rule.

(4) A party may not discover the communications between another party's attorney and any expert who is to be identified pursuant to subdivision (a)(1)(A) or from whom discovery is permitted under subdivision (a)(3) regardless of the form of the communications, except in circumstances that would warrant the disclosure of privileged communications under Pennsylvania law. This provision protects from discovery draft expert reports and any communications between another party's attorney and experts relating to such drafts.

(b) An expert witness whose identity is not disclosed in compliance with subdivision (a)(1) of this rule shall not be permitted to testify on behalf of the defaulting party at the trial of the action. However, if the failure to disclose the identity of the witness is the result of extenuating circumstances beyond the control of the defaulting party, the court may grant a continuance or other appropriate relief.

* * * * *

Explanatory Comment

The Supreme Court has amended Rule 4003.5 governing the discovery of expert testimony. Recent amendments to the Federal Rules of Civil Procedure have prohibited the discovery of communications between an attorney and his or her expert witness unless those communications (1) relate to compensation for the expert's study or testimony, (2) identify facts or data that the party's attorney provided and that the expert considered in forming the opinions to be expressed, or (3) identify assumptions that the party's attorney provided and that the expert relied on in forming the opinions to be expressed. See FRCP 26(b)(4)(C), effective December 31, 2010.

Under current practice in Pennsylvania, few attorneys have been seeking discovery of the communications between an opposing attorney and his or her expert. The proposed amendment to Rule 4003.5 follows the federal rule in explicitly prohibiting the discovery of such communications. However, it does not include the exceptions in the federal rule to those communications because of the

differences between the federal rules and the Pennsylvania rules governing the scope of discovery of expert testimony.

The federal rules of civil procedure permit an expert to be deposed after the expert report has been filed. The exceptions enumerated above simply describe some of the matters that may be covered in a deposition. However, in the absence of cause shown, the Pennsylvania rules of civil procedure do not permit an expert to be deposed. Thus, the exceptions within the federal rule are inconsistent with the restrictions of the Pennsylvania rules of civil procedure governing discovery of expert witnesses.

In Pennsylvania, questions regarding the compensation of the expert have traditionally been addressed at trial; there is no indication that this procedure is not working well.

In addition, the facts or data provided by the attorney that the expert considered, as well as the assumptions provided by the attorney that the expert relied on in forming his or her opinion, are covered by Rule 4003.5(a)(1)(B), which requires the expert to "state the substance of the facts and opinions to which the expert is expected to testify and summary of the ground for each opinion." If facts or data which the expert considered were provided by counsel or if the expert relied on assumptions provided by counsel, they must be included in the expert report. See Rule 4003.5(c) which provides that the expert's direct testimony at trial may not be inconsistent with or go beyond the fair scope of his or her testimony set forth in the report. If the expert report is unclear as to the facts upon which the expert relied, upon motion of a party, the trial court should order the filing of a supplemental report that complies with Rule 4005.3(a)(1).

*By the Civil Procedural
Rules Committee*

PETER J. HOFFMAN,
Chair

[Pa.B. Doc. No. 14-1556. Filed for public inspection July 25, 2014, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LEHIGH COUNTY

Amended Rule 1018.1 Notice to Defend; 2014-J-47

Administrative Order

And Now, this 2nd day of July, 2014, *It Is Hereby Ordered That* the following Amended Lehigh County Rule 1018.1 is hereby *Adopted*, effective 30 days after publication in the *Pennsylvania Bulletin*.

It Is Further Ordered That the Court Administrator of Lehigh County shall file: one (1) certified copy of this Order and the Amended Lehigh County Rule 1302(a) with the Administrative Office of Pennsylvania Courts; two (2) certified copies and a computer diskette or CD-ROM copy that complies with the requirement of 1 Pa. Code Section 13.11(b) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; one (1) certified copy

with the Civil Procedural Rules Committee, and one (1) copy in the Office of the Clerk of Judicial Records—Civil Division of Lehigh County.

By the Court

CAROL K. MCGINLEY,
President Judge

Amended Lehigh County Rule 1018.1. Notice to Defend.

The following shall be designated in the notice to defend contained in a complaint filed by a plaintiff and a complaint filed by a defendant against an additional defendant as the organization from whom legal referral can be obtained, as required by Pa.R.C.P. 1018.1:

Lawyer Referral Service
P.O. Box 1324
Allentown, Pennsylvania 18105-1324
Telephone No. 610-433-7094

[Pa.B. Doc. No. 14-1557. Filed for public inspection July 25, 2014, 9:00 a.m.]

MONROE COUNTY

Adoption of Local Custody Rules Nos. 1915.1, 1915.3, 1915.3-3, 1915.4, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Divorce Rules Nos. 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2; and Local Domestic Relations Rules No. 1930.4-1, 1930.8; ADM 43; 5 CV 2014

Order

And Now, this 11th day of July, 2014, it is *Ordered* that the Monroe County Rules of Civil Procedure in Custody, Divorce, and Domestic Relations adopted March 20, 2014 and any subsequent amendments thereafter, are rescinded in their entirety, effective upon the adoption of new Local Rules of Court. Monroe County Local Custody Rules Nos. 1915.1, 1915.3, 1915.3-3, 1915.4, 1915.4-3, 1915.4-4, 1915.8, 1915.12, 1915.22; Local Divorce Rules Nos. 1920.12, 1920.43, 1920.51, 1920.51-1, 1920.54, 1920.55-2; and Local Domestic Relations Rules No. 1930.4-1, 1930.8 are adopted as indicated as follows and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The Court Administrator is directed to:

1. File one (1) certified copy of the within Order and new local rules with the Administrative Office of Pennsylvania Courts;
 2. Distribute two (2) certified paper copies and a computer diskette containing the text of the local rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
 3. File one (1) certified copy of the within order and new local rule with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania;
 4. Forward one (1) copy to the *Monroe County Legal Reporter* for publication;
- and
5. Arrange to have the local rule changes published on the Monroe County Court of Common Pleas website at www.monroepacourts.us and the Monroe County Bar Association website at www.monroebar.org.

Copies shall be kept continuously available for public inspection in the Office of the Monroe County Prothonotary, the Office of the Court Administrator, and the Monroe County Law Library.

By the Court

MARGHERITA PATTI WORTHINGTON,
President Judge

Actions in Custody

1915.1. Definitions.

“Conciliator” shall be an active-status attorney duly licensed to practice law in the Commonwealth of Pennsylvania and appointed by the Court.

“Conciliation Conference” shall be a prehearing negotiation meeting conducted under the auspices of the Court by the Conciliator.

“Evidentiary Hearing” shall be an evidentiary hearing before a judge of the Court of Common Pleas of Monroe County.

“Program” shall be the Monroe County Co-Parent Education Program.

“Provider” shall be the provider of the Monroe County Co-Parent Education Program.

1915.3. Commencement of Action. Complaint. Order. Fees.

(a) All complaints for custody, petitions for modification, petitions for contempt, and all motions for conciliation conference shall be substantially in the form set forth in Pa.R.C.P. 1915.15 or 1915.12, as applicable, filed with the Prothonotary, and forwarded promptly to the Court Administrator.

(b) Initial complaints and initial motions for conciliation conference shall be accompanied by a scheduling order, the co-parent order, information and registration forms, and a blank criminal or abuse history verification in the forms set forth at Local Rule 1915.22(1), (2) below and Pa.R.C.P. 1915.3-2(c).

(c) Upon the filing of any complaint, petition or motion relating to child custody, the moving party shall pay a fee to the Prothonotary (in addition to the fees required by Local Rule 1940.5) in an amount set forth in the fee schedule adopted by the Court.

(d) Motions for the scheduling of a conciliation conference shall be in accordance with Local Rules 208.2(c), 208.2(d), and 208.3(a).

1915.3-3. Co-Parent Education Program.

(a) All parties to initial custody actions and to divorce actions in which the divorce complaint contains a count for custody shall attend and complete the four hour program entitled Co-Parent Education Program. The Court, in its discretion, may require repeat attendance.

(b) In divorce actions, parties with minor children may attend the Co-Parent Education Program but are not required to do so unless ordered by the Court.

(c) The parties shall register for the program using the registration form set out in these Rules and served with the custody complaint or motion. The moving party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after service of the aforementioned order. The responding party must register for the program within fifteen days after service of the order requiring attendance at the program and must complete the program within sixty days after

service of the order. The provider shall certify the parties' attendance by filing a certificate of attendance with the Prothonotary.

Failure to comply with an order requiring attendance at the Co-Parent Education Program may result in the Court taking any appropriate action, including sanctions and/or contempt.

1915.4. Motions to Participate Telephonically.

All requests by a party to participate in a custody conference or custody hearing by telephone and not in person shall be made by the filing of a timely written motion with the court.

1915.4-3. Conciliation Conference.

(a) All parties and all children specifically ordered to attend shall attend the conciliation conference. At the conciliation conference, the conciliator shall meet with the parties and their counsel to conciliate all claims and may meet with the children if deemed appropriate in the discretion of the conciliator. The conciliator shall also screen for referral of the appropriate cases to mediation.

(b) To facilitate conciliation and to encourage frank, open and meaningful exchanges between the parties and their counsel, statements made by the parties, children, counsel or the conciliator at the conciliation conference shall not be admissible as evidence in court. The conciliator shall not be competent to serve as a witness for or against any party nor shall there be any testimony taken at the conciliation conference. The conciliator shall not be subject to subpoena to compel testimony regarding information revealed at the conciliation conference.

(c) Promptly following the conciliation conference, the conciliator shall file a recommendation with the Court setting forth the terms of a consent agreement reached by the parties or setting forth a recommendation for an interim order that may include a requirement that the parties undergo a specific period of counseling with a licensed psychologist or therapist or with a certified mediator. In appropriate cases, the conciliator may recommend mediation pursuant to Pa.R.C.P. 1940.1 et seq.

(d) Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator shall recommend family social studies or the completion of custody questionnaires. Unless otherwise directed by the Court, the agency issuing the family social study shall mail the written study to the custody conciliation office and to counsel of record for the parties or to the parties if there are no attorneys of record, pursuant to Pa.R.C.P. 1915.8.

(e) Where it appears that the resolution of the matter will require an evidentiary hearing, the conciliator may make any additional recommendations for mental health evaluations, drug and alcohol evaluations, the appointment of experts, guardians ad litem, or counsel for the child or for any other prehearing matters the conciliator deems necessary or appropriate.

(f) No exceptions may be taken from the recommendation of the conciliator.

(g) Nothing in this rule shall be interpreted to contravene Pa.R.C.P. 1915.4.

1915.4-4. Pre-Trial Procedures.

Upon the completion of all family social studies and any evaluations ordered by the Court, either party may move for an evidentiary hearing that shall be held before a judge of the Court. The motion for evidentiary hearing shall be filed with the Prothonotary and shall be accom-

panied by a proposed order scheduling a prehearing conference and the evidentiary hearing in accordance with the form set forth in Local Rule 1915.22(3) below. Prior to any evidentiary hearing, counsel to the parties shall appear for a prehearing conference to be scheduled by the assigned judge. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

All parties shall provide to the Court and all other parties a completed parenting plan, in accordance with 23 Pa.C.S.A. § 5331, and an updated criminal or abuse history verification concerning any criminal and/or abusive history, in accordance with 23 Pa.C.S.A. § 5329 and Pa.R.C.P. 1915.3-2. The completed parenting plan and criminal or abuse history verification shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

1915.8. Disclosure of Expert Evaluations.

A party to a custody action shall not disclose the contents of an expert report pursuant to Pa.R.C.P. 1915.8, including home study evaluations, mental and physical evaluations, and drug and alcohol evaluations, to anyone except their attorney. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in a finding of contempt and sanctions.

1915.12. Civil Contempt for Disobedience of a Custody Order.

Petitions for contempt shall be filed in the Office of the Prothonotary in accordance with Pa.R.C.P. 1915.12 and may be scheduled for a conference before the conciliator. If the contempt matter is not resolved at conference, then the conciliator shall refer the matter to the judge for appropriate action.

1915.22. Forms.

(a) The scheduling order on complaints and motions for conciliation conferences shall be in the form attached hereto.

(b) The co-parent order, information and registration forms shall be in the forms attached hereto, as supplemented annually.

(c) The order for prehearing conference and final hearing shall be in the form attached hereto.

(d) The parenting plan to be submitted to the Court shall be in the form attached hereto.

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

_____ ,	:	NO. _____ CV 20____
Plaintiff	:	NO. _____ DR 20____
	:	
vs.	:	
	:	IN CUSTODY
_____ ,	:	
Defendant	:	

ORDER

You, _____, have been sued in court to obtain/modify custody or partial custody of the minor child(ren), _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____; _____, born _____, now age _____.

AND NOW, upon consideration of the attached Complaint/Petition, it is hereby Ordered that the parties and their respective counsel appear before _____, Esquire, Custody Conciliator, on the _____ day of _____, 20__ in the Conciliation Room, Second Floor, Monroe County Courthouse at _____ (a.m./p.m.) for a conciliation conference. At such conference, an effort will be made to resolve the issues in dispute; or, if this cannot be accomplished, to define and narrow the issues to be heard by the Court and to enter into an Interim Order. Failure to appear at the Conference may provide grounds for the entry of a Temporary Order.

You are further ordered to bring with you the following children to the conference:

NOTE: Children under the age of eight (8) need not attend.

You are also ordered to provide to the Court and all other parties a current criminal or abuse history verification in accordance with Pa.R.C.P. 1915.3-2(c) prior to the custody conference.

If you fail to appear as provided by this Order, to bring with you the minor child(ren), or provide the criminal or abuse history verification, an Order for custody may be entered against you by the Court or the Court may issue a warrant for your arrest.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
FIND A LAWYER PROGRAM
913 MAIN STREET, P. O. BOX 786
STROUDSBURG, PENNSYLVANIA 18360
(570) 424-7288

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

Date: _____ J.

cc: _____, Esquire, Custody Conciliator

**COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

_____	:	NO. _____ CV 20__
Plaintiff	:	NO. _____ DR 20__
	:	
vs.	:	
	:	IN CUSTODY
_____	:	
Defendant	:	

ORDER

AND NOW, this _____ day of _____, 20__, ALL PARTIES ARE HEREBY ORDERED to attend a program entitled the Co-Parent Education Program and to bring with you the Certificate of Completion you will receive at the program. You must register for the program using the registration form attached within fifteen (15) days of the date that you receive this Order. Further, you must attend and complete the program within sixty (60) days of the date that you receive this Order.

FAILURE TO ATTEND AND COMPLETE THE PROGRAM IN ACCORDANCE WITH THE INSTRUCTIONS ATTACHED TO THIS ORDER WILL BE BROUGHT TO THE ATTENTION OF THE COURT AND MAY RESULT IN THE FINDING OF CONTEMPT AND THE IMPOSITION OF SANCTIONS BY THE COURT.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET HELP:

MONROE COUNTY BAR ASSOCIATION
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AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Monroe County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT:

_____ J.

cc:

2014 CO-PARENT EDUCATION PROGRAM

In cases involving minor children, attendance at a four-hour Co-Parent Education Program is required of the parties in custody and divorce actions.

MINOR CHILDREN SHALL NOT BE BROUGHT TO THE PROGRAM

Program Content

The program focuses on the impact of divorce on parents and children, with an emphasis on fostering a child's emotional health and well being during the periods of stress. The program is informative, supportive, and directs people desiring additional information or help to appropriate resources.

The Program addresses the following items:

I. Impact of Divorce on Parents and Children; tasks adults face; tasks children face; common reactions of children of different ages; and do's and don'ts of parenting.

II. Handling the Feelings: Identifying feelings; Anger in divorce: toward your co-parent, from your children, toward your children; Feeling and healing.

III. Video segments and Discussion: Explaining divorce, warning parents, new relationships, etc.

IV. Mediation: Explanation of mediation process and its applicability to divorce and custody matters.

When

The Program is offered every month on one Saturday morning from 9:00 a.m. until 1:00 p.m. or every month on one Tuesday evening from 5:30 p.m. until 9:30 p.m.

Where

The Program will be presented in Hearing Room A, lower level of the Monroe County Courthouse, 7th & Monroe Streets, Stroudsburg, Pennsylvania, unless otherwise directed by security. A security officer will direct you on where to go.

Attendance

Attendance at the Program is required of parties to a case where the interests of children under the age of eighteen years are involved. Additional interested persons may attend the seminar upon prior approval of Family/Divorce Services and certain fees may apply.

Presenters

Qualified counselors, educators and trainers selected by Family/Divorce Services will present the Program pursuant to arrangements with the Court of Common Pleas of Monroe County.

Notification

A copy of the Order requiring the parties to attend the Program and Registration Form will be provided to the parties at the time of the filing of the action or service of the applicable pleading.

Fees

A fee of \$40.00 per party for the Program is required and will be used to cover all program costs including the presenter's fee, handouts and administration. The fee must be submitted with the registration form.

Registration

The registration form must be received by Family/Divorce Services at least seven (7) days prior to the Program date selected. Each party shall attend the Program without further notification by the Court. Any changes in scheduling must be arranged through Family/Divorce Services.

Verification of Attendance

Upon proof of identification at the Program, Family/Divorce Services will record the party as "present" and provide to the Prothonotary of Monroe County a Certificate of Completion, which shall be filed of record. Each person successfully completing the program will be given a Certificate of Attendance. Should you have a case in another County or State, you are responsible to provide that Court with a copy of your Certificate of Completion.

Americans with Disabilities

For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's office at (570)-517-3009. All arrangements must be made at least (72) hours prior to the Co-Parent Program and you must attend the scheduled program.

Security

The Monroe County Sheriff's Office will provide armed, uniformed deputies at each Program immediately prior to, during and immediately after each presentation.

CO-PARENT EDUCATION PROGRAM— 2014 Registration Form

READ ALL INFORMATION

The Program is held on the lower level of the Monroe County Courthouse, Stroudsburg, PA. The Sheriff's Department provides security. Register by MAIL ONLY. See form below.

Further questions should be directed to Family/Divorce Services at 610-366-8868.

The Program fee is \$40 per person for all persons ordered to attend. Guests are welcome, but require an additional \$15 fee. Sign them up on form below.

A videotape or DVD to view and return is available ONLY to parties who reside more than 90 minutes driving time from Stroudsburg. See below.

Please register at least a week before you plan to attend. Confirmations are NOT sent by mail or by phone. Send in your form and come to the courthouse on the date you choose.

Children shall not be brought to the courthouse. Be prompt. Latecomers will not be admitted and will have to re-schedule.

In case of a snowstorm, a message will play at 610-366-8868 if class is canceled. Also, listen to radio 93.5FM or 840AM or WYOU TV for notices of cancellation. If you are disabled and need special assistance to enter the courthouse, call ahead.

REGISTER BY MAIL: Choose your date, fill out the form below and send money order payable to: Family/Divorce Services, P. O. Box 318, Trexlertown, PA 18087.

DOCKET NUMBERS of your divorce and custody case MUST be filled in. Include numbers-letters-year of file:

Your name: _____

Guest (name and relationship to child): _____

Address: _____ City _____
State _____ Zip _____

Phone: Home _____ Work _____

Pick a Saturday morning OR a Tuesday evening:

SATURDAYS
9:00 a.m.—1:00 p.m.

TUESDAYS
5:30 p.m.—9:30 p.m.

____ January 4, 2014
____ March 15
____ May 3
____ July 12
____ September 20
____ November 15

____ February 11, 2014
____ April 8
____ June 10
____ August 12
____ October 14
____ December 9

____ DVD: \$75 fee (includes S&H and \$25 deposit. Deposit is refunded when DVD is returned per instructions.)

**COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

	,	:	NO. ____ CV 20__
Plaintiff		:	NO. ____ DR 20__
		:	
vs.		:	
		:	IN CUSTODY
		:	
		:	
Defendant		:	

ORDER

AND NOW, this ____ day of _____, 20 __, upon consideration of the attached motion for hearing, a full evidentiary hearing is scheduled for the ____ day of _____, 20 __, at _____ o'clock a.m./p.m., in Courtroom No. ____ of the Monroe County Courthouse, Stroudsburg, Pennsylvania.

Further, a pre-hearing conference is scheduled for the ____ day of _____, 20 __, at _____ o'clock a.m./p.m., in the Chambers of the Honorable _____, Monroe County Courthouse, Stroudsburg, Pennsylvania. Unless otherwise ordered by the Court, the parties shall be present for prehearing conferences.

On or before _____, counsel for each party shall provide to the Court and to opposing counsel a written pre-hearing memorandum which shall include the following:

1. Name of client, name and telephone number of attorney.

2. A statement of all legal and evidentiary issues anticipated at hearing and citation to legal authorities relied upon by counsel.

3. The names and addresses of all witnesses to be called at hearing with a notation of their specific purpose.

4. A list of all exhibits to be used at hearing and a statement certified by counsel that all exhibits were furnished to opposing counsel as part of the pre-hearing memorandum.

5. The estimated length of hearing time necessary for counsel to present evidence.

6. A proposed order providing the terms you seek.

7. A proposed order providing the terms you seek if the opposing party prevails.

8. The parties shall complete a parenting plan, in accordance with 23 Pa.C.S.A § 5331 and Pa. Monroe Co. R.C.P. Rule 1915.22(4), and an updated criminal or abuse history verification, in accordance with Pa.R.C.P. 1915.3-2(c). The completed parenting plan and criminal or abuse history verification shall be attached and submitted to the Court as part of the party's pre-hearing memorandum.

BY THE COURT:

_____, J.

cc:

**COURT OF COMMON PLEAS OF
MONROE COUNTY
FORTY-THIRD JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA**

	,	:	NO. ____ CV 20__
Plaintiff		:	NO. ____ DR 20__
		:	
vs.		:	
		:	IN CUSTODY
		:	
		:	
Defendant		:	

PARENTING PLAN

This parenting plan involves the following child/children:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

If you have children not addressed by this parenting plan, name here:

Child's Name	Age	Where does this child live?
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Legal Custody (who makes decisions about certain things):

Circle one

Diet	Both parties decide together / Plaintiff / Defendant
Religion	Both parties decide together / Plaintiff / Defendant
Medical Care	Both parties decide together / Plaintiff / Defendant
Mental Health Care	Both parties decide together / Plaintiff / Defendant
Discipline	Both parties decide together / Plaintiff / Defendant
Choice of School	Both parties decide together / Plaintiff / Defendant
Choice of Study	Both parties decide together / Plaintiff / Defendant
School Activities	Both parties decide together / Plaintiff / Defendant
Sports Activities	Both parties decide together / Plaintiff / Defendant
Additional items	Both parties decide together / Plaintiff / Defendant

Explain what process you will use to make decisions? (For example, the parent confronted with or anticipating the choice will call the other parent when the choice presents itself, and the other parent must agree or disagree within 24 hours of any deadline.)

Physical Custody (where the child/children live(s)):

The child's/children's residence is with _____.

Describe which days and which times of the day the child/children will be with each person:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
--------	--------	---------	-----------	----------	--------	----------

Describe where and when the child/children will be dropped off and/or picked up (day and time of day)?

Drop-Off:

Where: _____

When: _____

Pick-Up:

Where: _____

When: _____

If one of you doesn't show up, how long will the other wait? _____

If there are any extraordinary costs (taxi, train, airplane, etc.), who will pay for which costs?

HOLIDAYS

Where will the child/children stay?

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Martin Luther King Day	_____	_____	_____
President's Day	_____	_____	_____
Easter	_____	_____	_____
Memorial Day	_____	_____	_____
Fourth of July	_____	_____	_____
Labor Day	_____	_____	_____
Yom Kippur	_____	_____	_____
Rosh Hashanah	_____	_____	_____
Thanksgiving	_____	_____	_____
Vacation after Thanksgiving	_____	_____	_____
Christmas Vacation	_____	_____	_____
Kwanzaa	_____	_____	_____
New Year's Eve/Day	_____	_____	_____

HOLIDAY	YEAR A	YEAR B	EVERY YEAR
Spring Vacation	_____	_____	_____
Easter Sunday	_____	_____	_____
Child's Birthday	_____	_____	_____
Mother's Day	_____	_____	_____
Father's Day	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Other:	_____	_____	_____
Summer Vacation Plans:			

Special Activities or School Activities:

Will both of you attend?

Child's Name	Activity	If not, which of you will attend?
_____	_____	_____
_____	_____	_____
_____	_____	_____

Temporary changes to this parenting schedule:

From time to time, one of you might want or need to rearrange the parenting time schedule due to work, family or other events. You can attempt to agree on these changes. If you cannot agree, the parent receiving the request will make the final decision.

The parent asking for the change will ask ___ in person ___ by letter/mail ___ by phone

No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

The parent being asked for a change will reply ___ in person ___ by letter/mail ___ by phone

No later than ___ 12 hours ___ 24 hours ___ 1 week ___ 1 month

May parents contact one another? _____

When the child/children is/are with one of you, how may they contact the other parent?

When and how may _____ contact the child?

In the event that proposed changes, disputes or alleged breaches of this parenting plan and custody order are necessary or desired, the parties agree that such changes will be addressed by the following method (specify method of arbitration, mediation, court action, etc.):

The following matter or matters as specified by the court:

Other (Anything else you want to agree on):

Date

Signature of Mother

Date

Signature of Father

Date

Signature of Witness

Actions in Divorce**1920.12. Filing and Service of Complaint. Costs.**

(a) With the filing of a complaint in divorce, the plaintiff shall deposit court costs with the Prothonotary in an amount set forth in the fee schedule adopted by the Court.

1920.43. Motions and Petitions.

(a) Motions practice shall be in accordance with Local Rules, 208.2(c), 208.2(d), and 208.3(a).

(b) Petitions practice shall be in accordance with Local Rule 206.1(a).

(c) All divorce motions or petitions including a petition for a master's hearing shall be filed with the Prothonotary.

1920.51. Proceedings Before the Master.

(a) Monroe County shall follow the Master's Hearing procedure set out at Pa.R.C.P. § 1920.55-2.

(b) No case shall be scheduled for Master's Hearing prior to the expiration of 90 days from the service of the Divorce Complaint.

(c) Either party may file a Petition for the Appointment of a Divorce Master, in the Form set forth below, provided that:

(1) The petitioning party has complied with the requirements of Pa.R.Civ.P. 1920.33 (pertaining to Inventory and Pretrial Statement); and

(2) The required fee has been paid to the Prothonotary; and

(3) The petitioning party certifies at the time of filing of the Petition that:

(i) The Inventory and Pretrial Statement of the petitioning party have been filed;

(ii) The petitioning party has completed all discovery and knows of no pending discovery on the part of the non-petitioning party which will delay Hearing;

(iii) The petitioning party has given 20 days written Notice of Intention to File Petition for the Appointment of a Divorce Master, using the form set forth below, to all counsel of record and unrepresented parties.

(d) If opposing counsel or any unrepresented party objects to the filing of the Petition for the Appointment of a Divorce Master, the objector shall, within 10 days of the service of the Notice of Intention to File Petition for the Appointment of a Divorce Master, file with the court a statement of objections which shall include the basis for objection and a statement of when the case will be ready for Master's Hearing, along with a Praecipe for Argument. All of the foregoing shall be served on all counsel of record and unrepresented parties.

(e) Upon the filing of the Petition, the Court Administrator shall assign the Master and the Court shall issue an Order scheduling a Hearing, a Pretrial Conference and setting a deadline for the filing and service of the non-petitioning parties' Pretrial Statements in conformity with Pa.R.C.P. § 1920.33.

(f) Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an unrepresented party fails to attend

the Pretrial Conference, or fails to file a Pretrial Statement as Ordered, the Master may recommend that the Court impose sanctions.

(g) If a Pretrial Conference or any portion of a Hearing day is held, the Master shall receive a fee in an amount determined by the Court

(h) If additional Hearing days are needed, the Master shall petition the Court with a recommendation regarding the number of additional full or partial hearing days requested and the amount of the additional court costs to be paid by one or both of the parties. The Court shall issue an order for the payment of additional costs and following payment of the costs as ordered shall set the additional hearing dates. No additional hearing dates shall be scheduled prior to the payment of court costs. The Master shall be compensated for any additional full or partial days of hearing in an amount to be determined by the Court.

(i) Forms.

[CASE CAPTION]

**NOTICE OF INTENTION TO FILE PETITION
REQUESTING THE APPOINTMENT OF A
DIVORCE MASTER**

Notice is hereby given that 20 days following the date set out below, [Plaintiff/Defendant] intends to file a Petition Requesting the Appointment of a Divorce Master.

Date: _____ [Signature of Counsel or Pro Se
Party with full address and telephone.]

CERTIFICATE OF SERVICE

I certify that I have provided or will immediately provide a copy of this Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other self-represented parties or their attorney of record at the following address as listed below:

Name _____

Address _____

Date: _____ [Signature of Counsel or Pro Se
Party with full address and telephone.]

[CASE CAPTION]

**PETITION REQUESTING THE APPOINTMENT
OF A DIVORCE MASTER**

_____, petitions this Honorable Court for the Appointment of a Master in Divorce, and in support thereof avers:

1. Petitioner is _____.

2. Respondent is _____.

3. Petitioner has complied with the requirements of Pa.R.C.P. § 1920.33.

4. The required fee for the Master's Hearing has been paid to the Prothonotary.

5. The Complaint was served on the Defendant by the following means:

6. Ninety days have passed since the date of service of the Complaint.

7. Petitioner filed an Inventory on the following date: _____
Petitioner filed a Pretrial Statement on the following date: _____.

8. Petitioner has completed all discovery requests to and has received all necessary discovery from all other parties and knows of no pending discovery on the part of any other party which will delay the Master's Hearing.

9. Petitioner has given 20 days written Notice of Intention to File Petition Requesting the Appointment of a Divorce Master to all other parties or their counsel of record at the address listed below and no party has filed objections to the appointment of a Divorce Master or to the scheduling of a Master's Hearing.

Name _____

Address _____

Date Notice was Served: _____

Date: _____ [Signature of Counsel or Pro Se
Party with full address and telephone.]

[CASE CAPTION]

ORDER FOR THE APPOINTMENT OF DIVORCE MASTER

AND NOW, this _____ day of _____, upon Petition for the Appointment of a Divorce Master, is appointed Divorce Master.

It is ORDERED that a Pretrial Conference is scheduled for the _____ day of _____, 20____ at ____:____ o'clock a.m./p.m. in the office of the Master located at _____.

It is further ORDERED that all parties shall file a Pretrial Statement in conformity with Pa.R.Civ.P. 1920.33. The petitioning party shall file his/her Pretrial Statement on or before the filing of the Petition for Appointment of a Divorce Master, and the responding party shall file his/her Pretrial Statement within 20 days of service of the petitioning party's inventory.

Counsel of record and unrepresented parties shall attend the Pretrial Conference; represented parties shall be available to consult with their counsel by telephone during the Pretrial Conference. In the event that counsel for either party or an unrepresented party fails to attend the Pretrial Conference, or fails to file a Pretrial Statement as ORDERED in this Order, the Master may recommend that the Court impose sanctions.

The parties and counsel of record are further ORDERED to appear for Hearing before the Master on the _____ day of _____, in Hearing Room _____, Monroe County Courthouse, Stroudsburg, Pennsylvania at _____ o'clock, ____ M.

By the Court,

cc:

1920.51-1. Continuance of Master's Hearing in Divorce.

(a) Scheduled master's hearings may be continued by petition only, filed in accordance with Monroe Co.R.C.P. 206.1(a) and 208.2(d).

(b) Prior to filing a petition to continue a master's hearing, the moving party or, if represented, their counsel shall contact the Office of the Court Administrator to secure several prospective dates for the rescheduled hearing, and shall list those dates on the concurrence/non-concurrence required to be attached to the petition and which shall be substantially in the form set forth below.

(c) Upon receipt of prospective continuance dates from Court Administration, the moving party shall forward to all responding parties, or if represented, to their counsel, the concurrence/non-concurrence form setting forth the prospective continuance dates.

(d) Within three (3) business days of receiving the concurrence/non-concurrence form from the moving party, all responding parties, or if represented, their counsel, shall complete the form stating their concurrence or non-concurrence in the petition, and notwithstanding their non-concurrence, shall indicate their availability for hearing on the prospective continuance dates.

(e) The moving party or counsel shall complete a proposed order rescheduling the master's hearing by filling in a specific date for the rescheduled hearing from the list of prospective dates provided by the Court Administrator and approved by all responding parties and counsel, and attach the proposed order to the petition.

(f) The completed petition, concurrence/non-concurrence form and proposed order shall be filed in the Office of the Prothonotary and copies served on the master, the Office of Court Administration and all parties, with a certificate of service.

(g) Petitions for continuance of master's hearings shall be filed no later than one week before the scheduled pretrial conference with the master, except for good cause shown.

(h) Form.

CERTIFICATION OF CONCURRENCE, NON-CONCURRENCE OR NO REPLY

I hereby certify that I am counsel for the Petitioner OR I am the Pro Se Petitioner and that concurrence in the prayer of the within Petition for Continuance of Divorce Master's Hearing has been sought from _____, Counsel to Respondent, OR _____ Pro Se Respondent, by mailing the Petition for Continuance of Divorce Master's Hearing, with a copy of this Certification of Concurrence, Non-Concurrence or No Reply to the following, addressed as follows on [date of mailing]:

**

I further certify that:

_____ Responses are set out below with signatures of counsel or Pro Se Respondent.

_____ No responses were provided.

I further certify that the Office of the Court Administrator has provided the following prospective dates for the rescheduled Master's Hearing in Divorce, all of which are dates on which I am available and Petitioner are available:

Dated: _____, Esquire
Counsel to Petitioner

[OR]

Dated: _____
Pro Se Petitioner

I hereby certify that I am counsel to the Respondent and that:

_____ I concur in the Petition for Continuance.

_____ I do not concur in the Petition for Continuance.

I further certify that I am available and the Respondent is available on the following prospective dates identified above provided by the Office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability:

Dated: _____, Esquire
Attorney for Respondent

I hereby certify that I am the responding Pro Se party and that:

_____ I concur in the Petition for Continuance.

_____ I do not concur in the Petition for Continuance.

I further certify that I am available on the following prospective dates identified above provided by the Office of the Court Administrator. I understand that whether I concur or do not concur I am required to identify dates of availability: _____

Dated: _____
Pro Se Respondent

1920.54. Settlement Before Scheduled Hearing.

In the event that the parties settle all claims prior to hearing, the parties and counsel shall appear before the master and state the terms of their settlement on the record. Said appearance is waived if by the close of business on the day before the scheduled hearing the parties file with the Prothonotary and deliver to the master an executed divorce settlement agreement and affidavits of consent. Where parties settle on the record or by the filing of a written divorce settlement agreement, the master shall file a report and recommendation within thirty days of the scheduled hearing date.

1920.55-2. Master's Report.

Following the conclusion of the final hearing, the master shall file the record and the report and recommendation within:

- a) twenty days in uncontested actions, or
- b) thirty days from the last to occur of the receipt of the transcript by the master or last submission to the master in contested actions.

Counsel for the parties shall file briefs or memoranda of law within fifteen days after the filing of the transcript. The service of the master's report and recommendations and the filing of exceptions shall follow the procedures set out in Pa.R.C.P. § 1920.55-2. The parties shall serve a copy of any exceptions they file upon the master, by regular mail or by personal service by a competent adult at the master's principal office.

1930.4-1. Service of Legal Papers Other Than Original Process.

(a) *Manner of Service.* Copies of all legal papers other than original process filed in an action or served upon any party shall be served upon every other party to the action in conformity with Pa.R.C.P. 440.

(b) *Time for Service.* Service shall be made upon every other party to the action on or before the date the legal paper is filed with the court.

(c) *Certificate of Service.* A certificate of service, substantially in the form set forth below, shall be filed

together with any legal papers other than original process filed in an action or served upon any party. The certificate of service shall identify the document served, the individual(s) served, the address(es) where service is made, and the manner of service, and shall be signed by the person responsible for service.

(d) *Form Certificate of Service:*

[CAPTION]

CERTIFICATE OF SERVICE

I certify that I am THIS DAY causing the attached [name of document] to be served upon the following individual(s) at the address(es) and in the manner(s) specified below:

Name of Individual Served

Address of Individual Served

Manner of Service (i.e. Regular First Class US Mail or Personal Service)

Signature of Person Serving

Date: _____

Rule 1930.8. Self-represented party.

(a) A party representing himself or herself shall enter a written appearance, substantially in the form set forth below, which shall state an address, which need not be his or her home address, where the party agrees that pleadings and other legal papers may be served, and a telephone number through which the party may be contacted.

(b) A self-represented party is under a continuing obligation to provide current contact information to the court, to other self-represented parties, and to attorneys of record.

(c) When a party has an attorney of record, the party may assert his or her self-representation by:

(1) Filing a written entry of appearance and directing the Prothonotary to remove the name of his or her counsel of record with contemporaneous notice to said counsel, or

(2) Filing an entry of appearance with the withdrawal of appearance signed by his or her attorney of record.

(d) The self-represented party shall provide a copy of the entry of appearance to all self-represented parties and attorneys of record.

(e) The assertion of self-representation shall not delay any stage of the proceeding.

(f) The written entry of appearance shall be substantially in the form set forth below.

(g) Form.

COURT OF COMMON PLEAS OF MONROE COUNTY FORTY-THIRD JUDICIAL DISTRICT COMMONWEALTH OF PENNSYLVANIA

_____ ,	:	NO. _____ DR 20____
Plaintiff	:	NO. _____ CV 20____
	:	
vs.	:	
	:	
_____ ,	:	
Defendant	:	

ENTRY OF APPEARANCE AS A SELF-REPRESENTED PARTY

1. I am the ☐ Plaintiff ☐ Defendant in the above-captioned (MARK ONE) ☐ custody, ☐ divorce, ☐ support, ☐ Protection from abuse, ☐ paternity case.

2. ☐ This (MARK ONE) ☐ is ☐ is not a new case and I am representing myself in this case and have decided not to hire an attorney to represent me.

OR (check only one box)

☐ This is NOT a new case and _____ (Name of Attorney) previously represented me in this case. I have decided not to be represented by that attorney and direct the Prothonotary to remove that attorney as my counsel of record in this case.

I have provided a copy of this form to that attorney listed above at the following address:

OR (check only one box)

☐ I am entering my appearance as a self-represented party (sign) _____. My attorney acknowledges his/her withdrawal as my attorney in this case.

(Attorney signature) _____, Esq.

(Print Attorney Name) _____, Esq.

3. My address for the purpose of receiving all future pleadings and other legal notices is: _____. I understand that this address will be the only address to which notices and pleadings in this case will be sent, and that I am responsible to regularly check my mail at this address to ensure that I do not miss important deadlines or proceedings.

☐ This is my home address.

☐ This is not my home address.

4. My telephone number where I can be reached during normal business hours (8:30 a.m. - 4:30 p.m. Monday - Friday) is _____. My email address is _____.

☐ My telephone number and email address are confidential pursuant to a Protection From Abuse Order.

5. I UNDERSTAND I MUST FILE A NEW FORM EVERY TIME MY ADDRESS OR TELEPHONE NUMBER CHANGES.

6. I have provided or will immediately provide a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

7. I fully understand that by deciding to represent myself, the Court will hold me to the same standards of knowledge regarding the statutory law, evidence law, Local and State Rules of Procedure and applicable case law as a Pennsylvania licensed attorney, and that I must be fully prepared to meet those responsibilities.

I verify that the statements made in this Entry of Appearance as a Self-Represented Party are true and correct. I understand that if I make false statements herein, that I am subject to the criminal penalties of

18 Pa.C.S. § 4904 relating to unsworn falsification to authorities which could result in a fine and/or prison term.

Date _____

Signature (Your Signature) _____

Please Print (Your Name) _____

[Pa.B. Doc. No. 14-1558. Filed for public inspection July 25, 2014, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Local Rule of Judicial Administration 1901*—Termination of Inactive Cases; No. 2014- 00001

Order

And Now, this 10th day of July, 2014, the Court hereby adopts Montgomery County Local Rule of Judicial Administration 1901*—Termination of Inactive Cases. This Local Rule shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Local Rule of Judicial Administration 1901*. Termination of Inactive Cases.

(a) This Local Rule shall not apply to criminal, juvenile, orphans' court or zoning cases. This Local Rule shall be applicable to all remaining civil and family cases regardless of the nature or extent of the relief sought.

(b) The Court may initiate proceedings to terminate a case in which there has been no activity of record for two years or more by serving a notice of proposed dismissal of court case.

(c) The Court shall serve the notice on counsel of record, and on the parties if not represented, sixty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination. The notice shall be served by mail pursuant to Rule 440 or by electronic transmission pursuant to Rule 205.4(g). If the mailed notice is returned, the notice shall be served by advertising it in the *Montgomery Law Reporter*.

(d) The notice required by subdivision (c) shall be in substantially the following form:

(Caption)

Notice of Proposed Termination of Court Case

The Court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years. You may stop the court from terminating the case by filing a Statement of Intention to Proceed. The Statement of Intention to Proceed should be filed with the Prothonotary of the Court at COUNTY

OF MONTGOMERY, OFFICE OF THE PROTHONOTARY, P. O. BOX 311, COURTHOUSE, NORRISTOWN, PA 19404-0311, on or before _____.

Date

IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED THE CASE WILL BE TERMINATED.

BY THE COURT:

Date of this Notice

Prothonotary

(e) The Statement of Intention to Proceed shall be in the following form:

(Caption)

Statement of Intention to Proceed

TO THE COURT:

_____ intends to proceed with the above captioned matter.

Date: _____

Attorney for _____

(f) If no statement of intention to proceed has been filed in the required time period, the Prothonotary shall enter an order as of course terminating the matter with prejudice for failure to prosecute.

(g) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action. All matters so terminated may not be reinstated except with leave of Court, for cause shown.

(h) Following the filing of a statement of intention to proceed in civil cases only, the Court may schedule a Discovery Management Conference in the subject case as set forth in Montgomery County Local Rule of Civil Procedure 4019*(5).

Comment: The forms referenced in this rule are available online at www.montcopa.org/prothonotary.

[Pa.B. Doc. No. 14-1559. Filed for public inspection July 25, 2014, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Disbarment

Notice is hereby given that Karen Jones Miller having been disbarred by consent from the practice of law in the District of Columbia by Order of the District of Columbia Court of Appeals filed February 6, 2014; the Supreme Court of Pennsylvania issued an Order on July 10, 2014, disbaring Karen Jones Miller from the Bar of this Commonwealth, effective August 9, 2014. 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*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 14-1560. Filed for public inspection July 25, 2014, 9:00 a.m.]

Notice of Disbarment

Notice is hereby given that Thomas Leo Murphy having been disbarred by consent from the practice of law in the State of New Jersey by Order of the Supreme Court of New Jersey dated February 6, 2014; the Supreme Court of Pennsylvania issued an Order on July 10, 2014, disbaring Thomas Leo Murphy from the Bar of this Commonwealth, effective August 9, 2014. 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*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 14-1561. Filed for public inspection July 25, 2014, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Joseph S. Chizik having been suspended from the practice of law in the State of New Jersey for a period of three months by Order of the Supreme Court of New Jersey dated January 14, 2014; the Supreme Court of Pennsylvania issued an Order dated July 10, 2014 suspending Joseph S. Chizik from the practice of law in this Commonwealth for a period of three months. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 14-1562. Filed for public inspection July 25, 2014, 9:00 a.m.]

Notice of Suspension

Notice is hereby given that Jeffery L. Krain having been suspended from the practice of law in the State of New Jersey for a period of six months by Order of the Supreme Court of New Jersey dated February 11, 2014, the Supreme Court of Pennsylvania issued an Order on July 10, 2014 suspending Jeffery L. Krain from the practice of law in this Commonwealth for a period of six months, to take effect on August 9, 2014. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 14-1563. Filed for public inspection July 25, 2014, 9:00 a.m.]

RULES AND REGULATIONS

Title 10—BANKING AND SECURITIES

DEPARTMENT OF BANKING AND SECURITIES

[10 PA. CODE CH. 5]

Assessments

The Department of Banking and Securities (Department) adds Chapter 5 (relating to assessments) under the authority of 17 Pa.C.S. § 503(a) (relating to regulation by department) and sections 202(C) and 204(A) of the Department of Banking and Securities Code (71 P.S. §§ 733-202(C) and 733-204(A)).

Purpose

The purpose of this final-form rulemaking is to implement an assessment schedule for State-chartered institutions which provides adequate and sustainable funding for the Department and streamlines reporting and billing requirements on State-chartered institutions through the elimination of examination-based billing for State-chartered credit unions and State-chartered trust companies.

Comments and Responses

Notice of proposed rulemaking was published at 43 Pa.B. 5455 (September 14, 2013) with a 30-day public comment period. The Department received comments from the Pennsylvania Bankers Association (PBA), the Pennsylvania Association of Community Bankers (PACB), the Pennsylvania Credit Union Association (PCUA) and Vanguard Fiduciary Trust Company (VFTC).

Comments from trade associations

The Department received comments from three trade associations representing the interests of State-chartered banking institutions and State-chartered credit unions. Currently, there is not a trade association that solely represents the interests of State-chartered trust companies.

Comments from PBA

PBA represents banking institutions of all sizes within this Commonwealth, including Federally-chartered and State-chartered banks, bank and trust companies, trust companies, savings institutions and their subsidiaries and affiliates. PBA appreciated that the Department discussed the rulemaking with them during the developmental stages. PBA expressed the desire that the General Assembly allow the Banking Fund to remain in place for the Department's use only so that the Department maintains adequate funds to regulate its State-chartered institutions.

During the developmental stages, PBA requested that the Department send written explanatory materials to each State-chartered banking institution affected by the final-form rulemaking. PBA commented that the Department appropriately communicated to those State-chartered banking institutions the cost-reducing steps already taken by the Department since 2011. PBA concluded that although it is unable to comment on the impact of the final-form rulemaking on individual State-chartered banking institution members, it believes that the final-form rulemaking provides the Department with adequate funding for the future.

Comments from PACB

PACB represents community banking institutions within this Commonwealth, including State-chartered and Federally-chartered banking institutions. PACB appreciated the opportunity to comment on the rulemaking. Like the PBA, PACB expressed the desire that the General Assembly allow the Banking Fund to remain in place for the Department's use only so that the Department maintains adequate funds to regulate its State-chartered institutions.

PACB explained its concerns regarding the financial impact of the final-form rulemaking on some smaller State-chartered banking institutions because those institutions already face additional Federal mandates and regulatory burden. However, PACB commented that it appreciated the Department's incorporation of a 3 fiscal year phase-in for State-chartered banking institutions. The 3 fiscal year phase-in makes the possible financial strain on PACB members much more manageable than immediate full implementation. PACB also expressed support for the complete elimination of examination-based billing for State-chartered credit unions and State-chartered trust companies included in the final-form rulemaking.

Response: PACB explained its concerns to the Department during the drafting process. The Department determined that the assessments must increase and the increase does create some fiscal impact. The Department, as the regulator of the State-chartered banking institutions, is aware of the financial condition of its regulated community and took every measure to ensure that the final-form rulemaking will not create a financial impact which cannot be borne by the regulated community. Because of the feedback from PACB and others, the Department attempted to implement the increases in the least burdensome manner to the regulated community by including the 3 fiscal year phase-in and using already-existing Federal reporting requirements.

Comments from PCUA

PCUA represents a majority of the approximately 500 credit unions within this Commonwealth, including State-chartered and Federally-chartered credit unions. PCUA stated its appreciation for the complete elimination of examination-based billing for State-chartered credit unions. PCUA also commented that it understands that the Department needs to obtain sustainable funding to prevent regulatory uncertainty.

PCUA commented that the assessment and factors in the final-form rulemaking are more desirable than the current formula for assessment. However, PCUA expressed concern that some of the larger asset sized State-chartered credit unions might realize an increase from the final-form rulemaking. PCUA suggested that to better accommodate those larger asset sized State-chartered credit unions, the Department consider implementing a 3 fiscal year phase-in for State-chartered credit unions instead of immediate full implementation.

Response: The Department considered the concerns and financial status of its State-chartered financial institutions in drafting the final-form rulemaking. The Department acknowledges that, in adopting the assessment schedule best suited for credit unions, an increase will occur for some State-chartered credit unions, including

larger-asset ones. However, due to this assessment schedule approach, the Department is unable to provide a phase-in for credit unions.

The Department last changed the assessment rates for State-chartered credit unions over 23 years ago. Even though State-chartered credit unions did not experience change in assessment rates over the last 23 years, the Department still attempted to mitigate the fiscal impact of this final-form rulemaking. To the extent possible from a revenue standpoint, and to maintain the competitiveness of the Pennsylvania State-charter, the Department kept the assessment rates at roughly 95% of the National Credit Union Administration's (NCUA) assessment rates for Federally-chartered credit unions. In addition, the Department completely eliminated examination-based billing to avoid unpredictable costs for the State-chartered credit unions, despite the fact that the elimination of this billing method coupled with the new assessment schedules results initially in a moderate loss of revenue to the Department from credit unions. For example, in Fiscal Year (FY) 2012-2013, the Department received \$1,880,788 in revenue from the current assessments and examination-based billing of State-chartered credit unions. In comparison, if the Department applied the assessment rates to be implemented by this final-form rulemaking to the most recent call reports of the State-chartered credit unions, the Department would receive \$1.733 million in revenue. Thus, the switch from examination-based billing to the proposed assessment-only approach initially represents a loss of \$147,000 in revenue to the Department from credit unions.

Regardless of the size of the credit union, as previously shown, even if the final-form rulemaking took full effect in 2013, the final-form rulemaking actually results in a decrease in revenue to the Department from this institution type overall. At full implementation, the Department expects the revenue for the State-chartered credit unions to increase at least to the level that the assessment rates will result in a revenue-neutral outcome from State-chartered credit unions. Therefore, incremental implementation of the assessment schedule for any size of credit union is impractical because it would cause a further loss of revenue to the Department, since the Department designed the assessment schedules for credit unions to result in a revenue-neutral outcome to maintain assessment competitiveness with the NCUA.

Comments from the regulated community

The Department received one comment from VFTC, which is part of the regulated community. VFTC is a State-chartered trust company that is a wholly owned subsidiary of The Vanguard Group, Inc. VFTC expressed its appreciation for the Department's discussion of the proposed rulemaking during the drafting process. VFTC also stated that without endorsing the content of the rulemaking, it understands that the Department undertook cost-reducing measures. Despite those measures, the outstanding financial need remains the reason for the rulemaking.

VFTC commented that without supporting the assessment rates, it agreed that the complete elimination of examination-based billing and the establishment of assessment rates at a level substantially below the Federal assessment structure are beneficial. VFTC stated it preferred a longer phase-in period, but understood that the 3 fiscal year time period is an acceptable compromise to enable the Department to achieve sustainable funding while attempting to lessen the immediate impact on the budgets of the regulated community. VFTC stated that it

acknowledges that the Department needed to increase the assessment rates and agrees with § 5.5(a) and (b) (relating to adjustments to assessments; invoicing). VFTC agreed that the Department should tie its discretion to increase assessment rates to the United States Department of Labor, Bureau of Labor Statistics (USDOL) as an independent benchmark.

Comments from the Independent Regulatory Review Commission

The Department received four comments from the Independent Regulatory Review Commission (IRRC).

Comment: IRRC questioned how the Department determined that the surpluses resulting from the implementation of the final-form rulemaking are appropriate.

Response: The ending balances reflected in Table 3 on the Regulatory Analysis Form (RAF) do appear to show a surplus to the Department. However, those ending balances do not reflect surpluses; rather, the ending balances are a necessary reserve that supports three different needs of the Department.

First, the Conference of State Bank Supervisors (CSBS), which provides National accreditation of the Department's Banking Fund programs, recommends as a best practice maintaining a minimum of 3 months of operating expenses in a regulator's budgetary accounts at all times. CSBS recommends this because, like with any business, it is impossible for the Department to exactly time the receipt and expenditure of funds. Using the criteria set by CSBS and the projected Departmental expenses, the Department should maintain an operating reserve of approximately \$6.3 million in the Banking Fund.

Second, the Department must maintain an operational balance higher than the approximately \$6.3 million CSBS recommends in case of the loss of one or more of the larger State-chartered financial institutions to a charter conversion or a merger. As explained in the RAF, the assessment schedule uses the assets of each regulated State-chartered financial institution to calculate the amount due to the Department. Therefore, the larger asset State-chartered financial institutions provide a larger portion of the assessments. Although the Department strives to maintain favorable conditions for its State-chartered financial institutions, conversions and mergers still occur. The loss of a larger State-chartered financial institution through conversion to a Federal charter or merger could drastically reduce the Department's revenue and the balance of the Banking Fund.

Third, the Department needs to adequately fund the legislatively-created Institution Resolution Account (IRA). The IRA is a restricted account within the Banking Fund created in 2012 under section 1113-A(g) of the Department of Banking and Securities Code (71 P.S. § 733-1113-A(g)) for use primarily in resolving a failed State-chartered trust company. The failure of a State-chartered trust company impacts the Department in a different manner than the failure of a State-chartered banking institution or a State-chartered credit union because the Department actually bears the financial burden of a trust company failure.

If a State-chartered banking institution or a State-chartered credit union fails, Federal regulators act as receivers for these failed financial institutions and Federal deposit insurance funds resolve the accounts. The Office of the Comptroller of the Currency (OCC) decides whether a Federally-chartered banking institution must be closed. NCUA decides whether a Federally-chartered

credit union must be closed. The Department decides whether a State-chartered banking institution or State-chartered credit union must be closed. For banking institutions, either the OCC or the Department appoints the Federal Deposit Insurance Corporation (FDIC) as the receiver of these financial institutions. For credit unions, NCUA and the Department appoint NCUA as the receiver of these financial institutions. The FDIC and NCUA insure depositors in all banks and credit unions, including State-chartered banking institutions and State-chartered credit unions, for up to \$250,000 per depositor when a failure occurs.

However, if a State-chartered trust company fails, a Federal regulator does not exist to be appointed receiver of failed State-chartered trust companies and Federal deposit insurance funds do not exist to resolve the fiduciary accounts because the FDIC and NCUA do not regulate trust companies or insure fiduciary accounts. In the event that a State-chartered trust company fails, the Department is the receiver and must resolve the trust company with Department funds generated from the regulated industries. Otherwise, the Department would need to seek an appropriation from General Fund taxpayer moneys to resolve a trust company. The costs to resolve trust companies varies greatly based on the sizes and types of fiduciary accounts, but recent resolutions by other state regulators demonstrate that resolutions take several years with costs consistently reaching above \$20 million.

As the receiver of a State-chartered trust company, the Department must run the trust company until a resolution is reached. While running the trust company, the Department must pay ongoing operational and overhead expenses, such as the salaries and benefits of employees, the real estate and utility costs for the offices of the trust company, the data processing/information technology fees and business-related professional expenditures. In addition to the normal costs of running the trust company, the Department will need to hire and pay outside consultants. These outside consultants may include forensic accountants, outside bankruptcy counsel, executive management to replace previous management and investment bankers to market all or portions of the trust company's assets. The resolution of failed State-chartered trust companies creates a significant financial burden on the Department not only because of these costs, but because of the countless hours of personnel resources the Department must commit to the resolution during the years it takes to resolve a failed State-chartered trust company.

To prevent the depletion of the Department's funds through a State-chartered trust company failure, the Department must maintain the IRA to cover the costs associated with the resolution of a trust company and its fiduciary accounts. Prior to the establishment of the IRA, the Department was building an adequate reserve in the Banking Fund to prepare for these costs. However, these funds could be appropriated by the General Assembly for other uses. In FY 2008-2009, the General Assembly appropriated \$15 million from the Banking Fund for other uses. As a result of that appropriation, the Department must gradually recoup the funds lost to that appropriation and adequately fund the IRA.

Comment: IRRC requested that the Department explain how it currently collects fees from institutions and how it plans to transition to the assessment schedule in the final-form rulemaking. Included in that question, IRRC asked whether the Department will discontinue its current assessment system and assuming that the rulemaking is adopted, how and when the Department will

notify the regulated community of the change in the Department's assessment method.

Response: Currently, the Department assesses State-chartered banking institutions, State-chartered credit unions and State-chartered trust companies according to a similar assessment system based upon assessment schedules set in the 1990s by a series of Secretary's Letters. While the Department bills State-chartered banking institutions on this assessment basis only, it assesses State-chartered credit unions and State-chartered trust companies and additionally separately bills for examination costs. The examination-based billing could vary widely due to the length and complexity of the examination.

The Department collects assessments from State-chartered financial institutions according to these assessment schedules through a billing system based upon the amount of assets reported in the institution's Federal quarterly Report of Condition and Income (Call Report). For State-chartered banking institutions and State-chartered credit unions, the Department issues invoices on December 31 and June 30. The Department calculates the December 31 invoice amount based on the asset information in the September Call Report for each State-chartered financial institution and the June 30 invoice amount based on the asset information in the March Call Report for each State-chartered financial institution. The invoice reflects the amount due to the Department with a payment term of 30 days. For State-chartered trust companies, the Department issues invoices on December 31 based upon the September Call Reports.

The Department will implement the assessment schedule in the final-form rulemaking in the same manner, with one exception. In keeping with the billing format of the State-chartered banking institutions and State-chartered credit unions, the Department will also bill the State-chartered trust companies on December 31 based upon the asset information in the September Call Reports and June 30 based on the asset information in the March Call Reports. The assessment schedule invoices will be the only invoices issued to a State-chartered financial institution because the final-form rulemaking eliminates the examination-based billing for State-chartered credit unions and State-chartered trust companies.

The adoption of this final-form rulemaking will automatically replace the current assessment schedules and eliminate separate examination-based billing for State-chartered credit unions and State-chartered trust companies. Upon adoption of this final-form rulemaking, the Department will send a letter from the Secretary of Banking and Securities (Secretary) to each affected State-chartered financial institution explaining the final-form rulemaking and how it will be implemented. The letter will also reference the estimated assessment calculator located on the Department's web site, which was established prior to the public comment period to allow institutions to generate their estimated assessment as a result of the final-form rulemaking. The estimated assessment calculator will remain on the Department's web site following the promulgation of the final-form rulemaking and will allow each State-chartered financial institution to obtain assessment information specific to that institution prior to receiving the Department's invoice. The Department does not anticipate confusion regarding the implementation of the assessment schedule in the final-form rulemaking because the Secretary and the Department communicated extensively with the regulated community on this topic.

Comment: IRRC posed questions to the Department regarding § 5.5(a) and (b). Regarding subsection (a), IRRC asked five groups of questions regarding the inflation index and asked that the Department respond to the questions and adjust the final-form rulemaking as it deems appropriate.

(1) What safeguards are in place to ensure that the need for additional funding is based on inflation? Do the General Assembly and the budgetary process have any input or oversight on whether an adjustment is needed?

Response: The safeguards that exist to ensure the Department will only use § 5.5 to adjust the assessment based upon inflation are the budget review processes of the Governor's Budget Office and the General Assembly. The Governor's Budget Office and the General Assembly have input and oversight into whether an adjustment is needed because both approve the Department's budget each fiscal year. Therefore, the normal budget process ensures that the Governor's Budget Office and the General Assembly are able to review the appropriateness of the Department's revenue streams and expenditures overall, including whether an adjustment is needed.

As reflected in the public comments, the Department strives to oversee its State-chartered financial institutions in a cooperative manner. If the Department attempted to use this provision without a true need, the regulated community would, and should, bring the Department's actions to the attention of the General Assembly. In addition, the regulated community is familiar with optional inflation adjustments based upon changes in pricing because the Federal regulator of National banks and National trust companies, the OCC, also includes one in its assessment schedules. See, for example, 12 CFR 8.2(a)(4) (relating to semiannual assessment), regarding the use of "Gross Domestic Product Implicit Price Deflator" as index for optional inflation adjustment.

(2) Will the Department notify the regulated community in advance about the imposition of the inflation adjustment? How and when would the regulated community be notified of the inflation adjustment?

Response: The Department will notify the regulated community in advance about the imposition of the inflation adjustment. If the Department determines during the budget review process that an inflation adjustment is necessary, the Department will send a general letter in July after the budget process is complete to the regulated community notifying them that the Department will be instituting an inflation adjustment in the upcoming fiscal year assessments (that is, the December 31 and June 30 invoices). The Department will note the actual amount of adjustment on the invoices issued to each State-chartered financial institution.

(3) How often are the cited inflation indices updated? Do the inflation indices correlate to the semiannual assessment notices of this final-form rulemaking?

Response: The USDOL adjusts the Consumer Price Index (CPI) each month. The Department will use the inflation rate announced in June during the budgetary process to correlate the adjustment to the semiannual assessment fiscal year schedule. If needed, the Department will then apply the June inflation rate to the December 31 and June 30 invoices.

(4) How did the Department determine that the cited inflation indices are most appropriate for Pennsylvania State-chartered institutions?

Response: The Department determined that the inflation index cited in § 5.5 is the most appropriate because the Department uses the CPI in conjunction with other

statutes it oversees. For example, the CPI is already used by the Department to annually calculate the inflation adjustment to the "base figure" under the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. §§ 101—605), known as the Loan Interest and Protection Law (LIPL). The LIPL applies to every entity that engages in mortgage lending in this Commonwealth, including the State-chartered banking institutions and State-chartered credit unions subject to this final-form rulemaking. State-chartered trust companies are not authorized to engage in mortgage lending. The Department has been using the CPI in conjunction with the LIPL since 2009 and determined that the CPI is a reliable basis for inflation adjustment.

(5) What criteria will the Department use when deciding which inflation index to use?

Response: The Department intends to only use the CPI. Although the Department does not anticipate using a different index than the CPI, the final-form rulemaking includes the option to use an additional USDOL index should the CPI be discontinued by the USDOL for any reason. If the CPI is discontinued, the Department will likely use the USDOL index that the OCC uses, the "Gross Domestic Product Implicit Price Deflator" in 12 CFR 8.2(a)(4).

IRRC posed several questions regarding the optional adjustment that the Department intends to apply to specific institutions based upon their Uniform Financial Institutions Rating System or Uniform Interagency Rating System composite rating in subsection (b). IRRC asked five groups of questions regarding optional adjustment.

(1) What is the need for the optional adjustment?

Response: The Department needs the optional adjustment to enable the Department to cover the increased costs of heightened supervision that arise when a State-chartered financial institution is in less-than-satisfactory condition. An institution such as this requires: more frequent examinations, which occur every 6 months instead of every 12 to 18 months; thorough reviews of the paperwork associated with increased reporting requirements; close monitoring of compliance with the requirements of enforcement actions; and other Departmental efforts to assist problem institutions which result in increased costs. In conjunction with this increased supervision, the Department may also need to hire outside specialists, such as forensic accountants.

(2) Why does the Department believe the surcharge is the most reasonable approach to assessing certain institutions?

Response: The Department determined that using an assessment surcharge, rather than billing for unpredictable special examination costs, provides a more transparent way for State-chartered financial institutions to calculate the regulatory costs of being in less-than-satisfactory condition.

(3) How did the Department determine that a 30% surcharge is appropriate for an institution with a composite rating of 4 and that a 50% surcharge is appropriate for an institution with a composite rating of 5?

Response: The Department determined that the surcharges were appropriate by using the OCC surcharge rates as a starting point and then reviewing the regulatory costs the Department incurred in the past related to State-chartered institutions in less-than-satisfactory condition. For example, the OCC assesses a 50% surcharge to an institution with a composite rating of three and a 100% surcharge to an institution with a composite rating of either a 4 or a 5. See 12 CFR 8.2(d). However, based on

the Department's review of its regulatory costs, the Department ruled out the need for a surcharge on an institution with a composite rating of three. The Department also determined that a 30% surcharge on an institution with a composite rating of 4 and a 50% surcharge on an institution with a composite rating of 5 sufficiently covered the increased supervision costs to the Department.

(4) What criteria will guide the Department in its determination that this surcharge is appropriate?

Response: The initial criteria to guide the Department are set forth clearly within the composite rating. If a State-chartered financial institution has a composite rating of 4 or 5, the Department will monitor the cost of the resources it expends to supervise that institution. The Department will assess the surcharge once the cost begins to draw on the resources that would otherwise be devoted to the normal supervision of other State-chartered financial institutions or if the Department expends funds to hire outside specialists.

(5) Will the surcharge be imposed to close a budgetary gap or will it be imposed to encourage institutions to improve their composite ratings?

Response: The Department will not use an assessment surcharge to close a budgetary gap because funds received through the surcharge will be extremely minor in relation to all other assessments combined. Instead, the reserve in the Banking Fund, previously addressed in the response to IRRC's first comment, is intended to cover budgetary gaps.

The Department does intend that if a State-chartered financial institution is subject to the surcharge, that the surcharge would provide more encouragement to the institution to work its way out of the less-than-satisfactory condition.

Comment: IRRC requested that the Department consider the public comment that it received wherein the commentator requested that the Department include a phase-in of the implementation of the assessment schedule for not only the State-chartered banking institutions and State-chartered trust companies, but also for the larger State-chartered credit unions affected by the final-form rulemaking to lessen the immediate fiscal impact on those larger State-chartered credit unions.

Response: As previously addressed in response to PCUA's public comment, the Department considered the concerns and financial status of State-chartered financial institutions in drafting the final-form rulemaking. The Department acknowledges that, in adopting the assessment schedule best suited for credit unions, an increase will occur for some State-chartered credit unions, including larger-asset ones. However, due to this assessment schedule approach, the Department is unable to provide a phase-in for credit unions.

The Department last changed the assessment rates for State-chartered credit unions over 23 years ago. Even though State-chartered credit unions did not experience change in assessment rates over the last 23 years, the Department still attempted to mitigate the fiscal impact of this final-form rulemaking. To the extent possible from a revenue standpoint, and to maintain the competitiveness of the Pennsylvania State-charter, the Department kept the assessment rates at roughly 95% of the NCUA's assessment rates for Federally-chartered credit unions. In addition, the Department completely eliminated examination-based billing to avoid unpredictable costs for the State-chartered credit unions, despite the fact that

the elimination of this billing method coupled with the new assessment schedules results initially in a moderate loss of revenue to the Department from credit unions. For example, in FY 2012-2013, the Department received \$1,880,788 in revenue from the current assessments and examination-based billing of State-chartered credit unions. In comparison, if the Department applied the assessment rates to be implemented by this final-form rulemaking to the most recent call reports of the State-chartered credit unions, the Department would receive \$1.733 million in revenue. Thus, the switch from examination-based billing to the proposed assessment-only approach initially represents a loss of \$147,000 in revenue to the Department from credit unions.

Regardless of the size of the credit union, as previously shown, even if the final-form rulemaking took full effect in 2013, the final-form rulemaking actually results in a decrease in revenue to the Department from this institution type overall. At full implementation, the Department expects the revenue for the State-chartered credit unions to increase at least to the level that the assessment rates will result in a revenue-neutral outcome from State-chartered credit unions. Therefore, incremental implementation of the assessment schedule for any size of credit union is impractical because it would cause a further loss of revenue to the Department, since the Department designed the assessment schedules for credit unions to result in a revenue-neutral outcome to maintain assessment competitiveness with NCUA.

Fiscal Impact

State government

The final-form rulemaking provides appropriate and sustainable funding for the Department.

Regulated community

The final-form rulemaking increases the assessments paid by the regulated community to the Department for the first time since the 1990s. Upon full implementation, the assessments paid by nearly all State-chartered institutions will still be significantly lower than current assessments paid by similar Federally-chartered institutions operating in this Commonwealth.

Paperwork

The final-form rulemaking eliminates the paperwork associated with examination-based billing for the Department, State-chartered credit unions and State-chartered trust companies. The final-form rulemaking does not impose additional paperwork on the Department, State-chartered banking institutions, credit unions or trust companies.

Effectiveness Date and Sunset Date

Chapter 5 will be effective upon final-form publication in the *Pennsylvania Bulletin*. The first payments due under the final-form rulemaking will be billed in December 2014, based upon the September 30, 2014 Call Reports. The final-form rulemaking does not have a sunset date because the Department will periodically review the effectiveness of the regulations.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 22, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 5455, to IRRC and the Chairpersons of the House Commerce Committee and the Senate Banking and Insurance Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 26, 2014, the final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on February 27, 2014, and disapproved the final-form rulemaking.

As directed by section 5.1(j.4) of the Regulatory Review Act, IRRC, the House and Senate Committees and the Department proceeded in accordance with section 6 of the Regulatory Review Act (71 P. S. § 745.6) following disapproval. Under section 6(a) of the Regulatory Review Act, the Department reviewed IRRC's order, responded to IRRC's concerns and submitted the final-form rulemaking with revisions consistent with section 7(a)(2) of the Regulatory Review Act (71 P. S. § 745.7(a)(2)). On March 21, 2014, the Department submitted a revised final-form rulemaking and the required report to IRRC and to the Chairpersons of the House and Senate Committees in accordance with section 7(c) of the Regulatory Review Act.

Under section 5.1(j.2) of the Regulatory Review Act on April 24, 2014, this final-form rulemaking was deemed approved by the Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 10, 2014, and approved the final-form rulemaking.

Findings

The Department finds that:

(1) Public notice of the proposed rulemaking was given under section 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments received during the public comment period were considered.

(3) The final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 5455.

(4) The final-form rulemaking is necessary and appropriate for the administration and enforcement of 17 Pa.C.S. (relating to Credit Union Code) and the Department of Banking and Securities Code.

Order

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

(a) The regulations of the Department, 10 Pa. Code, are amended by adding §§ 5.1—5.6 to read as set forth in Annex A.

(b) The Secretary of Banking and Securities shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary of Banking and Securities shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

GLENN E. MOYER,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 2592 (April 26, 2014).)

Fiscal Note: 3-51. Revenue lost by eliminating examination-based billings will be offset by the updated assessment schedule. The final-form rulemaking is necessary in providing adequate and sustainable funding to the Department. (8) recommends adoption.

Annex A

TITLE 10. BANKING AND SECURITIES

PART I. GENERAL PROVISIONS

CHAPTER 5. ASSESSMENTS

Sec.	
5.1.	Definitions.
5.2.	Semiannual assessment for banks, bank and trust companies, savings banks and savings associations.
5.3.	Semiannual assessment for trust companies.
5.4.	Semiannual assessment for credit unions.
5.5.	Adjustments to assessments; invoicing.
5.6.	Implementation schedule.

§ 5.1. Definitions.

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

Bank—The term as defined in section 102(f) of the Banking Code (7 P. S. § 102(f)).

Bank and trust company—The term as defined in section 102(g) of the Banking Code.

Consolidated total assets—The total assets as reflected in the FFIEC Call Report's "Schedule RC—Balance Sheet of the Consolidated Reports of Condition and Income for a Bank with Domestic Offices Only—FFIEC 041" or "Schedule RC—Balance Sheet of the Consolidated Report of Condition and Income for a Bank with Domestic and Foreign Offices—FFIEC 031," as applicable.

Credit union—The term as defined in 17 Pa.C.S. § 102 (relating to application of title).

FFIEC Call Report—A report promulgated by the Federal Financial Institutions Examinations Council that sets forth consolidated total assets and fiduciary assets.

Fiduciary assets—The sum of the total fiduciary assets in the FFIEC Call Report's "Schedule RC—T Fiduciary and Related Services of the Consolidated Report of Condition and Income for a Bank with Domestic Offices Only—FFIEC 041."

Fiscal year—The term as defined in section 617(a) of The Administrative Code of 1929 (71 P. S. § 237(a)).

NCUA Call Report—A report promulgated by the National Credit Union Administration that sets forth total assets.

Savings association—The term as defined in section 102(3) of the Savings Association Code of 1967 (7 P. S. § 6020-2(3)) (repealed).

Savings bank—The term as defined in section 102(x) of the Banking Code.

Total assets—The total assets as reflected on the "Statement of Financial Condition" in the NCUA Call Report.

Trust company—The term as defined in section 102(dd) of the Banking Code.

UFIRS—The Uniform Financial Institutions Rating System.

UITRS—The Uniform Interagency Trust Rating System.

§ 5.2. Semiannual assessment for banks, bank and trust companies, savings banks and savings associations.

(a) Banks, bank and trust companies, savings banks and savings associations shall pay a semiannual assessment to the Department.

(b) The semiannual assessment on banks, bank and trust companies, savings banks and savings associations will be calculated as follows:

If the amount of the consolidated total assets is:

The semiannual assessment will be:

<i>Over:</i>	<i>But not over:</i>	<i>Base amount:</i>		<i>The excess over:</i>	<i>Times (x):</i>
0	\$20,000,000	\$6,070	+	0	0
\$20,000,000	\$100,000,000	\$6,070	+	\$20,000,000	0.000112059
\$100,000,000	\$200,000,000	\$15,035	+	\$100,000,000	0.000072836
\$200,000,000	\$1,000,000,000	\$22,319	+	\$200,000,000	0.000061631
\$1,000,000,000	\$2,000,000,000	\$71,623	+	\$1,000,000,000	0.000050425
\$2,000,000,000	\$6,000,000,000	\$122,048	+	\$2,000,000,000	0.000044822
\$6,000,000,000	\$20,000,000,000	\$301,338	+	\$6,000,000,000	0.000038139
\$20,000,000,000		\$835,284	+	\$20,000,000,000	0.000019409

(c) Banks, bank and trust companies, savings banks and savings associations will be billed semiannually in December and June based upon the consolidated total assets reported in the immediately preceding FFIEC Call Report.

§ 5.3. Semiannual assessment for trust companies.

(a) Trust companies shall pay a semiannual assessment to the Department.

(b) The semiannual assessment on trust companies will be calculated on consolidated total assets plus fiduciary assets as follows:

If the amount of the consolidated total assets is:

The semiannual assessment will be:

<i>Over:</i>	<i>But not over:</i>	<i>Base amount:</i>		<i>The excess over:</i>	<i>Times (x):</i>
0	\$20,000,000	\$6,070	+	0	0
\$20,000,000	\$100,000,000	\$6,070	+	\$20,000,000	0.000112059
\$100,000,000	\$200,000,000	\$15,035	+	\$100,000,000	0.000072836
\$200,000,000	\$1,000,000,000	\$22,319	+	\$200,000,000	0.000061631
\$1,000,000,000	\$2,000,000,000	\$71,623	+	\$1,000,000,000	0.000050425
\$2,000,000,000	\$6,000,000,000	\$122,048	+	\$2,000,000,000	0.000044822
\$6,000,000,000	\$20,000,000,000	\$301,338	+	\$6,000,000,000	0.000038139
\$20,000,000,000		\$835,284	+	\$20,000,000,000	0.000019409

plus

If the amount of the fiduciary assets is:

The semiannual assessment will be:

<i>Over:</i>	<i>But not over:</i>	<i>Base amount:</i>		<i>The excess over:</i>	<i>Times (x):</i>
0	\$500,000,000	\$6,746	+	\$0	0
\$500,000,000	\$1,000,000,000	\$13,492	+	\$500,000,000	0
\$1,000,000,000	\$10,000,000,000	\$13,492	+	\$1,000,000,000	0.000002689
\$10,000,000,000	\$100,000,000,000	\$37,689	+	\$10,000,000,000	0.000000449
\$100,000,000,000		\$78,081	+	\$100,000,000,000	0.0000001425

(c) Trust companies will be billed in December and June based upon the consolidated total assets and fiduciary assets reported in the immediately preceding FFIEC Call Report.

§ 5.4. Semiannual assessment for credit unions.

(a) Credit unions shall pay a semiannual assessment to the Department.

(b) The semiannual assessment on credit unions will be calculated as follows:

If the amount of the total assets is:

The semiannual assessment will be:

<i>Over:</i>	<i>But not over:</i>	<i>This amount:</i>		<i>The excess over:</i>	<i>Times (x):</i>
0	\$24,503,168	\$2,500	+	\$0	0
\$24,503,168	\$1,115,871,488	\$2,500	+	\$24,503,168	0.00010739750
\$1,115,871,488	\$3,376,610,357	\$119,842	+	\$1,115,871,488	0.00003130250
\$3,376,610,357		\$190,609	+	\$3,376,610,357	0.00001045000

(c) Credit unions will be billed in December and June based upon the total assets reported in the immediately preceding NCUA Call Report.

§ 5.5. Adjustments to assessments; invoicing.

(a) Adjustments.

(1) *Adjustment to assessments.* The Department may increase the amount of assessments generated by the calculations in §§ 5.2—5.4 (relating to semiannual assessment for banks, bank and trust companies, savings banks and savings associations; semiannual assessment for trust companies; and semiannual assessment for credit unions) if the projected assessments are insufficient to provide for the Department's budget due to increased costs of operation.

(2) *Amount of adjustment.* The increase permitted by paragraph (1) may not exceed the percentage increase in the Consumer Price Index over the fiscal year immediately preceding the fiscal year in which the Department submits its proposed budget to the General Assembly, as indicated by the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84=100" published by the United States Department of Labor, Bureau of Labor Statistics, or other similar index published by the United States Department of Labor, Bureau of Labor Statistics.

(b) *Surcharge based on condition.* The Department may increase the amount of a specific assessment generated by the calculations in §§ 5.2—5.4 by:

(1) Thirty percent for a bank, bank and trust company, savings bank, savings association, trust company or credit union with a UFIRS or UTRS composite rating of 4.

(2) Fifty percent for a bank, bank and trust company, savings bank, savings association, trust company or credit union with a UFIRS or UTRS composite rating of 5.

(c) *Notice of adjustment or surcharge.* The Department will provide notice to institutions of an increase in assessments according to subsections (a) and (b) by:

(1) A general notice within 30 days of the enactment of the Department's budget by the General Assembly if an increase is generated by subsection (a).

(2) A note on each semiannual assessment invoice issued to an institution subject to an increase generated by subsection (b).

(d) *Assessment invoicing.* The Department will round the assessments calculated under this chapter to the nearest dollar on the semiannual assessment invoice issued to each assessed entity.

§ 5.6. Implementation schedule.

(a) *General rule.* The Department will provide an implementation schedule for banks, bank and trust companies, savings banks, savings associations and trust companies to adjust to the assessments generated by this chapter.

(b) *Implementation schedule.* Banks, bank and trust companies, savings banks, savings associations and trust

companies shall pay assessments according to the following implementation schedule:

(1) Seventy percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 (relating to semiannual assessment for banks, bank and trust companies, savings banks and savings associations; semiannual assessment for trust companies; and adjustments to assessments; invoicing) for the first 12 months after July 1, 2014.

(2) Eighty-five percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 for the second 12 months after July 1, 2015.

(3) One hundred percent of the total assessment calculated by §§ 5.2, 5.3 and 5.5 for the third 12 months after July 1, 2016.

[Pa.B. Doc. No. 14-1564. Filed for public inspection July 25, 2014, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CH. 1013]

Taxicab Medallion Sales by the Authority

The Philadelphia Parking Authority (Authority), on April 29, 2014, adopted a final-form rulemaking order which established regulations for the sale of taxicab medallions by the Authority.

Final-Form Rulemaking Order; Philadelphia Taxicab and Limousine Regulations; Doc. No. 126-6

Final Rulemaking Order

By the Authority:

The Authority is required to carry out the provisions of the act of July 16, 2004, (P. L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act") relating to the regulation of taxicab and limousine service providers in the City of Philadelphia.¹ Pursuant to this obligation, the Authority issued a proposed regulation at this docket number on September 25, 2013. The initial public comment period for this rulemaking proceeding concluded on December 9, 2013, the Independent Regulatory Review Commission ("IRRC") submitted its comments on January 8, 2014. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation and Statutory Authority

The Authority assumed regulatory control of all taxicab and limousine operations in Philadelphia on April 10,

¹ See Sections 13 and 17 of the Act.

2005 through the implementation of Act 94. Prior to that time, the Pennsylvania Public Utility Commission ("PUC") regulated that service and sold taxicab medallions as part of its regulatory duties.

Only those medallions authorized by the Legislature may be sold by the Authority. For most of the Authority's tenure as regulator of taxicab service providers in Philadelphia number of medallion that had already been sold by the PUC prior to April 10, 2005 equaled the statutory cap. To date the Authority has not sold a medallion. However, an existing medallion numbered 1601 will be available for sale in fiscal year 2015 and the act of July 5, 2012, (P. L. 1022, No. 119) ("Act 119") has provided for a measured annual increase in the number of statutorily authorized medallions. Pursuant to Act 119, on June 1 of each year, the statutory cap on the number of medallions will be lifted by 15 until the ceiling reaches 1,750.² While the Authority is authorized to sell medallions pursuant to procedures established by order, we believe it is prudent to create regulations to provide notice of the standardized method that will be employed to complete these sales.³

Act 119 requires that each of the first 15 medallions made available over the prior cap of 1,600 be used to provide taxicab service through a wheelchair accessible vehicle ("WAV"). The proposed rulemaking made clear that this regulation is intended to fill a void in the Authority's regulations created by the lack of any established procedures for medallion sales by the Authority. The proposed rulemaking, as well as the final-form regulation do not establish procedures, goals or requirements related to the provision of WAV taxicab service. This is simply a regulation to create procedures for the sale of medallions by the Authority, with whatever restriction the medallions may carry, or none.

Several commentators used the comment period to suggest regulatory changes related to WAV taxicab service. Neither the proposed regulation, nor the final-form regulation address WAV taxicab service. This is not a WAV taxicab service regulation.

In addition to the standard regulatory promulgation process, including this comment and response component, the Authority conducted a public comment hearing regarding the proposed regulation on February 12, 2014.

The Honorable Lawrence M. Farnese, Jr., Senator, (1st District) submitted comments to the regulation, to which the Independent Regulatory Review Commission ("IRRC") specifically requested we reply. Senator Farnese correctly notes that of the 150 medallions authorized by Act 119 over the next ten years, only 15 are required by statute to be restricted to use on WAV taxicabs, and further that the Authority has discretion as to the issuance and use of the remaining 135 once such medallions are authorized. Senator Farnese comments that the Authority should identify the number of medallions to be issued with WAV restrictions and then suggests that the sale of medallions could potentially constitute a "windfall for the PPA" as opposed to helping the disabled community.

Again, this regulation does not address wheelchair taxicab service at all. There are no substantive requirements or procedures related to WAV taxicabs in this regulation. This is a regulation dedicated to establishing a process through which medallions will be sold by the Authority. We do not believe that the context or language of the final-form regulation can support directives of the

nature suggested by the Senator. We believe that the Legislature did not mandate a specific number of medallion as WAV medallions for a reason. The Authority will assess the data produced through the operation of WAV taxicabs and determine applicable limitations, if any, to authorized medallions prior to each sale. The proposed regulation embraces the statutorily enabled discretion to set service restrictions on medallions as they are offered for sale and in consideration of the needs in Philadelphia at that time. These medallions are authorized by statute on a piecemeal basis through 2021. The Authority has no statutory power to accelerate the authorization of new medallions.

The revenue derived from the sale of medallions must be placed into the Medallion Fund, which is held for the Authority by the Pennsylvania Treasurer. See 53 Pa.C.S. § 5701. The Authority may only use money in that fund in furtherance of its taxicab regulatory program and only when authorized by the Legislature and the Governor to do so. See 53 Pa.C.S. § 5708(a.1). Revenue from the sale of medallions will never constitute a windfall to the Authority.

We agree with Senator Farnese that one of the reasons Act 119 was enacted was to address the need for WAV taxicab service in Philadelphia. We noted this point when promulgating our regulation 126-5, which does establish WAV taxicab standards. Unfortunately, based on the history of taxicab service in Philadelphia, we know that the existing medallion owners will not adequately address this public need without a legal mandate. But again, that is not an issue in this regulation.

Senator Farnese commented that the Authority's plan to sell medallions through a public competitive sealed bid process represented a lack of openness and creates the potential for investigations, fraud and impropriety. Act 119 specifically provides for the sale of medallions through a public bidding process. 53 Pa.C.S. § 5711(b). The Commonwealth of Pennsylvania has directed that the preferred manner in which its government, including authorities, is to obtain products and services is through competitive sealed bids. 62 Pa.C.S. § 511. We do not understand how the Legislature could believe that the competitive sealed bid process is the most effective and open manner in which to acquire products and services, specifically provide for the sale of medallions through a public bid in Act 119, and then object to the sale of medallions through an open competitive sealed bid process. We believe that this public process is completely transparent and will provide for a safe and beneficial medallion sale process.

Senator Farnese also commented that the proposed regulation was too restrictive in terms of who it permitted to bid on a medallion. The regulation sets no restriction upon who may bid on a medallion except that the bidder must be an existing medallion taxicab certificate holder or a person that has already submitted an application to be a medallion taxicab certificate holder. The regulations already prohibit the transfer of ownership of a medallion to a person that does not have a certificate of public convenience. See 52 Pa. Code § 1027.4.

The Senator commented that the purpose of Act 119 was to get WAV taxicabs into service in Philadelphia, at least as to the first 15 authorized medallions. If these medallions are sold to persons that are not authorized to provide taxicab service in the City and have not even

² See 53 Pa.C.S. § 5711(c)(2).

³ The Authority may sell medallions by bid or public auction. 53 Pa.C.S. § 5717(b)(1).

initiated the process necessary to acquire that authorization, the operation of these medallions will be delayed by at least several additional months.

Under that scenario, the successful bidder would submit an application for a medallion certificate of public convenience after the bid process. The successful bidder could then be determined to be ineligible to be a certificate holder, which will prevent the operation of the WAV taxicab while the medallion is either submitted to a new sale process or subject to litigation to determine its disposition.

The final-form regulation opens the medallion sale process to anyone who is serious about owning and operating a medallion taxicab. We believe that requiring the bidders to be existing medallion certificate holders or persons who have already filed an application to be medallion certificate holders will hasten the review process, increase the likelihood that the successful bidder will be qualified to own a medallion and result in the more rapid deployment of these medallions into public service.

Anyone can file the required application. The application must be filed 30 days before the proposed sale date. See 52 Pa. Code § 1013.32(b). This advance time will give the Authority the opportunity to conduct a basic review of each application for the most glaring of disqualifying issues, such as criminal conviction prohibitions. See 53 Pa.C.S. § 5718(c). Therefore, we believe this requirement is logical, consistent with the intent of Act 119 and existing Authority regulations and is not burdensome for a person seeking to spend hundreds of thousands of dollars to acquire a medallion.

IRRC noted the concerns of commentators regarding WAV taxicabs. Commentators expressed an interest in knowing how many medallions would be sold and when, as well what restrictions would be placed upon them. As we noted above, the statutory cap on medallions increases gradually over a ten year period. The only special restriction mandated by law goes to the first 15 medallions, which must be WAVs. See 53 Pa.C.S. § 5711(c)(2)(1). But again, this is not a WAV regulation, this regulation merely establishes procedures for the sale of medallions, whenever those medallions may be sold.

IRRC noted the questions of commentators regarding the restrictions that will be placed upon medallions and requesting a specific number, of the 150 medallions to be authorized by Act 119, will be sold as WAVs. Also, why all of the Act 119 medallions will not be sold at one time. IRRC and other commentators requested details as to the Authority's plan to sell the medallions authorized by Act 119 and what restrictions, if any, would be employed.

While medallions authorized by Act 119 will be sold pursuant to the final-form regulation, so will other medallions. This is not a WAV taxicab regulation, nor is it a regulation that establishes a medallion sale schedule. We believe that these questions and comments are not related to this rulemaking. These comments would have been better suited for our final-form regulation at Docket No. 126-5. We will attempt to address these issues because they are clearly of public concern, but the approval of this final-form regulation should not hinge on the issues that are not in the final-form regulation and not need to be.

Act 119 increases the ceiling on statutorily authorized medallions as follows:

<i>Authorization Date</i>	<i>Medallion Ceiling</i>
July 5, 2012:	1,615
June 1, 2013:	1,630
June 1, 2014:	1,645
June 1, 2015:	1,660
June 1, 2016:	1,675
June 1, 2017:	1,690
June 1, 2018:	1,705
June 1, 2019:	1,720
June 1, 2020:	1,735
June 1, 2021:	1,750

53 Pa.C.S. § 5711(c)(1) and (2).

Upon approval of the Authority's final-form regulation at Docket No. 126-5 and this final-form regulation, the Authority will initiate the medallion sale procedure provided for in this regulation. If those regulations are approved on the schedule identified in the Regulatory Analysis Forms, the Authority anticipates selling 46 medallions in fiscal year 2015. Those medallions will be the 45 authorized through Act 119 as of June 1, 2014 and existing Medallion No. 1601. The Act 119 medallions will all be WAV medallions.

The Authority has not developed plans for the sale of medallions in future years and it is not required to. The Legislature could have required the sale of all authorized medallions; it did not. The Legislature could have required that all of the medallions be restricted to WAVs; it did not. IRRC noted the suggestion of a commentator that the Authority was exceeding its statutory authority by failing to declare every medallion authorized by Act 119 as a WAV medallion.

We find no basis in the law for such a suggestion. As noted above, Senator Farnese is correct when he writes that Act 119 "gives the Authority discretion on how to allocate the remaining 135 medallions." That is, after the first 15 WAV medallions are issued. We believe the Section 5711(c) of the act is crystal clear and supports Senator Farnese's position, as follows:

(2) The authority is authorized to issue the following:

(i) Subject to the provisions of subparagraph (ii), a maximum of 1,600 certificates of public convenience and corresponding medallions for citywide call or demand service and an additional 15 *certificates of public convenience and corresponding medallions restricted to wheelchair-accessible taxicab service* as provided in this chapter.

(ii) Beginning June 1, 2013, and each June 1 thereafter until there is a total of 1,750 certificates of public convenience and corresponding medallions, the maximum number of certificates of public convenience and corresponding medallions for citywide call or demand service shall be *increased by 15*. The authority, *in its discretion, may issue the certificates and medallions authorized by this subparagraph with special rights, privileges and limitations* applicable to issuance and use *as it determines necessary* to advance the purposes of this chapter and may issue the certificates and medallions authorized by this subparagraph in stages. (Emphasis added.) 53 Pa.C.S. § 5711(c)(2)(ii).

Also, Section 5717(a) of the act provides as follows:

Subject to the limits established in section 5711(c) (relating to power of authority to issue certificates of public convenience), the authority *may* increase the

number of certificates and medallions. In no case shall the number of citywide call or demand service taxicab certificates and medallions issued by the authority exceed the maximum amount provided for in section 5711(c). (Emphasis added.)

Therefore, the act does not require the Authority to issue any medallions and does not dictate any mandatory restrictions to be applied to the 135 medallions authorized by Section 5711(c)(2)(ii). IRRC and other commentators requested information about what other type of restrictions may be applied to medallions. The answer is that we do not know. The Legislature intentionally authorized new medallions over a protracted period of time and then permitted the Authority to place restrictions on the use of those medallions when issued. We do not know what challenges may confront the taxicab industry in 2019. To commit ourselves to a particular use of medallions now would vitiate the entire purpose of the discretion permitted through the act.

IRRC asked the Authority to explain how the regulation's language properly implements the statute. We are not sure that this question is clear. Based on the realities of the act and the fact that this regulation is only intended to establish a generic medallion sale procedure, we believe that that the final-form regulation properly implements the statute to the extent that the statute envisions the Authority selling medallions.

Discussion

The Authority has reviewed the comments filed at each stage of this proceeding. Responses to those comments, explanations of the purpose and alterations of each amended subsection of the final-form regulation are set forth below.

§ 1013.31. Purpose and definitions.

This section identifies the purpose of the medallion sale regulation and provides certain definitions.

§ 1013.32. Bidder qualifications.

This section identifies qualifications for those who wish to bid on a medallion sold by the Authority. We identified above in response to the comments of Senator Farnese and IRRC the reasons that we believe the requirements this section are reasonable. Pennsylvania Taxi Assoc., Inc. ("PTA") commented that the qualifications for a person who seeks to buy a medallion from the Authority should not exceed those applicable to those who wish to acquire a medallion from an existing medallion owner. The qualification standard seeks buyers who can otherwise qualify for a certificate of public convenience under the existing regulations, are not simply speculating, and who have good and current records of service (if they are currently active taxicab service providers). These are reasonable and straight forward standards.

(a)(3). IRRC noted the requirement in the regulation that a qualified bidder be a person that has not sold a medallion within 365 days. Upon consideration of the other anti-speculation protections in the regulation we believe this paragraph is unnecessary and it has been deleted.

IRRC also questioned the reasonableness of requiring a person that is not an existing medallion owner to file an application 45 days before a scheduled medallion sale, when the notice of the medallion sale is only required to be given 60 days before the sale date. We agree and have changed this requirement to 30 days. This will give any potential bidder in this category one month from the date of notice of a medallion sale date to submit the required

medallion CPC application. We believe this is a reasonable accommodation for potential bidder, but will also permit the Authority sufficient time to review the applications for major flaws, as referenced above, prior to the sale date.

IRRC also noted that the requirement for non-medallion owners to complete the SA-1 form "relating to application for sale of transferable rights" was unclear because this is a multi-part form and not all sections seem to apply to this bidder qualification requirement. We agree. The SA-1 has been modified to address this concern.

We note that medallions currently sell for over \$500,000. The taxicab business is heavily regulated and requires a significant investment of capital to get off of the ground. Bidders must be persons who are capable of understanding these issues and operating a challenging public service business in Philadelphia. In short, medallion owners should be able to complete an application. We do not think that this requirement will be unclear to such a person. Indeed, most medallion buyers are represented by counsel in these transactions, largely due to the amount of money at issue. We have noted above the public interest associated with conducting this pre-qualification process. The best way to quickly place these medallions into service without post-sale challenges or litigation is to assure that those who seek to buy medallions are already qualified to own them. Commentator Black Point Taxi, LLC., et al. ("BPT") commented that additional requirements should be made part of the bidding package to assure that each bidder fully understands and is capable of the duties and obligations of a medallion owner. We have addressed this issue below in response to comments to § 1013.35.

§ 1013.33. General provisions.

This section provides certain guidelines as to how the Authority will sell medallions, including the specification of the sealed bid process.

IRRC noted the comments of other commentators who are concerned about the integrity of the sealed bid process. We addressed this issue in response to Senator Farnese's comments above. We disagree with the assertion that a sealed bid process is not "open and honest" or that it is not "transparent". Indeed, it is the method preferred by the Commonwealth to securing the best price for high quality products and services. 62 Pa.C.S. § 511.

We have taken steps to address potential fraud issues, but fraud is a possibility no matter what method of sale we opt to employ. Sales under the regulation will relate to one medallion at a time. A person who is a bidder or who has a controlling interest in a bidder can only submit one bid. The Authority may limit the number of medallions that a person, including those with a controlling influence over that person (nearly all medallion owners are small corporation), may acquire. 53 Pa.C.S. § 5717(b)(5). The bids will be opened in public. All bidders or a representative of the bidder must appear at the bid opening. This means all bidders will instantly know how much each medallion has sold for and to whom. This is not a closed process at all.

Commentator PTA has noted the New York City investigation into purported medallion sale discrepancies in a sealed bid scenario several years ago. Since the conclusion of that investigation the New York City Taxicab and Limousine Commission has amended its regulations to address issues raised in that investigation report. Those changes were taken into consideration when the Author-

ity considered the final-form regulation and were adopted in many cases. However, New York continues to sell medallions through sealed public bid. See New York Taxicab Regulations, § 65-04.

In some circles verbal auctions are viewed as a way to keep prices low. Why bid \$10 if the current bid is \$.12? In a sealed bid scenario, each bidder will have to put its best foot forward on the first attempt, which may be unpalatable to the bidder hoping to buy a medallion for a low price, but will be beneficial to the public good. We have decades of experience buying and selling products and services through the competitive sealed bid process. We believe that it is the most incorruptible, efficient and beneficial process to sell medallions. It is a process specifically provided for in the enabling legislation. See 53 Pa.C.S. § 5711(b).

§ 1013.34. *Notice of medallion sale by the Authority.*

This section provides for the manner in which notice of a medallion sale will be provided, including restrictions that may apply to the sale process and the use of the medallion. IRRRC noted the comments of other commentators when it questioned the propriety of providing 60 days' notice of a medallion sale considering some non-medallion owners may need to qualify to participate in the process. IRRRC correctly notes that this minimum 60 day notice period is required by statute. See § 53 Pa.C.S. § 5714(b)(1). Both the regulation and the statute require this minimum period. The Authority has the discretion to provide more notice. However, as we noted in regard to the deadline for filing an SA-1 application above, the mere filing of the SA-1 for a party intent upon acquiring an expensive and important public asset should present no major hurdle. Such a party would have 30 days to complete that process. This concern only applies to persons who are not already medallion owners. Therefore, we believe that it is proper to mirror the statutory minimum number of days' notice of a medallion sale, but will evaluate the results of this procedure when issuing such notices.

IRRC also commented that paragraph (8) of the proposed regulation was vague and recommended amending the sentence or deleting it entirely. We agree and have deleted that paragraph.

§ 1013.35. *Procedures for bidding.*

This section provides procedures related to the medallion sale process. IRRRC noted that the form "MA-2," which has been re-identified in the regulation as "MA-1" because there was no pre-existing MA-1, was not available on the Authority's website; however it is now. The form requires only basic information that is consistent with the balance of the regulation and necessary to properly complete the sale process. We believe that this information is absolutely necessary to establish the identity of each bidder, including their contact information.

IRRC noted the comment of BPT referenced above. BPT would have the minimum deposit amount raised from \$5,000 to \$20,000, which is the deposit amount in Chicago. IRRRC asked for an explanation of how the \$5,000 deposit was sufficient in the face of medallion prices that exceed \$500,000. IRRRC also noted the problems associated with sealed bidding in New York City that developed when the high bidders withdrew their bids, allegedly, to benefit lower bidding associates. The loss of the small \$2,000 deposit was insufficient to dissuade the high bidder from withdrawing.

We agree with these concerns. While the presence of a meaningful deposit will buttress the Authority's assur-

ance that the bidder has the funds necessary to complete the transaction, the deposit also creates a personal stake in the success of the sale process in the bidder. That is certainly the case here. We believe that material deposits can also dissuade nefarious conduct.

We believe bidders will be more likely to properly participate in the post-bid sale process if they not only stands to lose the ability to buy a medallion, but also some meaningful personal asset. The forfeited funds will also help to defray costs of the Authority related to the failed sale process. BPT also suggested that the purchasers of such expensive and important public assets should demonstrate the ability to financially support those assets.

We further believe it would be a mistake to establish a flat deposit amount by regulation. Such a deposit amount will not automatically adjust to fluctuations in medallion sale prices and would require a new rulemaking to modify. We believe it is more appropriate to advance all of these goals by requiring a deposit in an amount equal to 10% of the price submitted by the bidder. Bidders who wish to bid very low for a medallion would be permitted to submit deposits less than \$5,000, while the amount of deposits will always be tailored to the individual bidder's proposed price. As the sale price of medallions rises or falls in the future, so too will the amount of the required deposit, thereby maintaining a level of sufficiency relative to the actual bid price (and sale price for successful bidders). We believe that 10% is a sufficient amount and is not overly burdensome because the regulations only require a letter of commitment from a lending institution for 80% of the bid amount. The bidders for these expensive public assets should have resources sufficient to support their use. There is no rule prohibiting the use of borrowed funds as part of the bid package.

IRRC also noted that subparagraph (a)(4)(i) does not identify what happens to the deposit of unsuccessful bidders. We agree and have amended that language to clarify that the deposits of unsuccessful bidders are to be returned. Also, § 1013.36(b)(3) has been amended to clarify that in the event a bid award is made available to the next highest bidder, that potential high bidder must re-submit its deposit to the Authority.

We have amended § 1013.35(c)(4) by adding the position of "officer" to the list of positions that a bidder may not hold with a competing bidder. A person who bids on a medallion individually or through an entity in which it holds a controlling interest should not be able to bid against itself as the president or secretary of another bidding entity. The regulation seeks to eliminate price fixing and collusion between bidders. The balance of the language in paragraph (4) has been moved to a new paragraph (5) simply to make the regulation more readable.

§ 1013.36. *Bid opening.*

This section addresses bid opening procedures. We have added a paragraph (7) subsection (a) to clarify that the failure to acknowledge a winning bid as provided in paragraph (6) with be deemed a withdrawal of that bid. The Director may then move on to the next bidder or request that the Board re-advertise the sale of the medallion.

IRRC questioned the clarity of subsection (b)(4) and (5), which deal with the decision to award a medallion to the next highest bidder or to re-bid the medallion after a successful bidder is unable to complete the medallion sale. IRRRC noted that the language in the proposed

regulation seemed to create the potential for the Director to simultaneously select the next highest bidder and request that the Board re-advertise the medallion for sale.

We agree with IRRRC's concern and have amended paragraph (5) of the regulation to provide that the re-advertising option may be invoked when the Director declines to make a selection from the list of unsuccessful bidders. We have also amended this section to address the situation in which the sale process unsuccessfully concludes prior to the closing date.

Paragraph (b)(2) has also been amended to address this issue. If a successful bidder withdraws from the sale process before the Board declines to approve the sale, the process to award the medallion to the next highest bidder or re-advertise the medallion for a new bid should be able to begin immediately. This amendment will permit that process to advance more quickly. IRRRC also noted that the term "as provided in this subchapter" used in this paragraph lacked clarity. We agree and have deleted that phrase from the regulation. The medallion sale process is the subject of the entire regulation and its completion is addressed in § 1013.37.

§ 1013.37. Medallion bid approval process and closing on sale.

This section provides for the manner in which the TLD and the Authority's Board will review and approve a medallion sale after the bid process. IRRRC questioned the purpose of subsection (g), which seeks to discourage speculation in the medallion market by assigning higher transfer fees in the years immediately following the medallion sale.

While we anticipate that the purchasers of new taxicab medallions, now and in the future, will do so purely for purposes of properly operating a public convenience, we believe it is prudent to guard against speculation and the rapid and unjustified escalation of medallion prices through immediate post-bid award resale. We note that the commentators who currently operate taxicabs expressed no concern with this provision.

As we identified above, the purpose of Act 119 was to get WAV taxicabs into service in Philadelphia to address a critical need and to compile data to help establish future policies and procedures. Senator Farnese also noted this point in his comments. This objective is certainly consistent with the legislative intent of Act 94, which is to provide for a clean, safe, reliable and well regulated fleet of taxicabs in Philadelphia. These objectives will be imperiled if the successful purchasers of new medallions participate in the bidding process simply to re-market the medallions for a profit. We believe this minor anti-speculation prophylactic is need to discourage such speculation and is reasonable. It is narrowly-tailored to address this specific problem and only applies for a short three-year period. The heightened transfer fees employed in this section decrease every year until they are eliminated in the fourth year and are waived in cases of death or incapacity of an owner or shareholder.

This section references section 5710(a) of the act in regard to the fee schedule. IRRRC questioned this reference in light of the more specific reference to medallion transfer fees in section 5710(b)(8). We agree that subsection (b)(8) specifies the transfer fee; however, that fee is only in place for fiscal year 2014. Subsection (a) is referenced because it generally empowers the Authority to use a fee schedule. The Authority must propose a fee schedule as part of its annual budget approval process. See 53 Pa.C.S. 5707(a)(1).

Commonwealth

The Authority does not anticipate any increase in regulatory demands associated with this regulation.

Political subdivisions

This final-form rulemaking will not have a direct fiscal impact on political subdivisions of this Commonwealth.

Private sector

This final-form rulemaking will not have a fiscal impact on certificate holders or other regulated parties.

General public

This final-form rulemaking will not have a fiscal impact on the general public, although we anticipate the development of data that will evidence a positive fiscal impact upon the disabled community in Philadelphia.

Paperwork Requirements

This final-form rulemaking will not affect the paperwork generated by the Authority. Some additional entries as to service to disabled persons will be required on the monthly form that all dispatchers already complete and file with the Authority on a monthly basis.

Effective Date

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

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 29, 2013, the Authority submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 6674 (November 9, 2013), to IRRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 18, 2014, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRRC met on June 19, 2014, and approved the final-form rulemaking.

Conclusion

Accordingly, under sections 13 and 17 of the act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act, act of June 19, 2001 (P.L. 287, No. 22), as amended (53 Pa.C.S. § 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P.S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P.S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority adopts the final regulations set forth in Annex A; *Therefore*,

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapter 1013, are amended by adding §§ 1013.31—1013.37 to read as set forth in Annex A.

2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.

4. The Executive Director shall cause this order and Annex A to be submitted for review by the Governor's Budget Office for review of fiscal impact.

5. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Executive Director shall serve copies of this order and Annex A upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this final-form rulemaking.

7. The regulations in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is James R. Ney, Director, Taxicab and Limousine Division, (215) 683-9417.

VINCENT J. FENERTY, Jr.,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 44 Pa.B. 4263 (July 5, 2014).)

Fiscal Note: Fiscal Note 126-6 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1013. MEDALLION TAXICABS

Subchapter C. MEDALLION SALES BY THE AUTHORITY

Sec.

1013.31. Purpose and definitions.

1013.32. Bidder qualifications.

1013.33. General provisions.

1013.34. Notice of medallion sale by the Authority.

1013.35. Procedures for bidding.

1013.36. Bid opening.

1013.37. Medallion bid approval process and closing on sale.

§ 1013.31. Purpose and definitions.

(a) This subchapter establishes the public bidding process through which the Authority will sell taxicab medallions as authorized by the act.

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

Bidder—

(i) A person qualified under § 1013.32 (relating to bidder qualifications) to submit a sealed bid for a taxicab medallion sold by the Authority.

(ii) The term includes a person with a controlling interest in an entity that submits a bid for one or more medallions.

*Closing deadline—*The date by which a successful bidder shall complete the approval process and the closing on the sale of a medallion.

*Special restriction—*Limitations placed upon a medallion by the Authority in addition to restrictions provided for in the act, this part or an order of the Authority. For example, a medallion sold by the Authority may include a restriction that the medallion only be attached to a wheelchair accessible vehicle.

*Upset price—*The dollar amount below which a medallion will not be sold.

§ 1013.32. Bidder qualifications.

(a) To participate as a bidder, a person shall be a medallion taxicab certificate holder or person authorized as provided in subsection (b) and a person in good standing with the Authority. A person in good standing with the Authority:

(1) Is qualified to buy transferable rights as provided in Chapter 1027 (relating to sale of rights).

(2) Is qualified to renew a transferable right as provided in § 1011.3 (relating to annual rights renewal process).

(3) Does not currently own and is not a person having a controlling interest in an entity that owns a medallion that is in a suspended status as provided in § 1011.14 (relating to voluntary suspension of certificate).

(b) A person that is not a medallion taxicab certificate holder may submit a bid for a medallion if the person has requested a new medallion taxicab certificate through the filing of an SA-1 application as provided in § 1027.6 (relating to application for sale of transferable rights) and the request has not been denied by the Authority prior to the date bids are due. To qualify to bid as a pending medallion taxicab certificate holder, the SA-1 shall be filed 30 days or more before the date bids are due. Participation in the bidding process does not guarantee the issuance of the medallion taxicab certificate by the Authority.

(c) Bids submitted in violation of this section will be considered nonresponsive.

§ 1013.33. General provisions.

(a) *Sale by sealed bid.* The Authority will sell taxicab medallions by sealed bid.

(b) *Restriction of medallion rights.* A medallion offered for sale by the Authority may have restrictions attached to it that will run with the medallion in perpetuity or for a shorter expressed period. The Authority will issue restrictions by order and identify a medallion to which a restriction will apply in the notice of the sale as provided in section 5717(b)(1) of the act (relating to additional certificates and medallions).

(c) *Separate public sales.* Separate sales may be conducted for each medallion to be sold by the Authority.

§ 1013.34. Notice of medallion sale by the Authority.

Notice of a proposed sale of a medallion by the Authority will be published in the *Pennsylvania Bulletin* 60 days or more before the sealed bids are due from bidders. The notice will include:

- (1) The date and time on which bids are due.
- (2) The location where bids are due.
- (3) The number of medallions to be sold.
- (4) Special restrictions that have been attached to a medallion. Restrictions will be identified and linked to the medallion number identified in the public notice.
- (5) The upset price for each medallion.
- (6) The maximum number of medallions a bidder may purchase at each public bidding session.
- (7) The mandatory closing date.

§ 1013.35. Procedures for bidding.

(a) *Bid submissions.* Each bidder shall:

(1) Submit the bid in a 9" x 12" sealed envelope. The exterior of the sealed envelope must identify, in the English language and Arabic numerals, the medallion number for which the bid is intended and additional information identified in the notice provided under § 1013.34 (relating to notice of medallion sale by the Authority). Information required under this paragraph must be in black ink with characters no smaller than 1 inch high and 1/2 inch wide. For example, a sealed bid for medallion 9999 must display the following on the outside of the sealed envelope: "Bid for medallion 9999."

(2) Submit only one bid, rounded to the nearest dollar increment, for one medallion per envelope.

(3) Submit the bid amount on a completed Form No. MA-1 "Bid Cover" in the sealed and marked envelope. Form No. MA-1 is available at www.philapark.org/tld.

(4) Include the following with each bid inside the sealed envelope:

(i) A deposit of 10% of the bid amount in a certified check, bank check or money order drawn on a Federally- or State-insured bank payable to the "Philadelphia Parking Authority." The deposit will be nonrefundable as to the highest conforming bidder and credited toward the sale price if the sale is approved. The deposit will be returned to unsuccessful bidders.

(ii) A bank statement in the name of the bidder evidencing sufficient funds to purchase the medallion or a letter of commitment for no less than 80% of the bid amount, issued by a bank, credit union or other lender licensed to do business in this Commonwealth.

(5) Submit each sealed bid by hand delivery at the time and place designated in the sale notice as provided in § 1013.34.

(b) *Late bids.* A bid presented to the Authority after the time designated or to a location other than that designated in the sale notice as provided in § 1013.34 will not be accepted.

(c) *Required certifications.* Form No. MA-1 will include provisions through which each bidder shall provide the following information with an accompanying verification:

(1) The bidder has not relied on statements or representations from the Authority in determining the amount of the bid.

(2) The bidder has not colluded, consulted, communicated or agreed in any way with another bidder or prospective bidder for the purpose of restricting competition or of inducing another prospective bidder to submit or not to submit a bid for the purpose of restricting competition.

(3) The bidder has not disclosed a bid price, directly or indirectly, to another bidder for the purpose of restricting competition or of inducing another prospective bidder to submit or not to submit a bid for the purpose of restricting competition.

(4) The bidder is not an owner, partner, member, officer, shareholder or key employee of another bidder.

(5) The bidder is not a person with a controlling influence over another bidder.

(d) *Nonresponsive bids.* The following will be considered nonresponsive bids and rejected:

(1) Bids that do not comply with the requirements of this section.

(2) Bid packages containing bids for more than one medallion.

(3) Bids that are nonresponsive or nonconforming in any other respect.

(4) Bids below the upset price.

(e) *Bids final.* All bids are considered final and a bidder will not be allowed to correct a bid after submission.

§ 1013.36. Bid opening.

(a) *Opening of bids.* The sealed bids will be opened in public and not before the time designated in the notice of a proposed sale provided under this subchapter.

(1) Each bidder, or an individual authorized as the bidder's representative as provided in § 1001.28 (relating to power of attorney), shall be present at the bid opening to address issues that may arise during the bidding process, including the event of a tie bid.

(2) The winning bid for each medallion will be the highest bid for that medallion that is complete and responsive.

(3) Tie bids will be decided through subsequent sealed bids between only the tied bidders. The sealed bids to break the tie shall be submitted on the same day as the bid opening pursuant to the instructions of the Director. This process will also be used to determine tie bids for placement on the list as provided in subsection (b).

(4) The winning bids will be announced at the public sale, posted in the lobby of the TLD Headquarters and listed on the Authority's web site at www.philapark.org/tld.

(5) The winning bidder will be notified by the Authority of its winning bidder status as provided in § 1001.51(b)(3) (relating to service by the Authority).

(6) The winning bidder shall appear before the Director or a designee at TLD Headquarters within 5 business days of notice of the winning bid to acknowledge acceptance of the medallion and to confirm that all sale documentation has been properly completed and filed as provided in Chapter 1027 (relating to sale of rights).

(7) Winning bids that are not acknowledged as required under paragraph (6) will be deemed withdrawn.

(b) *Nonsuccessful bid review.*

(1) A list of the responsive, nonsuccessful bids in the order from the highest bid amount will be produced and maintained by the Authority for each medallion subject to sale by the Authority.

(2) If the sale of the medallion to the original successful bidder is withdrawn or terminated for any reason or the successful bidder is not approved by the Authority or

fails to close on the sale of the medallion by the date designated in § 1013.34 (relating to notice of medallion sale by the Authority), the Director may notify the highest unsuccessful bidder as provided in § 1001.51(b)(3) and allow the bidder the opportunity to be a successful bidder and complete the sale process.

(3) The highest unsuccessful bidder shall notify the Director of his decision to become a successful bidder within 5 business days of notice and redeposit the required deposit amount with the Authority in the form provided in § 1013.35(a)(4)(i) (relating to procedures for bidding). In the event the noticed unsuccessful bidder elects not to become a successful bidder, the Director may proceed to notify unsuccessful bidders in order of highest to lowest bid until a successful bidder is obtained.

(4) The Director may amend the mandatory closing date by a period no greater than the time between the bid date and the date the next highest ranking bidder accepts the Director's invitation to become a successful bidder.

(5) The Director may decline to make a selection from the list in paragraph (1) and request authorization from the Board to readvertise the bid process for a medallion after the sale of the medallion to the original successful bidder is withdrawn or terminated for any reason or fails to close by the date designated in § 1013.34.

(c) *Assignment of the winning bid.* A winning bidder may not assign his rights to the winning bid status. An assignment such as this is void.

§ 1013.37. Medallion bid approval process and closing on sale.

(a) The sale of a medallion to a successful bidder is prohibited if that bidder is not qualified to be a medallion certificate holder under the act and this part.

(b) For purposes of reviewing the potential sale of a medallion, the Authority will consider the successful bidder to be the proposed buyer as provided in this part.

(c) If the Director determines that the successful bidder is qualified as provided in the act, this part or an order of the Authority, a recommendation to approve the sale will be presented to the Board for approval at its next regularly scheduled meeting.

(d) Upon approval of the sale by the Authority, the Director will schedule the parties to meet at a time and

location where an Authority staff member will witness the closing of the transaction.

(e) An Authority staff member will witness the execution of each document by the proposed buyer or his designated agent. A closing not witnessed by Authority staff is void as provided in sections 5711(c)(5) and 5718 of the act (relating to power of authority to issue certificates of public convenience; and restrictions).

(f) The Authority will issue a new medallion taxicab certificate to the new medallion owner after the closing process if requested by the proposed buyer as provided in § 1013.32(b) (relating to bidder qualifications).

(g) Except as provided in subsection (h), a medallion subject to a completed closing after sale by the Authority may not be transferred or sold for 3 years from the date of closing, except as follows:

(1) A medallion sold within 1 year of closing will be subject to a transfer fee 15 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act (relating to fees).

(2) A medallion sold within 2 years of closing will be subject to a transfer fee 12 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act.

(3) A medallion sold within 3 years of closing will be subject to a transfer fee 10 times greater than that provided in the Authority's fee schedule as provided in section 5710(a) of the act.

(h) Subsection (g) does not apply to the sale of a medallion in the following circumstances:

(1) When each person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated.

(2) When a person that owns securities of the corporation, partnership, limited liability company or other form of legal entity that owns a medallion sold under this subchapter has died or is declared incapacitated and that person's securities are transferred to the medallion owning entity or another owner of securities in the entity that owns the medallion.

[Pa.B. Doc. No. 14-1565. Filed for public inspection July 25, 2014, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

[12 PA. CODE CH. 145]

Industrial Housing and Components

The Department of Community and Economic Development (Department), under the authority of section 5 of the Industrialized Housing Act (act) (35 P.S. § 1651.5), proposes to amend Chapter 145 (relating to industrial housing and components). The purpose of this proposed rulemaking is to comply with an amendment to the act and to further strengthen and clarify the Department's role in monitoring the production and installation of industrialized housing in this Commonwealth.

The act established uniform State standards and procedures for the identification, inspection and surveillance of the manufacture, assembly, installation and overall quality process required for certification of industrialized housing and components for use in communities in this Commonwealth. As amended, these standards and procedures are extended to include commercial buildings. The act authorizes the Department to promulgate rules and regulations to interpret and make specific provisions of the act. The purpose of this proposed rulemaking is to update the regulations to bring them into conformance with current industry standards, codes and practices and to amend the regulations as needed to adequately address the manufacture of industrialized commercial buildings and components.

Analysis

Section 145.1 (relating to definitions) is proposed to be amended to provide definitions of "industrialized building or industrialized commercial building," "industrialized building component or industrialized commercial building component," "industrialized commercial building module" and "industrial housing module." The terms "industrialized buildings" and "building components" have been incorporated into the definitions of "compliance assurance program," "compliance control program," "insignia of certification," "installation," "manufacturing facility," "Notice of Approval" and "site or building site."

The definitions of "building system" and "building system documentation" are proposed to be amended for clarity and to be more consistent with programs established in other states. The definition "module" is proposed to be deleted. "Site Installation Inspection Report Form" is proposed to be amended to replace "Form" with "Checklist" and will be a part of the building system documentation or design package which will allow this document to be more easily modified to address changes in the building process.

A definition of "permanent foundation" is proposed to be added.

Section 145.2 (relating to purpose) is proposed to be amended to include industrialized commercial buildings and building components in the purpose of Chapter 145.

Section 145.3 (relating to scope) is proposed to be amended to include industrialized commercial buildings and building components in the scope of Chapter 145.

Section 145.31 (relating to requirement of certification) is proposed to be amended to include industrialized commercial buildings and building components in the requirements of certification and to eliminate unnecessary regulation.

Section 145.36 (relating to applicability of locally-enacted codes and ordinances) is proposed to be amended to clarify how locally enacted codes and ordinances would apply to industrialized commercial buildings and building components.

Section 145.41 (relating to adoption of standards) is proposed to be amended to address the standards to which industrialized commercial buildings and building components would be designed and constructed. This section is also proposed to be amended to comply with the act of April 25, 2011 (P. L. 1, No. 1) (Act 1) as it applies to code provisions specifically omitted from adoption under Act 1. At this time, those provisions specifically omitted include fire sprinkler systems for one-family and two-family dwellings and the wall bracing requirements provided for in the 2009 International Residential Code.

Section 145.42 (relating to alternate standards) is proposed to be amended to allow for an alternate energy standard to which industrialized commercial buildings and building components would be designed and constructed.

Section 145.51 (relating to general requirements for certification) is proposed to be amended to establish the general requirements under which industrialized commercial buildings and building components would be certified.

Section 145.53 (relating to variations) is proposed to be amended to allow some variation in the building system documentation to which industrialized commercial buildings and building components would be designed and constructed.

Section 145.54 (relating to Building System Approval Report and Summary) is proposed to be amended to establish control criteria for building systems documentation for industrialized commercial buildings and building components.

Section 145.57 (relating to approval of compliance assurance program) is proposed to be amended to establish basic requirements for a compliance control program to be approved by evaluation agencies.

Section 145.58 (relating to basic requirements for a compliance control program) is proposed to be amended to establish basic requirements for a compliance control program needed for certification of industrialized commercial buildings and building components.

Section 145.60 (relating to insignia of certification) is proposed to be amended to delete unnecessary text currently required on the insignia of certification and establish a separate insignia for industrialized commercial buildings and building components.

Section 145.61 (relating to insignia of inspection agencies) is proposed to be amended to address the attachment of the insignia of the inspection agencies for industrialized commercial buildings and building components.

Section 145.62 (relating to data plates) is proposed to be amended to establish and clarify basic requirements for data plates for industrialized housing and buildings.

Section 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification) is proposed to be amended to establish criteria for requesting, controlling and attaching insignias of certification for industrialized commercial buildings and building components.

Section 145.64 (relating to modification after certification) is proposed to be amended to limit modifications to certified industrialized commercial buildings and building components.

Section 145.66 (relating to emergency suspension) is proposed to be amended to prohibit the certification of industrialized commercial buildings and components while a manufacturer is under an emergency suspension.

Section 145.67 (relating to revocation of certification) is proposed to be amended to give the Department and the appropriate third-party agency the authority to revoke the certification of industrialized commercial buildings and building components and to establish criteria to provide the manufacturer of industrialized commercial buildings and building components the authority to attach insignias of certification.

Section 145.69 (relating to suspension of certificate of approval of out-of-State manufacturer for lack of activity) is proposed to be amended to allow for the suspension of an out-of-State manufacturer of industrialized commercial buildings and building components for lack of activity.

Section 145.70 (relating to Departmental evaluation and inspection) is proposed to be amended to preserve the ability of the Department to perform as an evaluation agency or inspection agency, or both, in the event that these services may be required.

Section 145.71 (relating to responsibilities of evaluation agencies) is proposed to be amended to provide responsibilities for evaluation agencies to provide the same oversight in reviewing and approving building system documentation and compliance assurance programs for each manufacturer of industrialized commercial buildings or components.

Section 145.72 (relating to responsibilities of inspection agencies) is proposed to be amended to provide responsibilities for inspection agencies to provide oversight in monitoring the manufacturers of industrialized commercial buildings or components in the same manner as housing manufacturers are monitored.

Section 145.72a (relating to frequency of inspections) is proposed to be amended to provide the minimum inspection frequency for inspection agencies providing inspection services to industrialized commercial building manufacturers. This section is also proposed to be amended by changing the current requirement for manufacturer's certification that requires 100% inspection of the first ten homes produced. The proposed process will depend on the professional judgment of the third-party agencies in determining the level of inspection needed to certify a manufacturer. The Department retains final approval of the third-party agencies' proposal regarding the minimum frequency needed to adequately certify the facility.

Section 145.73 (relating to criteria for approval of evaluation and inspection agencies) is proposed to be amended to provide criteria for the approval of evaluation and inspection agencies for industrialized commercial buildings or building components.

Section 145.74a (relating to prohibition on consulting services) is proposed to be amended to prohibit third-party agencies from performing consulting engineering

services for an industrialized commercial building or building component manufacturer while the third-party agency has an implementing contract with that manufacturer.

Section 145.76 (relating to reapprovals of third-party agencies) is proposed to be amended to provide a reapproval process for industrialized commercial building third-party evaluation and inspection agencies.

Section 145.78 (relating to contractual arrangements) is proposed to be amended to require implementing contracts between manufacturers of industrialized commercial buildings and approved third-party evaluation and inspection agencies.

Section 145.79 (relating to suspension and revocation of third-party agencies) is proposed to be amended to allow the Department to take appropriate action in the event that problems occur as a result of suspension or revocation of approval of a particular third-party evaluation or inspection agency.

Section 145.81—145.83 (relating to responsibilities of local enforcement agencies; issuance of building permits; and issuance of certificates of occupancy) are proposed to be amended to outline the responsibilities of the local enforcement agencies regarding their permitting and inspection process of certified industrialized commercial buildings.

Section 145.91 (relating to reports to the Department) is proposed to be amended to extend the Department's authority to require reporting from inspection and evaluation agencies and manufacturers of industrialized commercial buildings as well as extending the requirement of the Site Installation Inspection Report to these buildings.

Section 145.92 (relating to reports by the Department) is proposed to be amended to reduce the frequency of certain reports issued by the Department and to include the Notice of Approval in the list of reports the Department will provide.

Section 145.93 (relating to factory inspections; right of entry) is proposed to be amended to extend the authorized inspections by the Department to include industrialized commercial buildings, records of these buildings, transport facilities, building sites, and the like.

Section 145.94 (relating to fees) is proposed to be amended to establish a fee structure for industrialized commercial building and building component insignias as well as an approval and reapproval fee for industrialized commercial buildings evaluation and inspection agencies. Additionally, to defray the additional costs incurred to the Department for out-of-State travel, this section is proposed to be amended to increase the insignia fee for manufacturing facilities outside of this Commonwealth. This increase in insignia fees for facilities outside of this Commonwealth (\$20 residential and \$30 commercial) is patterned after current programs in New Jersey, Minnesota and Rhode Island. Other fees currently charged by the Department for engineering and administrative services are also being increased to reflect the actual costs to the Department. Additional amendments to this section are proposed to allow the Department to accept fees electronically.

Section 145.97 (relating to amendments to this chapter) is proposed to be amended to reflect the current practice of notifying interested parties of proposed changes to Chapter 145.

Section 145.99 (relating to remedies) is proposed to be amended to provide remedies to the Department for

industrialized commercial buildings or components which have not been manufactured consistent with the act or Chapter 145.

Section 145.101—145.105 are proposed to be amended to establish the procedures needed for the Department to enter into reciprocal agreements with other states to facilitate interstate acceptability of industrialized commercial buildings and building components.

Fiscal Impact

Commonwealth

Through the fees generated from approvals of third-party agencies and insignias applied to industrialized commercial buildings and building components, the Department expects this program to generate sufficient revenues to cover expenses. Using Maryland as an example, 1,538 industrialized commercial insignias assigned in 2008 would result in revenues of over \$92,000. While it is impossible to accurately project insignia usage in this Commonwealth, it is a reasonable expectation that insignia usage would match or exceed that of Maryland. Until production levels increase to 2006 levels for industrialized housing, additional staffing is not required to carry out this expansion to the program.

Political subdivisions

There is not fiscal impact upon political subdivisions.
Public

There is not fiscal impact upon the public.

Paperwork

Manufacturers of industrialized commercial buildings and building components will be required to complete an insignia request form and provide the Department monthly reporting of insignias applied. These manufacturers currently do this for most of the states that receive their products. Therefore, the impact is minimal.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 2, 2014, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Commerce Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

Effective Date

This proposed rulemaking would take effect 90 days after final-form publication in the *Pennsylvania Bulletin*.

Contact Person

Interested persons are invited to submit in writing, within 30 days from the date of publication of the proposed rulemaking in the *Pennsylvania Bulletin*, comments, suggestions or objections regarding the proposed rulemaking to Mark A. Conte, Chief, Commercial Build-

ings Division, Department of Community and Economic Development, 400 North St. 4th Floor, Harrisburg, PA 17120-0225.

C. ALAN WALKER,
Secretary

Fiscal Note: 4-95. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 12. COMMERCE, TRADE AND LOCAL GOVERNMENT

PART V. COMMUNITY AFFAIRS AND DEVELOPMENT

Subpart C. COMMUNITY DEVELOPMENT AND HOUSING

CHAPTER 145. INDUSTRIAL HOUSING AND COMPONENTS

GENERAL PROVISIONS

§ 145.1. Definitions.

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

* * * * *

Approved—Approved by the Department, or agent of the Department, under this chapter.

Building system—[The industrialized housing or housing components described in the building system documentation.] The method of constructing a type of industrialized home, building, or housing or building component described by plans, specifications and other documentation which together establish a set of limits meeting the building standards in §§ 145.41 and 145.42 (relating to adoption of standards; and alternate standards), as well as the compliance control program requirements of § 145.58 (relating to basic requirements for a compliance control program), including installation details.

Building system documentation—[The plans, specifications and other documentations which together describe industrialized housing or a housing component, including variations and installation detail, consistent with § 145.41 or § 145.42 (relating to adoption of standards; and alternate standards).] The plans, specifications, procedures and other documentation, approved by an evaluation agency under § 145.52 (relating to approval of building system documentation), which together describe industrialized home, building, or housing or building components, including any variation, installation detail and instruction consistent with this chapter.

Certification or certified—Conforming to the requirements of this chapter.

Compliance assurance program—The system of policies and procedures implemented by the manufacturer and the inspection agency to assure that industrialized housing, buildings, or housing or building components are manufactured, transported and installed at the site in accordance with the approved building system documentation.

Compliance control program—The system of policies and procedures utilized by the manufacturer to assure

that industrialized housing, **buildings**, or housing **or building** components, as the case may be, are manufactured, transported and installed at the site in accordance with the approved building system documentation.

* * * * *

ICC—International Code Council.

Industrialized building or industrialized commercial building—A structure designed for commercial occupancy classified within nonresidential use groups in accordance with the standards in § 145.41. The structure is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

Industrialized building component or industrialized commercial building component—A closed wall subsystem or subassembly designed for use as a structure or a part of a structure which is classified within the nonresidential use groups in accordance with the standards in § 145.41. The closed wall subsystem or subassembly is fabricated in a manufacturing facility to be separately transported to the building site and cannot be inspected at the site without disassembly. Components may be installed with or without a permanent foundation.

Industrialized commercial building module—

(i) A closed wall structure or substantial part of a closed wall structure incorporating or designed to be assembled to form one or more rooms used as habitable, occupiable or mechanical/equipment space which is classified within nonresidential use groups in accordance with the standards in § 145.41. The structure is fabricated in a manufacturing facility to be separately transported to the building site and cannot be inspected at the site without disassembly.

(ii) The term includes industrialized building components that are subsystems or assemblies, or other systems of closed construction designed for use in or as a part of an industrialized commercial building.

Industrialized housing—

(i) A structure designed primarily for residential occupancy or classified within Residential Group R in accordance with the standards adopted under § 145.41 and which is wholly or in substantial part made, constructed, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site so that concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction.

(ii) The term does not include a structure or building classified as an institutional building or manufactured home, as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401—5426).

Industrialized housing module—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.

Insignia of certification—The label[, emblem or mark] conforming to the requirements of this chapter

which, when attached to industrialized housing [or], housing components, **industrialized building or building components** under this chapter, evidences that the industrialized housing [or housing], **buildings, or industrialized housing or building** components have been certified.

Inspection agency—An agency, private or public, which is approved by the Department under § 145.73 to perform the functions assigned by this chapter to an inspection agency. If the Department performs the functions of the inspection agency under § 145.70, the Department will be the inspection agency for the purposes of this title.

Installation—The assembly of industrialized housing **or buildings** onsite and the process of affixing industrialized housing [or], housing components, **industrialized buildings or components** to land, a foundation, footings, utilities or an existing building, and may include the process of affixing housing **or building** components to or within the [housing] structure for which they are designed.

* * * * *

Manufacturing facility—A place, other than the building site, at which machinery, equipment and other capital goods are assembled and operated for the purpose of making, fabricating, constructing, forming or assembling industrialized housing or housing components, **industrialized buildings or building components**.

Mobile home—A structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and including the plumbing, heating, air conditioning and electrical system combined therein manufactured in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 [(42 U.S.C.A. §§ 5401—5426)].

[**Module**—Each section of an industrialized housing structure which is fabricated in the manufacturing facility to be separately transported to the building site.]

NCSBCS—National Conference of States on Building Codes and Standards.

NFPA—The National Fire Protection Association.

Notice of Approval—A notice issued by the Department to each manufacturer of industrialized housing [or], housing components, **industrialized buildings or building components** that indicates the approval of the manufacturer's building systems documentation, compliance assurance program, and the authority to receive and attach insignias of certification to industrialized housing [or], housing components, **industrialized building or building components** as applicable.

Permanent foundation—

(i) A permanent foundation shall be constructed in accordance with the prescriptive provisions of the adopted building code or, when required, designed by a licensed professional engineer.

(ii) A permanent foundation must have attachment points to anchor and stabilize the home to transfer all code required loads to the underlying soil or rock. A permanent foundation shall:

(A) Be designed for vertical stability.

(I) Footings properly sized to prevent overloading of the soil.

(II) Minimum depth of footings below undisturbed ground surface must be 12 inches or as required by the local code, whichever is greater.

(III) Shallow foundation footings must be constructed of cast-in-place concrete.

(IV) Masonry walls and piers must be mortared.

(B) Be designed for lateral stability.

(I) Anchorage capacity to prevent uplift, sliding and overturning or other movement of the structure.

(II) May not utilize tension-only steel straps.

(III) May not utilize screw-in soil anchors.

(C) Be constructed of durable materials, that is, concrete, mortared masonry or treated wood. This includes precast foundation systems.

(D) A permanent foundation does not include alternative systems or components labeled only for use under one or more of the following standards:

(I) 24 CFR Part 3280 (relating to manufactured home construction and safety standards).

(II) 24 CFR Part 3286 (relating to Manufactured Home Installation Program).

(III) NFPA 225 Model Manufactured Home Installation Standard.

(IV) ANSI A225.1 NFPA 501A Manufactured Home Installations.

(V) International Residential Code, Appendix E.

Person—An individual or organized group of any character, including partnerships; corporations; other forms of associations; Federal, State and local instrumentalities, political subdivisions[,] or officers, including the Department when indicated by the context.

Residential occupancy—Occupancy of a structure or building, or part thereof, classified as a [**one or two family**] **one-family or two-family** dwelling, townhouse or within Residential Group R in accordance with the standards adopted under § 145.41, by families, households or individuals for purposes of shelter and sleeping, without regard to the availability of cooking or dining facilities.

Site Installation Inspection [Report Form The element of the compliance control program that will identify] Checklist—A part of the manufacturers building system documentation or design package that identifies the various aspects of construction that [**must**] shall be completed [**on site by the builder or contractor**] onsite, for inspection by the local code official, that when properly completed will result in a conforming home or building.

Site or building site—The entire tract, subdivision or parcel of land on which industrialized housing [**or**], housing components, **industrialized building or industrialized building components** are installed.

* * * * *

§ 145.2. Purpose.

This chapter interprets and makes specific the provisions of the [**Industrialized Housing Act**] act, as provided in section 5 of the act (35 P. S. § 1651.5). This chapter establishes administrative procedures for the implementation of the act which will facilitate the use of industrialized housing, **buildings**, and housing or **building** components in this Commonwealth consistent with safeguarding the health, safety and welfare of citizens of [**the**] **this** Commonwealth and will carry out the purposes set forth in the legislative findings in section 2 of the act (35 P. S. § 1651.2). More specifically, this chapter is intended primarily to achieve the following objectives:

(1) Establish uniform standards affecting health, safety and welfare for the design, use of materials and methods of construction for industrialized housing, **buildings**, and housing or **building** components intended for sale, lease or installation for use in this Commonwealth.

(2) Establish uniform procedures to assure that industrialized housing, **buildings**, and housing or **building** components intended for sale, lease or installation for use in this Commonwealth will be manufactured, transported and installed in compliance with the uniform standards adopted by this chapter. In particular, this chapter establishes procedures under which the essential structural, electrical, mechanical and plumbing elements of industrialized housing, **buildings**, and housing or **building** components are subjected to compliance assurance procedures, including inspections, in the manufacturing facilities during the manufacturing process, thereby eliminating the need for subsequent inspections at the building site of those elements which are enclosed within the walls which might otherwise be subjected to disassembly, damage or destruction in the course of onsite inspections.

(3) Establish procedures which will facilitate the movement of industrialized housing, **buildings**, and housing or **building** components between the Commonwealth and the other States for the mutual benefit of the manufacturers and citizens of this Commonwealth.

(4) Preserve for local governments within this Commonwealth responsibilities and functions specifically reserved to local governments by the act and otherwise not inconsistent with the achievement of the purposes of the act.

§ 145.3. Scope.

Except to the extent otherwise stated in the act and the provisions of this chapter and in other applicable laws of the Commonwealth which are not inconsistent with or superseded by the act and this chapter, this chapter governs the design, manufacture, storage, transportation and installation of industrialized housing, **buildings**, and housing or **building** components which are sold, leased or installed, or are intended for sale, lease or installation, for use on a site in this Commonwealth. This chapter applies to industrialized housing, **buildings**, and housing or **building** components manufactured in manufacturing facilities located within or outside this Commonwealth.

SCOPE

§ 145.31. Requirement of certification.

(a) [**Except as otherwise provided in § 145.121(b) (Reserved), after January 1, 1975, no**] A person may not sell, lease or install for use on a site in this Commonwealth [**an**] industrialized housing [**or housing component**], **buildings, or housing or building components** unless the industrialized housing, **build-**

ing, or housing or building component is certified and bears insignia of certification issued by the Department. The insignia of certification issued by the Department shall be attached to the industrialized housing, building, or housing or building component under this chapter, and [they shall be] it is subject to subsequent removal [from the industrialized housing and housing component] in accordance with this chapter.

(b) Industrialized housing, buildings, and housing or building components of the manufacturer which have never been occupied and which serve for model or demonstration purposes for the manufacturer do not have to bear insignia of certification under this chapter, until the time that the industrialized housing, building, or housing or building components are first offered for sale or lease.

[(c) The sale or lease of an industrialized housing or housing structure in which housing components have been installed, which sale or lease occurs after the completion of installation may not be subject to this chapter, unless the person offering the industrialized housing or housing structure for sale or lease made an offer to a person prior to the completion of installation or unless the sale or lease was by or on behalf of or for the benefit of the manufacturer of the industrialized housing or housing components for the purpose of avoiding the certification requirements of this chapter. Nothing in this section shall be construed to prevent the application of this chapter to the installation of an industrialized housing or housing components.]

§ 145.36. Applicability of locally-enacted codes and ordinances.

(a) Industrialized housing [and], housing components, industrialized buildings or building components bearing [insignia] insignias of certification issued under this chapter [shall] will be deemed to comply with the requirements of building and related codes and ordinances enacted by local governments of the Commonwealth which codes and ordinances conform with the following:

(1) Are applicable to [housing or home building in] residential or commercial construction, plumbing, heating, electrical and other related codes pertaining to the construction and equipment contained within.

(2) Would otherwise be applicable to the industrialized housing [and], housing components, industrialized buildings or building components certified under this chapter as described in their building system documentation.

(b) (Reserved).

(c) If the building site is within a fire district designated by an ordinance of the local government, the requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and [procedure for adoption of amendments] adoption and effective dates—code amendments) for the fire district is applicable to the industrialized housing [or], housing components, industrialized buildings or building components. If the fire district designated by the ordinance of the local government is different from a fire district described in the applicable codes and standards adopted under §§ 145.41, 145.42 and 145.44 the requirements for

that fire district described in the applicable codes and standards which in the judgment of the evaluation agency bears the closest similarity to the description of the applicable fire district under the locally enacted ordinance is applicable.

(d) Industrialized housing and [housing structures in which housing] buildings in which industrialized housing or building components have been installed shall comply with codes and ordinances of the local governments with jurisdiction over the building site which apply to the design, installation and maintenance of waterline connections from the exterior walls of housing to their main source of supply, sewer drainage connections from the exterior walls of housing to main sewers or septic systems, and electrical line connections or other energy supply connections from the exterior walls of housing to their main source of power, notwithstanding [that the industrialized housing and housing components bear] the appropriate insignia of certification as provided for in § 145.60 (relating to insignia of certification).

(e) Nothing in the act or this chapter shall be construed as amending, repealing or superseding a local zoning ordinance, subdivision regulation, designation of fire districts or related land development code, regulation or ordinance enacted by a local government of the Commonwealth.

(f) A dispute between a person and a local enforcement agency with respect to the application of this section shall be referred to and decided by the Department under § 145.96 (relating to interpretation of this chapter).

STANDARDS

§ 145.41. Adoption of standards.

(a) The following codes, which relate to the design, materials and method of construction of buildings, are adopted as the standards applicable to the industrialized housing [and], housing components, industrialized buildings or building components for purposes of this chapter:

- (1) The ICC International Building Code.
- (2) The ICC International Mechanical Code.
- (3) The ICC International Plumbing Code.
- (4) The International Energy Conservation Code.
- (5) The National Electric Code (NFPA No. 70).

(6) The ICC International Residential Code (for one and two family dwellings and town homes)[.] except:

(i) Section R313.2, regarding automatic fire sprinkler systems in one-family and two-family dwellings, of the 2009 International Residential Code. Successor triennial revisions are excluded.

(ii) Sections R602.10—R602.12.1.6, regarding wall bracing requirements, are excluded and replaced by §§ R602.10—R602.11.3 of the 2006 International Residential Code.

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of all code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

(c) Insulation technique and installation applicable to the floor or foundation wall is not always practical at the manufacturing facility. [Industrialized-modular-hous-

ing builders or contractors] Builders or contractors of industrialized houses or buildings may supply and install the required floor or foundation wall insulation. If the floor or foundation wall insulation is not installed at the manufacturing facility, the manufacturer shall indicate on the Site Installation Inspection [Report] Checklist referenced in § 145.91(e) (relating to reports to the Department) that the insulation must be installed [on site] onsite.

(d) The provisions of the codes in subsection (a) that relate specifically to the interpretation, administration and enforcement of the codes and to matters which are not within the authority conferred on the Department by the act and this chapter are not adopted under this chapter and are not applicable in the administration and enforcement of this chapter. If there is an inconsistency or conflict between the provisions of a code adopted under this chapter and this chapter, this chapter will prevail.

(e) Only listed and labeled materials listed for use as documented shall be used in all construction.

§ 145.42. Alternate standards.

(a) As an alternative to the primary codes specified in § 145.41 (relating to adoption of standards), a manufacturer may elect to satisfy the requirements of the following alternate standards. Copies of these documents are available through the respective promulgating agencies as defined in § 145.47 (relating to acquisition of adopted codes and amendments):

(1) As an alternate to the ICC International Residential Code, Chapter 11, regarding energy efficiency, the manufacturer may use the appropriate edition of one of the following:

(i) The prescriptive methods for residential buildings in the International Energy Conservation Code compliance guide containing State maps, prescriptive energy packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (REScheck™).

(ii) Pennsylvania's Alternative Residential Energy Provisions developed by the Pennsylvania Housing Research Center at the Pennsylvania State University.

(2) As an alternate to the ICC International Residential Code, Chapter 3, regarding building planning, in regards to stairway construction, the manufacturer may use the following standard:

* * * * *

(v) Handrails may project from each side of a stairway a distance of 3 1/2 inches into the required width of the stairway.

(3) As an alternate to the ICC International Building Code, Chapter 13, regarding energy efficiency, the manufacturer may use the appropriate edition of prescriptive methods for buildings or structures in the current version of the International Energy Conservation Code compliance guide containing state maps, prescriptive packages and related software published by the United States Department of Energy, Building Standards and Guidelines Program (COMcheck™).

(b) Except as provided in § 145.43 (relating to amendment policy), the codes must be the latest edition. The effective date of code changes must be in accordance with §§ 145.44 and 145.122(b) (relating to adoption and effective dates—code amendments; and effective date).

CERTIFICATION

§ 145.51. General requirements for certification.

Industrialized housing [and], housing components, industrialized buildings or building components shall be certified if the building system documentation [for the industrialized housing or housing components] and the compliance assurance program relating to its design, materials, manufacture, transportation and installation have been approved by an evaluation agency under contractual arrangement with the Department as provided in § 145.78(b) (relating to contractual arrangements), and if the industrialized housing [or], housing components, industrialized buildings or building components have been manufactured under approved building system documentation [and an approved compliance assurance program], inspected and approved by an inspection agency. Certification shall be evidenced by insignia of certification which conform to the requirements of this chapter and which shall be issued for each [dwelling unit] module of industrialized housing, industrialized building and for each housing or building component or set of [housing] components that, upon installation, are incorporated in a [single-dwelling unit] dwelling unit or building as applicable.

§ 145.53. Variations.

Building system documentation approved under § 145.52 (relating to approval of building system documentation) may contain variations or a range of variations for one or more elements of the industrialized housing [or], housing components, industrialized buildings or building components described in the building system documentation, provided that the approved building system documentation conforms to all of the applicable requirements of the applicable codes and standards under each variation or set of variations within the range of variations. Any material deviation from variations contained within the approved building system documentation must be approved by the evaluation agency, consistent with this chapter, prior to the start of construction.

§ 145.54. Building System Approval Report and Summary.

At the time that an evaluation agency approves a set of building system documentation under § 145.52 (relating to approval of building system documentation) and the related compliance assurance program under § 145.57 (relating to approval of compliance assurance program), it [must] shall prepare a Building System Approval Report (BSAR) and a Building System Approval Summary. The BSAR [shall] must contain a list of the identification numbers of each sheet constituting the approved building system documentation, the Compliance Control Manual of the manufacturer, an Index of Code Compliance in the form specified by the Department for industrialized housing or buildings, a statement of the fire districts, if any, in which the industrialized housing or buildings can be installed, and the additional information relating to the building system documentation and the compliance assurance program as the evaluation agency deems necessary or as the Department may require. The Building System Approval Summary shall be prepared on a form furnished by the Department. The evaluation agency shall furnish to the Department and to the manufacturer one copy each of the BSAR and the

Building System Approval Summary, clearly stating the date it is effective. The BSAR shall be revised monthly as needed.

§ 145.57. Approval of compliance assurance program.

An evaluation agency shall approve a compliance assurance program for purposes of this chapter if the evaluation agency determines that the manufacturer's compliance control program, described in the compliance control manual, meets the requirements of this chapter, and the compliance control program will be monitored by an approved inspection agency. The evaluation agency shall review the manufacturer's building system documentation, the manufacturer's compliance control manual and the manufacturer's proposed implementing contract with an inspection agency, shall inspect each of the manufacturer's manufacturing facilities where the industrialized housing [or], housing components, **industrialized buildings or building components** are to be manufactured for installation on sites in this Commonwealth, and shall review the other data and information as the evaluation agency may deem necessary.

§ 145.58. Basic requirements for a compliance control program.

(a) An evaluation agency shall approve a compliance control program if it determines that the implementation of the compliance control program will assure that the industrialized housing [or], housing components, **industrialized buildings or building components**, when installed at the site, will conform to the approved building system documentation, the manufacturer possesses the facilities, personnel and organization to implement its compliance control program properly, and the requirements of this section are met. It is the policy of the Department to recognize that the level of sophistication of a compliance control program of a manufacturer will depend on many factors, including the level of sophistication and technological characteristics of the building system and the manufacturing process. It is further the policy of the Department that the maximum respect shall be accorded to a manufacturer's customary business practice consistent with achievement of the purposes of the act and this chapter. It is further the policy of the Department that the approval of a compliance control program under this chapter does not relieve the manufacturer and the inspection agency of responsibility for assuring that industrialized housing [and], housing components, **industrialized buildings or building components** manufactured for sale, lease or installation for use on sites in this Commonwealth conform in every material respect to the approved building system documentation.

(b) To facilitate review and approval, the manufacturer's compliance control program shall present an overview of its policies and procedures on the following:

- (1) The placement, storage and handling of construction materials.
- (2) The manufacturing process within the manufacturing facilities, including the jigs and fixtures necessary for production.
- (3) The storage and transportation of industrialized housing [and], housing components, **industrialized buildings or building components** to the site, including detailed lifting calculations.
- (4) The installation of industrialized housing [and], housing components [at the site], **industrialized**

buildings or building components at the site, including the Site Installation Inspection Checklist, referenced in § 145.91(e) (relating to reports to the Department), identifying specific functions and techniques that are of critical importance.

(c) For approval, except as modified under subsection (e), the compliance control program shall include requirements on the following items:

(1) Specific assignments of responsibility to designated divisions or [**employees**] **employees** of the manufacturer for every significant phase in the production, transportation and installation of the industrialized housing [or], housing components, **industrialized buildings or building components**.

(2) Procedures under which [**employees**] **employees** of the manufacturer inspect and approve each significant process in every significant phase of the manufacture, transportation and installation of the industrialized housing [or], housing components, **industrialized buildings or building components**.

(3) Procedures for marking identified deficiencies—such as serialized colored tags that can be attached to the deficiency—and for assuring their correction or the disposal of the deficient item.

(4) Procedures to assure that the fabrication or shop drawings for the industrialized housing [and], housing components, **industrialized buildings or building components** conform to the approved building system documentation or to the drawings approved by the third-party agency with whom the manufacturer has an implementing contract.

(5) Procedures to maintain, file and control fabrication or shop drawings and documents constituting the building system.

(6) Procedures to maintain complete and reliable records of the manufacture, transportation and installation of the industrialized housing [and], housing components, **industrialized buildings or building components**, each unit of which shall be assigned a manufacturer's serial number to facilitate identification.

(7) Procedures employed by the manufacturer to request, store and attach the insignia of certification issued to it by the Department under § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification).

(8) Procedures for controlling the storage and transportation of industrialized housing [and], housing components, **industrialized buildings or building components** from the manufacturing facilities to the site, identifying specific functions and techniques that are of critical importance.

(9) Procedures for controlling the installation of industrialized housing [and], housing components, **industrialized commercial buildings or industrialized commercial building components** at the site [, identifying specific functions and techniques that are of critical importance] .

(10) A brief identification and description of physical testing to be performed at a point during a phase of manufacture, transportation and installation, the frequency of its performance, and the identification and qualifications of the persons performing the testing.

(d) The list of topics set forth in subsection (c) is not exclusive and is not intended to preclude additional items and greater details prior to approving a compliance control program.

(e) If a manufacturer transfers title to and effective control over its industrialized housing [or], housing components, **industrialized buildings or building components** to other, unrelated persons at a point prior to its installation at the site, the manufacturer shall be responsible for furnishing to the persons responsible for transportation and installation adequate information [and], manuals, **checklists, Notices of Approval, and the like**, relating to the transportation and installation of the industrialized housing [and], housing components, **industrialized buildings or building components**, including the relevant portions from its compliance control program referred to in subsections (c)(8)–(10), but the manufacturer may not be responsible for implementation after the transfer of title and effective control.

(f) An evaluation agency's approval of a compliance control program shall be evidenced by the stamp of approval of the evaluation agency affixed to the title page of the compliance control manual and signed and dated by a designated [**employee**] **employee** of the evaluation agency.

§ 145.60. Insignia of certification.

(a) Certified industrialized housing [**constituting a single dwelling unit**] must bear an insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification). The manufacturer shall permanently attach the insignia of certification for each module adjacent to the data plate located in a visible location in a cabinet under the kitchen sink, or if this cabinet is not available, the location must be clearly identified on the Site Installation Inspection [**Report**] **Checklist** referenced in § 145.91(e) (relating to reports to the Department). Insignias may not be attached to doors or other easily removable features of the home. Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED HOUSING

Serial No.

This insignia certifies that this dwelling unit of industrialized housing has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act[, **Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12,**] and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(b) Each certified housing component or components comprising a [**project in**] **single unit or added to a single dwelling unit** must bear an insignia of certification for housing components. The insignia of certification [**must**] will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification to the housing component in a visible loca-

tion identified in the building system documentation and [**in the Building System Approval Report**] **must be clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e).** Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR HOUSING COMPONENTS

Serial No.

This insignia certifies that this housing component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act[, **Title 35 of the Purdon's Pennsylvania Statutes Annotated, §§ 1651.1 to 1651.12,**] and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(c) [**Insignia of certification issued by the Department will be of a size and design and of materials and will provide for the methods of attachment as determined by the Department.**] Certified industrialized commercial buildings must bear insignia of certification for each module. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification for each module in a visible location adjacent to the electrical panel box. If this area is unavailable, the location must be clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e). The insignia may not be attached to a door or other easily removable feature of the building. Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED COMMERCIAL BUILDINGS

Serial No.

This insignia certifies that this industrialized building module has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(d) Certified industrialized commercial building components, comprising a single building or unit, must bear insignia of certification for building components. The insignia of certification will be furnished by the Department to the manufacturer under the procedures of § 145.63. The manufacturer shall permanently attach the insignia of certification for each module in a visible location identified in the building system documentation and clearly identified on the Site Installation Inspection Checklist referenced in § 145.91(e). Each insignia of certification must bear an insignia serial number furnished by the Department and contain the following language:

INSIGNIA OF CERTIFICATION FOR INDUSTRIALIZED COMMERCIAL BUILDING COMPONENTS

Serial No.

This insignia certifies that this industrialized building component has been manufactured from plans, specifications and other related design documents under a compliance assurance program in accordance with the requirements of the Industrialized Housing Act and the regulations issued thereunder by the Department of Community and Economic Development of the Commonwealth of Pennsylvania.

(e) An insignia of certification issued by the Department will be of a size and design and of materials and provide for the methods of attachment as determined by the Department.

§ 145.61. Insignia of inspection agencies.

(a) The inspection agency shall attach [to a housing component] its label, seal or other insignia adjacent to the data plate for each industrialized housing or building module.

(b) The inspection agency shall attach its label, seal or other insignia or other identification for certified housing [components comprising a project in a single dwelling unit] or building components, or group of components, that are transported separately to the building site.

(c) The label, seal or other insignia of the inspection agency must identify the name [and address] of the inspection agency and have a serial number. In other respects, the inspection agency may design its label, seal or other insignia as it wishes, provided that the label, seal or other insignia does not contain statements which the Department determines are inconsistent with the act or this chapter. [Each label, seal or other insignia must be attached in a clearly visible location to the housing component or element of the industrialized housing or housing component, as applicable, by the time of its arrival at the building site, but the] The label, seal or other insignia may be covered up during the process of assembly and installation at the building site so that it is not permanently visible.

§ 145.62. Data plates.

(a) A dwelling unit of certified industrialized housing must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location as specified in § 145.60(a) (relating to insignia of certification). [The data plate must contain sufficient space to permit the attachment of insignia of certification as provided in § 145.60(a) and of the label, seal or other insignia of the inspection agency as provided in § 145.61(a) (relating to insignia of inspection agencies).] The data plate must contain, but not be limited to, the following information:

* * * * *

[(8) Serial or other identifying numbers of each module of industrialized housing.

(9)] (8) Minimum Btu output of furnace needed to maintain average 70°F interior temperature at outside design temperature of ____°F.

[(10)] (9) Annual degree days for which the house has been designed.

[(11)] (10) Snow loads—maximum.

[(12)] (11) Wind loads—maximum.

[(13)] (12) Floor loads—maximum, sleeping/nonsleeping.

[(14)] (13) Other special environmental factors.

[(15)] (14) Tests required and actually conducted.

[(16)] (15) Applicable codes, including name of code, edition or year of publication.

(b) [A housing structure containing certified] Certified housing components shall [contain] be provided with a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location [in the utility room or utility area, if feasible, and otherwise in other areas identified in the plans for the housing structure] identified in the Site Installation Inspection Checklist referenced in § 145.91(e) (relating to reports to the Department). If attachment in the factory is not possible, the data plate may be tethered to the certified housing components for attachment at the site. The manufacturer shall provide instructions for attachment along with the data plate. The insignia of certification of the Department may not be attached to the data plate. The data plate must contain, but not be limited to, the following information relating to the housing components:

* * * * *

(5) Manufacturer's serial number and date of manufacture for housing components.

(6) Inspection and evaluation agencies' serial numbers.

(7) [Serial number of Department's insignia of certification attached to each housing component.] Department insignia of certification numbers.

(8) Snow loads—maximum.

(9) Wind loads—maximum.

(10) Other special environmental factors, if applicable.

(11) [Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.] Tests required and actually conducted.

(12) [Date data plate attached to dwelling unit.] Thermal transmittance values.

(13) [Tests required and actually conducted.] Applicable codes, including name of code, edition, year of publication and applicable supplement, if any.

(c) Additional information may be included on the data plate for dwelling units of certified industrialized housing and housing structures containing certified housing components if there is no conflict with the requirements of the act or this chapter. If less than the minimum data required in this section is deemed necessary, prior approval shall be obtained from the Department.

(d) To insure that proper installation equipment is utilized for the lifting of industrialized housing units or

housing components, a manufacturer shall indicate on the data plate the total shipping weight in tons per component.

(e) Certified industrialized commercial buildings must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location as specified in § 145.60(c). The data plate must contain, but not be limited to, the following information:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where the industrialized building or its principal elements were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number and date of manufacture.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Department insignia of certification numbers.
- (8) Occupancy classification as provided for in § 145.41 (relating to adoption of standards).
- (9) Construction classification.
- (10) Snow loads—maximum.
- (11) Wind loads—maximum.
- (12) Floor loads—maximum.
- (13) Thermal transmittance values.
- (14) Other special environmental factors.
- (15) Tests required and actually conducted.
- (16) Applicable codes, including name of code, edition or year of publication.

(f) Certified industrialized commercial building components must contain a data plate. The data plate shall be furnished by the manufacturer and be permanently attached by the manufacturer in a visible location identified in the Site Installation Inspection Checklist referenced in § 145.91(e). If attachment in the factory is not possible, the data plate may be tethered to the certified building component for attachment at the site. The manufacturer shall provide instructions for attachment along with the data plate. The insignia of certification of the Department may not be attached to the data plate. The data plate must contain, but not be limited to, the following information:

- (1) Name of manufacturer.
- (2) Address of principal office of manufacturer.
- (3) Address of manufacturing facility where the industrialized housing or its principal elements were produced.
- (4) Manufacturer's model name.
- (5) Manufacturer's serial number for dwelling unit and date of manufacture.
- (6) Inspection and evaluation agencies' serial numbers.
- (7) Department insignia of certification numbers.
- (8) Occupancy classification as provided for in § 145.41.

(9) Construction classification.

(10) Snow loads—maximum.

(11) Wind loads—maximum.

(12) Floor loads—maximum.

(13) Thermal transmittance values.

(14) Other special environmental factors.

(15) Tests required and actually conducted.

(16) Applicable codes, including name of code, edition or year of publication.

§ 145.63. Procedures for requesting, controlling and attaching insignia of certification.

(a) A manufacturer with an approved building system documentation and related approved compliance assurance program may request the Department to issue to it insignia of certification, in a quantity not less than five and not more than the quantity needed for the manufacturer's reasonably estimated production during a 1-month period. The manufacturer's request shall be made on a Request for Insignia of Certification Form furnished by the Department and shall be accompanied by a check [or], money order [,] or electronic payment in an amount calculated in accordance with the fee schedule in § 145.94 (relating to fees). If the manufacturer's request is complete and the fee payment is correct **and the manufacturer and its third-party agency have fulfilled all of their obligations under this chapter**, the Department will promptly issue to the manufacturer the requested number of insignia of certification. Each individual insignia of certification shall bear a separate insignia serial number written thereon by the Department. The insignia of certification issued to the manufacturer shall be accompanied by an Insignia of Certification Inventory Control List, on a form furnished by the Department [, on which the Department has written the serial number of each insignia and the date of shipment to the manufacturer, and with space to permit additional information to be recorded regarding the storage and disposition of each insignia of certification]. The Department will send a copy of the Insignia of Certification Inventory Control List to the appropriate inspection agency.

(b) The manufacturer shall entrust the custody of the insignia of certification received from the Department only to employees designated in the compliance control program as responsible for the custody and control of the insignia of certification. The manufacturer shall attach the insignia [**to dwelling units of industrialized housing or to housing components**] only in the circumstances prescribed in the compliance control program and only with the prior specific authorization from the inspection agency. The manufacturer shall attach the insignia of certification in the manner specified by the Department intended to assure that the insignia cannot be removed without destroying the insignia. The manufacturer shall promptly record the attachment of each insignia of certification on the Insignia of Certification Inventory Control List. A copy of the Insignia of Certification Inventory Control List, with all columns filled out by the manufacturer, shall be sent by the manufacturer to the Department and to the inspection agency promptly following the use of all the insignias listed on the list. The manufacturer shall report to the Department and to the inspection agency the status of all insignias issued to them on a monthly basis, utilizing a method approved by the Department.

(c) The manufacturer shall return to the Department unused insignia of certification that have been issued to it within 10 days following the suspension of approval under § 145.66(a) (relating to emergency suspension) of previously approved building system documentation or compliance assurance programs of the manufacturer, or following the suspension under § 145.66(b) of the manufacturer's right to receive or attach insignia of certification, or following recall under § 145.69 (relating to suspension of certificate of approval of out-of-State manufacturer for lack of activity) or following the manufacturer's discontinuance of the manufacture of industrialized housing, **buildings**, or housing **or building** components for sale, lease or installation for use in this Commonwealth, or following the bankruptcy or dissolution of the manufacturer or the discontinuance of the manufacturer's business for whatever reason, or following the manufacturer's determination that the insignia of certification is no longer needed. The Department will cause the manufacturer to be refunded a portion of the fee already paid for the insignia equal to the product of the number of insignia of certification returned by the manufacturer and the fee per insignia paid by the manufacturer, less \$50 to be retained by the Department for handling expenses. Insignia returned to the Department under § 145.69 will not be subject to the charge for handling expenses.

(d) A manufacturer may not use, transfer, sell or otherwise dispose of insignia of certification issued to it by the Department in any manner not specifically authorized of this chapter.

§ 145.64. Modification [**of industrialized housing or housing components**] after certification.

(a) Certified industrialized housing, **buildings** and certified housing **or building** components bearing the insignia of certification may not be modified after the insignia of certification has been attached, unless the modification is approved in advance by the evaluation agency on the basis that the industrialized housing, **building**, or housing **or building** component, as so modified, will still conform to the approved building system documentation. Approvals of modifications which are consistent with the approved building system documentation may be by oral authorization by an officer or [**employee**] **employee** of the evaluation agency, but in [**such**] **this** event each approval shall be subsequently evidenced by a letter from the evaluation agency to the manufacturer within 10 days after the oral authorization. Proposed modifications which are inconsistent with the approved building system documentation shall be treated as proposed amendments to the building system documentation subject to the approval of the evaluation agency under § 145.55 (relating to general requirements for approval of amendments to building system documentation).

(b) Modifications of certified industrialized housing, **buildings**, or certified housing **or building** components are not prohibited under the act or [**the provisions of**] this chapter if the modifications are made after the issuance of a certificate of occupancy[, **or other similar permit,**] by the local enforcement agency [**or, if the industrialized housing or housing components have been installed for use in a jurisdiction of local government which does not issue certificates of occupancy, or other similar permit, after occupancy of such industrialized housing or housing structure containing the housing components by a person intending to reside therein for a continuous period of 6 months, unless the modifications are made by**

the manufacturer or other person with an intent to evade the requirements of the act or this chapter]. The modifications referred to in this subsection [**shall be**] **are** subject to other applicable laws, codes and ordinances of the Commonwealth and of the local government of the jurisdiction in which the industrialized housing or [**housing**] **building** structure is located.

(c) Nothing in this section shall prevent a manufacturer, on its own motion or at the order of the inspection agency or of the Department, from repairing damage to or remedying a defect found in an industrialized housing component.

§ 145.66. Emergency suspension.

* * * * *

(d) No industrialized housing [**or**], housing components, **industrialized building or building components** may be certified and insignia of certification attached thereto while an emergency suspension under this section pertaining to the manufacturer shall remain in effect, unless otherwise permitted by order of the Department.

§ 145.67. Revocation of certification [**of industrialized housing and housing components**].

(a) The Department or the appropriate third-party agency may send by certified mail a notice of intent to revoke:

* * * * *

(2) The authority of the manufacturer to receive and to attach insignia of certification to industrialized housing [**or**], housing components, **industrialized building or building components** following a determination by the agency that the manufacturer is possibly failing in any material respect to conform with its approved building system documentation or to meet its responsibilities under the approved compliance assurance program or that the manufacturer is in violation in any material respect of the act or this title.

* * * * *

(c) If the manufacturer fails to correct the violations within the time allowed, the Department will schedule a hearing to consider revocation of:

(1) The certification of industrialized housing [**and**], housing components, **industrialized building or building components**.

* * * * *

§ 145.69. Suspension of certificate of approval of out-of-State manufacturer for lack of activity.

A manufacturer certified to ship industrialized housing [**or**], housing components, **industrialized buildings or building components** into this Commonwealth and whose plant is located in another state will have its certificate suspended if it fails to [**ship any units into**] **manufacture units for installation on a site in** this Commonwealth for 2 consecutive years. Written notice of this suspension will be provided to the manufacturer. If the manufacturer desires to ship a unit into this Commonwealth within 1 year of its suspension, approval may be reinstated through a letter submitted by an approved third-party agency to the Department which provides that the manufacturer meet the requirements of the laws and this title, including the submission to the Department of its current approved building system documentation and

compliance assurance program if the previous submissions to the Department have been revised. The Department will review the third-party evaluation and then conduct an inspection of the plant. If a manufacturer has not made shipments into this Commonwealth for 1 year from the date of the suspension of its certificate, the certificate will lapse. To be reapproved, the manufacturer shall comply with this title in the same manner as would another manufacturer applying for initial approval.

THIRD-PARTY AGENCIES

§ 145.70. Departmental evaluation and inspection.

A manufacturer producing industrialized housing [or], housing components, **industrialized buildings or building components** for installation in this Commonwealth has the option of electing the Department to evaluate or inspect, or both, its products for certification. The Department will provide the services requested subject to the availability of staff. The following are applicable:

(1) The manufacturer shall enter into an implementing contract with the Department which shall include, but not be limited to, a specific time period for the contract, a mutual termination clause with a minimum of 45 days of notice to terminate period, the services to be provided, and the fees to be charged to the manufacturer for services in accordance with § 145.94(e) (relating to fees).

(2) Evaluation services by the Department will include:

(i) Investigation, evaluation, testing, and, if justified, approval of each set of building system documentation, and each amendment thereto submitted to it by a manufacturer for compliance with all of the applicable requirements of the codes and standards adopted under §§ 145.41, 145.42 and 145.43 (relating to adoption of standards; alternate standards; and amendment policy).

(ii) Investigation, evaluation, and, if justified, approval of the compliance assurance program and each amendment thereto—relating to the manufacture, transportation and installation of industrialized housing [or], housing components, **industrialized buildings or industrialized building components** described in each set of building system documentation approved under this section—submitted by the manufacturer for compliance with the requirements of this title.

(iii) Preparation and periodic revisions as necessary of the Building System Approval Report for each set of approved building system documentation and related compliance program.

(3) Inspection services by the Department will include:

(i) Monitoring the manufacturer's compliance control program for the manufacture, transportation and installation of industrialized housing [or], housing components, **industrialized buildings or building components** of each manufacturer having an implementing contract.

(ii) Verification that the industrialized housing [or], housing components, **industrialized buildings or building components** have been manufactured under approved building documentation and an approved compliance assurance program and authorization to the manufacturer for the attachment of insignia of certification to the industrialized housing [or], housing components, **industrialized buildings or building components**.

(4) Procedure for requesting, controlling and attaching insignia of certification shall be the same as detailed in § 145.63 (relating to procedures for requesting, control-

ling and attaching insignia of certification). Manufacturers shall purchase their insignia of certification at fees indicated in [§ 145.94(c) and (d)] § 145.94(e) and (f), and the cost of the insignia is not included in their evaluation or inspection, services, or both, provided by the Department under [paragraphs (1)—(3)] § 145.94(e).

(5) The specification document defining the requirements for submission of drawings, specifications, calculations and related material for Departmental approval will be provided upon request of the manufacturer.

§ 145.71. Responsibilities of evaluation agencies.

Each evaluation agency shall discharge under [these regulations] this chapter the following responsibilities:

* * * * *

(2) Investigation, evaluation and, if justified, approval of the compliance assurance program, and each amendment thereto, relating to the manufacture, transportation and installation of the industrialized housing [or], housing components, **buildings or building components** described in each set of building system documentation approved under subsection (a), submitted to it by a manufacturer with which it has an implementing contract for compliance with the requirements of this chapter.

* * * * *

§ 145.72. Responsibilities of inspection agencies.

Each inspection agency shall discharge under this chapter the following responsibilities:

(1) Monitoring the manufacturer's compliance control program for the manufacture, transportation and installation of industrialized housing [or], housing components, **buildings or building components** of each manufacturer with which it has an implementing contract.

(2) Verification that industrialized housing [or], housing components, **buildings or building components** have been manufactured under approved building system documentation and an approved compliance assurance program and authorization to the manufacturer of the attachment of insignia of certification to the industrialized housing [or], housing components, **buildings or building components**.

(3) Preparation of reports to the Department as are required by this chapter or as may be required by the Department in carrying out its responsibilities under the act and this chapter.

(4) Performance of its obligations under its contract with the Department.

§ 145.72a. Frequency of inspections.

(a) In carrying out its monitoring responsibilities under § 145.72 (relating to responsibilities of inspection agencies), an inspection agency shall observe the [following] minimum frequency of inspection requirements [:] in this subsection. During the inspection agency's initial work at the factory or after revocation under § 145.67 (relating to revocation of certification), the inspection agency shall monitor the manufacturer's approved compliance control program by inspecting industrialized housing, buildings, or housing or building components until it can be certified that the manufacturer is producing conforming industrialized housing, buildings, or housing or building components on an ongoing basis. Due to the varied

nature and complexities of these products prior to beginning this certification process, the third-party agency shall submit to the Department its recommendation as to the minimum inspection frequency required to certify, and the frequency of inspections for routine inspection surveillance to assure the manufacturer is producing conforming housing or building components on an ongoing basis. The Department will review and determine if the third-party agency's proposal is adequate to grant the manufacturer authority to receive and attach insignias of certification. At any time during the certification process, the inspection agency may modify the proposal and submit the revised proposal to the Department for further review.

[(1) During the inspection agency's initial work at the factory or after revocation under § 145.67 (relating to revocation of certification of industrialized housing and housing components), the inspection agency shall monitor the manufacturers approved compliance control program by inspecting industrialized homes throughout every work station, until it can be certified that the manufacturer is producing conforming homes on an ongoing basis.

(2) At a minimum, ten industrialized homes shall be inspected at every work station prior to granting the manufacturer authority to receive and attach insignias of certification for industrialized housing. At least one home through this certification process must be an industrialized house or housing component destined for a site in this Commonwealth.

(b) In carrying out its monitoring responsibilities under §§ 145.72(1), an inspection agency shall inspect every major subsystem of every dwelling unit produced which is to bear the insignia of certification when the inspection agency label is not being attached to every dwelling unit produced in the factory.]

[(c)] (b) An inspection agency's monitoring responsibilities under § 145.72(1) [and (2)] include, at a minimum, the monthly inspection of the storage and transportation methods and facilities employed by or on behalf of the manufacturer for as long as the manufacturer retains title to or effective control over the [dwelling] units to insure that the units are not altered from the manner in which they were approved.

[(d)] (c) In carrying out its monitoring responsibilities under § 145.72(1) [and (2)], an inspection agency shall inspect industrialized housing and buildings at the site after installation is complete in a manner and frequency, consistent with factors set forth in subsection [(e)] (d), necessary to confirm that the manufacturer's approved compliance control program is effective in assuring installation consistent with the manufacturer's approved building system documentation. Documentation of the onsite inspections must be on file in each manufacturing facility and be provided to the Department within 30 days of the Department's request for the documentation.

[(e)] (d) The minimum frequency of inspection requirements of this section are not intended to substitute for the professional judgment of an inspection agency in determining whether a greater frequency of inspections is necessary to discharge its responsibilities properly. Factors that should be considered in establishing an appro-

priate frequency of inspection level for any manufacturer are the production volume of the factory, the design complexity of the [dwelling] units, the qualifications of the manufacturer's compliance control personnel and the experience record of the manufacturer.

§ 145.73. Criteria for approval of evaluation and inspection agencies.

(a) The Department will [approve] accept a written application from the designated [employe] employee of an agency who [applies to it] wishes to become an evaluation agency or an inspection agency [if] for industrialized housing or industrialized buildings, or both. If the Department determines, on the basis of the inquiry as the Department deems necessary and appropriate, that the agency possesses the capacity of discharging reliably, objectively and without bias the responsibilities assigned by this chapter to an evaluation agency or to an inspection agency, as the case may be, the Department will approve the application. In making the determination, the Department will consider that:

(1) There is a sufficient breadth of interest or activities so that the loss or award of a specific contract to an agency determining compliance of a product with this chapter would not be a substantial factor in the financial well-being of the agency performing the required functions.

(2) Employment security of personnel is free of influence or control by any manufacturer, supplier or vendor.

(3) The agency is not engaged in the promotion of products that they shall determine to be in compliance with this chapter.

(b) The Department will evaluate information on the following factors that relate to the ability of the applying agency to discharge the responsibilities that would be assigned to it as an approved evaluation agency or an approved inspection agency, as the case may be:

(1) The legal character and good standing of the applying agency.

(2) The financial strength of the applying agency.

(3) The current qualifications of the management and technical personnel of the applying agency. A list of the required qualifications will be published in the *Pennsylvania Bulletin* annually.

(4) The range of salaries and other compensation of the technical personnel, including inspectors of the applying agency, excluding principals, principal officers, and directors of the applying agency.

(5) The policies and procedures of the applying agency for the hiring, training and supervision of technical personnel, including education and training following changes in the codes and standards applicable under this chapter.

(6) The extent, if any, to which the applying agency will engage independent consultants and the functions the independent consultants will perform; in general, the Department will not approve an applying agency who utilizes as key technical or supervisory personnel anyone who is an independent consultant. Also, the Department will not permit the use, by an inspection agency, of part-time inspectors unless the inspection agency's present volume of business in designated geographic areas does not justify full-time personnel or unless there are other compelling justifications.

(7) The prior experience **and level of performance** of the applying agency in performing similar or related functions.

(8) The capability, if any, of the applying agency to perform testing, including the nature of the testing and the facilities and personnel to perform it, and the identity, facilities, experience and key personnel of an independent testing agency with which arrangements have been made for testing services and the nature of the testing services.

(9) The extent, if any, to which the applying agency is affiliated with or influenced or controlled by a producer, manufacturer, supplier or vendor of products, supplies or equipment used in industrialized housing or [**housing components**] **industrialized buildings**.

(10) The procedures to be used by the applying agency in discharging the responsibilities under this chapter of an evaluation agency or inspection agency, as the case may be. An applying agency seeking approval as an inspection agency [**should furnish representative examples of compliance assurance manuals**] **shall furnish the complete procedures for monitoring the manufacturer's compliance control program** it would use for each type of construction for which it seeks approval, and state its policy with respect to the frequency at which it will conduct inspections of each phase of the manufacture, transportation and installation of industrialized housing [**and**], housing components, **industrialized buildings or building components**.

(c) The Department may consider information with respect to other factors that it may deem relevant to its determination of approval or disapproval. In approving an evaluation or inspection agency, the Department may limit the scope of the agency's approved activities to particular types of industrialized housing, **buildings**, or housing **or building** components, geographic area or the number of manufacturers the Department determines an agency can effectively evaluate or inspect, or both.

§ 145.74a. Prohibition on consulting services.

A third-party agency may not perform consulting engineering services relating to industrialized housing [**or**], housing components, **industrialized buildings or building components** for a manufacturer for as long as the third-party agency has an implementing contract with the manufacturer **or related manufacturer** under § 145.78(c) (relating to contractual arrangements).

§ 145.76. Reapprovals of third-party agencies.

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(b) Within 30 days following the receipt by the Department of an application for reapproval, the Department will make its determination whether the applying third-party agency continues to meet the requirements of this chapter for an **industrialized housing evaluation agency or commercial building** evaluation agency, **or both**, or an **industrialized housing inspection agency or commercial building** inspection agency, or both. In the event of a disapproval, the Department will provide the applying third-party agency with a brief written explanation of the reasons for the disapproval. In the event of a reapproval, the Department will provide the applying third-party agency with a brief written letter of reapproval. A reapproval shall expire on the date of the next anniversary of the date of the scheduled expiration of the current approval from the Department.

(c) The Department may, on its own motion or at the request of an evaluation agency or inspection agency,

grant a temporary reapproval of an evaluation agency or inspection agency for a period not to exceed 60 days. The applying third-party agency seeking reapproval shall be subject to procedures that satisfy the Department of its ability to perform its functions. The procedures shall require annual interviews of third-party agency personnel at their headquarters **or by teleconference** to assess the desired performance.

§ 145.78. Contractual arrangements.

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(c) A manufacturer seeking certification of industrialized housing [**or**], housing components, **industrialized buildings or building components** that it manufactures shall enter into implementing contracts with an evaluation agency and an inspection agency with contracts with the Department under subsection (b). Each third-party agency shall send a copy of each implementing contract to the Department.

(d) A manufacturer of industrialized housing [**or**], housing components, **industrialized buildings or building components** approved under this title shall have a current implementing contract with an approved evaluation agency and an approved inspection agency or have alternate arrangement for evaluation or inspection, or both, of its products with the Department under § 145.70 (relating to Departmental evaluation and inspection).

(e) A manufacturer of industrialized housing [**or**], housing components, **industrialized buildings or building components** operating under an implementing contract with an approved evaluation agency and an approved inspection agency, who wishes to enter into an implementing contract with a different evaluation or inspection agency, shall provide justification and receive approval from the Department prior to entering into the new contract, **except as provided for in § 145.79(e) (relating to suspension and revocation of third-party agencies)**.

§ 145.79. Suspension and revocation of third-party agencies.

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(f) If the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of industrialized housing or housing structures containing housing components [**because the industrialized housing or housing components**] **or industrialized buildings or structures containing industrialized building components**, **because they** were manufactured in accordance with building system documentation and related compliance assurance program approved by an evaluation agency whose approval has been suspended or revoked by the Department under this section or were certified by an inspection agency whose approval has been suspended or revoked by the Department under this section, the Department may require the manufacturer to take the actions with respect to the industrialized housing or housing components, **industrialized buildings or building components** as may be necessary to eliminate substantially the threat to the health, safety or welfare of the occupants.

(g) Upon the suspension or revocation of an evaluation agency or inspection agency under this section, the Department will, upon the request of a manufacturer with an implementing contract with the suspended or revoked third-party agency, consult with the manufact-

urer to establish a temporary arrangement by which the manufacturer can continue to manufacture, sell, lease and install industrialized housing [and], housing components, **industrialized buildings or building components** in conformity with the act and this chapter until the suspension or revocation is lifted or an implementing contract entered into with another third-party agency. For these purposes, the Department may in its sole discretion discharge some or all of the responsibilities of a third-party agency. The Department may also approve another temporary arrangement which the Department determines would best promote the purposes of the act and this chapter under the circumstances.

LOCAL ENFORCEMENT AGENCIES

§ 145.81. Responsibilities of local enforcement agencies.

(a) Local enforcement agencies, **building code and construction code officials** can make an important contribution to the effective administration of the act and this chapter. In addition to discharging the responsibility under local law for the enforcement of applicable locally-enacted codes and ordinances governing site preparation work and water, sewer, electrical and other energy supply connections as described more particularly in § 145.36 (relating to applicability of locally-enacted codes and ordinances), and in view of the responsibilities of local enforcement agencies under State and local law and of the responsibilities of local governments to cooperate with agencies of the Commonwealth to protect the health, safety and welfare of the citizens of [the] **this Commonwealth**, local enforcement agencies shall assist the Department in enforcing the act and this chapter for industrialized housing [and], housing components, **industrialized buildings or building components** at the time of installation in the jurisdiction of their local government in the following respects:

(1) Site inspections of industrialized housing [and], housing components, **industrialized buildings or building components**, upon arrival at the site, [**but prior to installation,**] for apparent damage occurring during transportation from the manufacturing facilities to the site and other apparent nonconformity with the approved building system documentation.

(2) Site inspections of the installation of the industrialized housing [**and housing components at the site for nonconformity with**], housing components, **industrialized buildings or building components consistent with those elements of installation addressed in the Site Installation Inspection Checklist required under § 145.91(e) (relating to reports to the Department)** and the installation instructions in the Building System Approval Report.

(3) Notifications to the **Department and the manufacturer [and to the inspection agency with an implementing contract with the manufacturer]** of damage and nonconforming elements found in the industrialized housing [and], housing components, **industrialized buildings or building components** as a result of the site inspections, as well as additional site inspections of efforts made to remedy or repair the damage and nonconforming elements shall be [**channelled**] **channeled** through the Department.

(4) Notification to the Department of violations of the act and this chapter by the manufacturer, inspection agency or other person, including instances in which

industrialized housing [and], housing components, **industrialized buildings or building components** are installed or are intended for installation without bearing the required insignia of certification.

(5) Cooperation with the Department in efforts to take action to remedy the violations and prevent future occurrences.

(b) Site inspections of industrialized housing and housing components which a local enforcement agency performs under this chapter shall include, and be limited to, any type of visual exterior inspection and monitoring of tests performed by other persons during installation in accordance with the installation requirements in the Building System Approval Report. Destructive disassembly of the industrialized housing [or], housing components, **industrialized buildings or building components** may not be performed, and nondestructive disassembly may not be performed in the course of an inspection except to the extent of opening access panels and cover plates.

§ 145.82. Issuance of building permits.

(a) A person seeking a building permit from a local enforcement agency for industrialized housing or a housing structure in which will be installed housing components, **industrialized buildings or structures containing industrialized commercial building components** shall furnish **installation documentation required under § 145.58(b)(4) (relating to basic requirements for a compliance control program)** and a current Notice of Approval under § 145.92(a)(5) (**relating to reports by the Department**) and a statement signed by the person seeking the building permit or, if a corporation, by an officer or authorized representative of the corporation, that the work to be performed under the building permit will include the installation of certified industrialized housing [**or certified**], housing components, **industrialized buildings or building components** bearing the **appropriate** insignia of certification issued by the Department under the act and this chapter.

(b) The local enforcement agency may not withhold the issuance of a building permit for certified industrialized housing or a housing structure in which will be installed certified housing components, **industrialized buildings or structures containing industrialized building components** if the applicant submits the documents required by this section, and the application for a building permit complies with applicable locally-enacted codes and ordinances with regard to set-up and site details, [**consistent with the approved building system documentation**] and land use.

§ 145.83. Issuance of certificates of occupancy.

The local enforcement agency may not withhold the issuance of a certificate of occupancy or other similar permit for certified industrialized housing or a housing structure in which has been installed certified housing components [**if the industrialized housing or housing**], **industrialized buildings or structures containing building components if the properly completed Site Installation Inspection Checklist required under § 145.91 (relating to reports to the Department)** is submitted and the structure was constructed and installed on the site under a validly issued building permit and in other respects complies with applicable locally-enacted codes and ordinances not preempted by the act and this chapter.

ADMINISTRATIVE PROVISIONS

§ 145.91. Reports to the Department.

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(e) A person installing industrialized housing [or], housing components, **industrialized buildings or building components** for use on a site in a jurisdiction in this Commonwealth shall [prepare] **complete** and return to the manufacturer **and provide a copy to the local building code official** a Site Installation Inspection [Report] **Checklist** on a form furnished by the manufacturer [as part of the approved compliance control program]. The manufacturer is responsible for furnishing to the person performing the installation a copy of the Site Installation Inspection [Report] **Checklist** Form and instructions as to its intended use.

§ 145.92. Reports by the Department.

(a) The Department will send [periodic reports, no less frequently than once every calendar quarter,] **reports** to third-party agencies and manufacturers with approved building system documentation which [reports shall] **will** include all of the following:

* * * * *

(4) A current list of the names and addresses of currently approved third-party agencies.

(5) **A Notice of Approval to each manufacturer that is approved as provided for in § 145.72a (relating to frequency of inspections).**

(b) Each report may contain additional information relating to the administration of this chapter.

* * * * *

§ 145.93. Factory inspections; right of entry.

(a) *Authorized inspections by Department.*

(1) The Department is authorized to inspect:

(i) A manufacturing facility of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 (relating to issuance of insignia of certification).

(ii) The transportation facilities utilized for the transport of certified industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components**.

(iii) The building sites on which certified industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components** have been or are intended to be installed.

(iv) The books and records—wherever maintained—of a manufacturer with approved building system documentation or to whom insignia of certification has been issued under § 145.103 which relate to the manufacture, sale, lease or installation of industrialized housing [or], housing components, **industrialized commercial buildings or industrialized commercial building components** for use on a site in this Commonwealth.

(v) The facilities and the books and records of a third-party agency which relate to the discharge of its responsibilities under this chapter.

(2) A manufacturer with approved building system documentation or to whom insignia of certification has

been issued under § 145.103 and every approved evaluation agency and approved inspection agency shall grant to authorized representatives of the Department the right of entry on its property at reasonable times during normal business hours for the purpose of conducting the inspections and examinations as authorized under this section.

(3) Persons selling, acquiring or leasing the industrialized housing [or], housing components, **industrialized buildings or building components**, and persons engaged in its transportation to and installation at the building site, shall grant to authorized representatives of the Department the same right of entry on their property as the manufacturer is required to grant under this chapter.

(b) *Yearly inspections.* A factory or manufacturing facility with approved building system documentation will be inspected at least once each year by the Department. The inspections are to verify the effectiveness of the sponsor's quality program and compliance with approved building systems documentation.

(c) *Inspection upon complaints or suspected violations.* A manufacturer with approved building system documentation shall grant to authorized representatives of an evaluation and inspection agency with which it has an implementing contract the right of entry on its property at least twice per year during normal business hours and at other times upon complaint or a reasonable belief that violations of this chapter may exist, for the purpose of conducting inspections and examination as the evaluation or inspection agency deems necessary to discharge its responsibilities under this chapter and under its contract with the manufacturer. Persons selling, acquiring or leasing the industrialized housing [or], housing components, **industrialized buildings or building components**, and persons engaged in its transportation to and installation on the building site, shall grant to an evaluation and inspection agency with an implementing contract with the manufacturer the same right of entry on their property as the manufacturer is required to grant under this chapter.

(d) *Inspection restrictions.* Upon entry onto a manufacturer's property or other property for the purpose of conducting an inspection under this section, the Department's [**employee**] **employee** or representative will state the scope of the intended inspection and that the inspection will be conducted under the act.

§ 145.94. Fees.

(a) A person submitting an application to the Department under § 145.75(a) (relating to procedures for obtaining approvals of evaluation and inspection agencies) for approval as an **industrialized housing** evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an **industrialized housing** evaluation agency and an inspection agency, the combined fee [**shall be**] **is** \$2,000.

(b) A third-party agency submitting an application to the Department under § 145.76 (relating to reapprovals of third-party agencies)[,] for reapproval as an **industrialized housing** evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as both an **industrialized housing** evaluation agency and an inspection agency, the combined fee [**shall be**] **is** \$1,000.

(c) [**Each manufacturer requesting the Department under § 145.63 (relating to procedures for**

requesting, controlling and attaching insignia of certification) to issue insignia of certification shall pay a fee of \$40 for the insignia of certification for each module of industrialized housing.] A person submitting an application to the Department under § 145.75(a) for approval as an industrialized buildings evaluation agency or inspection agency shall pay a fee of \$1,000. If the person seeks approval as both an evaluation agency and an inspection agency, the combined fee is \$2,000.

(d) [Each manufacturer requesting the Department under § 145.63 to issue insignia of certification for housing components shall pay a fee of \$40 for each housing component which will bear insignia of certification.] A third-party agency submitting an application to the Department under § 145.76, for reapproval as an industrialized buildings evaluation agency or inspection agency shall pay a fee of \$500. If the person seeks reapproval as both an industrialized buildings evaluation agency and an inspection agency, the combined fee is \$1,000.

(e) For manufacturing facilities in this Commonwealth, the insignia of certification fee is:

(1) \$40 per insignia for each module of an industrialized housing.

(2) \$40 per insignia for each industrialized housing component. The fee payable under this paragraph for industrialized housing components installed in or on a single dwelling unit may not exceed \$40.

(3) \$60 per insignia for each transportable section of an industrialized building.

(4) \$60 per insignia for each industrialized building module or component. A manufacturer may request special consideration from the Department in the event the manufacturer believes that insignia placement on individual modules or components is unreasonable due to the unique scope of a particular project.

(f) For manufacturing facilities outside of this Commonwealth, the insignia of certification fee is:

(1) \$60 per insignia for each module of an industrialized housing unit.

(2) \$60 per insignia for each industrialized housing component. The fee payable under this paragraph for industrialized housing components installed in or on a single dwelling unit may not exceed \$60.

(3) \$90 per insignia for each transportable section of an industrialized building.

(4) \$90 per insignia for each industrialized building module or component. A manufacturer may request special consideration from the Department in the event the manufacturer believes that insignia placement on individual modules or components is unreasonable due to the unique scope of a particular project.

[(e)] (g) When the Department is authorized to monitor or inspect under § 145.93 (relating to factory inspections; right of entry) or otherwise, or provide evaluation or inspection services, or both, under § 145.70 (relating to Departmental evaluation and inspection), the manufacturer shall pay to the Department the following fees:

(1) Engineering services—[\$400 per day or \$60] \$75 per hour.

(2) Administrative services—[\$175 per day or \$25] \$40 per hour.

(3) Travel and per diem expenses—current Commonwealth travel and per diem expenses.

[(f)] (h) The Department may establish reasonable handling and other administrative fees as indicated elsewhere in this chapter, subject to the stated limitations in amount.

[(g)] (i) Fees paid to the Department under this chapter are nonrefundable except as otherwise specifically set forth in this chapter. Fees must be paid **electronically (as determined by the Department)**, by check or money order.

§ 145.97. Amendments to this chapter.

The Department may propose amendments to this chapter. The Department will [**mail a copy of**] **publish** each proposed amendment **in the *Pennsylvania Bulletin* and provide notice of the amendment** to third-party agencies and to manufacturers with approved building system documentation. The Department will hold public hearings on proposed amendments to this chapter. A proposed amendment shall become effective upon compliance with the applicable requirements of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102, 1201—1208 and 1602) and 45 Pa.C.S. [**Chapters 5, 7 and 9, known as the Commonwealth Documents Law**] **Part II (relating to publication and effectiveness of Commonwealth documents)**.

§ 145.99. Remedies.

The Department may seek an order from a court of applicable jurisdiction in this Commonwealth for the enforcement of the act or this chapter, including without limitation an order for injunctive relief to enjoin the sale, lease, delivery or installation of [**an**] industrialized housing [**or**], housing components, **buildings or building components** which have not been manufactured, transported or installed in conformity with the requirements of the act or this chapter, or for the refusal of a party to comply with the act or this chapter.

INTERSTATE ACCEPTABILITY

§ 145.101. General authority.

The Department is authorized under section 6 of the act (35 P.S. § 1651.6) to issue insignia of certification to **approved manufacturers [of industrialized housing and housing components] under this program** for their industrialized housing [**or**], housing components, **industrialized buildings or building components** which have been certified by any competent authority within a [**State**] **state** of the United States following a finding by the Department that the certifications have been granted on the basis of standards substantially equivalent to this chapter. Sections 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority; and issuance of insignia of certification) set forth more detailed criteria to support a finding by the Department that the standards are substantially equivalent to this chapter and establish additional procedures necessary to safeguard the health, safety and welfare of the citizens of this Commonwealth from noncomplying industrialized

housing [**and**], housing components, **industrialized buildings or building components** certified by a competent [**State**] **state** authority.

§ 145.102. Determinations of acceptability of certifications of a competent [**State**] **state** authority.

(a) The Department may, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and the other information as it may consider necessary for an informed finding, find that the standards of a competent authority of a [**State**] **state** of the United States under which industrialized housing [**or**], housing components, **industrialized buildings or building components** are certified, are substantially equivalent to the provisions of this chapter. The finding by the Department [**shall**] **will** be based on the following subsidiary findings:

(1) An agency, authority or division of the government of a [**State**] **state** of the United States has established and is actively administering under valid legislative authority a program for the certification of industrialized housing [**or**], housing components, **industrialized buildings or building components** or type of industrialized housing [**or**], housing components, **industrialized buildings or building components** similar in its purposes to the program authorized by the act.

(2) The codes and standards utilized by the competent authority of the other [**State**] **state** governing the design, materials and method of construction [**of the industrialized housing or housing components**] are substantially equivalent to the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44 (relating to adoption of standards; alternate standards; and adoption and effective dates—code amendments). The determination of substantial equivalency [**shall**] **will** be based on a finding that the degree of protection to the health, safety and welfare of the citizens of this Commonwealth would not be materially less under other codes and standards than under the codes and standards adopted by the Department under §§ 145.41, 145.42 and 145.44. It is not intended that findings of substantial equivalency be limited to codes adopted by other jurisdictions which are identical or substantially identical with the codes adopted under §§ 145.41, 145.42 and 145.44. In addition, a finding of substantial equivalency may be limited to designated types of buildings or methods of construction for buildings.

(3) The competent [**State**] **state** authority will not certify industrialized housing [**or**], housing components, **industrialized buildings or building components** unless there has been a finding that the manufacturer is administering an acceptable compliance control program or, if third-party agencies are utilized, there is an acceptable compliance assurance program.

(4) The evaluation of the building system documentation of manufacturers for conformity with the adopted codes and standards and of the related compliance control program or compliance assurance program, as the case may be, is performed by personnel possessing satisfactory qualifications to assure determinations that are reliable, objective and without bias.

(5) The procedures adopted by the competent [**State**] **state** authority are satisfactory to assure effective enforcement of the regulations and standards adopted by that jurisdiction.

(b) If the Department makes a finding of substantial equivalency under subsection (a), it shall further determine whether there are procedures adopted by the competent [**State**] **state** authority with respect to which the finding of substantial equivalency is made under which the Department would be promptly notified in the event of the suspension or revocation of approval of any manufacturer or third-party agency or of any other approval issued by the competent [**State**] **state** authority relating to the enforcement of its applicable regulations. If there are no procedures for prompt notification to the Department, the Department may seek agreement from the competent [**State**] **state** authority for the establishment of notification procedures.

(c) Promptly after the Department makes a finding of substantial equivalency under subsection (a) with respect to the standards adopted by a competent [**State**] **state** authority under which industrialized housing or housing components are certified by the authority, and further determines that the competent [**State**] **state** authority has adopted the notification procedures prescribed in subsection (b), the Department will notify third-party agencies and manufacturers with approved building system documentation that, on compliance with the requirements of § 145.103 (relating to issuance of insignia of certification), the Department will issue to a manufacturer insignia of certification for attachment to industrialized housing [**or**], housing components, **industrialized buildings or building components** certified by the competent [**State**] **state** authority with respect to which the findings have been made.

§ 145.103. Issuance of insignia of certification.

(a) A manufacturer, regardless of whether its building system documentation and related compliance assurance program have been approved under this chapter, may request that the Department issue to it insignia of certification for attachment to industrialized housing [**or**], housing components, **industrialized buildings or building components** which have been or will be certified by a competent [**State**] **state** authority with respect to which the Department has made the requisite findings required by § 145.102 (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority). In addition to meeting all of the requirements of § 145.63 (relating to procedures for requesting, controlling and attaching insignia of certification), the manufacturer's request shall contain the following additional information:

(1) A list of the building system documentation which was approved by the competent [**State**] **state** authority for the industrialized housing [**or**], housing components, **industrialized buildings or building components** to which the insignia of certification are to be attached.

(2) Evidence that building system documentation and related compliance assurance program or compliance control program, as the case may be, was approved under the policies and procedures of the competent [**State**] **state** authority as conforming to the standards with respect to which the Department's determination of substantial equivalency was made.

(3) The name and address of an inspection agency, approved by the Department, which will participate in the compliance assurance program and authorize the attachment of the insignia of certification to the industrialized housing [**or**], housing components, **industrial-**

ized buildings or building components to be sold, leased or installed for use on a site in this Commonwealth.

(b) If the competent [**State**] **state** authority uses its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized housing or housing components, the manufacturer seeking the issuance of insignia of certification under subsection (a) may eliminate the requirement of subsection (a)(3) for utilizing an inspection agency to monitor its compliance control program and authorize the attachment of insignia of certification, provided that the Department and the competent [**State**] **state** authority have entered into an agreement under which the competent [**State**] **state** authority will institute procedures, acceptable to the Department, for authorizing the attachment of the insignia of certification for industrialized housing [**or**], housing components, **industrialized buildings or building components** intended for sale, lease or installation for use on sites in this Commonwealth. The Department will enter into an agreement only if it determines that the procedures for controlling the use of the insignia of certification contain adequate safeguards and that the competent [**State**] **state** authority has the satisfactory organization and personnel to discharge its obligations under the agreement and will not charge the approval or reapproval fees as outlined in § 145.94(a) and (b) (relating to fees).

§ 145.104. Reciprocal agreements.

(a) The Department is authorized to enter into agreements with the United States Department of Housing and Urban Development or with a competent authority within a [**State**] **state** of the United States which has established under valid legislative authority a program for the certification of industrialized housing [**or**], housing components, **industrialized buildings or building components** under which each party to an agreement will recognize the certification [**of industrialized housing or housing components**] issued under the laws, regulations and administrative procedures of the other party. An agreement shall establish procedures additional to those set forth in this chapter and shall in respects be consistent with the act.

(b) The reciprocal agreement may also establish that acceptability of the competent [**State**] **state** authority insignia of certification for industrialized housing units [**or**], components, **industrialized buildings or building components** shall be recognized by the Department [**in lieu**] **instead** of the provisions set forth in §§ 145.102 and 145.103 (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority; and issuance of insignia of certification).

(c) The inspection and evaluation agency fees outlined in § 145.94(a) and (b) (relating to fees) will not be charged to a competent [**State**] **state** authority entering into a reciprocal agreement, as outlined in this chapter, using its own personnel for monitoring a manufacturer's compliance control program and inspecting industrialized

housing [**or**], housing components, **industrialized buildings or building components**.

§ 145.105. Suspension and revocation.

(a) The Department, on the basis of its review of the applicable statutes, regulations and administrative practices and experience and other information that it may consider necessary for an informed finding, determine that its finding that the standards of a competent [**State**] **state** authority, previously found by the Department to be substantially equivalent to this chapter, is no longer justified under the criteria set forth in § 145.102(a) (relating to determinations of acceptability of certifications of a competent [**State**] **state** authority) or the procedures for notification set forth in § 145.102(b) are no longer effective. The Department will promptly notify third-party agencies and manufacturers with approved building system documentation or possessing insignia of certification issued to them under § 145.103 (relating to issuance of insignia of certification) of its finding. If requested by the Department, manufacturers possessing insignia of certification issued under § 145.103 shall promptly return the insignia to the Department and, upon receipt by the Department of the returned insignia, the fee paid by the manufacturer for the insignia [**shall**] **will** be refunded in full. No additional insignia of certification will be issued by the Department under § 145.103 with respect to industrialized housing or housing components certified by the competent [**State**] **state** authority with respect to which the finding by the Department was made. In addition, the Department will be authorized to remove, or cause the removal of, insignia of certification theretofore attached to industrialized housing [**or**], housing components, **industrialized buildings or building components** certified by the competent [**State**] **state** authority, if the Department determines that there is a substantial threat to the health, safety or welfare of the occupants of the industrialized housing or housing structures containing the housing components, **industrialized buildings or structures containing building components** unless [**such industrialized housing or housing components are**] brought into compliance with this chapter.

(b) The suspension or revocation of the certification of a manufacturer or third-party agency or of an industrialized housing [**or**], housing components, **industrialized buildings or building components** by a competent [**State**] **state** authority shall automatically suspend the right of a manufacturer affected in a material respect by the suspension or revocation to utilize an insignia of certification issued to it under § 145.103. The manufacturer may thereafter request the Department to determine in writing those circumstances in which it may continue to use the insignia of certification.

(c) Nothing in this section shall be construed to limit or restrict the rights of suspension and revocation of the Department under this chapter.

[Pa.B. Doc. No. 14-1566. Filed for public inspection July 25, 2014, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

GOVERNOR'S OFFICE

[4 PA. CODE CH. 1]

Executive Orders, Management Directives and Other Issuances of the Directives Management System Indexed for Reference Purposes

The Index of Issuances is being updated to reflect changes since 43 Pa.B. 6901 (November 23, 2013). This amendment adds new issuances, amends and rescinds others. Recipients of publications listed in this index should be kept informed of the status of these publications.

KELLY POWELL LOGAN,
Secretary of Administration

(Editor's Note: This Index of Issuances is published under 1 Pa. Code § 3.1(a)(9) (relating to contents of Code). This document meets the criteria of 45 Pa.C.S. § 702(7) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

This manual provides a complete listing of issuances, specified in Title 4 of the *Pennsylvania Code* § 1.2, from the Governor's Office and from agencies under the Governor's jurisdiction, except proclamations and press releases, that are intended for distribution to two or more agencies following the procedures for publication of issuances in Management Directive 210.1, Directives Management System.

The manual will be amended to reflect the latest issuances, and published annually in Title 4 of the *Pennsylvania Code* § 1.4 at the end of each fiscal year.

This amendment updates the index for all executive orders, management directives, and manuals issued, amended, and rescinded between July 1, 2013 and June 30, 2014.

Individuals should subscribe to receive e-Alerts to receive notification of published issuances. For questions regarding the Directives Management System, contact OA, EB-DMS.

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This manual replaces, in its entirety, Manual 210.3 dated July 3, 2013. This manual includes all new and amended issuances through June 30, 2014.

How to Use Index:

- o Executive orders are by year of issuance.
- o Management directives and manuals are numbered in sequence by category (e.g., Financial Management) and subcategory (e.g., Payroll).
- o All documents preceded by the letter "M" are manuals.
- o Documents that have been rescinded are indicated as rescinded.
- o Amendments are presented as complete documents that incorporate all changes since the last issuance.
- o Revisions which generally affect older issuances are pen and ink changes or replacement pages and affect only those parts of an issuance being changed. Therefore the issuance changed by a revision will be in more than one document because there will be original issuance and any revision.

Fiscal Note: GOV-14-210.3. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 4. ADMINISTRATION

PART I. GOVERNOR'S OFFICE

CHAPTER 1. AGENCY OPERATION AND ORGANIZATION

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2011-04	Pennsylvania eHealth Collaborative	7/27/2011	
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2012-15	Restoration of Electrical Power to all Facilities Providing Critical Services to the Homeless and Displaced Commonwealth Citizens from the Effects of Hurricane Sandy	Terminated 11/16/2012	
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M530.16	Temporary Clerical Pool Agency User Manual.....	10/1/1999	
M530.17	Temporary Clerical Pool Employee Handbook.....	10/1/1999	
M530.18	The Benefits of a "Healthy" Sick Leave Balance.....	Rescinded/Obsolete	3/5/2012
M530.21	State Employee Combined Appeal Procedures Manual.....	2/17/2012	
Training			
535.1	Employee Training and Development.....	2/9/2000	
535.2	Physicians and Related Occupations Specialty Board Certification Payments..	2/21/2006	
535.3	Out-Service Training.....	11/16/1999	
535.4	Use of State Work Program Trainee, County Work Program Trainee, Public Services Trainee and County Public Services Trainee Classes.....	7/19/2012	
535.5	Use of Trainee Classes in the Classified Service.....	10/8/2004	
535.6	Commonwealth Management Development Program.....	2/9/2000	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
535.7	Annual Agency Training Plan and Report	7/8/1999	
535.9	Physical and Information Security Awareness Training	10/3/2006	
Performance Evaluations			
540.7	Performance Management Program	5/2/2011	
Retirement			
570.1	Mandatory Membership in the State Employees' Retirement System.....	4/7/2014	
570.5	Employer Contributions Required on the Purchase of Previously Uncredited State Service	4/7/2014	
570.6	Optional Membership in State Employees' Retirement System	4/7/2014	
570.8	Reinstatement of Terminated Employees Into the State Employees' Retirement System	4/7/2014	
570.9	Reinstatement of Furloughed or Otherwise Terminated and Reemployed Employees in the State Employees' Retirement System.....	4/7/2014	
570.11	Amending Data in Retirement and Personnel/Payroll System and Collecting Arrears Balances	4/7/2014	
570.12	Furloughed State Employees Retirement System Members' Right to Earn Interest on Member Contributions	4/7/2014	
570.13	State Employees' Retirement System, Regional Counseling Centers.....	4/7/2014	
570.14	Deferred Compensation Program.....	4/7/2014	
570.15	Reporting Potential Public Employee Pension Forfeiture Crimes to the State Employees' Retirement System	4/7/2014	
570.16	State Employees' Retirement System, Duties of Departments and Agencies ..	4/7/2014	
Civil Service			
580.2	Civil Service Availability Survey/Interview Notice	6/20/2014	
580.6	Tabulation of Classified Service Employees	6/16/2006	
580.8	Classified Service Probationary Periods.....	6/14/2013	
580.10	Conducting Interviews for Classified Service Positions	8/15/2013	
580.11	Documentation of Classified Service Personnel Actions	6/27/2006	
580.12	Recruitment for Classified Service Positions	3/28/2007	
580.13*	Report of Personnel Transactions for Non-State Employees	9/16/2011	
580.15	Selective Certification of Classified Service Eligibles.....	4/11/2012	
580.16	Provisional Employment in the Classified Service	11/16/2006	
580.18	Pennsylvania Residency Requirements for the Classified Service	8/31/2011	
580.19	Promotion in the Classified Service Without Examination.....	8/31/2009	
580.21	Veterans' Preference on Classified Service Employment Certifications.....	2/16/2011	
580.23	Resignation From and Reinstatement to the Classified Service	7/22/2013	
580.24	Promotion of Employees in Unskilled Positions Into the Classified Service ...	9/14/2006	
580.25	Political Activities of Classified Service Employees	10/7/2011	
580.26	Transfer or Reassignment of Classified Service Employees	6/29/2010	
580.27	Limited Appointments to Positions Exempted from the Classified Service Pursuant to Section 3(c)(4), Civil Service Act	10/28/2009	
580.28	Reallocation to a Lower Class in the Classified Service	3/30/2011	
580.30	Civil Service Leave of Absence and Return Rights	9/7/2010	
580.31	Classified Service Temporary Appointments.....	8/14/2006	
580.32	Substitute Employment in the Classified Service	10/24/2006	
580.33	Reproductions of Documents for Classified Service Personnel Actions	4/30/2009	
580.34	Removal of Eligibles for Certification or Appointment in the Classified Service	6/20/2014	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
580.35	Employees Placed in the Classified Service by Position Reallocation	8/29/2011	
580.37	Promotion by Appointment and Temporary Higher-Level Assignment of Unclassified Service Employees into the Classified Service.....	7/26/2012	
580.38	Use of Intern Job Titles in the Classified Service	10/8/2004	
Manuals.			
M580.1	Certification of Eligibles for the Classified Service	Rescinded/Obsolete	6/30/2014
M580.2	Furlough of Classified Service Employees Not Covered by Labor Agreements	5/16/2014	
Labor Relations			
590.1	Labor Relations	11/27/2007	
590.2	Confidential Positions and Employees	3/8/2006	
590.3	Deduction of Union Dues/Fair Share Fees	5/22/2006	
590.5	Guidelines to be Followed During Legal or Illegal Strikes	5/25/2006	
590.7	Labor Relations—Grievance Administration	6/8/2006	
590.8	Classification Grievance Processing	7/9/2012	
*Special Distribution			
SUPPLIES, SERVICES, AND EQUIPMENT			
Supplies and Equipment Acquisition/Disposition			
610.4	Procedures for Purchasing Goods and Services Not Exceeding \$1,500 Through Advancement Accounts	Rescinded/Obsolete	1/3/2012
Automotive Services			
615.1	Commonwealth Temporary Transportation Vehicles	2/27/2013	
615.2	Motor Vehicle Liability Insurance and Accident Reporting	Rescinded by MD615.16—11/10/2011	
615.3	Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet	Rescinded by MD615.16—11/10/2011	
615.6	License Plates for Commonwealth-Owned Vehicles	Rescinded by MD615.16—11/10/2011	
615.7	Repairs, Maintenance, and Payment for Services	Rescinded by MD615.16—11/10/2011	
615.8	Use of State Automobiles	Rescinded by MD615.16—11/10/2011	
615.9	Permanent Assignment of Commonwealth Automotive Fleet Vehicles	Rescinded by MD615.16—11/10/2011	
615.12	Motor Vehicle Authorization List	Rescinded by MD615.16—11/10/2011	
615.13	Emission Control Program—Commonwealth Automotive Fleet Vehicles	Rescinded by MD615.16—11/10/2011	
615.15	Vehicle Parking License Agreements	10/26/2006	
615.16	Commonwealth Fleet Policy	11/10/2011	
Manuals.			
M615.3	Commonwealth Fleet Procedures Manual	11/10/2011	
Commodity Standards			
620.1	Coal Sampling and Reporting	10/4/2005	
Buildings, Property, and Real Estate			
625.1	Repairs, Alterations, and Improvements to Commonwealth Buildings Under the Direct Supervision of the Department of General Services	10/4/2004	
625.2	Inventory of Commonwealth Real Property	9/16/2008	
625.3	Moving Employee Household Goods and Commonwealth Property	3/14/1996	

<i>Management Directives and Manuals</i>		<i>Date of Original Or Latest Amendment</i>	<i>Current Revisions</i>
625.4	Enforcement of Fire and Panic Regulations	3/27/1991	
625.5	Reporting Surplus Real Property	5/6/1996	
625.6	Leasehold Improvements	5/1/2009	
625.7	Use of Form STD-291, Request for Lease Action and Budget Approval	11/6/1997	
625.8	Contracting for Bargaining Unit Work	2/25/1994	
625.9	Payment of Contractors and Design Professionals for Agency-Funded Construction Projects Undertaken by the Department of General Services ..	Rescinded by MD310.9—4/8/2013	
625.10	Card Reader and Emergency Response Access to Certain Capitol Complex Buildings and Other State Office Buildings	6/2/2014	
Bonds and Insurance			
630.1	Agency Insurance Coordinators	Rescinded/Obsolete 2/7/2013	
630.2	Reporting of Employee Liability Claims	5/15/2013	
COMMONWEALTH PROGRAMS			
Protection and Safety			
720.2	Wage Standards Picketing	2/3/1977	
720.4	Safety and Loss Prevention Program	Rescinded/Obsolete 2/7/2013	
720.5	Energy Conservation and Electrical Devices in Commonwealth-Owned or Leased Buildings	7/25/2008	
720.6	Call Trace Procedures for Threatening, Harassing, and Nuisance Telephone Calls	9/28/2005	
720.7	Bomb Threats and Suspicious Packages	7/29/2010	

[Pa.B. Doc. No. 14-1567. Filed for public inspection July 25, 2014, 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 July 14, 2014.

The organization chart at 44 Pa.B. 5062 (July 26, 2014) 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. 14-1568. Filed for public inspection July 25, 2014, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

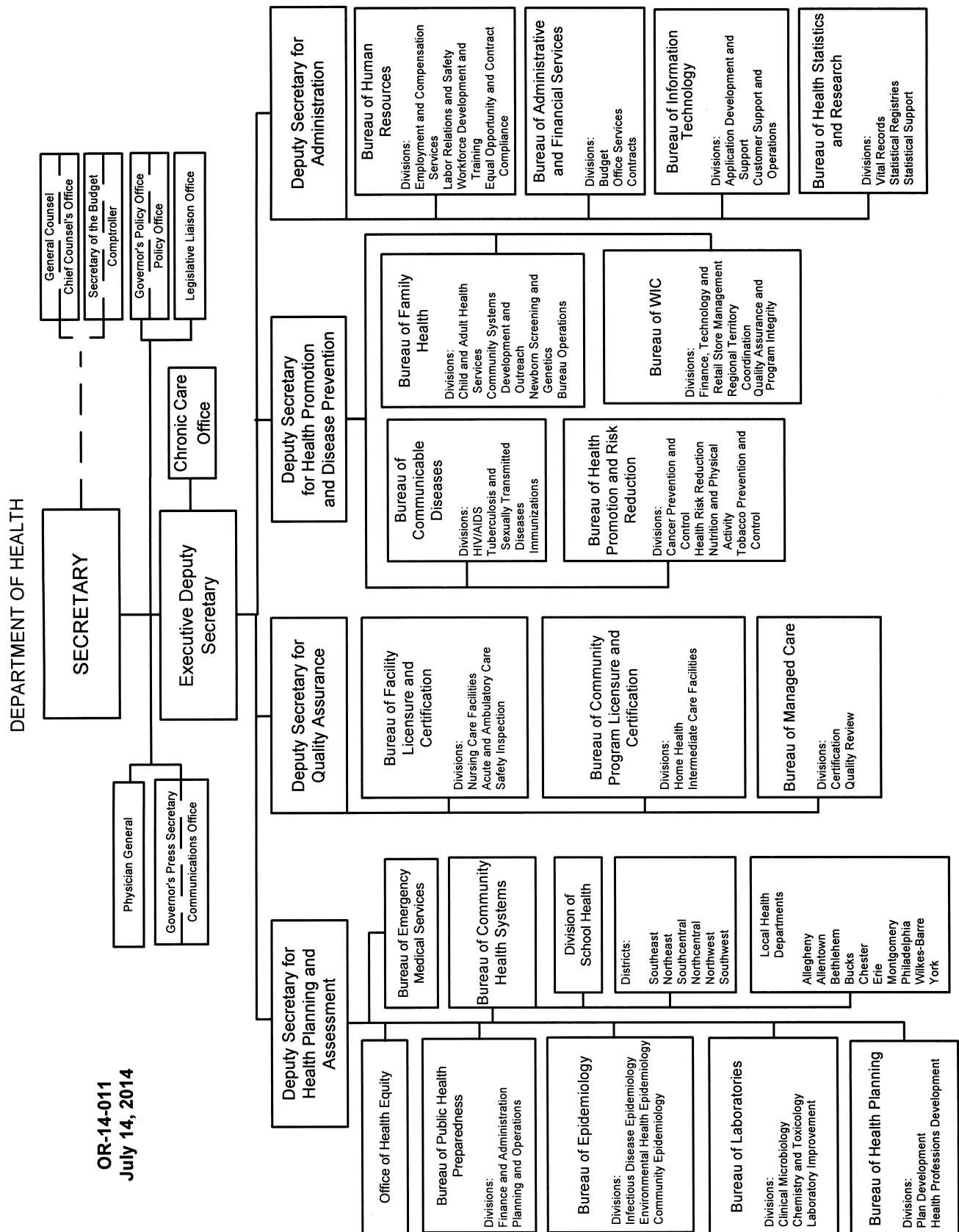
Reorganization of the Department of Military and Veterans Affairs

The Executive Board approved a reorganization of the Department of Military and Veterans Affairs effective July 14, 2014.

The organization chart at 44 Pa.B. 5063 (July 26, 2014) 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. 14-1569. Filed for public inspection July 25, 2014, 9:00 a.m.]



OR-14-011
July 14, 2014

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities 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 July 15, 2014.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-11-2014	Republic First Bank Philadelphia Philadelphia County	William Dalton Drive Glassboro Gloucester County, NJ	Filed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
7-9-2014	First Resource Bank Exton Chester County Amendment to Article II of the institution's Articles of Incorporation provides for a change in their principal place of business from 101 Marchwood Road, Exton, Chester County, PA 19341 to 800 North Pottstown Pike, Exton, Chester County, PA 19341	Filed

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 14-1570. Filed for public inspection July 25, 2014, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Retention of Engineering Firms; Bridge Design and Analysis; Project Reference No. FDC-500-802

The Department of Conservation and Natural Resources (Department) will retain an engineering firm, or firms, for open-end contracts for various engineering, inspection and related environmental and geotechnical services for bridge design and analysis projects located on State Parks and State Forest land in this Commonwealth. The contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include, but are not limited to, bridge replacement and rehabilitation (single and multispans), roadway reconstruction/rehabilitation, structural evaluation or design of various bridge types, building types and other civil engineering related work as assigned by the Department.

Typically the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications) suitable for public bid and in accordance with a prescribed Department format and in accordance with applicable State and Federal codes and requirement. A quality assurance program shall be in place by the engineering firm assuring that all documents are acceptable and of the highest quality prior to submission of said documents to the Department.

Areas of related environmental study associated with these design projects may include, but are not limited to, wetlands, soil, geology, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management) and Corps of Engineers 404 permits and Department of Environmental Protection water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis to techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports and wetland and floodplain findings.

PART I

GENERAL REQUIREMENTS

I-1. *Specific Requirements.*

A. The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare permit applications, prepare type, size and location reports; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives, using benefit/cost analysis; develop other details and narratives; inspect major and unusual structures; develop rehabilitation strategies; and also, review shop drawings, catalog cuts and occasional attendance at construction job conferences may be required.

I-2. *Addenda to the Request for Proposals (RFP).* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

I-3. *Small Diverse Business (SDB) Information.* The offering firm must be a self-certified Small Business/SDB verified by the Department of General Services (DGS), Bureau of Small Business Opportunities (BSBO).

An SDB is a DGS-verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A Small Business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees and earns less than \$7 million in gross annual revenues for building design, \$20 million in

gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this program can be directed to the Department of General Services, Bureau of Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, gs-bsbo@pa.gov.

The DGS's directory of BSBO-verified minority, women, veteran and service disabled veteran-owned businesses can be accessed by searching for "Small Diverse Businesses" at www.dgs.state.pa.us.

I-4. *Notification of Selection.* Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected Offeror.

I-5. *Type of Contract.* The type of contract as a result of this RFP shall be an open end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to 4 subsequent years. Reimbursement for services shall be by fixed fee percentage based upon project allocation or hours of service and qualifying expenses. The reimbursement type shall be at the Department's discretion. The work shall be reviewed by the staff of the Bureau of Facility Design and Construction and, when applicable, approved by same staff.

PART II

PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Letter of Interest.* Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Form 150-ASP is available by downloading from the DGS web site at <http://www.dgs.state.pa.us> choose from the menu on left margin: "Construction and Public Works," then "Project Administration," then "Professional Selections," then "ASP-150 (Rev. 05/14) Instructions." In addition, Form 150-ASP can be obtained by means of e-mail by addressing the request to nspade@pa.gov. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Two copies of the SDB participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required

forms must be received no later than 4 p.m. on August 27, 2014. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or readvertise solicitation for this service, or both.

II-3. *SDB Participation Submittal.* Offeror must include proof of SDB qualification in the SDB participation submittal of the proposal, as indicated as follows:

A. Small Business/SDB verified by DGS, BSBO as a Small Business/SDB must provide a photocopy of their verification letter.

II-4. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

PART III

CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Professional's understanding of the problem as demonstrated in the Letter of Interest.

B. Qualifications of the firm.

C. Professional personnel in the firm and available manpower to perform the services required.

D. Soundness of approach as demonstrated in Letter of Interest and as stated in the interpretation of the tasks to be performed.

E. Quality control and assurance program and procedures of the firm.

F. Equitable distribution of contracts.

G. Offerer is a self-certified Small Business. To be eligible for selection for this project the offerer firm must be a self-certified Small Business/SDB verified by DGS, BSBO. Refer to Part I, I-3.

III-2. *Number of Contracts.* The Department may select more than one firm.

PART IV

MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Charles Lutter at (717) 783-3318 for general information concerning this request for proposal.

ELLEN M. FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1571. Filed for public inspection July 25, 2014, 9:00 a.m.]

Retention of Engineering Firms; Bridge Inspections; Project Reference No. FDC-500-803

The Department of Conservation and Natural Resources (Department) will retain two engineering firms for an open-end contract to perform National Bridge Inspection Standards (NBIS) Bridge Safety Inspections on Department owned bridges located on State Parks and State Forest land in this Commonwealth. The contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities. One contract will be primarily for various projects at facilities located in the western portion of this Commonwealth and one contract will be primarily for projects at facilities located in the eastern half of this Commonwealth.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of engineering.

Bridges of various structure types and materials could be involved, that is, reinforced concrete, prestressed concrete, steel beam, steel truss, timber and others. Once a signed contract is in place a detailed listing of the bridges will be distributed during the scope of work meeting.

Typically, a maximum of 100 structures will be required to be inspected during each 12-month period. The majority of the structures to be inspected under this contract are structures with a span of less than 20'.

PART I

GENERAL REQUIREMENTS

I-1. *Specific Requirements.*

A. All bridge safety inspections must be performed using the Department of Transportation's (DOT) electronic data collection software iForms. The selected engineering firm must utilize the most recent version of iForms to record bridge inspection data in the field and then upload that information to the DOT Bridge Management System 2 (BMS2) database at the following web site. To utilize iForms, the selected engineering firm must be registered as a business partner with DOT. The iForms software is available free of charge and is posted on DOT's external FTP web site at <ftp://ftp.dot.state.pa.us/public/Bureaus/BOMO/BMS2/iForms/Installation>.

B. Inspection types shall consist of the following:

a. Initial NBIS Inspection.

An NBIS Inspection has not previously been completed. Initial NBIS Inspections include load rating to determine the bridge live load capacity. Upload bridge inspection data from iForms to DOT's BMS2.

b. Routine NBIS Inspection.

An NBIS Inspection has been previously completed. The structure may or may not be included in DOT's BMS2 but a previous inspection report or documentation, or both, is available. Perform load rating analysis if the structural condition changes since the last load rating analysis. Upload bridge inspection data from iForms to DOT's BMS2.

c. Interim (Special) Inspection.

Interim inspections are scheduled by the Department to examine bridges or portions of bridges with known or suspected deficiencies. Interim inspections generally focus on specific areas of a bridge where problems were previously reported or to investigate areas where problems are suspected.

d. Damage Inspection.

An NBIS inspection has been previously completed. The structure may or may not be included in DOT's BMS2 but a previous inspection report is available. Perform an inspection that is usually limited to portions of the structure where problems have been found. The information obtained is used by the Department to design needed repairs or the Department may request that the retained engineering firm design the repairs. The information obtained is also used to establish the need to place emergency restrictions or to close the bridge. Damage inspections are performed on an as-needed basis.

e. In-Depth Inspection.

Perform work to collect data that is difficult to obtain during routine inspections, generally focusing on the entire structure or specific components as authorized by the Department. In-depth tasks may include the following material tests to confirm the existence of or determine the extent of deterioration through the use of: nondestructive testing (except dye penetrant), laboratory analysis, geotechnical sampling and testing, structure instrumentation and underwater inspections. In-depth inspections are performed on an as-needed basis.

f. Flood Inspection.

Perform work beyond the scope of the periodic inspections, assessing the entire structure, focusing on the substructure and its foundation or specific components as authorized by the Department. This could include an underwater inspection. Flood inspections are performed on an as-needed basis.

g. High Hazard Inspection.

Perform work beyond the scope of the periodic inspections, focusing on the entire structure or specific components of the structure as authorized by the Department. Rigging, cranes, bucket trucks, "snooper" cranes, and the like, may be required to perform the work.

h. Traffic Control.

Provide traffic control signing and flagging personnel as required.

C. Inspection requirements shall consist of the following:

1. All bridges:

a. Perform a bridge safety inspection.

b. Update/supplement the structure's current condition for the purpose of determining a load rating for the structure. If the current load rating summary indicates that the structure has weight restrictions and new defects are found, determine if a rerating of the structure is warranted. If the structure is to be rerated, use the existing load rating analysis for updating the new load-rating summary. Incorporate the results of the previous or new load-ratings into the report.

c. Update/amend the inspection file by providing new photographic documentation or sketches as needed.

d. Prepare an inspection report to document all work and findings including costs for any repairs.

e. Upload bridge inspection data from iForms to DOT's BMS2.

2. Other types of inspection requirements may be discussed at the scope of work meeting.

3. The work and services which may be required under this agreement encompass all necessary professional and nonprofessional services, work, material and equipment necessary to perform bridge inspection/reinspection and evaluate the condition of Commonwealth-owned bridges and structures at the various locations. The firm will provide updated inspection reports including a bridge load capacity rating/rerating or posting evaluation, or both, and recommendation as warranted. Structure inventory and appraisal data and completed BMS2 coding sheets are also to be furnished.

D. Personnel assigned by the engineering firm to complete the NBIS Inspections shall meet the requirements in the NBIS for all work levels. Inspection personnel must hold a valid certification as "Bridge Safety Inspector" issued by DOT.

I-2. *Addenda to the Request for Proposals (RFP)*. If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

I-3. *Small Diverse Business (SDB) Information*. The offering firm must be a self-certified Small Business/SDB by the Department of General Services (DGS), Bureau of Small Business Opportunities (BSBO).

An SDB is a DGS-verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A Small Business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this program can be directed to the Department of General Services, Bureau of Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, gs-bsbo@pa.gov.

The DGS's directory of BSBO-verified minority, women, veteran and service disabled veteran-owned businesses can be accessed by searching for "Small Diverse Businesses" at www.dgs.state.pa.us.

I-4. *Notification of Selection*. Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected Offeror.

I-5. *Type of Contract*. The type of contract as a result of this RFP shall be an open end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to 4 subsequent years. Reimbursement for services shall be by fixed

fee percentage based upon project allocation or hours of service and qualifying expenses. The reimbursement type shall be at the Department's discretion. The work shall be reviewed by the staff of the Bureau of Facility Design and Construction and, when applicable, approved by same staff.

PART II

PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Letter of Interest.* Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Form 150-ASP is available by downloading from the DGS web site at <http://www.dgs.state.pa.us>, choose from the menu on left margin: "Construction and Public Works," then "Project Administration," then "Professional Selections," then "ASP-150 (Rev. 05/14) Instruction."

In addition, Form 150-ASP can be obtained by means of e-mail by addressing the request to nspade@pa.gov. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Two copies of the small diverse business participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on August 28, 2014. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or re-advertise solicitation for this service, or both.

II-3. *SDB Participation Submittal.* Offeror must include proof of Small Business/SDB qualification in the submittal of the proposal, as indicated as follows:

A. Small Business/SDB verified by DGS, BSBO as a Small Business/SDB must provide a photocopy of their verification letter.

II-4. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

PART III

CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Professional's understanding of the problem as demonstrated in Letter of Interest.

B. Qualifications of firm.

C. Professional personnel in firm and available manpower to perform the services required.

D. Soundness of approach as demonstrated in Letter of Interest, and as stated in the interpretation of the tasks to be performed.

E. Quality control and assurance program and procedures of the firm.

F. Equitable distribution of contracts.

G. Offerer is a self-certified Small Business. To be eligible for selection for this project the offerer firm must be a self-certified Small Business/SDB verified by DGS, BSBO. Refer to Part I, I-3.

III-2. *Number of Contracts.* It is the intent of the Department to select more than one firm for projects to be assigned on a regional basis.

PART IV

MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Charles Lutter at (717) 783-3318 for general information concerning this request for proposal.

ELLEN M. FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1572. Filed for public inspection July 25, 2014, 9:00 a.m.]

Retention of Engineering Firms; Dam Related and Hydraulic Projects; Project Reference No. FDC-500-801

The Department of Conservation and Natural Resources (Department) will retain an engineering firm, or firms, for open-end contracts for various engineering, inspection and related environmental and geotechnical services for various dam-related and hydraulic projects located on State Parks and State Forest land in this Commonwealth. The contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis to ensure proper and safe operation of Department infrastructure and facilities.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of engineering. If an individual, firm or corporation not authorized to engage in the practice of engineering desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or

corporation which is permitted under State law to engage in the practice of engineering.

The services may encompass a wide range of civil and structural design efforts with the possibility of several different types of projects being designed under short completion schedules. The anticipated types of projects may include, but are not limited to, dam and control structure modification, rehabilitation and upgrades, slope and stability analysis of concrete and earthen dams, structural analysis of spillways and retaining walls, hydraulic and hydrologic evaluation for existing spillways, proposed dam structure modifications, inspection of dams and preparation of emergency action plans.

Typically the engineering firm shall be required to furnish a complete set of contract documents (plans and specifications) suitable for public bid and in accordance with a prescribed Department format and in accordance with applicable State and Federal codes and requirements. A quality assurance program shall be in place by the engineering firm assuring that all documents are acceptable and of the highest quality prior to submission of the documents to the Department.

Areas of related environmental study associated with these design projects may include, but are not limited to, wetlands, soil, geology, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management) and Corps of Engineers 404 permits, Act 537 planning and Department of Environmental Protection water quality management requirements. The environmental studies shall be conducted in accordance with accepted analysis to techniques and methodologies and may include any or all of the following to ensure a complete environmental investigation has been performed; provide all necessary environmental services, material and equipment necessary to collect, analyze and organize data, assess impacts, prepare reports and design mitigation plans. The reports and other graphic material to be prepared may include, but are not limited to, plans of study, meeting minutes, preparation of permit application documents, mitigation plans and reports and wetland and floodplain findings.

PART I

GENERAL REQUIREMENTS

I-1. *Specific Requirements*

A. The engineering firm may be required to perform any or all of the following duties: attend site visits; prepare minutes; perform necessary field surveys; plot topography and cross sections; develop erosion control plans; prepare permit applications, prepare type, size and location reports; prepare construction drawings, specifications and estimates; procure core borings; provide soil and foundation engineering reports; investigate utility involvement; evaluate alternatives, using benefit/cost analysis; develop other details and narratives; inspect major and unusual structures; develop rehabilitation strategies; and also, review shop drawings, catalog cuts and occasional attendance at construction job conferences may be required.

I-2. *Addenda to the Request for Proposals (RFP)*. If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

I-3. *Small Diverse Business (SDB) Information*. The Department encourages participation by SDBs as prime contractors and encourages all prime contractors to make a significant commitment to use SDBs as subcontractors and suppliers.

An SDB is a Department of General Services (DGS) verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A Small Business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this program can be directed to the Department of General Services, Bureau of Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, gs-bsbo@pa.gov.

The DGS's directory of Bureau of Small Business Owners (BSBO) verified minority, women, veteran and service disabled veteran-owned businesses can be accessed by searching for "Small Diverse Businesses" at www.dgs.state.pa.us.

I-4. *Notification of Selection*. Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected Offeror.

I-5. *Type of Contract*. The type of contract as a result of this RFP shall be an open-end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to 4 subsequent years. Reimbursement for services shall be by fixed fee percentage based upon project allocation or hours of service and qualifying expenses. The reimbursement type shall be at the Department's discretion. The work shall be reviewed by the staff of the Bureau of Facility Design and Construction and, when applicable, approved by same staff.

PART II

PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Letter of Interest*. Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department's needs. A standard DGS Form

150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Form 150-ASP is available by downloading from the DGS web site at <http://www.dgs.state.pa.us>, choose from the menu on left margin: "Construction and Public Works," then "Project Administration," then "Professional Selections," then "ASP-150 (Rev 05/14) Instructions." In addition, Form 150-ASP can be obtained by means of e-mail by addressing the request to nspade@pa.gov. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Two copies of the SDB participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on September 3, 2014. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or readvertise solicitation for this service, or both.

II-3. *SDB Participation Submittal.*

A. To receive credit for being an SDB or for subcontracting with an SDB, an Offeror must include proof of SDB qualification in the SDB participation submittal of the proposal. To do so, an SDB verified by BSBO as an SDB must provide a photocopy of the verification letter.

B. In addition to the previously listed verification letter, the Offeror must include in the SDB participation submittal of the proposal the following information:

1. Offerors must include a numerical percentage which represents the total percentage of work to be performed by the offeror and not by subconsultants.

2. Offerors must include a numerical percentage which represents the total percentage of work that the Offeror commits to the SDBs as subconsultants. To support its total SDB Commitment, Offeror must also include:

a. Percentage of each subcontract commitment to an SDB.

b. The name of each SDB. The Offeror will not receive credit for stating that after the contract is awarded it will find an SDB.

c. The services each SDB will provide.

d. The location where each SDB will perform services.

e. The time frame for each SDB to provide or deliver the goods or services.

f. A subcontract or Letter of Intent signed by the Offeror and the SDB for each SDB identified in the SDB Submittal. The subcontract or Letter of Intent must identify the specific work or services the SDB will perform, how the work or services relates to the Project, and the specific time frame during the term of the contract and any option/renewal periods when the work, goods or services will be performed or provided.

g. The name, address and telephone number of the primary contact person for each SDB.

3. Each SDB subconsultant commitment will become contractual obligations once the contract is fully executed.

4. The name and telephone number of the Offeror's project (contact) person for the SDB information.

C. The Offeror is required to submit two copies of its SDB participation submittal. The submittal shall be clearly identified as SDB information and sealed in its own envelope, separate from the remainder of the proposal.

D. An SDB can be included as a subconsultant with as many prime consultants as it chooses.

E. An Offeror that qualifies as an SDB and submits a proposal as a prime contractor is not prohibited from being included as a subconsultant in separate proposals submitted by other offerors.

F. Refer to Appendix A as follows for a sample SDB Letter of Intent.

II-4. *Contract Requirements—SDB Participation*

Contracts containing SDB participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to the SDB at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by DGS, BSBO. Contracts containing SDB participation must include a provision requiring SDB subcontractors to perform at least 50% of the subcontracted work.

The selected contractor's commitments to the SDB made at the time of proposal submittal or contract negotiation shall, to the extent so provided in the commitment, be maintained throughout the term of the contract and through any renewal or extension of the contract. Proposed changes must be submitted to DGS, BSBO, which will make a recommendation to the contracting officer regarding a course of action.

If a contract is assigned to another contractor, the new contractor must maintain the SDB participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the issuing office within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to the SDB subcontractors and suppliers. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which is received SDB participation points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SDB status or entitle an Offeror to receive credit for SDB utilization.

II-5. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

PART III CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Professional's understanding of the problem as demonstrated in the Letter of Interest.

- B. Qualifications of the firm.
- C. Professional personnel in the firm.
- D. Soundness of approach as demonstrated in the Letter of Interest and as stated in their own interpretation of the tasks to be performed.

E. Available manpower to perform the services required.

F. Equitable distribution of contracts.

G. SDB Participation (evaluated by DGS) DGS, BSBO has established the weight for the SDB participation criterion for the RFP as 20% of the total points. Each SDB participation submittal will be rated for its approach to enhancing the utilization of SDBs in accordance with the following-listed priority ranking and subject to the following requirements:

1. A business submitting a proposal as a prime contractor must perform 60% of the total contract value to receive points for this criterion under any priority ranking.

2. To receive credit for an SDB subcontracting commitment, the SDB subcontractor must perform at least 50% of the work subcontracted to it.

3. A significant subcontracting commitment is a minimum of 5% of the estimated total contract value.

4. A subcontracting commitment less than 5% of the total estimated contract value is considered nominal and will receive reduced or no additional SDB points depending on the priority ranking.

Priority Rank 1: Proposals submitted by SDBs as prime Offerors will receive 150 points. In addition, SDB prime Offerors that have significant subcontracting commitments to additional SDBs may receive up to an additional 50 points (200 points total available).

Subcontracting commitments to additional SDBs are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. Other Offerors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. See the following formula.

Priority Rank 2: Proposals submitted by SDBs as prime contractors with no or nominal subcontracting commitments to additional SDBs, will receive 150 points.

Priority Rank 3: Proposals submitted by non-SDBs as prime contractors, with significant subcontracting commitments to SDBs, will receive up to 100 points. Proposals submitted with nominal subcontracting commitments to SDBs will receive points equal to the percentage level of their total SDB subcontracting commitment.

SDB subcontracting commitments are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. Other Offerors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. See the following formula.

Priority Rank 4: Proposals by non-SDBs as prime contractors with no SDB subcontracting commitments shall receive no points under this criterion.

To the extent that there are multiple SDB participation submittals in Priority Rank 1 or Priority Rank 3, or both, that offer significant subcontracting commitments to SDBs, the proposal offering the highest total percentage SDB subcontracting commitment shall receive the highest score (or additional points) available in that Priority

Rank category and the other proposals in that category shall be scored in proportion to the highest total percentage SDB subcontracting commitment. Proportional scoring is determined by applying the following formula:

$$\text{SDB \% Being Scored} \times \frac{\text{Points/Additional}}{\text{Additional}} = \text{Awarded/Additional}$$

Highest % SDB Commitment Points Available* SDB Points

Priority Rank 1 = 50 Additional Points Available

Priority Rank 2 = 100 Total Points Available

Refer to http://www.portal.state.pa.us/portal/server.pt/community/rfp_scoring_formulas_overview/20124 for an illustrative chart which shows SDB scoring based on a hypothetical situation in which the Commonwealth receives proposals for each Priority Rank.

III-2. *Number of Contracts.* It is the intent of the Department to select more than one firm for projects to be assigned on a regional basis.

PART IV

MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Edward Raptosh at (717) 783-3329 for general information concerning this request for proposal.

ELLEN M. FERRETTI,
Secretary

APPENDIX A

SMALL DIVERSE BUSINESS LETTER OF INTENT

[DATE]

[SDB Contact Name
Title
SDB Company Name
Address
City, State, Zip]

Dear [SDB Contact Name]:

This letter serves as confirmation of the intent of [Offeror] to utilize [Small Diverse Business (SDB)] on RFP [RFP number and Title] issued by the [Commonwealth agency name].

If [Offeror] is the successful vendor, [SDB] shall provide [identify the specific work, goods or services the SDB will perform, and the specific timeframe during the term of the contract and any option/renewal periods when the work, goods or services will be performed or provided].

These services represent [identify fixed numerical percentage commitment] of the total cost in the [Offeror's] cost submittal for the initial term of the contract. Dependent on final negotiated contact pricing and actual contract usage or volume, it is expected that [SDB] will receive an estimated [identify associated estimated dollar value that the fixed percentage commitment represents] during the initial contract term.

[SDB] represents that it meets the small diverse business requirements set forth in the RFP and all required documentation has been provided to [Offeror] for its SDB submission.

We look forward to the opportunity to serve the [Commonwealth Agency Name] on this project. If you have any questions concerning our small diverse business commitment, please feel free to contact me at the number below.

Sincerely,	Acknowledged,
Offeror Name	SDB Name
Title	Title
Company	Company
Phone Number	Phone Number

[Pa.B. Doc. No. 14-1573. Filed for public inspection July 25, 2014, 9:00 a.m.]

Retention of Professional Interpretive Planning and Exhibit Design Firms; Project Reference No. FDC-500-804

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional interpretive planning and exhibit design firms for various exhibit design and interpretation projects for various visitor centers, parks and forestry offices and other facilities across this Commonwealth. The contract will be an open-end type with projects assigned on an as-needed basis to meet operational needs and requirements. The Department may select multiple proposals that meet its objectives.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of interpretive planning, exhibit design and fabrication. If an individual, firm or corporation not authorized to engage in the practice of interpretive planning, exhibit design and fabrication desires to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of interpretive planning, exhibit design and fabrication.

PART I

GENERAL REQUIREMENTS

I-1. *Specific Requirements.*

A. The Department has a need for a range of services for all aspects of visitor contact environments both interior and exterior. These services include, but are not limited to, researching and writing exhibit interpretive plans, developing schematic and concept plans, developing budgets, preparing reports, attending planning meetings, researching text, storyline writing and editing, graphic design and production, web site development or enhancement, or both, exhibit design, lighting design, audio-visual and other interactive media design, production and installation of media, creation of exhibit specifications and engineered drawings, development of specifications and drawings bid coordination with construction plans in areas of planned exhibit installation, exhibit fabrication and installation, exhibit maintenance plan writing, artifact conservation and preparation for exhibits, maintenance and operational training for Department staff, planning for long-term support of the activities listed previously, fixture/furniture design, fabrication and installation, and interpretive and directional (wayfinding) signage (indoor and outdoor).

B. Sustainability should be incorporated into the earliest design decisions. Work may occur in, but is not

limited to, interior or exterior exhibit areas, or both, visitor lobbies, sales areas, other public areas such as hallways and any other point of public contact in visitor centers or office buildings.

C. The selected firms will be expected to provide a full range of professional interpretive exhibit planning, design/build services and web site development services for the stated individual facilities and future facilities on an as-needed basis throughout the contract period.

D. It is expected that the firms will assemble a team of professionals who are recognized specialists in their individual fields of expertise or may subcontract or joint venture with other professionals to assemble the most capable team to address the needs and objectives of this Request for Proposals (RFP). Selected firms will be required to work closely with the assigned Department Project Coordinator to develop each project utilizing current Department staff onsite in the creative processes involved. Department Project Coordinators will be responsible for signing off on project development milestones. The Department Project Coordinator may change from project to project. Travel to the project sites will be required.

E. The firm shall have staff available to facilitate rapid services associated with assigned projects. The firm may be called upon to provide services on multiple projects at the same time. The firm and its staff shall have demonstrated knowledge of interpretive planning, web site development and exhibit design/build/fabrication/installation methods. The interpretive designer should have knowledge and experience in interpretive planning, with preference given to staff who are Certified Interpretive Planners as defined by the National Association of Interpretation. Experience shall include the completion of an Interpretive Plan for the exhibits in and around a visitor center or State park, or both, or forestry office.

I-2. *Addenda to the RFP.*

If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the questions and answers period also will be posted, as necessary to the web site as an addendum to the RFP.

I-3. *Small Diverse Business (SDB) Information.*

The offering firm must be a self-certified Small Business/SDB verified by the Department of General Services (DGS), Bureau of Small Business Opportunities (BSBO).

A Small Business is a business in the United States that is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees and earns less than 47 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this program can be directed to the Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, gs-bmwb@state.pa.us, (717) 787-6708, fax (717) 772-0021.

The DGS's directory of BSBO-verified minority, women, veteran and service disabled veteran-owned businesses

can be accessed by searching for "Small Diverse Businesses" at www.dgs.state.pa.us.

I-4. *Notification of Selection.*

Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected Offeror.

I-5. *Type of Contract.*

The type of contract as a result of this RFP shall be an open end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to 4 subsequent years. Reimbursement for services shall be by fixed fee percentage based upon project allocation or hours of service and qualifying expenses. The reimbursement type shall be at the Department's discretion. The work shall be reviewed by the staff of the Bureau of Facility Design and Construction and, when applicable, approved by same staff.

PART II

PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Letter of Interest.*

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's three most recently completed projects similar to the project proposed. The description shall include the client, contact person and phone number, the estimated or actual construction cost of the portion of the work which the firm designed, the project manager and the names of all personnel who made major contributions to the project. The Letter of Interest shall indicate the firm's capability of working on multiple small projects at the same time and understanding of the Department needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. Form 150-ASP is available by downloading from the DGS web site at <http://www.dgs.state.pa.us>, choose from the menu on left margin: "Construction and Public Works," then "Project Administration," then "Professional Selections," then "ASP-150 (Rev. 05/14) Instructions."

In addition, Form 150-ASP can be obtained by e-mail by addressing the request to nspade@pa.gov. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.*

Two copies of the SDB Participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on September 9, 2014. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department re-

serves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or readvertise solicitation for this service, or both.

II-3. *SDB Participation Submittal.*

The Offeror must include proof of Small Business/SDB qualification in the submittal of the proposal, as indicted as follows:

A. Small Business/SDB verified by DGS, BSBO as a Small Business/SDB must provide a photocopy of their verification letter.

II-4. *Debriefing.*

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

PART III

CRITERIA FOR SELECTION

III-1. *Selection Criteria.*

The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Professional's understanding of the problem as demonstrated on the Letter of Interest.

B. Qualifications of the firm.

C. Professional personnel in the firm and available manpower to perform the services required.

D. Soundness of approach as demonstrated in Letter of Interest, and as stated in the interpretation of the tasks to be performed.

E. Quality control and assurance program and procedures of the firm.

F. Equitable distribution of contracts.

G. Offeror is a self-certified Small Business. To be eligible for selection for this project the offerer firm must be a self-certified Small Business/SDB verified by DGS, BSBO. Refer to Part I, I-3.

III-2. *Number of Contracts.*

The Department may select more than one firm.

PART IV

MAILING AND CONTACT INFORMATION

Firms interested in performing the required services for this project are invited to submit a Letter of Interest to Alfred Uzokwe, PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Amy Hill at (717) 783-4361 for general information concerning this request for proposal.

ELLEN M. FERRETTI,
Secretary

[Pa.B. Doc. No. 14-1574. Filed for public inspection July 25, 2014, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Valley Forge Christian College for University Status and to Amend Articles of In- corporation for Name Change

Under the act of June 18, 2014 (P. L. 769, No. 67), the Department of Education (Department) is publishing the application by Valley Forge Christian College to become a university.

The Department received notification of the intent to make the change to university status on June 23, 2014. The effective date of the change to university status is September 16, 2014. The Department has reviewed and accepted the notification.

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department will consider the application for approval of a Certificate of Authority for Valley Forge Christian College to amend its Articles of Incorporation to change the name of the institution to University of Valley Forge of the Assemblies of God.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing,

unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

CAROLYN C. DUMARESQ, Ed.D.,
Acting Secretary

(Pa.B. Doc. No. 14-1575. Filed for public inspection July 25, 2014, 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 POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061786 (Sewage)	Manwalamink Sewer Company WWTP River Road—Fort Depuy Shawnee On Delaware, PA 18356	Monroe County Smithfield Township	Brodhead Creek (01E)	Y
PA0061671 (Sewage)	Greenfield Township Sewer Authority 111 Lakeview Avenue Carbondale, PA 18407	Lackawanna County Greenfield Township	Unnamed Tributary to Dundaff Creek (4-F)	Y

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>
PA0100625 (Industrial Waste)	Brookville Travel Center 245 Allegheny Boulevard, Brookville, PA 15825	Jefferson County Brookville Borough	Clement Run (17-C)	Y
PA0104353 (Sewage)	Oakleaf Estates MHP 88 Mitchell Road West Middlesex, PA 15159	Mercer County Shenango Township	Unnamed Tributary to the Shenango River (20-A)	Y
PA0001945 (Industrial Waste)	Cemex Wampum Cement Plant 2001 Portland Park Wampum, PA 16157-3913	Lawrence County Wampum Borough	Unnamed Tributaries to the Beaver River (20-B)	Y

Southwest Regional Office: Regional Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone: 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>
PA0025810 (Sewage)	Shade Central City Joint Authority SR 0160 Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek (18-E)	N

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

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

PA0025968, Sewage, **Municipal Water Authority of Aliquippa**, 160 Hopewell Avenue, Aliquippa, PA 15001. Facility Name: Aliquippa STP. This existing facility is located in City of Aliquippa, **Beaver 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), Ohio River, is located in State Water Plan Watershed 20-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 3.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (Interim- From Permit Effective Date through 36th Month of Permit) (Final-From 37th Month of Permit through Permit Expiration Date)	XXX	XXX	XXX	1.0	XXX	3.3
CBOD ₅	709	1,078 Wkly Avg	XXX	25	38	50
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	851	1,276 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Apr 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	XXX	400
Nov 1 - Mar 31	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	XXX	Report Daily Max	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	Report Daily Max	XXX

In addition, the permit contains the following requirements:

Outfall 101, which discharges to the receiving waters known as Ohio River via Outfall 001, serves as a stormwater discharge from areas in and around the treatment plant. This stormwater discharge shall meet the conditions in the NPDES permit, Part C-Requirements Applicable to Stormwater Outfalls.

Part C of the NPDES permit contains a Total Residual Chlorine (TRC) Schedule of Compliance with specific milestones to achieve compliance with the above Final Best Available Technology (BAT) effluent limits for TRC.

The EPA Waiver is not in effect.

PA0005037, Industrial Waste, SIC Code 4911, **NRG Homer City Services LLC**, 1750 Power Plant Road, Homer City, PA 15748-8009. Facility Name: Homer City Generating Station. This existing facility is located in Center Township, **Indiana County**.

Description of Existing Activity: The application is for the renewal of an NPDES permit for existing process, cooling and storm water discharges from a coal-fired power plant and ash landfill.

The receiving stream(s), Blacklick Creek, Cherry Run, Two Lick Creek, Unnamed Stream, Unnamed Tributary of Blacklick Creek, Unnamed Tributary of Two Lick Creek, Unnamed Tributary to Blacklick Creek, Unnamed Tributary to Muddy Run and Unnamed Tributary to Two Lick Creek, is located in State Water Plan watershed 18-D and is classified for Trout Stocking and 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 4.1 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Jul 1-31	Report	1.69	XXX	XXX	XXX	XXX
Aug 1 - Jun 30	Avg Mo Report	Daily Max 3.00	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	XXX	99	XXX
Aug 1 - Jun 30	XXX	XXX	XXX	XXX	110	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	7,997	XXX	0.75	0.75	0.75
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	15,994	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	10,663	XXX	1.0	2.0	2.5
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0008	0.0012	0.0020
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.24 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	Report	XXX	XXX	Report
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 2.08 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	Average Mo	Daily Max				
Temperature (°F)	XXX	XXX	6.0	XXX	XXX	9.0
Jul 1-31 (Interim)	XXX	XXX	XXX	XXX	99	XXX
Aug 1 - Jun 30 (Interim)	XXX	XXX	XXX	XXX	110	XXX
Jan 1 - Feb 28 (Final)	XXX	XXX	XXX	XXX	38	XXX
Mar 1-31 (Final)	XXX	XXX	XXX	XXX	42	XXX
Apr 1-15 (Final)	XXX	XXX	XXX	XXX	48	XXX
Apr 16-30 (Final)	XXX	XXX	XXX	XXX	53	XXX
May 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
May 16-31 (Final)	XXX	XXX	XXX	XXX	60	XXX
Jun 1-15 (Final)	XXX	XXX	XXX	XXX	64	XXX
Jun 16-30 (Final)	XXX	XXX	XXX	XXX	68	XXX
Jul 1-31 (Final)	XXX	XXX	XXX	XXX	72	XXX
Aug 1-31 (Final)	XXX	XXX	XXX	XXX	71	XXX
Sep 1-15 (Final)	XXX	XXX	XXX	XXX	67	XXX
Sep 16-30 (Final)	XXX	XXX	XXX	XXX	61	XXX
Oct 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
Oct 16-31 (Final)	XXX	XXX	XXX	XXX	52	XXX
Nov 1-15 (Final)	XXX	XXX	XXX	XXX	47	XXX
Nov 16-30 (Final)	XXX	XXX	XXX	XXX	42	XXX
Dec 1-31 (Final)	XXX	XXX	XXX	XXX	40	XXX
Total Suspended Solids	XXX	XXX	XXX	30	50	50
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	4,752	XXX	0.75	0.75	0.75
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	9,504	XXX	1.5	3.0	3.75

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	6,336	XXX	1.0	2.0	2.5
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.62 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	731	XXX	0.75	0.75	0.75
Total Arsenic (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0
Total Cadmium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,462	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	975	XXX	1.0	2.0	2.5
Total Nickel (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 006 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,089	XXX	0.75	0.75	0.75
Total Copper	XXX	XXX	XXX	Report	Report	XXX
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	2,178	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,452	XXX	1.0	2.0	2.5
Total Nickel	XXX	XXX	XXX	Report	Report	XXX
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 106 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 206 are for overflow discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Internal Monitoring Point 306 are for overflow discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Internal Monitoring Point 406 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 506 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum	XXX	XXX	XXX	XXX	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Manganese	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are for variable overflow discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	329	XXX	0.75	0.75	0.75
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	659	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	440	XXX	1.0	2.0	2.5
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 014 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,427	XXX	0.75	0.75	0.75
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	2,857	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,904	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 015 are for emergency bypasses.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Average Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jul 1-31 (Interim)	XXX	XXX	XXX	XXX	99	XXX
Aug 1 - Jun 30 (Interim)	XXX	XXX	XXX	XXX	110	XXX
Jan 1 - Feb 28 (Final)	XXX	XXX	XXX	XXX	38	XXX

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Mar 1-31 (Final)	XXX	XXX	XXX	XXX	42	XXX
Apr 1-15 (Final)	XXX	XXX	XXX	XXX	48	XXX
Apr 16-30 (Final)	XXX	XXX	XXX	XXX	53	XXX
May 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
May 16-31 (Final)	XXX	XXX	XXX	XXX	60	XXX
Jun 1-15 (Final)	XXX	XXX	XXX	XXX	64	XXX
Jun 16-30 (Final)	XXX	XXX	XXX	XXX	68	XXX
Jul 1-31 (Final)	XXX	XXX	XXX	XXX	72	XXX
Aug 1-31 (Final)	XXX	XXX	XXX	XXX	71	XXX
Sep 1-15 (Final)	XXX	XXX	XXX	XXX	67	XXX
Sep 16-30 (Final)	XXX	XXX	XXX	XXX	61	XXX
Oct 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
Oct 16-31 (Final)	XXX	XXX	XXX	XXX	52	XXX
Nov 1-15 (Final)	XXX	XXX	XXX	XXX	47	XXX
Nov 16-30 (Final)	XXX	XXX	XXX	XXX	42	XXX
Dec 1-31 (Final)	XXX	XXX	XXX	XXX	40	XXX
Total Suspended Solids	XXX	XXX	XXX	30	50	50
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	329	XXX	0.75	0.75	0.75
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	659	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	440	XXX	1.0	2.0	2.5
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 016 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Average Mo	Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)						
Jul 1-31 (Interim)	XXX	XXX	XXX	XXX	99	XXX
Aug 1-Jun 30 (Interim)	XXX	XXX	XXX	XXX	110	XXX
Jan 1-Feb 28 (Final)	XXX	XXX	XXX	XXX	38	XXX
Mar 1-31 (Final)	XXX	XXX	XXX	XXX	42	XXX
Apr 1-15 (Final)	XXX	XXX	XXX	XXX	48	XXX
Apr 16-30 (Final)	XXX	XXX	XXX	XXX	53	XXX
May 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
May 16-31 (Final)	XXX	XXX	XXX	XXX	60	XXX
Jun 1-15 (Final)	XXX	XXX	XXX	XXX	64	XXX
Jun 16-30 (Final)	XXX	XXX	XXX	XXX	68	XXX
Jul 1-31 (Final)	XXX	XXX	XXX	XXX	72	XXX
Aug 1-31 (Final)	XXX	XXX	XXX	XXX	71	XXX
Sep 1-15 (Final)	XXX	XXX	XXX	XXX	67	XXX
Sep 16-30 (Final)	XXX	XXX	XXX	XXX	61	XXX
Oct 1-15 (Final)	XXX	XXX	XXX	XXX	56	XXX
Oct 16-31 (Final)	XXX	XXX	XXX	XXX	52	XXX
Nov 1-15 (Final)	XXX	XXX	XXX	XXX	47	XXX
Nov 16-30 (Final)	XXX	XXX	XXX	XXX	42	XXX
Dec 1-31 (Final)	XXX	XXX	XXX	XXX	40	XXX
Total Suspended Solids	XXX	XXX	XXX	30	50	50
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	329	XXX	0.75	0.75	0.75
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	659	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	440	XXX	1.0	2.0	2.5
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 017 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (Final)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids (Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	327	XXX	Report	Report	XXX
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	655	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	436	XXX	Report	Report	XXX
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 018 are based on a design flow of 2.14 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	70	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	914	XXX	0.75	0.75	0.75
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,828	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,218	XXX	1.0	2.0	2.5

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006

The proposed effluent limits for Outfall 019 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH						
(Final)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	34	XXX	Report	Report	XXX
Total Copper						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	68	XXX	Report	Report	XXX
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	45	XXX	Report	Report	XXX
Total Nickel						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc						
(Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 020 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	0.75	0.75	0.75
Total Arsenic						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0
Total Cadmium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	231	XXX	1.0	2.0	2.5
Total Nickel (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 021 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (Final)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids (Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	192	XXX	Report	Report	XXX
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	383	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	256	XXX	Report	Report	XXX
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 022 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (Final)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids (Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	232	XXX	Report	Report	XXX
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	465	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	310	XXX	Report	Report	XXX
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 023 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	35	70	90
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	228	XXX	0.75	0.75	0.75
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	1.5	3.0	3.75
(Final)	Report	457	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	305	XXX	1.0	2.0	2.5
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 025 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report Daily Max	XXX	XXX	XXX	XXX
pH (Final)	XXX	XXX	XXX	XXX	XXX	Report
Total Suspended Solids (Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	27	XXX	0.75	0.75	0.75
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	54	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	36	XXX	1.0	2.0	2.5

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 026 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids (Final)	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	746	XXX	0.75	0.75	0.75
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	1,494	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	997	XXX	1.0	2.0	2.5
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point 126 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	XXX	99	XXX
Aug 1-Jun 30	XXX	XXX	XXX	XXX	110	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0008	0.0012	0.0020
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Internal Monitoring Point 226 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Free Available Chlorine	XXX	XXX	XXX	0.2	0.5	XXX
Temperature (°F)						
Jul 1-31	XXX	XXX	XXX	XXX	99	XXX
Aug 1-Jun 30	XXX	XXX	XXX	XXX	110	XXX

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Monthly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Total Aluminum	XXX	XXX	XXX	Report	Report	XXX
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron	XXX	XXX	XXX	Report	Report	XXX
Total Manganese	XXX	XXX	XXX	Report	Report	XXX
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0008	0.0012	0.0020
Total Zinc	XXX	XXX	XXX	1.0	1.0	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 027 are based on a design flow of 0.202 MGD.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
CBOD ₅	XXX	XXX	XXX	25	50	XXX
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Osmotic Pressure (mOs/kg)						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1,402	2,188	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	4,045	XXX	6.57	13.1	16.4
Total Beryllium	XXX	XXX	XXX	0.8	1.6	XXX
Total Boron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	45	70	113
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.15	0.23	0.38
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	8,091	XXX	13.1	26.3	32.8
Total Lead	XXX	XXX	XXX	Report	Report	XXX
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	5,395	XXX	8.77	17.5	22.0
Total Selenium						
(Interim)	XXX	XXX	XXX	0.8	1.6	XXX
(Final)	XXX	XXX	XXX	0.14	0.22	0.35
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium	XXX	XXX	XXX	Report	Report	XXX
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX
MBAS	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 029 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	0.75	0.75	0.75
Total Arsenic						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0
Total Cadmium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	231	XXX	1.0	2.0	2.5
Total Nickel						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 030 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Total Copper						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Total Nickel						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc						
(Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 031 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 032 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 033 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	0.75	0.75	0.75
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	Report	XXX	1.0	2.0	2.5

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 113 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	0.75	0.75	0.75
Total Arsenic						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0
Total Cadmium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	231	XXX	1.0	2.0	2.5
Total Nickel						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 213 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	362	XXX	Report	Report	XXX
Total Copper						
(Final)	XXX	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	724	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	483	XXX	Report	Report	XXX
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 313 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	231	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 413 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	0.75	0.75	0.75
Total Arsenic (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0
Total Cadmium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	1.5	3.0	3.75
Total Manganese (Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	231	XXX	1.0	2.0	2.5
Total Nickel (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium (Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 513 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	231	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 613 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
	Avg Mo	Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	30	XXX	Report	Report	XXX
Total Copper (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	60	XXX	Report	Report	XXX
Total Manganese (Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	40	XXX	Report	Report	XXX
Total Nickel (Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc (Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 713 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	Report	Report	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	Report	Report	XXX
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	231	XXX	Report	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 813 are for storm water discharges.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	111	XXX	Report	Report	XXX
Total Copper						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	221	XXX	Report	Report	XXX
Total Manganese						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	148	XXX	Report	Report	XXX
Total Nickel						
(Final)	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc						
(Final)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 913 are for emergency overflows.

<i>Parameters</i>	<i>Mass (lb)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Total Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report Avg Mo	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	Report	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	20	30
Total Aluminum						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	173	XXX	0.75	0.75	0.75
Total Arsenic						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.010	0.016	0.025
Total Boron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.6	2.5	4.0

<i>Parameters</i>	<i>Mass (lb)</i>			<i>Concentration (mg/l)</i>		
	<i>Total Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Cadmium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0014	0.0022	0.0035
Hexavalent Chromium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.011	0.016	0.028
Free Available Cyanide						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.0053	0.0082	0.0133
Dissolved Iron						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.30	0.47	0.75
Total Iron						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	Report	346	XXX	1.5	3.0	3.75
Total Manganese						
(Interim)	Report	Report	XXX	2.0	4.0	XXX
(Final)	Report	231	XXX	1.0	2.0	2.5
Total Nickel						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.35	0.54	0.88
Sulfate	XXX	XXX	XXX	Report	Report	XXX
Total Thallium						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.00024	0.00038	0.0006
Chloride	XXX	XXX	XXX	Report	Report	XXX
Bromide	XXX	XXX	XXX	Report	Report	XXX

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

- A Toxics Reduction Evaluation; compliance schedules for water quality-based limits; and requirements for storm water outfalls, chemical additives, hydrostatic testing and limits below quantitation.

This permit modifies the Kiskiminetas-Conemaugh River Watershed TMDL finalized on January 29, 2010. Modifications are made only to TMDL allocations associated with this permit.

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

The EPA Waiver is not in effect.

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

PA0035297, Storm Water, SIC Code 5171, **Sunoco Partners Marketing & Terminals LP**, 4041 Market Street, Aston, PA 19014. Facility Name: Twin Oaks Terminal IWSW. This existing facility is located in Upper Chichester Township, **Delaware County**.

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

The receiving stream(s), Dutton Run (Tributary to Baldwin Run), is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and 002 are based on an average stormwater flow.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Oil and Grease	XXX	XXX	XXX	15	XXX	30
TRPH	XXX	XXX	XXX	15	XXX	30

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

- Acquire Necessary Property Rights
- Proper Sludge Disposal
- WQM Permit Requirement
- BAT/ELG Reopener

E. TMDL/WLA Analysis

F. Petroleum Marketing Terminals Requirement

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.

PA0244449, SIC Code 4911, 4931, **FPL Energy Marcus Hook LP**, 100 Green Street, Marcus Hook, PA 19061. Facility Name: Marcus Hook Generating Station. This existing facility is located in Marcus Hook Borough, **Delaware County**.

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

The receiving stream(s), Delaware River Estuary—Zone 4, is located in State Water Plan watershed 3-G and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.32 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.05	XXX	0.1
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	95.0
CBOD ₅	1,080	2,161	XXX	30	60	75
CBOD ₂₀	1,082	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids	1,080	3,602	XXX	30	100	XXX
Total Dissolved Solids	180,144	360,288	XXX	5,000	10,000	12,500
Oil and Grease	540	720	XXX	15	20	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	Report	Report
Total Cadmium	XXX	XXX	XXX	Report	Report	Report
Total Copper	1.08	2.16	XXX	0.03	0.06	0.075
Total Lead	XXX	XXX	XXX	Report	Report	Report
Bromide	XXX	XXX	XXX	Report	Report	Report
Dichlorobromomethane	XXX	XXX	XXX	Report	Report	Report
Bis(2-Ethylhexyl)Phthalate	XXX	XXX	XXX	Report	Report	Report
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Acute Toxicity—						
Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	Report	XXX
Chronic Toxicity—						
Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Ceriodaphnia Reproduction (TUC)	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Condition
- D. BAT/ELG Reopener
- E. Chlorine Optimization
- F. Chlorine Discharge
- G. Thermal Impact
- H. Thermal Mixing Zone
- I. Annual Inspection of Stormwater
- J. WET Requirement
- K. Chemical Additives Requirement
- L. PCB/PMP Requirement

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

The EPA Waiver is not in effect.

PA0036897, Sewage, SIC Code 4952, **Borough of South Coatesville**, 136 Modena Road, South Coatesville, PA 19320. Facility Name: South Coatesville STP. This existing facility is located in Lower Gap Road, South Coatesville, PA 19320, in South Coatesville Borough, **Chester County**.

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

The receiving stream(s), West Branch Brandywine Creek, is located in State Water Plan watershed 3-H and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.2
CBOD ₅	79	127	XXX	25	40	50
BOD ₅						
Sewage (Influent)	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Sewage (Influent)	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	95	143	XXX	30	45	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	79	XXX	XXX	25	XXX	50
Ammonia-Nitrogen						
May 1 - Oct 31	22	XXX	XXX	7.0	XXX	14.0
Nov 1 - Apr 30	67	XXX	XXX	21.0	XXX	42.0
Total Phosphorus	6.4	XXX	XXX	2.0	XXX	4.0

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

I. Other Requirements

A. No Stormwater to Sewer

B. Necessary Property Rights

C. Proper Sludge Disposal

D. Chlorine Minimization

E. Notification of Designation of Responsible Operator

F. Remedial Measures if Public Nuisance

G. Laboratory Certification

H. Responsible Operator

I. DRBC Limits May be More Stringent

J. Fecal Coliform 10 Percent Rule

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

The EPA Waiver is not in effect.

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

PA0080268, Sewage, SIC Code 6515, **Kollas & Costopoulos**, 1104 Fernwood Avenue, Camp Hill, PA 17011. Facility Name: Regency Woods North MHP. This existing facility is located in Middlesex Township, **Cumberland County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.035 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/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 Intensity (mWsec/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.9	XXX	5.8
Nov 1 - Apr 30	XXX	XXX	XXX	8.7	XXX	17
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

PA0086932, Sewage, SIC Code 6515, **Keystone Communities**, 330 Ridge Road, York, PA 17402. Facility Name: Yorkana MHP. This existing facility is located in Lower Windsor Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Cabin Creek, is located in State Water Plan watershed 7-I 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 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.04	XXX	0.12
CBOD ₅	XXX	XXX	XXX	15	XXX	30
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/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
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30	XXX	XXX	XXX	4.5	XXX	9.0
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Annl Avg Report	XXX	Annl Avg Report	XXX	XXX

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

The EPA Waiver is in effect.

Application No. PA0265926, Concentrated Animal Feeding Operation (CAFO), **Penn England** (Penn England Farm CAFO), 10341 Fox Run Road, Williamsburg, PA 16693.

Penn England has submitted an application for an Individual NPDES permit for a new CAFO known as Penn England Farm CAFO, located in Catharine Township, **Blair County**.

The CAFO is situated near Unnamed Tributary to Clover Creek, Piney Creek and Unnamed Tributary to Frankstown Branch Juniata River in Watershed 11-A, which is classified for High Quality Waters—Cold Water Fishes, Warm Water Fishes and Migratory Fishes. The CAFO is designed to maintain an animal population of approximately 3,406.3 animal

equivalent units (AEUs) consisting of 2,088 cows, 886 heifers, 250 calves and 30 bulls. Manure is collected and stored in an assortment of underneath storages, clay lined and HDPE lined storage lagoons. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0084395, SIC Code 9223, **PA Department of Corrections**, 2500 Lisburn Road, Camp Hill, PA 17011-8837. Facility Name: State Correctional Institution Camp Hill. This existing facility is located in Lower Allen Township, **Cumberland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated water filtration plant wastewater.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	4.0	8.0	10
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5

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

The EPA Waiver is in effect.

PA0009741 A-2, SIC Code 4911, **Exelon Generation Co. LLC**, 300 Exelon Way, Suite 310, Kennett Square, PA 19348. Facility Name: Exelon Muddy Run Pumped Storage Facility. This existing facility is located in Drumore Township, **Lancaster County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated Industrial Waste (and <0.5% of treated sanitary wastewater). Only the affected outfalls are shown below: no changes to existing outfalls 002 and 003 are planned.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 1.05 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
Temperature (°F)	XXX	XXX	XXX	110	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Daily Avg XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Outfall 004 are based on a design flow of 1.58 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	15	XXX	30

The proposed effluent limits for Internal Monitoring Point 401 (previously designated as 101) are based on a design flow of 0.0069 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX

In addition, the permit contains the following major special conditions: none

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

The EPA Waiver is in effect.

PA0080837, Sewage, SIC Code 6515, **John D Walter**, P O Box 175, Newville, PA 17241. Facility Name: Conodoguinet Mobile Estates. This existing facility is located in Lower Mifflin Township, **Cumberland 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), Conodoguinet Creek, is located in State Water Plan watershed 7-B and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
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
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	2.0	XXX	4.0

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

The EPA Waiver is in effect.

PA0261319, Sewage, SIC Code 4952, **Steven L. Sheets and Cindy M. Sheets**, 1669 Old Carlisle Road, Aspers, PA 17304. Facility Name: Sheets Residence STP. This existing facility is located in Butler 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 to Opossum Creek, is located in State Water Plan watershed 7-F and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Geo Mean Report	XXX	XXX

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

The EPA Waiver is in effect.

Application No. PA0265934, Concentrated Animal Feeding Operation (CAFO), **Morrow David S** (David S Morrow Farm CAFO), 237 Briar Road, Loysville, PA 17047.

Morrow David S has submitted an application for an Individual NPDES permit for a new CAFO known as David S Morrow Farm CAFO, located in Southwest Madison Township, **Perry County**.

The CAFO is situated near Cisna Run and Unnamed Stream in Watershed 7-A, which is classified for High Quality Waters—Cold Water Fishes and. The CAFO is designed to maintain an animal population of approximately 670 animal equivalent units (AEUs) consisting of 4,600 swine, 15 beef cows, and 15 beef calves. Swine manure is stored in under-barn pits, beef cows are pastured year round. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit

PA0265896, Storm Water, SIC Code 2951, **Fayetteville Contractors Inc.**, 3185 Lincoln Way East, Fayetteville, PA 17222-0610. Facility Name: Fayetteville Contractors Asphalt Plant. This existing facility is located in Antrim Township, **Franklin County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Storm Water associated with an asphalt manufacturing plant.

The receiving stream(s), Muddy Run, is located in State Water Plan watershed 13-C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001, Outfall 002, and Outfall 003:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements Applicable to Stormwater Outfalls including:
 - o Specific Best Management Practices applicable to facilities with SIC Code 29 from Appendix J of the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities.
 - o General Best Management Practices from Part A.1.b. of the NPDES PAG-03 General Permit for Discharges of Stormwater Associated with Industrial Activities

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

The EPA Waiver is in effect.

PA0031950, Sewage, SIC Code 7999, 8412, **PA DCNR State Parks Bureau**, 1579 State Park Road, Newport, PA 17074. Facility Name: Little Buffalo State Park. This existing facility is located in Juniata Township, **Perry County**.

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

The receiving stream(s), Little Buffalo Creek, is located in State Water Plan watershed 12-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.076 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
May 1 - Sep 30	XXX	XXX	6.0	XXX	XXX	9.0
Oct 1 - Apr 30	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen						
May 1 - Sep 30	XXX	XXX	5.0	XXX	XXX	XXX
Oct 1 - Apr 30	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine						
May 1 - Sep 30	XXX	XXX	XXX	0.5	XXX	1.6
Oct 1 - Apr 30	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	15	XXX	30
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Avg Qrtly		

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

The EPA Waiver is in effect.

PA0028975, Sewage, SIC Code 4952, **Womelsdorf Sewer Authority Berks County**, 101 West High Street, Womelsdorf, PA 19567-1108. Facility Name: Womelsdorf STP. This existing facility is located in Heidelberg Township, **Berks 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), Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.475 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	99	158	XXX	25	40	50
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	118	178	XXX	30	45	60
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	61	XXX	XXX	15.3	XXX	30.6
Nov 1 - Apr 30	79	XXX	XXX	20	XXX	40
Total Phosphorus	3.9	XXX	XXX	1.0	XXX	2.0
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Dissolved Solids	Report	XXX	XXX	1,000	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

- Facility's discharge is subject to Delaware River Basin Commission requirements

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

The EPA Waiver is in effect.

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

PA0272841, Sewage, SIC Code 8800, **Shelly Downes**, 14200 Route 19, Waterford, PA 16441. Facility Name: Shelly Downes SRSTP. This proposed facility is located in Waterford Township, **Erie County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated domestic sewage of a single family home.

The receiving stream(s), an unnamed tributary to Trout Run, is located in State Water Plan watershed 16-A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

PA0006343, Industrial Waste, SIC Code 3312, **AK Steel Corp**, 9227 Centre Point Drive, West Chester, OH 45069. Facility Name: AK Steel Main Facility. This existing facility is located in the City of Butler & Butler Township, **Butler County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste, non-contact cooling water, miscellaneous wastewater and stormwater.

The receiving streams are Connoquenessing Creek (Outfalls 001—005, 007—016, 027—030, 033—037 and 040—048), unnamed tributary to Connoquenessing Creek (Outfall 050), Sawmill Run (Outfalls 006, 026, 031 and 032), Rocklick Run (Outfalls 017—024, 038, 039 and 049) and Sullivan Run (Outfall 025). The receiving streams are in State Water Plan 20-C and are classified for the following uses: warm water fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.341 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	179	417	XXX	Report	Report	157

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Hexavalent Chromium	0.26	0.51	XXX	0.093	0.19	0.23
Total Chromium	2.4	6.0	XXX	Report	Report	2.1
Total Iron	Report	Report	XXX	4.3	8.7	10.9
Total Nickel	1.8	5.4	XXX	Report	Report	1.6

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0029 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	150
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30

The proposed effluent limits for Outfall 003 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	150
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30

The proposed effluent limits for Outfall 004 are based on a design flow of 0.034 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

The proposed effluent limits for Outfall 005 are based on a design flow of 1.5 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	1,211	2,935	XXX	Report	Report	242
Oil and Grease	398	1,191	XXX	15	Report	30
Total Chromium	14.7	37	XXX	Report	Report	3.0
Total Iron	55.7	111	XXX	2.54	5.08	6.35
Total Nickel	11.1	33.3	XXX	Report	Report	2.7
Naphthalene	XXX	0.05	XXX	XXX	XXX	XXX
Tetrachloroethylene	XXX	0.08	XXX	XXX	XXX	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.0029 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6	XXX	XXX	9
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	60
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30

The proposed effluent limits for Outfall 007 are based on a design flow of 1.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD) (Final)	Report	XXX	XXX	XXX	XXX	XXX
pH (Interim)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids (Interim)	1,181	3,153	XXX	Report	Report	378
(Final)	1,181	3,153	XXX	XXX	XXX	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Oil and Grease						
(Interim)	XXX	790	XXX	15	Report	30
(Final)	XXX	790	XXX	XXX	XXX	XXX

The proposed effluent limits for Suboutfall 107 are based on a design flow of 1.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point (Final)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point (Final)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids						
Internal Monitoring Point (Final)	Report	Report	XXX	Report	Report	XXX
Oil and Grease						
Internal Monitoring Point (Final)	Report	Report	XXX	15	Report	30
Total Aluminum						
Internal Monitoring Point (Final)	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc						
Internal Monitoring Point (Final)	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Suboutfall 207 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)						
Internal Monitoring Point (Final)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point (Final)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids						
Internal Monitoring Point (Final)	XXX	Report	XXX	XXX	Report	XXX
Oil and Grease						
Internal Monitoring Point (Final)	XXX	Report	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 025 are based on a design flow of N/A MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	XXX	XXX	60
Oil and Grease	XXX	XXX	XXX	XXX	XXX	30

The proposed effluent limits for Outfall 034 are based on a design flow of 0.004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

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

- Chemical Additives
- Stormwater
- Warning Sign requirement—Outfalls 001 & 004 (Heated Discharges)

- Monitoring Waiver—Outfall 005—Naphthalene & Tetrachloroethylene
- Reactivation of the Outfall 001 Steel Making Processes
- Electronic Discharge Monitoring Reporting requirement

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

The EPA Waiver is not in effect.

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

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

WQM Permit No. WQG02091413, Sewage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954.

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

Description of Action/Activity: Construction and operation of a sanitary sewer pump station.

WQM Permit No. WQG02091414, Sewage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976-1209.

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

Description of Action/Activity: Replace existing 8 inch sewer with a 10 inch sewer for future capacity.

WQM Permit No. WQG02461415, Sewage, **Limerick Township**, 646 W. Ridge Road, Limerick, PA 19468.

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

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

WQM Permit No. 4614403, Sewage, **Frederick Mennonite Community d.b.a. Frederick Living**, 2849 Big Road, P.O. Box 498, Frederick, PA 19435-0498.

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

Description of Action/Activity: Sanitary sewer extension (8" PVC) and pumping station to serve new housing unit adjacent to existing units.

WQM Permit No. WQG02461109, Sewage, Amendment, **Pennsylvania Air National Guard**, 1120 Fairchild Street, Horsham, PA 19044.

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

Description of Action/Activity: Replacing of the entire water distribution and sanitary sewer collection system.

WQM Permit No. 1514401, Sewage, **Birmingham Township**, 1040 West Street Road, West Chester, PA 19382-8012.

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

Description of Action/Activity: Denitrification process to the existing WWTP to remove nitrogen as required by new permit effluent limits. New wastewater treatment plant.

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

WQM Permit No. 4014201, Industrial Waste, **J.V.A. Deicing Inc.**, 78 Cottage St, Carbondale, PA 18407.

This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: The application is for the existing stormwater control facilities at an existing rock salt storage and distribution stockpile. This Facility has controlled pumping from two existing stormwater impoundments. The impoundments capture stormwater runoff from Deicing Salt Storage pile pads and rail car unloading areas.

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

WQM Permit No. 2170410, Amendment #5, Sewerage, **Lower Allen Township Authority**, 120 Limekiln Road, New Cumberland, PA 17070-2428.

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

Description of Proposed Action/Activity: Seeking permit approval for rerate.

IV. NPDES Applications for Stormwater Discharges from MS4

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

PA0063665, MS4, **Allentown City**, 641 South 10th Street, Allentown, PA 18103-4775. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Allentown City, **Lehigh County**. The receiving streams, Cedar Creek, Jordan Creek, Unnamed Tributary to Lehigh River, Trout Creek and Unnamed Tributary to Trout Creek, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes, Trout Stocking, Migratory Fishes, Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. 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.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 5114011(1)	Liberty Property Trust 1628 John F. Kennedy Boulevard Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF—MF
PAI01 5114012	Forest City Residential Group, Inc. 1 Metrotech Center North Brooklyn, NY 11201	Philadelphia	City of Philadelphia	Lower Schuylkill River WWF—MF

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023914008	David Biddison Wedgewood Land, LP 201 King of Prussia Rd. Ste. 370 Radnor, PA 19087	Lehigh	Upper Saucon Township	UNT to Saucon Creek (CWF, MF), EV Wetlands

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>
PAI032114008	David A. Marschka 120 North Pointe Boulevard, Suite 300 Lancaster, PA 17601	Cumberland	North Middleton and Middlesex Townships	Letort Springs Run (HQ-CWF, MF)
PAI030514004	Lawrence Burkholder 760 Muley Lane New Enterprise, PA 16664	Bedford	South Woodbury	UNT Beaver Creek (HQ-CWF) UNT Three Springs Run (HQ-CWF)

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056314007	PA American Water Company 300 Galley Road McMurray, PA 15317	Washington	Hopewell Township and Canton Township	Brush Run (HQ-WWF), Cross Creek (HQ-WWF), and Chartiers Creek (WWF)

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12 CAFOs

CAFO Notices of Intent Received

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

PAG123785, CAFO, Noah W. Kreider & Sons, LLP, 1461 Lancaster Road, Manheim, PA 17545.

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

Description of Size and Scope of Proposed Operation/Activity: A proposed expansion of an existing poultry (layer) operation to house 2,150,000 birds (6,772.5 AEU) by the year 2016.

The receiving stream, UNT Donegal Creek, is in watershed 7-G, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

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

<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>
Will-O-Bett Farm 137 Bomboy Lane Berwick, PA 18603	Luzerne	103.2	726.12	Swine, Beef & Goat	N/A	Renewal
Malcolm and Rosanna Rudolph Granite Ridge Farm 200 Ginzel Road New Oxford, PA 17350	Adams	297	670.26	Swine	NA	Renewal
Cleveland Pork 110 Center School Road Elysburg, PA 17824	Columbia	156.2	560.23	Swine	HQ-CWF	Renewal
Sullivan Farm 372 Hemlock Hill Rd Covington, PA 16917	Tioga	201.1	2,746.6	Swine	N/A	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. 3314501, Public Water Supply

Applicant	Brockway Borough Municipal Authority
Township or Borough	Snyder Township
County	Jefferson
Responsible Official	Michael Arnold
Type of Facility	Public Water Supply
Consulting Engineer	N. Peter Fleszar, P.E. Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received Date	July 2, 2014
Description of Action	Construction of pumped interconnection loop between Rattlesnake and Whetstone distribution systems.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4014505MA, Minor Amendment.

Applicant	Hazleton City Authority 400 E. Arthur Gardner Parkway Hazleton, Pa 18201
[Township or Borough]	City of Hazleton, Hazle Township Luzerne County Packer Township, Carbon County
Responsible Official	Mr. Randy Cahalan Hazleton City Authority 400 E. Arthur Gardner Parkway Hazleton, Pa 18201
Type of Facility	Public Water Supply

Consulting Engineer	John G. Synoski, PE Hazleton City Authority 400 E. Arthur Gardner Parkway Hazleton, Pa 18201
Application Received Date	7/2/2014
Description of Action	This application proposes the rehabilitation of the Council Crest Tank, the McKinley Tank and the Hudsonale Pump Station.

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

Application No. 2589508-MA1, Minor Amendment.

Applicant	Millcreek Township Water Authority
Township or Borough	City of Erie
Responsible Official	David Sterrett
Type of Facility	Public Water Supply
Consulting Engineer	Jason G. Saylor, P.E. Utility Service Company, Inc. 535 Courtney Hodges Blvd. Perry, GA 31069
Application Received Date	June 30, 2014
Description of Action	Installation of PAX Active Mixing System in Lancaster Tank.

Application No. 2590505-MA5, Minor Amendment.

Applicant	Millcreek Township Water Authority
Township or Borough	City of Erie
Responsible Official	David Sterrett
Type of Facility	Public Water Supply
Consulting Engineer	Jason G. Saylor, P.E. Utility Service Company, Inc. 535 Courtney Hodges Blvd. Perry, GA 31069
Application Received Date	June 30, 2014
Description of Action	Installation of PAX Active Mixing System in Sterrettania 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 the Commonwealth

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

WA 16-716A, Water Allocations. Rimersburg Borough Municipal Authority, 27 Main Street, Rimersburg, PA 16248, Rimersburg Borough, Clarion County. The permittee has submitted an application to renew the subsidiary water allocation permit that was for the purchase of 189,000 gallons per day as a 30 day average.

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 AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Chick-fil-A, Incorporated, 2801 East Market Street, York, PA 17402, Springettsbury Township, **York County**. BAI Group, 341 10th Avenue, Suite 103, Royersford, PA 19468, on behalf of Chick-fil-A, Incorporated, 5200 Buffington Road, Atlanta, GA 30349-2998, and York Development, L.P., 2127 Innerbelt Business Center, Suite 200, St. Louis, MO 63114, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs and Lead. The site will be remediated to the Residential Statewide Health Standard. Future use will be commercial. The Notice of Intent to Remediate was published in the *York Dispatch/York Daily Record* on May 29, 2014.

3838 and 3848 Penn Avenue, Sinking Spring Borough, **Berks County**. EnviroSure, Inc., 103 South High Street, Suite 1, West Chester, PA 19382, on behalf of Susquehanna Bank, 307 International Circle, Hunt Valley, MD 21030-1376, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products from historical operations of an auto repair facility. The site will be remediated to a combination of the Residential Statewide Health and Site Specific Standards. Future use of the site is commercial. The Notice of Intent to Remediate was published in the *Reading Eagle* on June 16, 2014.

MUNICIPAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM052. Waste Management of Pennsylvania, Inc. 107 Silvia Street, Ewing, New Jersey, 08628. This application is for a new General Permit for the siting of commercial bio-bins in four locations for the staging of organic food waste prior to collection and transport to a permitted composting facility. The four proposed locations are: Apex Waste Systems, 13 Peggy Parkway, Dunmore PA 18512, **Lackawanna County**, Grand Central Sanitation Hauling, 910 W. Pennsylvania Ave, Penn Argyl PA 18072, **Northampton County**, Camp Hill Transfer Station, 4300 Industrial Park Rd. Camp Hill PA 17011, **Cumberland County** and Palmyra Hauling, 123 E. High Street, Palmyra PA 17078, **Lebanon County**. The application was determined to be administratively complete by Central Office on July 8, 2014.

Written comments concerning the application should be directed to Scott E. Walters, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGM052" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of

this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department of Environmental Protection (Department or DEP) 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, DEP'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 DEP Regional Office. Appointments for scheduling a review must be made by calling the appropriate DEP 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 following: 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 such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper, the *Pennsylvania Bulletin*, or by telephone, where the DEP determines such notification is sufficient. Requests for a public hearing and any relevant information should be directed to the appropriate DEP Regional Office.

Permits issued to the owners or operators of sources subject to 25 Pa. Code Subchapters D or E, or located within a Title V facility or subject to 25 Pa. Code Section 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 U.S. 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.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

56-00319A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) for a coal screening and prep plant at their Stoneycreek Mine in Quemahoning Borough, **Somerset County**. This is a minor facility Plan Approval application submittal.

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

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0005AP: Merck, Sharp & Dohme, Corp. (770 Sumneytown Pike, West Point, PA 19486-0004) for installation of ten (10) thin-walled trailers, each with its own diesel-fired IC engine to provide backup power to the refrigerated trailers in the event of an electrical outage and to increase the operating time of thirty (30) similar existing units in Upper Gwynedd Township, **Montgomery County**. This action does not trigger applicability to the Department's New Source Review (NSR) regulation or to the Federal Potential for Significant Deterioration (PSD) regulations. The overall air emissions associated will increase as follows: NO_x—1.45 ton, VOC—1.45 ton, CO—1.18 ton, SO_x—0.27 ton, GHG—39.3 tons, and PM—0.05 ton. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-0047G: Evonik Degussa Corp. (1200 West Front Street, Chester, PA 19013) for replacement of two baghouses in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM). The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

06-05002M: Lehigh Cement Company, LLC (Evansville Cement Plant and Quarry), (537 Evansville Road, Fleetwood, Pennsylvania 19522-8541) for the ability to combust engineered fuel at their facility in Maiden Creek Township, **Berks 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 the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 06-05002M is for the authorization to an engineered fuel being sourced from, but not limited to, Renewable Fuel, Inc. (RFI) as an alternative fuel in the facility's two long dry kilns (Source ID's 121 & 122). The facility will be permitted to combust up to a combined total of 6.0 tons per hour engineered fuel in both kilns & a total of 50,000 tpy DBS. The project does not include the installation of any new equipment nor will it increase the clinker production capacity of the kilns. The facility will be required to comply with the amended requirements of 40 CFR 63, Subpart LLL by September 9, 2015. The plan approval will contain emission limits, performance testing, monitoring, recordkeeping & work practice standards 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, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. 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.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

12-00013A: Endeavour Operating Corp. (1125 17th Street, Suite 1525, Denver, CO 80202) for the construction of a 1,380 bhp Caterpillar G3516B four stroke, ultra lean burn, natural gas-fired compressor engine equipped with an oxidation catalyst at the company's Pad D facility in Shippen Township, **Cameron County**.

The Department of Environmental Protection's (Department) review of the information submitted by Endeavour Operating Corporation indicates that the air contamination source to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Sections 63.6580 through 63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Sections 60.4230 through 60.4248, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed engine will not exceed the following limits: 0.5 g/bhp-hr and 6.66 TPY NO_x, 0.17 g/bhp-hr and 2.27 TPY CO, 0.25 g/bhp-hr and 3.33 TPY VOCs, 0.000588 lb/MMBtu and 0.03 TPY SO_x, 0.00999 g/bhp-hr and 0.50 TPY PM₁₀/PM_{2.5}, 0.047 g/bhp-hr and 0.63 TPY formaldehyde; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time.

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

Performance testing requirement for the engine to verify compliance with the emissions limitations.

Restrict the engine to natural gas firing only.

In addition to performance testing, establish a follow-up, periodic portable analyzer testing for NO_x and CO for the engine.

The plan approval will also contain applicable monitoring, recordkeeping and reporting conditions.

The facility is a State Only (Natural Minor) facility. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 12-00013A, the applicant will subsequently apply for a State Only (Natural Minor) Operating Permit in accordance with 25 Pa. Code Subchapter F.

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.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this

publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 12-00013A); Concise statements regarding the relevancy of the information or objections to 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 information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

12-00014A: Endeavour Operating Corporation (1125 17th Street, Suite 1525, Denver, CO 80202) for the construction of a 1,380 bhp Caterpillar G3516B four stroke, ultra lean burn, natural gas-fired compressor engine equipped with an oxidation catalyst at the company's Pad E facility in Shippen Township, **Cameron County**.

The Department of Environmental Protection's (Department) review of the information submitted by Endeavour Operating Corporation indicates that the air contamination source to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Sections 63.6580 through 63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Sections 60.4230 through 60.4248, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed engine will not exceed the following limits: 0.5 g/bhp-hr and 6.66 TPY NO_x, 0.17 g/bhp-hr and 2.27 TPY CO, 0.25 g/bhp-hr and 3.33 TPY VOCs, 0.000588 lbs/MMBtu and 0.03 TPY SO_x, 0.00999 g/bhp-hr and 0.50 TPY PM₁₀/PM_{2.5}, 0.047 g/bhp-hr and 0.63 TPY formaldehyde; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time.

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

Performance testing requirement for the engine to verify compliance with the emissions limitations.

Restrict the engine to natural gas firing only.

In addition to performance testing, establish a follow-up, periodic portable analyzer testing for NO_x and CO for the engine.

The plan approval will also contain applicable monitoring, recordkeeping and reporting conditions.

The facility is a State Only (Natural Minor) facility. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 12-00014A, the applicant will subsequently apply for a State Only (Natural Minor) Operating Permit in accordance with 25 Pa. Code Subchapter F.

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.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 12-00014A); Concise statements regarding the relevancy of the information or objections to 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 information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

Persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the Northcentral Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5984.

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

Contact: B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

03-00151A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) to authorize the addition of a froth flotation process to their existing Dutch Run Coal Preparation located in Plumcreek Township, **Armstrong County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Pennsylvania Department of Environmental Protection (DEP) is providing notice that it intends to issue an Air Quality Plan Approval to Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) to authorize the

addition of a froth flotation process to their existing Dutch Run Coal Preparation located in Plumcreek Township, Armstrong County.

Sources at the existing facility include a Rotary Breaker, Triple Roll Crusher, Radial Stacker, Vibratory Feeder, Static Thickener, Double Deck Screen, Storage Piles, Various Conveyors, Truck loadout, Front-end loader, and Emergency Diesel Generator. Roadways are controlled by paving and water sprays. Fugitive emissions from the process are controlled by water sprays.

Upon authorization of this plan approval the facility potential to emit will not exceed 62.4 tons of PM, 19.4 tons of PM₁₀, 1.8 ton of NO_x, 0.6 ton of CO, and 26.3 tons of VOC on an annual basis. The throughput restriction, monitoring, testing, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 40 CFR Part 60 Subpart Y, 40 CFR Part 63 Subpart ZZZZ, and 25 Pa. Code Chapters 123 and 127.

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 the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review may be made by calling 412-442-4000.

Any person may submit comments or object to the plan approval or a proposed condition thereof by filing a written protest with 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.

A protest 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 § 127.44 (relating to public notice). A protest shall include the following:

The name, address and telephone number of the person filing the protest; Identification of the proposed plan approval issuance being opposed (Plan Approval 03-00151A); and, a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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.

Written comments, protests, and requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the plan approval or the issuance procedure, contact Mr. Parihar at 412-442-4030.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

24-167B: E Carbon America (806 Theresia Street, Saint Marys, PA 15857) for modification of the facility

operating conditions associated with the operation of the control device established in plan approval 24-167A in Saint Marys City, **Elk County**. This is a Title V 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 24-167B is for the modification of operating permit conditions established in plan approval 24-167A for the baking kiln and the proposed installation of a new baghouse to replace two existing baghouses for the blending process. This project will not result in an emission increase. 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 conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Baking Kilns (Source 101)

- Within 180 days after plan approval issuance, a stack test on at least one recirculating furnace for VOC shall be performed. Within 1 year after plan approval issuance, a stack test on at least one box furnace for VOC shall be performed. Both tests shall be conducted in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. Both stack tests shall be performed while the aforementioned sources are operating at the maximum or normal rated capacity as stated in the application. Both stack tests shall be conducted while the bottom furnace temperature is between 650F and 1,250F with the flame grid operating and while the bottom furnace temperature is between 1,250F and 1,450F with the flame grid off. Testing at each temperature range shall consist of three one hour tests for VOC.

- The flame grid temperature shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. Based on operational data from the furnaces, the flame grid temperature shall be maintained at or above 1050 degrees Fahrenheit whenever the bottom of the furnace is at 650 degrees Fahrenheit or higher. If a higher flame grid temperature is used during the required stack testing, that temperature will become the operational limit.

- The permittee shall turn on the flame grid control device prior to the furnace bottom temperature reaching 650F. The control device shall remain on until the furnace bottom temperature is greater than 1,250F. Once the furnace bottom temperature is above 1250F, the flame grid can be turned off.

- All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.

- Special Impregnation Process (Source 102)

- The permittee shall perform a daily operational inspection of the source which shall include, but not be limited to, verifying no fugitive emissions associated with the source.

- All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.

- Blending Operation 1 and 2 (Sources 6889A & 6990)

- The filterable particulate matter emission rate shall not exceed 0.02 gr/dscf.

- Within 180 days after startup of the control, a stack test for FPM

- The permittee shall record the following operational data from the baghouse during the required operational inspection (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure differential—daily defined as once per calendar day

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop: 1.0 to 8.0 inches water gage or as established during compliant testing

- All the conditions from the facility operating permit issued on October 4, 2011, remain in effect unless superseded in this plan approval.

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 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(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 [24-167B] 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; Phone (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 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

PLAN APPROVAL

PUBLIC HEARINGS

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

Contact: James Parette, New Source Review Chief—Telephone: 570-826-2531

Public Notification to Solicit Comments on Columbia Gas Transmission Corp.; Plan Approval Application No: 52-00001A

Notice is hereby given under 25 Pa. Code §§ 127.44(b)(5) and 127.424, that the Department of Environmental Protection (Department) is soliciting comments on the proposed Air Quality Plan Approval 52-00001A for Columbia Gas Transmission Corp. (the Permittee), 1700 MacCorkle Avenue, SE, Charleston, WV 25314 to modify their existing Milford Compressor Station, which is located in Milford Twp., Pike County as described in the Permittee's January 17, 2014 Plan Approval Application and any other subsequent supplemental submissions.

Plan Approval No. 52-00001A is for the installation and operation of two new Solar Centaur natural gas fired compressor turbines and an emergency generator at the Milford Compressor Station. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. Currently permitted engines and associated equipment will be removed as part of the project.

The facility is subject to NSPS Subpart JJJJ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the turbines will meet BAT & NSPS Subpart JJJJ requirements. 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.

Persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of the Plan Approval, may submit the information to the address shown below. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed Plan Approval No. 52-00001A and a concise statement regarding the relevancy of the information or any objections to the issuance of the Plan Approval.

A public hearing will be held for the purpose of receiving comments on the proposed air quality plan approval. The hearing will be held on August 18, 2014 at

6:00 p.m. at the Delaware Valley High School located at 256 US Highway 6, Milford, PA 18337.

Persons interested in commenting are invited to appear.

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

The general procedures for the hearing are as follows:

To develop an agenda for the hearing, the Department requests that individuals wishing to testify at the hearing submit a written notice of their intent. The notice should be sent to Mark Wejkszner, Air Quality Program Manager, Department of Environmental Protection, Air Quality Program, Wilkes-Barre Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. The Department will accept notices up to the day of the public hearing.

This written notice should include the person's name, address, telephone number and a brief description as to the nature of the testimony. Individuals who submit a notice of intent to testify will be given priority on the agenda. If time permits, the Department will allow individuals who have not submitted a notice of intent to testify to present their comments.

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

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

Persons unable to attend the hearing can submit written testimony to the Department through 8/31/14.

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

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

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

OPERATING PERMITS

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

23-00018: Exelon Generation Co., LLC (3901 N. Delaware Avenue, Philadelphia, Pa 19137) for renewal of the Title V Operating Permit for their Chester Generating Station in the City of Chester, **Delaware County**. The facility is a peak power plant, containing three simple cycle combustion turbines, which generate a maximum of 18 MW each. Due to the potential emissions of NO_x and SO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

15-00005: West Chester University of PA (201 Carter Drive, Suite, 100, West Chester, PA 19383) for a Title V Operating Permit in West Chester Borough, **Chester County**. This action is a renewal of the Title V Operating Permit. The existing permit was initially renewed on 07-7-2004 and was subsequently renewed on 9-25-2009. The facility is a university campus that operates boilers and emergency generators. As a result of potential emissions of NO_x and SO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal includes any change in air emissions from the facility. The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

10-00062: PA State System of Higher Education—Slippery Rock University (1 Morrow Way, Maintenance Center, Slippery Rock PA 16057-1313) to modify a Title V Operating Permit for the facility in Slippery Rock Borough, **Butler County**.

The modification is in accordance with 25 Pa. Code §§ 127.463 and 127.521. The facility is a major facility as defined in Title I, Part D of the Clean Air Act Amendments due to the facility's potential to emit SO_x emissions. The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapters F and G. The facility is subject to multiple State and Federal Regulations. The facility is an Area Source of Hazardous Air Pollutants (HAPs). The modification involves the incorporation of the requirements of 40 CFR 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Area Source Industrial, Commercial, and Institutional Boilers. The facility was given a restriction on each of the coal fired boilers to establish a 10% annual capacity factor for coal. The limit reduces the amount of coal that was previously permitted by the facility. The requirements in Subpart JJJJJJ became effective February 1, 2013. The coal fired boilers (Sources 031, 032, and 034A) are subject to the tune-up work practice standards of Subpart JJJJJJ. The permit also modifies the requirement for testing the boilers at normal operating peak load. The modification removes restrictions on steam load which are no longer necessary based on the installation of the baghouse under Plan Approval 10-062F which makes the opacity related conditions unnecessary.

Copies of the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 10-00062) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Matthew M. Williams, Acting Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Williams by mail or phone at (814) 332-6940.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

09-00074: R. A. Ferris & Co., Inc. (899 Fern Hill Road, West Chester, PA 19380) for renewal of a State-Only Operating Permit for crematories in West Goshen Township, **Chester County**. This Operating Permit contains all applicable state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

09-00041: Dan Schantz Farms—6071 Durham Road, L. P. (6071 Durham Road, Pipersville, PA 18947) for renewal of the original State Only Operating Permit (Synthetic Minor), which was issued on April 1, 2009 located in Plumstead Township, **Bucks County**. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00183: Donaldson Company, Inc. (85 Railroad Drive, Ivyland, PA 18974) for renewal of a State Only, Natural Minor Operating Permit in North Hampton Township, **Bucks County**. The company has one polytetrafluoroethylene (PTFE) extrusion line controlled by a Regenerative Thermal Oxidizer. The pollutant of concern is volatile organic compounds (VOC). The estimated VOC emissions after control are less than 4.4 tons per year. The permit will include monitoring, record

keeping and reporting requirements designed to address all applicable air quality requirements.

46-00239: SEI Investments Co. (100 Cider Mill Road, Oaks, PA 19456) for Renewal of a State Only, Synthetic Minor Operating Permit in Upper Providence Township, **Montgomery County**. The company has 3 emergency generators less than 750 KW and 2 emergency generators of 1,250 kW operated using No. 2 fuel oil. Each of two 1,250-kW emergency generators shall be limited to 200 hours of operation for a 12-month rolling basis. The facility is limited to NO_x emissions of 7.77 tons per ozone season and 11.62 tons per year on a 12-month rolling basis. The permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

40-00118: Valmont Newmark, Inc. (Valmont Industrial Park, 225 Kiwanis Boulevard, West Hazleton, PA 18202) for operation of a structural metal manufacturing facility in Hazle Township, **Luzerne County**. The sources consist of plasma cutters and blast machines. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

39-00103: Bosch Rexroth Corp. (2315 City Line Road, Bethlehem, PA 18017) for operation of paint spray booths and a curing oven at their facility in the City of Bethlehem, **Lehigh County**. This is a new State-only Synthetic Minor operating permit application. The Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

35-00044: National Park Service—Steamtown National Historic Site (150 South Washington Avenue, Scranton, PA 18503-2018) for operation of two (2) boilers at the facility in the City of Scranton, **Lackawanna County**. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

36-03126: Sylvin Technologies, Inc. (84 Denver Road, Denver PA 17517) for their PVC pellet manufacturing facility in East Cocalico Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has potential emissions of 5.3 tpy of PM. 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.

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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

06-03010: Brenntag Northeast, Inc. (81 West Huller Lane, Reading, PA 19605) for their Huller Lane chemical distribution facility in Ontelaunee Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

In 2013 the subject facility had actual emissions of 16.55 tons of VOC and 0.90 ton of HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the following; name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

55-00020: Meckley's Limestone Products, Inc. (1543 State Route 225, Herndon, PA 17830-7332) a state only operating permit renewal for their Beavertown Plant facility located in Franklin Township, **Snyder County**. In accordance with 25 Pa. Code § 127.425, the Department of Environmental Protection (DEP) has received an application and intends to renew State Only (Synthetic Minor) Operating Permit 55-00020 for the abovementioned facility. The facility has potential to emit levels of pollutants that are all below major thresholds. The levels of potential to emit are as follows, 10.6 tons per year (TPY) of CO; 5 TPY of NO_x; 6.9 TPY of SO_x; 25.1 TPY of PM; 25.1 TPY of PM-10; 25.1 TPY of PM_{2.5}; 2.7 TPY of VOC; 0.8 TPY of HAP and 4,000 TPY of CO₂e. The facility's primary operation is an asphalt plant which includes a rotary stone dryer fired on reclaimed oil or No. 2 oil. The Department has determined that the air contaminant sources, (or sources), at the facility meet the applicable state and federal regulatory requirements pertaining to the sources. This renewal operating permit includes monitoring, recordkeeping, and reporting conditions to demonstrate compliance with the applicable regulatory requirements. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions in the state only operating permit have been derived from the applicable regulatory requirements as codified at 40 CFR Parts 52, 60, 63, 64, 68, 72—76, 96—98 as well as Title 25, Article III of the rules and regulations of the Department of Environmental Protection.

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

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the following: Name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 55-00020); Concise statements regarding the relevancy of the information or objections to 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 information 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 by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, North Central Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570.327.3648.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Daniel Spadoni at 570-327-3659 or through the

Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

03-00050: Creekside Mushrooms Ltd. (One Moonlight Drive, Worthington, PA 16262) for a Natural Minor Operating Permit renewal for the operation of a mushroom processing facility, known as the Creekside Mushrooms, located in West Franklin Township, **Armstrong County**.

The facility contains air contamination sources consisting of three NG-fired boilers with heat input capacities of 12.8, 25.1, and 25.1 MMBtu/hr each, a 1,700-bhp diesel powered emergency electrical generator, and a 23.7 MMBtu/hr NG fired soil pasteurizer and blender. Facility emissions are 48.2 tons of NO_x, 34.2 tons of CO, 3.2 tons of PM₁₀, and 2.4 tons of VOC per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

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 the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with 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 requests for a public hearing, and all 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). A protest 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 03-00050); 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.

Written comments, protests, and requests for a public hearing should be directed to Martin L. Hochhauser, P. E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional

information concerning the permit or the issuance procedure, contact Martin L. Hochhauser, P.E. at (412) 442-4057.

63-00943: Dominion Transmission, Inc. (5000 Dominion Blvd.—2NW, Glenn Allen, VA 23060) for a Natural Minor Operating Permit for the operation of a bulk propane terminal, known as the Charleroi Propane Station, located in Fallowfield Township, **Washington County**.

The facility contains air contamination sources consisting of six, 90,000 gallon, pressurized storage tanks and two truck loading racks. Fuel throughput is limited to a maximum of 4,000 truck load-outs per year. Facility emissions are 5.0 tons per year of VOC. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, testing, reporting and recordkeeping requirements for the facility.

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 the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing with 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 requests for a public hearing, and all 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). A protest 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 63-00943); 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.

Written comments, protests, and requests for a public hearing should be directed to Martin L. Hochhauser, P. E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Martin L. Hochhauser, P.E. at (412) 442-4057.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6131

37-00327: R. Cunningham Funeral Home (2429 Wilmington Road, New Castle, PA 16105) for issuance of a New State Only operating permit for the facility in the Neshannock Township, **Lawrence County**. The sources at the facility are 2 natural gas fueled, 2 million Btu/hr cremators. The facility is a Natural Minor. The conditions of the previous plan approval are incorporated into the new permit. The potential emissions from the facility are as follows: PM, 3.5 tpy; NO_x, 1.5 tpy; CO, 4.9 tpy; SO_x, 1.2 tpy; and VOCs, 1.5 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

32051301. AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). To revise the permit for the Barrett Deep Mine in Brush Valley and Buffington Townships, **Indiana County** to expand the underground subsidence control plan permit area. Underground Acres Proposed 2,139.2, Subsidence Control Plan Acres Proposed 2,139.2. No discharges. The application was considered administratively complete on July 3, 2014. Application received February 18, 2014.

32061301 and NPDES No. PA 0235679. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Starford Mine in Green Township, **Indiana County** to install a degasification borehole. Surface Acres Proposed 4.9. No additional discharges. The application was considered administratively complete on July 3, 2014. Application received March 25, 2014.

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

Permit No. 32090101 and NPDES No. PA0262731. Britt Energies, Inc., P.O. Box 515, Indiana, PA 15701, permit renewal for the continued operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving streams: unnamed tributary to/and Sulfur Run to Kiskiminetas River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014.

Permit No. 11970104 and NPDES No. PA0234486, MB Energy Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface and auger mine in Blacklick and Jackson Townships, **Cambria County**, affecting 449.6 acres. Receiving streams unnamed tributaries to/and South Branch of Blacklick Creek classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 17, 2014.

Permit No. 56080103 and NPDES No. PA0262617. AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 105.5 acres. Receiving streams: unnamed tributaries to/and South Glad Creek to the Casselman River to the Youghiogheny River classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 18, 2014.

Permit No. 56890102 and NPDES No. PA0598372, Svonavec, Inc., 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface and auger mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving streams: unnamed tributaries to/and Casselman River classified for the following uses: warm water fishery. The first downstream potable water supply intake from the point of discharge is Ohiopyle Borough Municipal Waterworks Youghiogheny River SWW. Application received: June 20, 2014.

Permit No. 56040103 and NPDES No. PA0249581, Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for reclamation only of a bitumi-

nous surface mine in Southamptown Township, **Somerset County**, affecting 74.8 acres. Receiving streams: unnamed tributaries to North Branch Jennings Run classified for the following uses: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 20, 2014.

Permit No. 32050104 and NPDES No. PA0249742. Mears Energy, LLC, 490 Clairvaux Drive, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Forestland to unmanaged natural habitat/wildlife habitat in West Mahoning Township, **Indiana County**, affecting 126 acres. Receiving stream: Carr Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 23, 2014.

Permit No. 32130102 and NPDES No. PA0279293. Forcey Coal Inc., 475 Banion Road, Madera, PA 16661, commencement, operation and restoration of a bituminous surface mine in Green Township, **Indiana County** affecting 10.7 acres. Receiving stream: unnamed tributary to/and Little Mahoning Creek classified for the following use: high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: June 25, 2014.

Permit No. 56060105 and NPDES No. PA0249971. AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Forestland to Pastureland in Jenner Township, **Somerset County**, affecting 120.1 acres. Receiving streams: unnamed tributaries to/and Quemahoning Reservoir to the Stoney Creek River to the Conemaugh river classified for the following uses: cold water fisheries. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority. Application received: June 27, 2014.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

02080102 and NPDES Permit No. PA0251500. Cherep's Excavating LLC (9742 Saltsburg Road, Pittsburgh, PA 15239). Renewal application for continued operation and restoration to an existing bituminous surface mine, located in North Fayette & Collier Townships, **Allegheny County**, affecting 138.2 acres. Receiving streams: unnamed tributaries to Robinson Run and Pinkertons Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 3, 2014.

03090103 and NPDES Permit No. PA0251631. M & M Lime Co., Inc. (215 Nichola Road, Worthington, PA 16262). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in West Franklin Township, **Armstrong County**,

affecting 8.2 acres. Receiving stream: Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 3, 2014.

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

04070101. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in North Sewickley Township, **Beaver County** affecting 151.7 acres. Receiving streams: Unnamed tributary to the Beaver River, classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: July 10, 2014.

61040102 and NPDES Permit No. PA0242560. Bedrock Mines, LP (111 Freeport Road, Aspinwall, PA 15215) Renewal of an existing bituminous surface mine and associated NPDES permit in Irwin Township, **Venango County** affecting 58.0 acres. Receiving streams: Two unnamed tributaries to Scrubgrass Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 10, 2014.

10130103 and NPDES Permit No. PA0259497. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine and associated NPDES permit in Muddy Creek Township, **Butler County** affecting 44.0 acres. Receiving streams: Muddy Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 27, 2014.

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

Permit No. 54830209R6. South Tamaqua Coal Pockets, Inc., (804 West Penn Pike, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing and refuse disposal operation in West Penn Township, **Schuylkill County** affecting 37.0 acres, receiving stream: Little Schuylkill River, classified for the following use: cold water fishes. Application received: July 1, 2014.

Permit No. 13940201R4. Rossi Excavating Company, (RR 1 Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing and preparation plant operation in Banks Township, **Carbon County** affecting 11.5 acres, receiving stream: Beaver Creek, classified for the following use: cold water fishes. Application received: July 1, 2014.

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 surfacerunoff 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.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

26990301 and NPDES Permit No. PA0202584. Vanderbilt Aggregates, LLC (P.O. Box 125, Uniontown, PA 15401). NPDES renewal application for continued mining to an existing large noncoal surface mine, located in Dunbar Township and Vanderbilt Borough, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: June 30, 2014.

03052001 and NPDES Permit No. PA0250651. M & M Lime Co., Inc. (215 Nichola Road, Worthington, PA 16262). NPDES renewal application for continued operation and reclamation to an existing noncoal underground mine, located in West Franklin Township, **Armstrong County** and Clearfield Township and **Butler County**, affecting 77.4 acres. Receiving stream: unnamed tributary Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 3, 2014.

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

Permit No. 58062808. Meshoppen Stone, Inc., (PO Box 127, Meshoppen, PA 18630), Stage I & II bond release of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 4.0 acres on property owned by Mary Alice Hawley, Estate of Julie B. Capwell. Application received: June 28, 2014.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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 BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

* The parameter is applicable at all times.

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 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0095966 (Mining Permit No. 32851601), P&N Coal Company, (PO Box 332, Punxsutawney, PA 15767). A revision to the NPDES and mining activity permit for the Hillman Tipple in Banks Township, **Indiana County** to discharge treated wastewater with a PH greater than 9.0, but not greater than 12.0. Surface Acres Affected 18.0. Receiving stream: Bear Run, classified for the following use: CWF. Bear Run Watershed TMDL. The application was considered administratively complete on June 23, 2014. Application received June 23, 2014.

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

NPDES No. PA0212512 (Mining Permit No. 4274SM11), New Enterprise Stone & Lime Company, Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of an NPDES permit for limestone/dolomite quarry in Taylor Township, **Blair County**, affecting 467.1 acres. Receiving streams: Halter Creek and Plum Creek, classified for the following uses: warm water fishery and high quality cold water fishery. Application received: May 12, 2014.

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

The outfalls listed below discharge to Halter Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
005	N
007	N
008	N
009	N

The outfalls listed below discharge to Plum Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N
006	N
010	N

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

NPDES No. PA0252396 (Mining permit no. 63130101), S&K Energy, Inc., 5945 Pudding Stone Lane, Bethel Park, PA 15102, new NPDES permit for a bituminous surface mine in Smith Township, **Washington County**, affecting 65.5 acres. Receiving stream(s): unnamed tributaries to Raccoon Creek, classified for the following use(s): WWF. This receiving stream is included in the Raccoon Creek TMDL. Application received: January 29, 2014.

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

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Raccoon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
TP1	Y	Treatment Facility

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
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributaries to Raccoon Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
SP1	Y	Sedimentation Pond

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
Osmotic Pressure (mOsm/kg)	50	50	50
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

NPDES No. PA0227871 (Permit No. 24980105). Tamburlin Bros. Coal Co., Inc. (P.O. Box 1419, Clearfield, PA 16830) Renewal of the NPDES permit for a bituminous surface and auger mine in Horton Township, **Elk County**, affecting 139.0 acres. Receiving streams: Karnes Run, Johnson Run and Brandy Camp Creek, all classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: March 21, 2014.

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

The outfall(s) listed below discharge to Karnes Run and Brandy Camp Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
5	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)		.75	1.5	2.25
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to Karnes Run and Brandy Camp Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
C	N
G	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)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0224511 on Surface Mining Permit No. 52060301. Springbrook Enterprises, Inc., (504 Well Road, Hawley, PA 18428), renewal of an NPDES Permit for a sandstone/shale quarry operation in Blooming Grove Township, **Pike County**, affecting 29.6 acres. Receiving stream: unnamed tributary to Billings Creek, classified for the following use: HQ—cold water fishes. Application received: January 22, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Billings Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	E&S

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

E15-849. PECO Energy Company, 2301 Market Street, S7-2, Philadelphia, PA 19101, New Garden Township, **Chester County**, AACOE Philadelphia District.

To construct and maintain approximately 5,020 linear feet of 6-inch HP gas pipe line, crossing an unnamed tributary to the East Branch of White Clay Creek at two different locations, utilizing directional drilling for the purpose of providing service to existing dwellings.

The site is located within Church Road and Abrogio Road and along two private properties, (West Grove, PA USGS map; Latitude 39.8388; Longitude -75.7799).

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

E48-430. Borough of Walnutport, 417 Lincoln Avenue, Walnutport, PA 18088, in Borough of Walnutport, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To restore and maintain the Lehigh Canal, Lock 24 with work consisting of relaying stonework and restoration of the canal banks and approaches. The project is located on the west side of Washington Street, approximately 500-feet south of Canal Street (Palmerton, PA Quadrangle, Latitude: 40°44'43.4"; Longitude: -75°35'47").

E58-306. Forest Lake Township, 2028 Chestnut Ridge Road, Montrose, PA 18801, in Forest Lake Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing roadway crossing structure and utilities and to construct and maintain a roadway crossing and utility crossings of an Unnamed Tributary to Middle Branch Wyalusing Creek (CWF, MF) consisting of two 40-foot long, 8-foot diameter corrugated steel pipes depressed 12-inches below the existing streambed elevation with stone headwalls and wingwalls. Approximately 130 linear feet of R-6 riprap will be placed on the watercourse embankments for stabilization after removal of the existing structure. Approximately 100 linear feet of

R-8 riprap will be placed on the watercourse embankment for stabilization for the new structure. Approximately 60 linear feet of R-8 riprap will be placed in the streambed of watercourse for stabilization and covered with natural streambed material. Approximately 50 linear feet of R-6 riprap will be placed in the streambed of watercourse for stabilization and covered with natural streambed material. The project is located at the intersection of Stewart Road and Hall Road. The project is located at the intersection of Stewart Road and Hall Road. (Friendsville, PA Quadrangle, Latitude: 41°53'25.99"; Longitude: -76°01'0.87").

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

E41-657. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 0044 Section 042, Antes Creek Bridge Replacement Limestone Township, **Lycoming County**, Baltimore ACOE (Linden, PA Quadrangle N: 41°09' 51"; W: -77°13' 16").

PA DOT Engineering District 3-0 proposes to replace a single span steel thru girder bridge with a single span concrete bulb T-beam bridge, which will be located approximately 58 Ft. downstream of the existing structure. The existing bridge has a span of 74.5 Ft., a skew of 42 degrees, an underclearance of 8.26 Ft., and a low chord of 624.92 Ft. and a hydraulic opening of 517 Ft². The proposed bridge has a span of 88.5 Ft., a skew of 90 degrees, an underclearance of 9.70 Ft., and a low chord of 625.35 Ft. and a hydraulic opening of 615 Ft². The project will temporarily impact 0.05 acre and permanently impact 0.11 acre of jurisdictional wetlands and will be debited from the Vargo wetland bank. Antes Creek is classified as an Exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards.

E57-130. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 0154 Section 040, Pole Bridge Run Bridge Rehabilitation, Laporte Township, **Sullivan County**, ACOE Baltimore District (Eagles Mere, PA Quadrangle N: 41° 27' 12"; W: -76° 31' 39").

PA DOT Engineering District 3-0 proposes to rehabilitate a single span concrete arch culvert by slip lining the structure with a multi-plate arch liner. The existing bridge has a span of 14.5 Ft., a skew of 38 degrees, a low chord of 1,301.54 Ft. and a hydraulic opening of 98.5 Ft². The proposed arch culvert has a span of 14.27 Ft., a skew of 38 degrees, a low chord of 1,301.29 Ft. and a hydraulic opening of 77.7 Ft². The existing structure has concrete streambed paving, which will be retro-fitted with concrete baffles in accordance with the BD-632M. The structure was damaged during the flooding in 2011 and will require wing wall replacement and slope repairs. The project will utilize R-6 Rip Rap scour protection at the inlet and outlet. The project will temporarily impact 0.01 acre and permanently impact 0.01 acre of jurisdictional wetlands and does not require mitigation. Pole Bridge Run is classified as an Exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation.

E60-221. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 3002 Section 011, Laurel Run Bridge Replacement Hartley Township, **Union County**, Baltimore ACOE (Hartleton, PA Quadrangle N: 40°52' 59"; W: -77°11' 51").

PA DOT Engineering District 3-0 proposes to replace a single span steel thru girder bridge with a single span concrete adjacent box beam bridge, which will be located approximately 4 Ft. upstream of the existing structure. The existing bridge has a span of 45.78 Ft., a skew of 70 degrees, an underclearance of 8.0 Ft. and a low chord of 651.27 Ft. and a hydraulic opening of 366 Ft². The proposed bridge has a span of 49.66 Ft., a skew of 73 degrees, an underclearance of 8.0 Ft. and a low chord of 652.18 Ft. and a hydraulic opening of 397 Ft². The project will not impact any jurisdictional wetlands. Laurel Run is classified as Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards.

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

E10-487, United Growth Capital Management LLC., 999 5th Avenue, Suite 390, San Rafael CA 94901. Butler Retail Center Commercial Land Development, in Butler Township, **Butler County**, ACOE Pittsburgh District (Mt. Chestnut, PA Quadrangle N: 40°, 52', 45"; W: 79°, 57', 04").

To construct a 5.71 acre retail development including grading, buildings, roadways, parking, stormwater facilities, and utilities permanently impacting 0.10 acre PEM wetland and 430 LF of UNT Little Connoquenessing Creek (<100 acre drainage). Applicant has provided a mitigation plan proposing compensation for impacts.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335 814-332-6860

E10-08-002, Mountain Gathering LLC, 810 Houston Street, Fort Worth, TX 76102, Clearfield & Summit Townships, **Butler County**, ACOE Pittsburgh District.

The applicant proposes the installation of approximately 2.3 miles of 12 inch diameter natural gas pipeline. The pipeline project starts at the Cypher well pad and terminates at the Welter pipeline in Butler County, PA. The project will result in 125 linear feet of temporary stream impacts, 0.03 acre of temporary wetland impacts & 0.08 acre of permanent wetland impacts.

The water obstructions and encroachments for the purposes of installing the pipeline are described below:

1 One (1) temporary road crossing with proposed ROW of a palustrine forested (PFO) wetland resulting in 943 ft² of impacts. (East Butler, PA Quadrangle) 40°52'55.94"N -79°45'05.64"W

2 One (1) 12 inch diameter natural gas gathering line & proposed ROW crossing an unnamed tributary (UNT) to Little Buffalo Run (HQ-TSF) & associated PFO & PEM wetlands using open cut technique. Impacts include 30 linear feet of stream and 87.75 ft² of wetlands. (East Butler, PA Quadrangle) 40°52'56.28"N -79°45'09.53"W

3 One (1) 12 inch diameter natural gas gathering line & proposed ROW of a palustrine forested (PFO) wetland using open trench technique resulting in 157.5 ft² of impacts. (East Butler, PA Quadrangle) 40°52'56.27"N -79°45'10.26"W

4 One (1) 12 inch diameter natural gas gathering line & proposed ROW of a palustrine emergent (PEM) wetland using open trench technique resulting in 706.4 ft² of impacts. (East Butler, PA Quadrangle) 40°52'56.20"N -79°45'12.67"W

5 One (1) 12 inch diameter natural gas gathering line & proposed ROW of a palustrine emergent (PEM) wetland using open trench technique resulting in 162 ft² of impacts. (East Butler, PA Quadrangle) 40°52'54.46"N -79°45'43.71"W

6 One (1) 12 inch diameter natural gas gathering line & proposed ROW crossing of an unnamed tributary (UNT) to Little Buffalo Run (HQ-TSF) & associated PFO wetlands using open cut technique. Impacts include 20 linear feet of stream and 2,367 ft² of wetlands. (East Butler, PA Quadrangle) 40°52'55.42"N -79°45'47.54"W

7 One (1) 12 inch diameter natural gas gathering line with proposed ROW using open cut technique and one (1) temporary road crossing of an unnamed tributary (UNT) to Little Buffalo Run (HQ-TSF). Impacts include 20 linear feet of stream. (East Butler, PA Quadrangle) 40°53'00.10"N -79°46'09.42"W

8 One (1) 12 inch diameter natural gas gathering line with proposed ROW using open cut technique and one (1) temporary road crossing of an unnamed tributary (UNT) to Bonnie Brook (WWF). Impacts include 20 linear feet of stream. (East Butler, PA Quadrangle) 40°52'59.86"N -79°46'31.11"W

9 One (1) 12 inch diameter natural gas gathering line with proposed ROW using open cut technique and one (1) temporary road crossing of an unnamed tributary (UNT) to Bonnie Brook (WWF) & associated PEM & PSS wetlands. Impacts include 23 linear feet of stream and 722 ft² of wetlands. (East Butler, PA Quadrangle) 40°52'58.68"N -79°46'51.36"W

10 One (1) 12 inch diameter natural gas gathering line with proposed ROW using open cut technique and one (1) temporary road crossing of an unnamed tributary (UNT) to Bonnie Brook (WWF). Impacts include 20 linear feet of streams. (East Butler, PA Quadrangle) 40°52'59.86"N -79°46'31.11"W

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

E5829-079 (revised): Jackson Township, Susquehanna Gathering, LLC, 1429 Oliver Road, New Milford, PA 18834, Jackson Township, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber bridge crossing impacting 51 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; Lat. 41° 51' 17" N., Long. -75° 35' 45" W.),

2. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing

impacting 7,905 square feet (0.18 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 17" N., Long. -75° 35' 44" W.),

3. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber bridge crossing impacting 56 lineal feet of an unnamed tributary to Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; Lat. 41° 51' 18" N., Long. -75° 35' 44" W.),

4. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 8,745 square feet (0.20 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 20" N., Long. -75° 35' 39" W.),

5. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 4,868 square feet (0.11 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 17" N., Long. -75° 35' 36" W.),

6. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 1,842 square feet (0.04 acre) of a palustrine emergent wetland (PEM) (Thompson, PA Quadrangle; Lat. 41° 51' 06" N., Long. -75° 35' 12" W.),

7. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 6,985 square feet (0.16 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 06" N., Long. -75° 35' 11" W.),

8. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 22,043 square feet (0.51 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 13" N., Long. -75° 35' 05" W.),

9. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber mat crossing impacting 11,569 square feet (0.027 acre) of a palustrine forested wetland (PFO) (Thompson, PA Quadrangle; Lat. 41° 51' 16" N., Long. -75° 34' 56" W.),

10. a 12 inch diameter natural gas pipeline, 16 inch diameter water line, and temporary timber bridge crossing impacting 65 lineal feet of the Tunkhannock Creek (CWF-MF) (Thompson, PA Quadrangle; Lat. 41° 51' 16" N., Long. -75° 34' 54" W.).

The Leonard Pipeline consists of a 12" gas gathering line and a 16" waterline all located within Jackson Township, Susquehanna County. The project will result in 172 linear feet of temporary stream impacts, 1,842 square feet (0.04 acre) of temporary wetland impacts, and 62,115 square feet (1.43 acre) of wetland conversion impacts; all for the purpose of conveying Marcellus Shale natural gas to market.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062537 (Sewage)	East Union Township Sewer Authority P. O. Box 245 Sheppton, PA 18248	Schuylkill County East Union Township	Little Tomhicken Creek (05E)	Y

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

<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>
PA0253278	Masontown WW 2 Court Street Masontown, PA 15461	Fayette County Masontown Borough	Monongahela River (19-G)	Y
PA0035246	Indian Creek WTP Wheeler Bottom Dunbar Township, PA 15425	Fayette County Dunbar Township		Y
PA0096971 (Industrial Waste)	Bakerton System 191 Mitchel Road Bakerton, PA 15737-0374	Cambria County West Carroll Township	West Branch Susquehanna River (8-B)	Y

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

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

NPDES Permit No. PA0244490, Sewage, **Shepherd Bruce E**, 1009 Telegraph Road, Coatesville, PA 19320.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Shepherd 171 SRSTP to Unnamed Tributary to West Branch Brandywine Creek in Watershed 3H.

NPDES Permit No. PA0244511, Sewage, **Shepherd Bruce E**, 1009 Telegraph Road, Coatesville, PA 19320.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Shepherd 177 SRSTP to Unnamed Tributary to West Branch Brandywine Creek in Watershed 3-H.

NPDES Permit No. PA0244503, Sewage, **Shepherd Bruce E**, 1009 Telegraph Road, Coatesville, PA 19320.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Shepherd 191 SRSTP to Unnamed Tributary to West Branch Brandywine Creek in Watershed 3H.

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

NPDES Permit No. PA0060747, Industrial Waste, SIC Code 3087, **AMETEK**, 42 Mountain Avenue, Nesquehoning, PA 18240-2201.

This existing facility is located in Nesquehoning Borough, **Carbon County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial wastewater and stormwater.

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

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

WQM Permit No. 2314402, Sewage, **Episcopal Academy**, 1785 Bishop White Drive, Newtown Square, PA 19073.

This proposed facility is located in Newtown Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station.

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

WQM Permit No. 0614401, Sewerage, **Bethel Township Municipal Authority, Berks County**, 81 Klahr Road, Bethel, PA 19507-9657.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of: 8,800 foot of 4-inch diameter DR-11 low-pressure forcemain that will connect a proposed 1,000,000 ft² warehouse to the Bethel Township Municipal Authority's collection system for ultimate treatment at the Bethel STP.

WQM Permit No. 3674401 Amendment 2, Sewerage, **Conewago Industrial Park Water and Sewer Company**, PO Box 322, Lemoyne, PA 17043.

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

Description of Proposed Action/Activity: Permit amendment approving the construction / modification / operation of sewage facilities consisting of 48,000 gallon pre-equalization tank, 54,000 gallon post-equalization tank, one Sequencing Batch Reactor (SBR) Unit, one Sludge digester (formerly the existing aeration tank), all other existing units i.e. comminutor / bar screen, three chlorine contact tanks, and two sludge holding tank(s), other appurtenances.

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

WQM Permit No. 01411401, Sewerage, SIC Code 4952, **Candace & Jack Rook**, 508 Northway Road Ext, Williamsport, PA 17701.

This proposed facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction and operation of a single residence sewage treatment plant to replace an existing malfunctioning onlot treatment system. The proposed system will consist of a septic tank, subsurface sand filter and chlorination.

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

WQM Permit No. WQG01101402, Sewage, **Lawrence Davis**, 3419 Womack Way, Manhattan, KS 66503.

This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

PAI136105, MS4, **North Huntingdon Township**, 11279 Center Highway, North Huntingdon, PA 15642-2018. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in North Huntingdon Township, **Westmoreland**

County. The receiving streams, Brush Creek, Unnamed Tributary of Long Run and Youghiogheny River, is located in State Water Plan watershed 19-A and 19-D and are classified for HQ-TSF, TSF and WWF, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA waiver is not in effect.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908012R	Solteck Equities, LLC 703 West Market Street Perkasie, PA 18944	Bucks	Springfield Township	Cooks Creek EV—TSF Dimple Creek EV—TSF
PAI01 1514013	Mr. Amos Esh 371 Bell Road Christianana, PA 17509	Chester	Upper Oxford Township	West Branch Big Elk Creek HQ—TSF
PAI01 2314001	Philadelphia Freedom Valley YMCA	Delaware	Middletown Township	Rocky Run HQ—WWF—MF Chester Creek HQ—WWF—MF
PAI01 2308011R	Ashbridge Properties, Inc. 1625 Valley Road Newtown Square, PA 19073	Delaware	Edgmont Township	Rocky Run HQ—CWF—MF
PAI01 4613011	WP Realty L.P. 940 Haverford Road Bryn Mawr, PA 19010	Montgomery	Lower Merion Township	Indian Creek WWF—MF
PAI01 5113010	Jarynn, LP 1151 Walton Road Blue Bell, PA 19422	Philadelphia	City of Philadelphia	Delaware River WWF—MF

Northeast Region: Watershed Management 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>
PAI026412003(2)	Aqua Pennsylvania, Inc. 1775 North Main St. Honesdale, PA 18431	Wayne	Honesdale Borough Texas Township	Carley Brook (HQ-CWF, MF)

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

Cameron County Conservation District: 20 East Fifth Street, Room 105, Emporium, PA 15834 (814) 486-2244, X 5

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041213001	PA Dept of Conservation & Natural Resources PO Box 8451 Harrisburg PA 17105	Cameron	Grove Township	First Fork of Sinnemahoning Creek HQ-TSF

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>
PAI041408011R Entered in error as PAG02001408011R in Bulletin of 05/06/14	GTW Associates 1951 Pine Hall Rd Ste 150 State College PA 16801	Centre	Harris Township	Spring Creek HQ-CWF

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044114001	Kenneth L Martin 288 Caldwell Rd Trout Run PA 17771	Lycoming	Cogan House Township	Buck Run 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 Gasoline Contaminated Ground Water 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 Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
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

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>
Middletown Township Bucks County	PAG0200 0914025	Woods Services 588 Beechwood Circle Langhorne, PA 19047	Unnamed Tributary to Mill Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warrington Township Bucks County	PAG0200 0910072R(1)	Estates at Valley View LP 1630 Meetinghouse Road Hartsville, PA 18974	Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Rockhill Township Bucks County	PAG0200 0914028	Green Top Management, LLC 2846 Main Street—12A Morgantown, PA 19543	Unnamed Tributary to Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Montgomery Township Montgomery County	PAG0200 4614021	General Hancock Partnership 2312 North Broad Street Colmar, PA 18915	Unnamed Tributary to Little Nesh Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Upper Providence Township Montgomery County	PAG0200 4604210(3)	Audubon Land Development 2620 Egypt Road Norristown, PA 19403	Schuylkill River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511237	Regan Development Corporation 1055 Saw Mill River Road No. 204 Ardsley, NY 10502	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511417	Saint Joseph's University 5600 City Avenue Philadelphia, PA 19131	Lower Schuylkill River WWF—CWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511405-1	Philadelphia Energy Solutions Refining and Marketing, LLC 3144 West Passyunk Avenue Philadelphia, PA 19145	Lower Tidal Schuylkill River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802

<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>
Oxford Township Adams County	PAG02000105010R Issued	Integrity Bank 3314 Market St. Camp Hill, PA 17011-4465	UNT to South Branch Conewago Creek/WWF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717.334.0636
Southampton Township Cumberland County	PAG02002107021R Issued	Coyote Builders, LLC 1153 Ragged Edge Road Chambersburg, PA 17202	Middle Spring Creek/CWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.5359
West Pennsboro Township Cumberland County	PAG02002114022 Issued	Daniel Z. & Darlene Faye Martin 125 Kerrsville Road Carlisle, PA 17015	West Branch Mount Rock Spring Creek/WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.5359
Silver Spring Township Cumberland County	PAG02002114023 Issued	PA United Cricket Assoc. 15 Cardamon Drive Mechanicsburg, PA 17050	Conodoguinet Creek/WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 717.240.5359
Muhlenberg Township Berks County	PAG02000610027(R) Issued	Forino Co., LP 555 Mountain Home Road Sinking Spring, PA 19608	Bernhart Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-0520 610.372.4657

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Oley Township
Berks CountyPAG02000614033
IssuedPine Brook Farms
PO Box 56
Oley, PA 19547Little Manatawny
Creek/CWFBerks County
Conservation District
1238 County Welfare
Road, Suite 200
Leesport, PA
19533-0520
610.372.4657Colebrookdale
Township and
Boyertown Borough
Berks CountyPAG02000614012
IssuedBoyertown Area School
District
911 Montgomery Avenue
Boyertown, PA 19512UNT to Swamp
Creek/TSFBerks County
Conservation District
1238 County Welfare
Road, Suite 200
Leesport, PA
19533-0520
610.372.4657Womelsdorf Borough
Berks CountyPAG02000614029
IssuedDamian Albrecht
PO Box 233
Strausstown, PA 19559Tulpehocken
Creek/TSF, MFBerks County
Conservation District
1238 County Welfare
Road, Suite 200
Leesport, PA
19533-0520
610.372.4657Logan Township
Blair CountyPAG0200712012(R)
IssuedLogan Township Supervisors
100 Chief Logan Circle
Altoona, PA 16602Homer Gap/
WWF,MF;
Little Juniata/
TSF,MF;
UNT to Little
Juniata /WWF,MF;
Kettle Creek/
WWF,MF
Burgoon Run/
TSF,MF;
Spring Run/
WWF,MF;
Brush Creek/
WWF,MF;
Brush Run/WWF,MFBlair County
Conservation District
1407 Blair Street
Hollidaysburg, PA
16648
814.696.0877, ext. 5*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Clinton County
Woodward Township

PAG02001810001R

Nestlerode Real Estate Inc
145 E Walnut St
Lock Haven PA 17745UNT to W B
Susquehanna River
CWFClinton County
Conservation District
45 Cooperation Lane
Mill Hall, PA 17751
(570) 726-3798Lycoming County
Jersey Shore Borough

PAG02004114011

Joseph Hamm
Borough of Jersey Shore
232 Smith St
Jersey Shore PA 17740W.B. Susquehanna
River
WWFLycoming County
Conservation District
542 County Farm Rd
Suite 202,
Montoursville, PA
17754,
(570) 433-3003Lycoming County
Muncy Creek
Township

PAG02004114013

Muncy First Methodist Ch
Steve Godfrey
602 S Market St
Muncy PA 17756W B Susquehanna
River
WWFLycoming County
Conservation District
542 County Farm Rd
Suite 202,
Montoursville, PA
17754,
(570) 433-3003

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Pine Township Allegheny County	PAG2000206065R	Charles J. Betters II 100 Bet-Tech Drive Aliquippa, PA 15001	Kaufman Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
North Fayette Township Allegheny County	PAG2000209025R	Seabright Land Corporation, Inc. 6 Commerce Drive Pittsburgh, PA 15239	UNT to North Branch of Robinson Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
City of Duquesne Allegheny County	PAG2000209042-1	Allegheny County Housing Authority 625 Stanwix Street 12th Floor Pittsburgh, PA 15222	Monongahela River (WWF-N)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
McCandless Township Allegheny County	PAG02000210015R	John Montgomery 9747 Babcock Blvd Allison Park, PA 15101	UNT to Pine Creek (CWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
City of Pittsburgh Allegheny County	PAG0200011030-2	The Buncher Company 1300 Penn Avenue Suite 300 Pittsburgh, PA 15222	Allegheny River (WWF-N)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Jefferson Hills Borough Allegheny County	PAG02000214010	Jefferson Hills Borough 925 Old Clairton Rd. Jefferson Hills, PA 15025	UNT to Lobbs Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Municipality of Penn Hills Allegheny County	PAG02000214022	Penn Tex Ventures, LLC 333 Harvey Avenue Suite 2 Greensburg, PA 15601	Allegheny River (WWF-N)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Findlay Township Allegheny County	PAG02000214032	Imperial Fire Department 115 Main Street Imperial, PA 15126	Montour Run (TSF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Robinson Township Allegheny County	PAG02000214059	Kossman Development Company Eleven Parkway Center Suite 300 Pittsburgh, PA 15220	UNT to Campbells Run (WWF)	Allegheny County CD 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 241-7645
Koppel Borough and North Sewickley Borough Beaver County	PAG02000414011	PennDOT Dist. 11-0 45 Thoms Run Rd Bridgeville, PA 15017	UNT to Beaver Run (WWF) and Beaver River (WWF-N)	Beaver County CD 156 Cowpath Rd Aliquippa, PA 15001 (724) 378-1701
Richland Township Cambria County	PAG02001114012	Holy Cross National Catholic Church 380 Mount Airy Drive Johnstown, PA 15904	UNT to South Fork Branch of Little Conemaugh River (CWF)	Cambria County CD 401 Candlelight Drive Suite 229 Ebensburg, PA 15931 (814) 472-2120

*Facility Location:
Municipality &
County**Permit No.**Applicant Name and
Address**Receiving
Water/Use**Contact Office and
Phone No.*

Cherryhill Township Indiana County	PAG02003214006	Columbia Gas of PA 400 Energy Drive Bridgeville, PA 15017	UNT to Browns Run (CWF), Browns Run (CWF), and Rose Run (CWF)	Indiana County CD 625 Kolter Dr Suite 8 Indiana, PA 15701 (724) 471-4751
Brothersvalley Township Somerset County	PAG02005613010	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Buffalo Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652
Summit Township Somerset County	PAG02005613011	Columbia Gas of PA 4000 Energy Drive Bridgeville, PA 15017	Blue Lick Creek (CWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652
Summit Township Somerset County	PAG02005614007	Joseph B. Fay Company, LLC. PO Box 66 Russellton, PA 15076	Casselman River (WWF)	Somerset County CD 6024 Glades Pike Suite 103 Somerset, PA 15301 (814) 445-4652
Peters Township Cambria County	PAG02006314008	Ted Taylor Builders 608 East McMurray Road Suite 101 McMurray, PA 15317	UNT to Peters Creek (TSF)	Washington County CD 2800 North Main St Suite 105 Washington, PA 15301 (724) 705-7098
Union Township Washington County	PAG02006314020	Ringold School District 400 Main Street New Eagle, PA 15332	Peters Creek (TSF)	Washington County CD 2800 North Main St Suite 105 Washington, PA 15301 (724) 705-7098
Mt. Pleasant Township Washington County	PAG02006314021	PA American Water Company 300 Galley Rd McMurray, PA 15317	UNT to Raccoon Creek (WWF) and UNT to Millers Run (WWF)	Washington County CD 2800 North Main St Suite 105 Washington, PA 15301 (724) 705-7098

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*

Cranberry Township Butler County	PAG02001007008R	Timothy Kelly Level II Dev Corp LLC Suite 101 Baymore II 1601 Carmody Court Sewickley PA 15143	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
City of Erie Erie County	PAG02002514016	Cathedral Prep Attn: Scott Jabo 225 West 9th Street Erie PA 16501	Presque Isle Bay WWF	Erie County Conservation District 814-825-6403

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant</i>	<i>Name & Address</i>	<i>Receiving Water / Use Contact Office & Phone No.</i>
Hilltown Township Bucks County	PAG030007	Ipsen Inc. 1946 East Cherry Lane Suite B Souderton, PA 18964	Unnamed Tributary of West Branch Neshaminy Creek—2-F	Southeast Region Clean Water Program 484.250.5970
Falls Township Bucks County	PAG030008	PCI Fairless Hills LLC 529 Terminal Avenue New Castle, DE 19720	Unnamed Tributary to Delaware River—2-E	Southeast Region Clean Water Program 484.250.5970
Upper Dublin Township Montgomery County	PAG030009	Bayview Asset Management LLS 4425 Ponce Deleon Blvd, 5th Floor Coral Gables, FL 33146	Unnamed Tributary to Pine Run—3F	Southeast Region Clean Water Program 484.250.5970
Falls Township Bucks County	PAG030010	PCI Fairless Hills LLC 529 Terminal Avenue New Castle, DE 19720	Delaware River—2-E	Southeast Region Clean Water Program 484.250.5970
Falls Township Bucks County	PAR210034	Fehér John Inc. Dba Jfi Redi Mix 18 Steel Road West Morrisville, PA 19067	Unnamed Tributary to Delaware River—2-E	Southeast Region Clean Water Program 484.250.5970
Avondale Borough Chester County	PAR230012	Edlon, Inc. 150 Pomeroy Avenue P. O. Box 667 Avondale, PA 19311	East Branch White Clay Creek & Unnamed Tributary to East Branch White Clay Creek—3I	Southeast Region Clean Water Program 484.250.5970
Bensalem Township Bucks County	PAR600048	Franklin Metals 818 Highland Avenue Bensalem, PA 19020	Poquessing Creek—3J	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR600092	Daves Delaware Valley Towing Inc. 6159 Passyunk Avenue Philadelphia, PA 19153	Unnamed Tributary of Schuylkill River—3-F	Southeast Region Clean Water Program 484.250.5970
Warminster Township Bucks County	PAR700016	PPC Lubricants Inc. 305 Micro Drive Jonestown, PA 17038	Unnamed Tributary to Little Neshaminy Creek—2-F	Southeast Region Clean Water Program 484.250.5970
Pottstown Borough Montgomery County	PAR800010 A-1	Suburban Heating Oil Partners LLC P O Box 4833 Syracuse, NY 13221	Unnamed Tributary of Manatawny Creek—3-D	Southeast Region Clean Water Program 484.250.5970
Philadelphia City Philadelphia County	PAR800111	Atlantic Aviation Corp 8375 Enterprise Avenue Philadelphia, PA 19153	Unnamed Stream—3-F	Southeast Region Clean Water Program 484.250.5970
West Rockhill Township Bucks County	PAR800169 A-1	Suburban Heating Oil Partners LLC P O Box 4833 Syracuse, NY 13221	Unnamed Tributary of Mill Creek—3-E	Southeast Region Clean Water Program 484.250.5970
Chester Township Delaware County	PAR900023	John Savory dba Savoy Recycling 1279 Middletown Road Glen Mills, PA 19342-9661	Chester Creek—3G	Southeast Region Clean Water Program 484.250.5970

*General Permit Type—PAG-4**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water / Use**Contact Office &
Phone No.*Loyalsock Township,
Lycoming County

PAG045286

Jack and Candace Rook
508 Northway Road Extension
Williamsport, PA 17701Unnamed Tributary
to Millers RunDEP Northcentral
Regional Office
208 West Third
Street, Suite 101
Williamsport, PA
17701
570-327-3636Clinton Township
Butler County

PAG041164

Lawrence Davis
3419 Womack Way
Manhattan, KS 66503Davis Run
20-CDEP
NWRO
Clean Water Program
230 Chestnut Street
Meadville, PA
16335-3481
814/332-6942*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Site Name &
Location**Contact Office &
Phone No.*Lower Mt. Bethel
Township
Northampton CountyWMGR-099
PAG 08-3565
PAG 08-2203
PAG 07-0005
PAG 08-0003
PAG 08-0004
PAG 08-3535
PAG 08-0005
PAG 08-3518
PAG 08-9905
PAG 08-3556
PAG 08-0018
PAG 08-3573
PAG 08-0021
PAG 08-2211
PAG 07-3508
PAG 07-0003
PAG 08-0008
PAG 08-3501
PAG 08-0002
PAG 08-9901
PAG 08-3551
PAG 08-9909
PAG 08-9903
PAG 08-3596
PAG 08-3510
PAG 08-3597
PAG 08-2219
PAG 08-3535
PAG 08-3506
PAG 08-3522
PAG 08-3515
PAG 08-3825
PAG 08-9904
PAG 08-3547
PAG 08-0006
PAG 08-3540
PABIG -9903
PAG 08-3567
PAG 08-3600
PAG 08-3605
PAG 08-0011Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160Willowbrook Farm
(Kiefer Home Farm)
Mt. Pleasant Rd. and
Martins
Creek—Belvidere
HighwayPA DEP NERO
2 Public Square
Wilkes-Barre, PA
18701-1915
(570) 826-2511

*General Permit Type—MS4 PAG13**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>
Fallowfield Township Washington County	PAG136105	Fallowfield Township 9 Memorial Drive Charleroi, PA 15022	Maple Creek and Unnamed Tributary to Pigeon Creek 19-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
New Stanton Borough Westmoreland County	PAG136227	New Stanton Borough 451 N Center Avenue New Stanton, PA 15672	Sewickley Creek 19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
South Greensburg Borough Westmoreland County	PAG136246	Greater Greensburg City Sewer Authority PO Box 248 210 W Otterman Street Greensburg, PA 15601	Coal Tar Run, Jacks Run, Slate Creek, Unnamed Tributary to Jacks Run and Zellers Run 19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
New Kensington City Westmoreland County	PAG136290	New Kensington City Westmoreland County 301 Eleventh Street New Kensington, PA 15068	Allegheny River and Little Pucketa Creek 18-A	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

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 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. 3390077, Operations Permit Public Water Supply.

Applicant	Upper Saucon Township 5500 Camp Meeting Rd. Center Valley, Pa 18034
[Borough or Township]	Upper Saucon Township
County	Lehigh
Type of Facility	PWS
Consulting Engineer	Steven R. Henning, PE The Pidcock Company Oxford Dr, at Fish Hatchery Rd. 2451 Parkwood Dr. Allentown, Pa 18103
Permit to Operate Issued	July 2, 2014

Permit No. 2580026, Operations Permit Public Water Supply.

Applicant	Pennsylvania American Water 800 W. Hersheypark Dr. Hershey, Pa 17033
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[Borough or Township] Thompson Township
 County **Susquehanna**
 Type of Facility PWS
 Consulting Engineer Daniel Rickard, PE
 Pennsylvania American Water
 2699 Stafford Avenue
 Scranton, Pa 18505

Permit to Operate July 10, 2014
 Issued

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

Permit No. 2214501, Public Water Supply.

Applicant **United Water Pennsylvania**
 Municipality Lower Paxton Township
 County **Dauphin**
 Responsible Official John D. Hollenbach, Vice
 President
 4211 East Park Circle
 Harrisburg, PA 17111-0151
 Type of Facility Installation of the Colonial Road
 Booster Station to serve the
 Estates of Autumn Oaks
 subdivision.
 Consulting Engineer Arthur C. Saunders, P.E.
 United Water Pennsylvania
 4211 East Park Circle
 Harrisburg, PA 17111

Permit to Construct 7/11/2014
 Issued

Permit No. 3614511 MA, Minor Amendment, Public Water Supply.

Applicant **Northwestern Lancaster
 County Authority**
 Municipality Penn Township
 County **Lancaster**
 Responsible Official David Stewart PE, Chairman
 97 North Penryn Road
 Manheim, PA 17545
 Type of Facility Repainting and renovations to
 the 0.5 MG storage tank.
 Consulting Engineer Mark L. Homan, P.E.
 Becker Engineering LLC
 111 Millersville Road
 Lancaster, PA 17603

Permit to Construct 7/10/2014
 Issued

Permit No. 2814502 MA, Minor Amendment, Public Water Supply.

Applicant **Quincy Township**
 Municipality Quincy Township
 County **Franklin**
 Responsible Official Robert Gunder, Chairman,
 Board of Supervisors
 7575 Mentzer Gap Road
 Waynesboro, PA 17268

Type of Facility Installation of distribution
 system facilities in Quincy
 Township Water Sytem to serve
 areas from the previously
 permitted water treatment
 facility to areas affected by
 Trichloroethylene (TCE)
 contamination.

Consulting Engineer John M. High, P.E.
 William A. Brindle Associates
 Inc.
 336 Lincoln Way East
 Chambersburg, PA 17201

Permit to Construct 7/7/2014
 Issued

Operation Permit No. 5014501 MA issued to: **Borough of Blain** (PWS ID No. 7500018), Blain Borough, **Perry County** on 7/3/2014 for facilities approved under Construction Permit No. 5014501 MA.

Operation Permit No. 2113502 issued to: **Borough of Carlisle** (PWS ID No. 7210002), Carlisle Borough, **Cumberland County** on 7/3/2014 for facilities approved under Construction Permit No. 2113502.

Rescission of Operation Permit No. 7280054 issued to: **Lenwood Heights Water Association** (PWS ID No. 7280054), Mercersburg Borough, **Franklin County** on 7/11/2014. Action is for the Entire rescission of facilities approved under Operation Permit No. 7280054.

Transferred Comprehensive Operation Permit No. 3066584 issued to: **Niagara Bottling, LLC** (PWS ID No. 3066584), Hamburg Borough, **Berks County** on 7/10/2014. Action is for a for Niagara Bottling, LLC, Hamburg Plant, for the operation of facilities previously issued to Advanced H20, LLC.

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

Operation Permit issued to **Wesley Woods, Inc.**, Wesley Woods Christian Ed. Center, PWSID No. 6620372, Eldred Township, **Warren County**. Permit Number 6214502 issued July 8, 2014 for the operation of the "Green Hills" Public Water Supply system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on June 26, 2014.

Permit No. 3714501 Public Water Supply

Applicant **Pennsylvania American
 Water Company**
 Township or Borough Jackson Township
 County **Butler**
 Type of Facility Public Water Supply
 Consulting Engineer William Lage, Project Manager
 Pennsylvania American Water
 Co.
 2736 Ellwood Road
 New Castle, PA 16101

Permit to Construct July 7, 2014
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Township</i>	<i>Township Address</i>	<i>County</i>
Willistown	688 Sugartown Road Malvern, PA 19355	Chester

On June 6, 2014, the Southeast Regional office approved a minor update revision to Willistown Township, Chester County's official Plan under the Pennsylvania Sewage Facilities Act, 35 P. S. § 750.1 et seq. ("537 Plan") (APS ID 37884 SITE ID 518272). This 537 Plan Update was for the West Chester Pike Pressure Sewer.

The Plan Update provides for the connection of 13 existing properties located along West Chester Pike to public sewers. These existing properties will use individual grinder pumps and low pressure laterals to connect to a proposed common force main to be installed along West Chester Pike, Street Road and Longview Lane. This proposed force main will connect to an existing sanitary sewer manhole adjacent to the Willistown Hunt Pump Station. This project will be connected to the Little Washington Wastewater Company collection system and will generate 3,575 gallons of sewage per day to be treated at the Willistown Woods Wastewater Treatment Facility.

The individual property owners will own and maintain the proposed grinder pumps and associated low pressure laterals. Operation and maintenance requirements for these proposed grinder pumps and laterals are provided through Willistown Township's Ordinance No. 4-2011, enacted in June, 2011.

The Township must secure a Clean Streams Law permit from the Department for the construction and operation of the proposed force main. It is understood that the Township intends to ultimately convey ownership of this force main to the Little Washington Wastewater Company for incorporation into Little Washington's existing sewer system.

This Plan Update fulfills, in part, Condition 3 of the February 2, 2004 approval of the Township's Official Act 537 Sewage Facilities Plan titled, Act 537 Plan Update for Willistown Township, and Paragraph 3 of the August 27, 2012 Order issued to Willistown Township to complete implementation of its Official Act 537 Plan, in part, in response to the Kavar Private Request.

HAZARDOUS SITES CLEANUP ACT OF OCTOBER 18, 1988

Notice of Proposed Interim Response; Lock Haven Laundry; City of Lock Haven, Clinton County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1305), is proposing an interim response at Lock Haven Laundry, Lock Haven, Clinton County, Pennsylvania. This response is proposed pursuant to Sections 501(a) and 505(b) of the HSCA (35 P. S. §§ 501(a) and 505(b)). The Lock Haven Laundry is located along Bellefonte Ave in the City of Lock Haven, Clinton County. The former Lock Haven

Laundry consists of two parcels identified as Clinton County Tax Parcel Number 22-10735 and 22-10736. The environmental investigations at the Laundry site have identified extensive soil and groundwater contamination. The most severe area of soil contamination is located northeast of the main building abutting an adjacent property owner's warehouse and one of the out buildings belonging to the parcel. This area of soil contamination is approximately 50 cubic yards. This area represents a significant source for the groundwater plume, a risk for construction workers when the brownfield site is redeveloped and a source for vapor intrusion from the soil into the nearby commercial buildings. Groundwater contamination of the chlorinated solvents exceeds the Department's Statewide Health Standards (SHS) in the alluvial aquifer. Institutional controls and engineering controls via a vapor mitigation system will be used to eliminate potential exposure from the groundwater pathway.

The Department proposes to conduct a targeted removal action in the area where soil contamination is present above the characteristic hazardous level. The following alternatives were reviewed for this removal action.

Alternative 1. No Further Action—The "No Further Action" alternative does not reduce the toxicity, mobility, or volume of contamination and therefore does not meet the criteria of being protective of human health or the environment.

Alternative 2. Targeted Removal of Soil Contamination—This alternative excavates the soil above the characteristic hazardous level. This alternative reduces the toxicity, mobility and volume of the contamination by removing the most severely impacted soils. All other areas of contamination would be addressed by using institutional controls that limit future site activities and include remediation of indoor air and allow the site to be redeveloped. The cost to implement Alternative 2 is approximately \$250,000.

Alternative 3. Total Removal of Soil Contamination—This alternative would be to conduct a removal of the soil that exceeds the Department's SHS. Soil above the Department's SHS was found throughout the site. The depth of contamination varies from shallow soils to 13.5 feet below ground surface. The cost to implement Alternative 3 is approximately \$1.1 million.

The proposed response is Alternative 2 above, as it is the most cost effective. By removing the most severe contamination and addressing the other area through institutional controls, the potential exposure can be limited while still removing a significant mass of contamination.

This notice is being provided pursuant to Section 506(b) of HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at Lock Haven City Hall, 20 East Church Street, Lock Haven, PA 17745 and at the Department's North-central Regional Office, 208 West Third Street, Williamsport, PA is available for review Monday through Friday from 9:00 a.m. to 4:00 p.m. For reviews at the Department's North-central Regional Office appointments must be made in advance by contacting 570.327.0550 and requesting to review the Lock Haven Laundry administrative record.

The administrative record will be open for comment from July 19, 2014 until October 17, 2014. Persons may

submit written comments into the record during this time only, by sending them to Randy Farmerie at PADEP 208 West Third Street, Suite 101 Williamsport, PA 17701 or by delivering them to this office in person. In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on August 26, 2014 at 7:30 p.m. at the Lock Haven City Hall, 20 East Church Street, Lock Haven, PA 17745. The public hearing will be preceded by a public meeting at the same location beginning at 6:30 p.m. Persons wishing to present comments at the public hearing must register at the hearing location before the public hearing begins.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Dan Spadoni at 570.327.3659 or through the Pennsylvania AT & T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Custom Tool & Die (former), 2970 Old Tree Drive, East Hempfield Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of William Woratyla, 3932 Marietta Avenue, Columbia, PA 17512, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The combined report is intended to document remediation of the site to meet the Site Specific Standard.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787

Parkhouse Nursing Home, 1620 Black Rock Road, Upper Providence Township, **Montgomery County**. Jeremy W. Bolyn, Environmental Maintenance, 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF773809

9801 Blue Grass Road Historic #4, #6 fuel oil release, 9801 Blue Grass Road, City of Philadelphia, **Philadelphia County**. Bernard B. Beegle, Advanced GeoServices Corporation, 1055 Andrew Drive, Suite A, West Chester, PA 19380 on behalf of Thomas Woods, National Bakery Industrial Owner, LLC, 11111 Santa Monica Boulevard, Suite 1100, Los Angeles, CA 90025 has submitted a Final Report concerning remediation of site soil contaminated with no. 4 & no. 6 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF777124

Foamex Inc., 1500 East Second Street, Eddystone Borough, **Delaware County**. Michael Christie, Penn Environmental & Remediation Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Cynthia McKeown, Camden Iron & Metal, LLC. 143 Harding Avenue, Bellmawr, NJ 08031 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 and no. 4 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF733023

Gorman Residences, 116 Kimberbrae Drive, East Pike Township, **Chester County**. Patrick S. Crawford, P.G., Crawford Environmental Services, 100 East Benjamin Franklin Highway, Birdsboro, PA 19508, Steven Koon, Superior Home Heating Oil Company, 383 Schuylkill Road, Phoenixville, PA 19460 on behalf of John & Shelby Goman, 116 Kimberbrae Drive, Phoenixville, PA 19460 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF774976

GE Static Power Site, 512-520 Pusey Avenue, Borough of Collingdale, **Delaware County**. Michael F. Bedard, ARCADIS U.S. Inc., 10 Friends Land, Suite 200, Newtown, PA 18940, Ed Kolodziej, General Electric Company, 640 Freedom Business Center, King of Prussia, PA 19406 on behalf of Brian Zubatch, 217 Realty LLC, 2320 Haverford Road, Suite 200, Ardmore, PA 19003 has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with vocs. The report

is intended to document remediation of the site to meet the Site Specific Standard. PF702666

Marcus Hook Industrial Complex 719, 100 Green Street, Lower Chichester Township, **Delaware County**. Tiffanie L. Doerr, Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382, Brad, Sunoco Logistics Partners LP, 4041 Markets Street, Aston, PA 19014 on behalf of Gus Borkland, Sunoco Logistic Partners LP, 1818 Market Street, Suite 1500, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF777393

Merton Price Property, 1201 Chester Pike, Ridley Township, **Delaware County**. Michael Christie, Penn E&R, Inc., 2755 Bergery Road, Hatfield, PA 19440 on behalf of Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place Berwyn, PA 19312 has submitted a Final Report concerning remediation of site soil contaminated with petroleum hydrocarbons including mtbe. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF693698

Thomas Car Central, 1010 West Chester Pike, West Goshen Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Tom Ercolani, 1010 Property Partnership LP, P.O. 358, Pocopson, PA 19366 has submitted a Remedial Investigation Report concerning remediation of site groundwater and soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Special Standard. PF776062

US Steel KIPC 9.4 Acres, One Ben Fairless Drive, Falls Township, **Bucks County**. Daniel Cusick, Conestoga-Rovers Associates, 103 Gamma Drive, Ext., Suite 110, Pittsburgh, PA 15238 on behalf of Kathleen M. Mayher, Unites State Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Final Report concerning remediation of site soil contaminated with vocs and semi-vocs. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF777132

Alto Sign, 2000 South 71st Street, City of Philadelphia, **Philadelphia County**. Alfred Liberator, Alto Sign, Inc., 2000 South 71st Street, Philadelphia, PA 19142 on behalf of Angelo Waters, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with vocs. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard. PF619418

Armstrong Engineering Associates, Inc., 845 West Strasburg Road, West Borough Township, **Chester County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, Walter Kuchlak, Armstrong Engineering Associates, Inc., 1101 West Strasburg Road, West Chester, PA 19382 on behalf of A. Joseph Armstrong, III, 450 Lucky Hill Road, West Chester, PA 19382, Residuary Trust U/W Richard M. Armstrong, Jr. f/b/o Susan D. Armstrong, P.O. Box 633, West Chester, PA 19383-0633 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with vocs, primary chlorinated hydrocarbons. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standards. PF

Gray Brothers Farm, 1025 Washington Road, Uwchlan Township, **Chester County**. Thomas Lloyd, EnviroSure, 103 South High Street, Suite 1, West Chester, PA 19382, Scott Smith, PE, LEEP AP, EnviroSure, Inc., 103 South Street, Suite 1, West Chester, PA 19382 on behalf of Gary Gray, Gray Brothers Partnership, 1696 East Lancaster Avenue, Paoli, PA 19301 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF777087

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

C & D Technologies Leola Facility, 82 East Main Street, Leola, PA 17540, Upper Leacock Township, **Lancaster County**. URS Corporation, 1125 Mill Mar Road, Lancaster, PA 17601, on behalf of C & D Technologies, Inc., 1400 Union Meeting Road, Blue Bell, PA 19422, submitted a Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site groundwater contaminated with lead. The combined report demonstrated attainment of the Non-Residential Site Specific Standard, and was approved by the Department on July 9, 2014.

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

Former Packaging Specialists, LLC Facility, 1728 Route 30, Findley Township, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of ACF Properties, LP, 499 Nixon Road, Cheswick, PA 15204 submitted a Final Report concerning remediation of site soil and groundwater contaminated with chlorinated compounds. The final report demonstrated attainment of non-residential State-wide Health Standard for soil and non-residential Site Specific Standard for groundwater and was approved by the Department on July 10, 2014.

REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

Registration issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335

General Permit Registration No. WMGR123NW012. Exotic Oil and Gas, LLC—North Clarion Storage Facility, 356 Santoni Lane, Shippensburg, Elk Township, **Clarion County** PA.

Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by Northwest Regional Office on July 11, 2014.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit(s) Revoked Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. WMGM027SE001. Green Resource Energy LLC, Tin Building 2, North End, Berdis Blvd, Keystone Industrial Port Complex, Fairless Hills Pa 19030, Falls Township, **Bucks County**. Facility operating pursuant to General Permit No. WMGM027. For reasons of ongoing noncompliance on the part of the permittee, the subject permit was revoked and the bond declared forfeit by the Southeast Regional Office on July 14, 2014.

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.

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

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

GP5-58-022: Williams Field Services Co., LLC (2000 Commerce Drive, Pittsburgh, PA 15275) on May 30, 2014, to construct and operate two (2) IC Engines, one (1) emergency generator, two (2) dehydrators, and one (1) condensate tank at their Jones Compressor Station site in Middletown Township, **Susquehanna County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

GP3-67-05098J: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on July 9, 2014, for portable nonmetallic mineral processing equipment under GP3 at the Penroc Quarry located in West Manchester Township, **York County**.

GP9-67-05098J: Kinsley Construction, Inc. (PO Box 2886, York, PA 17405) on July 9, 2014, for four diesel-fired internal combustion engines under GP9, to power portable nonmetallic mineral processing equipment, at their Penroc Quarry in West Manchester Township, **York 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: James Beach, New Source Review Chief—Telephone: 484-250-5920

09-0227: Central Bucks Crematory, LLC (944 North Main Street, Doylestown, PA) on July 9, 2014, for installation of a Matthews Human Cremation Unit, rated at 175 lb/hr, at an existing funeral home in Doylestown Borough, **Bucks County**. This facility is a non-Title V facility. The cremation unit will be equipped with an afterburner and an opacity monitor. Emissions of PM

shall remain below 0.08 grain per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x shall remain below 500 ppmv. The Plan Approval will contain monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

39-00071A: Anda Sportswear Inc. (15 S Albert Street, Allentown, PA 18109-2700) on July 8, 2014, for corrections to their existing facility permit at their facility in Allentown, **Lehigh County**.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-01027A: Leedsworld, Inc. (400 Hunt Valley Road, New Kensington, PA 15068) on July 9, 2014, to allow the temporary operation of a logo printing facility in Upper Burrell and Washington Townships, **Westmoreland County**. Sources include individual printing processes. Miscellaneous sources include natural gas-fired building heating sources and a diesel-fired emergency generator. This facility will be classified as a synthetic minor facility.

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 Beach, New Source Review Chief—Telephone: 484-250-5920

46-0277: Lite Tech, Inc. (975 Madison Avenue, Norristown, PA 19403) on July 7, 2014, to operate a light-weight X-ray protection aprons in Lower Providence Township, **Montgomery County**.

15-0041B: Eastern Shore Natural Gas Co. (604 Street Road, Cochranville, PA 19330) on July 9, 2014, to operate a proposed expansion in Londonderry Township, **Chester County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

07-03055A: Advanced Metals Processing—PA LLC (129 South Sparks Street, Suite 1, State College, PA 16801-3913) on July 3, 2014, for a nonferrous metal delacquering oven at their facility in Hollidaysburg Borough, **Blair County**. The plan approval was extended, with a compliance schedule.

31-05012A: PA Department of Corrections (1120 Pike Street, Huntingdon, PA 16652-1117) on July 8, 2014, to increase the coal usage restriction on three existing coal fired boilers, installation of a baghouse on the boilers and installation of two 29.5 MMBtu/hr oil-fired backup boilers at the Smithfield State Correctional Institution located in Smithfield Township, **Huntingdon County**. The plan approval was extended.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

25-996C: Advanced Finishing USA (7401 Klier Drive, Fairview Business Park, Fairview, PA 16506) on July 8, 2014, effective July 31, 2014, will issue a plan approval extension for authorization to construct and operate a third surface coating booth at their existing facility in Fairview Township, **Erie County**. The facility currently operates under state only operating permit 25-00996 which expires August 31, 2014.

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

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

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

09-00124: Fairless Energy, LLC (50 Energy Drive, Fairless Hills, PA 19030) On July 9, 2014, for renewal of a Title V Operating Permit in Falls Township, **Bucks County**. There has been no source changes at the facility since the operating permit was last amended in 2013. Sources at the facility include four (4) combined cycle natural-gas fired combustion turbines with duct burners, two (2) natural-gas pipeline heaters, four (4) mechanical draft cooling towers, an auxiliary boiler, and an emergency diesel fire pump. The diesel fire pump engine is subject to 40 C.F.R. Part 60, Subpart ZZZZ, the requirements of which will be incorporated into the operating permit. Fairless Energy, LLC is a major facility for NO_x, VOC, CO, and PM. The renewal of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

40-00007: Bemis Co., Inc. (20 Jaycee Drive, West Hazleton, PA 18202-1142) on July 8, 2014, to manufacture laminated and coating packaging in Hazle Township, **Luzerne County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code, Chapter 127, Subchapter G.

The main sources at this facility are sixteen (16) Flexographic Printing Presses. The VOC emissions from the Presses are controlled by five (5) Catalytic Oxidizers. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

01-03030: Cooperative Milling, Inc. (1892 York Road, Gettysburg, PA 17325-8205) on July 8, 2014, for their animal feed manufacturing facility in Straban Township, **Adams County**. The State-only permit was renewed.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

25-00917: Performance Castings, Inc. (242 East 16th Street, Erie, PA 16503) on July 11, 2014, for a renewal of Natural Minor Permit to operate an iron and aluminum foundry manufacturing facility in City of Erie, **Erie County**. The emitting sources include 1) Electric induction furnace, 2) Inoculation, 3) Charge handling, 4) Pouring/casting, 5) Casting- Cooling, 6) Casting shake out, 7) Grinding and shot blasting, 8) Core ovens, 9) Shell core machines, and, 10) Binders. The facility is natural minor because the emissions of pollutants are less than Title V threshold limits. The facility was previously subject to 40 CFR Part 63, Subpart ZZZZZ, Iron and steel area source MACT standards. The amendments of Subpart ZZZZZ have been included in the permit. The actual emissions from the facility stated in the previous permit application are: PM-10: 7.03 Tons per year (TPY), Lead: 0.025 TPY, NO_x: 0.269 TPY, VOC: 0.787, SO_x: 0.1647, HAPs: 0.1125 TPY.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

<i>Date</i>	<i>Source</i>	<i>PM₁₀ (tons)</i>	<i>SO_x (tons)</i>	<i>NO_x (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
3/07/2013	Groundwater Treatment System(s)	0	0	0	0.37	0
3/07/2013	Pitch Melter	0.015	0.04	0	0.005	0
7/22/2013	GVA Graphite Treatment Process	0	0	0	0.55	0
Total Reported Increases		0.015	0.04	0	0.925	0

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702.

38-05020: KP Acquisition LLC (154 West Main Street, Fredericksburg, PA 17026) on July 2, 2014, for their rendering operation in Bethel Township, **Lebanon County**. The State-only permit was administratively amended to reflect a change of ownership.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

04-00227: IPSCO Koppel Tubulars Corp. (PO Box 410, Ambridge, PA 15003) Alternative coating usage, on or about June 13, 2014, using the de minimis provisions of 25 Pa. Code § 127.449, no emission increase, at the Ambridge Plant located in Harmony Township, **Beaver County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-616636

24-00089: Mersen USA—St. Marys (215 Stackpole Street, St. Marys, PA 15846) for its facility located in the City of St. Marys, **Elk County**. The de minimis increases are a result of the addition of a VOC-based graphite treatment process. The Department has started a list of de minimis increases as prescribed in 25 Pa. Code 127.449(i).

Since the August 9, 2011 Title V Operating Permit issuance date, Mersen USA has notified the Department of the following de minimis emission increases:

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

32840701 and NPDES No. PA0092193. Tanoma Coal Company, Inc., (One Energy Place, Suite 1000, Latrobe, PA 15650). To renew the permit for the Tanoma Refuse Area #2 in Rayne Township, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on November 3, 2010. Application received September 16, 2010. Permit issued June 30, 2014.

10841302 and NPDES No. PA0002780. ArcelorMittal Pristine Resources, Inc., (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the Fawn Mine #91 in Clinton Township, **Butler County** and related NPDES permit for reclamation/water treatment only. No additional discharges. The application was considered administratively complete on June 22, 2012. Application received November 1, 2011. Permit issued July 2, 2014.

32031301 and NPDES No. PA0235580. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for the Lowry Deep Mine in White and Center Townships, **Indiana County** to add underground permit and subsidence control plan acres. Underground Acres Proposed 4116.7, Subsidence Control Plan Acres Proposed 2615.1. No additional discharge. The application was considered administratively complete on February 26, 2014. Application received January 28, 2014. Permit issued July 2, 2014.

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

Permit No. 11130201, NPDES No. PA0269280 and General Permit GP12 -11130201. Ebensburg Power Company, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA, 15931, revision of revision of an existing bituminous coal refuse site to obtain coverage for coal refuse reprocessing under air quality general permit GP-12 in Richland Township, **Cambria County**, affecting 63.158 acres. Receiving stream: Paint Creek classified for the following use: trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 14, 2014. Permit Issued: June 30, 2014.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65-13-02 and NPDES Permit No. PA0252352. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Government Financed Construction Contract issued for reclamation project of abandoned mine lands, located in Loyalhanna Township, **Westmoreland County**, affecting 22.9 acres. Receiving streams: Getty Run and unnamed tributaries to Getty Run. Application received: October 3, 2013. Permit issued: July 7, 2014.

65000201 and NPDES Permit No. PA0202835. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Permit renewal issued for continued operation and restoration to an existing coal refuse reprocessing surface mine, located in Sewickley Township, **Westmoreland County**, affecting 41.0 acres. Receiving stream: Sewickley Creek. Application received: November 1, 2010. Permit issued: July 9, 2014.

26980104 and NPDES Permit No. PA0202355. Gary Gioia Coal Co. (319 Karen Drive, Elizabeth, PA 15037). Permit revision issued for revised permit boundary to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 156.5 acres. Receiving streams: Big Sandy Creek and unnamed tributary to Big Sandy Creek. Revision application received: February 25, 2014. Permit issued: July 9, 2014.

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

43080103. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous surface mine in Jackson Township, **Mercer County**, affecting 14.2 acres. Receiving streams: Unnamed tributary to Yellow Creek. This renewal is issued for reclamation only. Application received: May 6, 2014. Permit Issued: July 9, 2014.

Noncoal Permits Issued

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

62090301-GP-104. I. A. Construction Corporation (P. O. Box 568, Franklin, PA 16323) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 62090301 in Pittsfield Township, Warren County. Application received: May 15, 2014. Permit Issued: July 9, 2014.

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

NPDES PA0237825 (SMP Permit No. 14980301) Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823). Renewal of the NPDES permit on an existing industrial minerals mine located in Spring Township, **Centre County** affecting 481.1 acres. Receiving stream(s): Logan Run (Spring Creek) classified for the following use(s): Cold Water Fishes. Application received: December 18, 2103. Permit issued: July 10, 2014.

NPDES PA0118001 (SMP Permit No. 1479401) Graymont (PA) Inc. (965 East College Avenue, Pleasant Gap, PA 16823). Renewal of the NPDES permit on an existing industrial minerals mine located in Spring Township, **Centre County** affecting 257.8 acres. Receiving stream(s): Logan Run (Spring Creek) classified for the following use(s): Cold Water Fishes. Application received: December 18, 2103. Permit issued: July 10, 2014.

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

Permit No. 66132501. North Star Leasing, Inc., (PO Box 322, Meshoppen, PA 18630), commencement, operation and restoration of a General Permit for Bluestone in Nicholson Township, **Wyoming County** affecting 10.0 acres, receiving streams: Monroe Creek, Honton Creek or Oxbow Creek Watersheds. Application received: October 17, 2013. Permit issued: July 10, 2014.

Permit No. 66132501GP104. North Star Leasing, Inc., (PO Box 322, Meshoppen, PA 18630), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 66132501 in Nicholson Township, **Wyoming County**, receiving streams: Monroe Creek, Honton Creek or Oxbow Creek Watersheds. Application received: October 17, 2013. Permit issued: July 10, 2014.

Permit No. 58142502. Edward Greene, III, (21188 SR 171, Susquehanna, PA 18847), commencement, operation and restoration of a General Permit for Bluestone in Harmony Township, **Susquehanna County** affecting 10.0 acres, receiving stream: unnamed tributary to South Branch Conawachta Creek. Application received: February 12, 2014. Permit issued: July 10, 2014.

Permit No. 58142502GP104. Edward Greene, III, (21188 SR 171, Susquehanna, PA 18847), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58142502 in Harmony Township, **Susquehanna County**, receiving stream: unnamed tributary to South Branch Conawachta Creek. Application received: February 12, 2014. Permit issued: July 10, 2014.

Permit No. 58112504. Eric Wheaton, (1021 Lake Avenue, Montrose, PA 18801), commencement, operation and restoration of a General Permit for Bluestone in Auburn Township, **Susquehanna County** affecting 10.0 acres, receiving stream: Tuscarora Creek Watershed. Application received: March 25, 2011. Permit issued: July 11, 2014.

Permit No. 58112504GP104. Eric Wheaton, (1021 Lake Avenue, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58112504 in Auburn Township, **Susquehanna County**, receiving stream: Tuscarora Creek Watershed. Application received: March 25, 2011. Permit issued: July 11, 2014.

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

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

57144106. M & J Explosives, LLC (P. O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in Elkland Township, **Sullivan County** with an expiration date of July 7, 2015. Permit issued: July 8, 2014.

08144108. M & J Explosives, LLC (P. O. Box 1248, Carlisle, PA 17013). Blasting for well pad located in Overton Township, **Bradford County** with an expiration date of July 7, 2015. Permit issued: July 9, 2014.

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

Permit No. 67144111. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for High Point South in West Manheim Township, **York County** with an expiration date of July 7, 2015. Permit issued: July 8, 2014.

Permit No. 36144132. J Roy's, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for South Vintage Road Commercial Development in Paradise Township, **Lancaster County** with an expiration date of July 7, 2015. Permit issued: July 9, 2014.

Permit No. 22144108. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Middletown High School in Lower Swatara Township, **Dauphin County** with an expiration date of July 8, 2014. Permit issued: July 10, 2014.

Permit No. 46144108. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for All Sports in Upper Providence Township, **Montgomery County** with an expiration date of July 2, 2014. Permit issued: July 10, 2014.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E45-425. Nicholas Pugliese, 1072 Grand Street, Phillipsburg, NJ 08865. Oakland Township, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 185-foot stream enclosure of a UNT to Bushkill Creek (HQ-CWF, MF) consisting of an open bottom box culvert with a 22-foot span, and a 5.5-foot underclearance. The stream enclosure is associated with the Palmer Business Park. The project site is located on the west side of Community Drive approximately 0.10 mile from the intersection of State Route 0248 (Nazareth, PA Quadrangle Latitude: 40°41'7.9"; Longitude: -75°15'16.7") in Oakland Township, Northampton County. Subbasin: 1F

E48-428. City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018. City of Bethlehem, **Northampton County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a stream restoration project in a 1,000-foot reach of Monocacy Creek (HQ-CWF, MF) with work consisting of:

1. removing existing floodway and floodplain structures;
2. modification of existing floodway check dams
3. placement of in-stream random boulders;
4. plantings along the streambanks in floodway and floodplain;
5. placement of seven toe wood bank stabilization structures;
6. placement of five log sill structures
7. graded bankfull floodplain areas;
8. excavation and backfill in various areas of the channel and embankments;
9. placement of rock aprons.

The project is located in Illicks Mill Park and begins upstream of the intersection of Monocacy Creek Road and Illicks Mill Road (Catasauqua, PA Quadrangle Latitude: 40°38'28.53"; Longitude: -75°22'46.17") in City of Bethlehem, Northampton County. Subbasin: 2C

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

E36-923: PA Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA

17103-1699 in Elizabeth Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District

To regrade the existing swale with a bottom width of 1.0' and a low flow channel of 0.5' deep rising at a 3:1 side slope, widening out to a 1.0' wide by 1.5' deep floodplain bench on both sides, permanently impacting 367' of a UNT to Hammer Creek (TSF, MF), temporarily impacting 0.05 acre of Palustrine Emergent wetlands, and permanently impacting 0.04 acre of PEM wetlands, all for the purpose of improving transportation safety and roadway standards. The project is located along Sleepy Hollow Rd./SR 1026, approximately 400' south of the SR 1026/SR 1028 intersection in Elizabeth Township, Lancaster County, (Latitude: 40° 12' 43", Longitude: -76° 16' 54"). Permanent wetland impacts are considered de minimus and wetland replacement is not required. The permit was issued effective July 7, 2014.

E36-927: Transcontinental Gas Pipeline Company, LLC, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056 in Drumore Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District

To install and maintain a 60.0-foot long, 15.0-foot wide, single-span, steel beam bridge with cast-in-place concrete abutments over Wissler Run (HQ-WWF) (Latitude 39°48'19", Longitude -76°17'37") for the purpose of safely accessing a pipeline gate station in Drumore Township, Lancaster County. No wetlands will be impacted by this project. The permit was issued on July 10, 2014.

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

E19-304. Columbia County Commissioners, 11 West Main Street, County Annex, Bloomsburg, PA 17815. Flood Protection System Construction in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg and Catawissa, PA Quadrangles Latitude: 40° 59' 26.72"; Longitude: -76° 27' 46.01").

The applicant proposes to construct a flood wall and levee system approximately 5,652 feet in length. This project will permanently impact 0.35 acre of wetland through site construction activities. Mitigation for wetland impacts will be achieved through the construction of 0.5 acre of replacement wetlands.

E41-654. Frederick B. Welker Funeral Home, 125 N. Main Street, Jersey Shore, PA 17740-1409. Welker Funeral Home in Jersey Shore Borough, **Lycoming County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle Lat: 41° 12' 12"; Long: -77° 15' 14.1").

To modify, construct and maintain an existing structure in Jersey Shore Borough—Lycoming County, which is located within the floodway/floodplain of the West Branch of the Susquehanna River. The scope of the repairs is to construct an open wall carport/pavilion. A total of approximately 18 square feet (two—3 ft. x 3 ft. columns) will be constructed.

The total estimated stream impacts for the project are approximately 18 ft² of permanent impacts and will not have any effect on the floodway. The proposed modifications will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge or historical sites. West Branch Susquehanna River is classified with a designated use of Warm Water Fishery (WWF).

E41-656. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218 Montoursville, PA 17754-0218. S.R. 2002 Section 010, White Deer Hole Creek Bridge Replacement Washington Township, **Lycoming County**, ACOE Baltimore District (Williamsport South East, PA Quadrangle N: 41° 07' 08"; W: -77° 04' 01").

PA DOT Engineering District 3-0 proposes to replace a single span Steel I-beam Bridge with a single span pre-stressed concrete bulb T-beam bridge. The existing bridge has a span of 33 Ft., a skew of 67 degrees, an underclearance of 7.25 Ft., a low chord of 657.23 Ft. and a hydraulic opening of 239 Ft². The proposed bridge has a span of 43 Ft., a skew of 35 degrees, an underclearance of 6.55 Ft., a low chord of 657.11 Ft. and a hydraulic opening of 282 Ft². The proposed structure will be located approximately 80 Ft. downstream of the existing structure. The project will not impact any jurisdictional wetlands. The stream banks will be planted in the area of removal from the existing structure to provide shading. A mudsill will be constructed on the right bank in the area of abutment removal from the existing structure. The White Deer Hole Creek is classified as a High Quality Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards. The project will not require mitigation. This permit also includes 401 Water Quality Certification.

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460

D36-257A. Speedwell Forge Dam, Pennsylvania Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823. To modify, operate, and maintain Speedwell Forge Dam across Hammer Creek (WWF, MF) impacting 560 feet of stream for the purpose of passing the spillway design flood by demolition of existing spillway and construction of a new concrete spillway, excavation of embankment, installation of embankment drainage system, construction of roller compacted concrete (RCC) overtopping protection, and raising of east and west abutments with earthfill and concrete parapets (Lititz, PA Quadrangle; Latitude: 40.2036, Longitude: -79.3078) in Elizabeth Township, **Lancaster County**.

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 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.

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

ESCP 2 # ESG00023140001

Applicant Name National Fuel Gas Supply Corp

Contact Person Chris Truik

Address 1100 State St

City, State, Zip Erie, PA 16501

County Cameron

Township(s) Gibson Township

Receiving Stream(s) and Classification(s) Bennett Branch of Sinnemahoning Creek—WWF, Mix Run—HQ, Little Dents Run— CWF

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

<i>ESGCP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
ESG00003140001	Sunoco Pipeline, LP 525 Fritztown Rd Sinking Spring, PA 19608	Allegheny	O'Hara Township, Municipality of Penn Hills, and Blawnox Borough	Allegheny River (WWF-N)
0413005-1	National Fuel Gas Supply Corp 1100 State Street Erie, PA 16501	Beaver	North Sewickley Township	Brush Creek (WWF), UNT to Brush Creek (WWF), Bennett Run (WWF)
ESX00059140001	Equitrans, LP 455 Racetrack Rd Washington, PA 15301	Greene	Morgan Township and Franklin Township	Grimes Run (WWF), Ruff Creek (WWF) and UNT to South Fork Tenmile Creek (WWF)

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

ESCGP-2 #ESX14-019-0042-NIBA S005 Pipeline
Applicant EQT Gathering, LLC
Contact Brian M. Clauto
Address 455 Racetrack Road
City Washington State PA Zip Code 15301-8910
County Butler Township(s) Clinton(s)
Receiving Stream(s) and Classification(s) Bull Creek/Bull Creek Watershed, Rocky Run/Rocky Run Watershed

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX13-081-00113 (03)
Applicant Name Anadarko E&P Onshore, LLC
Contact Person Rane Wilson
Address 33 West 3rd Street, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming County
Township(s) McIntyre Township
Receiving Stream(s) and Classification(s) UNTs Frozen Run and Short Run (HQ-CWF/MF);
Secondary: Frozen Run and Grays Run (HQ-CWF/MF)

ESCGP-2 # ESX29-015-14-0031
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Bradford County
Township(s) West Burlington Township
Receiving Stream(s) and Classification(s) UNTs to Sugar Creek and Sugar Creek (TSF/MF);
Secondary: Sugar Creek (TSF/MF)

ESCGP-2 # ESX29-117-14-0009
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Drive, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga County
Township(s) Richmond Township
Receiving Stream(s) and Classification(s) Tribs to Canoe Camp Creek (CWF/MF);
Secondary: Tioga River (CWF/MF)

ESCGP-2 # ESG13-113-00115 (01)
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Sullivan County
Township(s) Cherry Township
Receiving Stream(s) and Classification(s) Mill Creek (2) UNTs to Mill Creek, Mill Creek Watershed (All EV), Lick Creek, Lick Creek Watershed (EV);
Secondary: Little Loyalsock Creek

ESCGP-2 # ESG29-023-14-0004
Applicant Name Endeavor Operating Corporation
Contact Person Eric Kolstad
Address 1125 17th Street, Suite 1525
City, State, Zip Denver, CO 80202
County Cameron County
Township(s) Shippen Township
Receiving Stream(s) and Classification(s) Finley Run, Bigger Run, UNT to Finley Run (HQ-CWF), Finley Run and Bigger Run Watersheds;
Secondary: Sterling Run

ESCGP-2 # ESG29-015-14-0029
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune

Address 100 IST Center
City, State, Zip Horseheads, NY 14845
County Bradford and Wyoming Counties
Township(s) Wilmot and Windham Townships
Receiving Stream(s) and Classification(s) (2) UNTs to Sugar Run Creek (CWF);
Secondary: Susquehanna River

ESCGP-2 # ESX29-015-14-0028
Applicant Name Regency Marcellus Gas Gathering, LLC
Contact Person Kevin Roberts
Address 101 West Third Street
City, State, Zip Williamsport, PA 17701
County Bradford County
Township(s) Stevens Township
Receiving Stream(s) and Classification(s) UNT to Rockwell Creek and Mill Creek (Both WWF/MF);
Secondary: Wyalusing Creek

ESCGP-2 # ESG29-023-14-0005
Applicant Name Endeavor Operation Corporation
Contact Person Eric Kolstad
Address 1125 17th Street, Suite 1525
City, State, Zip Denver, CO 80202
County Cameron County
Township(s) Shippen Township
Receiving Stream(s) and Classification(s) Portable Run (CWF)/Portable Run;
Secondary: Sterling Run

ESCGP-2 # ESG29-023-14-0006
Applicant Name Endeavor Operation Corporation
Contact Person Eric Kolstad
Address 1125 17th Street, Suite 1525
City, State, Zip Denver, CO 80202
County Cameron County
Township(s) Shippen Township
Receiving Stream(s) and Classification(s) Bigger Run and Whippoorwill Hollow (Both HQ-CWF/MF);
Secondary: East Branch Hicks Run

ESCGP-2 # ESX29-131-14-0007
Applicant Name Chesapeake Appalachia, LLC
Contact Person Eric Haskins
Address 14 Chesapeake Lane
City, State, Zip Sayre, PA 18840
County Wyoming County
Township(s) Meshoppen Township
Receiving Stream(s) and Classification(s) Riley Creek (CWF/MF), UNT Meshoppen Creek (CWF/MF);
Secondary: Meshoppen Creek (CWF/MF)

ESCGP-2 # ESG29-015-14-0035
Applicant Name Talisman Energy USA, Inc.
Contact Person Joseph Katruska
Address 50 Pennwood Place
City, State, Zip Warrendale, PA 15086
County Bradford County
Township(s) Armenia Township
Receiving Stream(s) and Classification(s) Webier Creek, (CWF/MF);
Secondary: Tioga River

ESCGP-2 # ESX10-117-0099 (01)
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Drive, Ste 400
City, State, Zip Sewickley, PA 15143
County Tioga County
Township(s) Middlebury Township
Receiving Stream(s) and Classification(s) Losey Creek (CWF/MF);
Secondary: Crooked Creek

ESCGP-2 # ESG29-023-14-0007

Applicant Name NFG Midstream Clermont, LLC
 Contact Person Duane Wassum
 Address 1100 State Street
 City, State, Zip Erie, PA 14221-5855
 County Cameron and McKean Counties
 Township(s) Shippen and Norwich Townships
 Receiving Stream(s) and Classification(s) Elk Fork, Oviatt Branch, Brewer Fork, Left Branch Cooks Run (All EV), South Fork West Branch Potato Creek (HQ-CWF), Havens Run (CWF), Right Branch Cooks Run (EV) and Tribes to the above referenced streams;
 Secondary: Driftwood Branch Sinnemahoning Creek, Potato Creek

ESCGP-2 # ESG29-115-14-0062

Applicant Name Southwestern Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) UNT to Drinker Creek (CWF/MF) and South Branch Canawacta Creek (CWF/MF)

ESCGP-2 # ESX13-115-0152 (01)

Applicant Name Williams Field Services, LLC
 Contact Person Lauren Miladinovich
 Address 2000 Commerce Drive
 City, State, Zip Pittsburgh, PA 15275
 County Susquehanna County
 Township(s) Brooklyn and Harford Townships
 Receiving Stream(s) and Classification(s) Martins Creek and UNTs thereto, East Branch Martins Creek (All CWF/MF)

ESCGP-2 # ESX29-115-14-0055

Applicant Name Talisman Energy USA, Inc.
 Contact Person Jose Chirinos
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 04845
 County Susquehanna County
 Township(s) Apolaccon Township
 Receiving Stream(s) and Classification(s) Apalachin Creek (CWF/MF)

SPECIAL NOTICES

NPDES Permit

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

NPDES Permit No. PAR804864, Industrial Stormwater, Leighow Oil Co., Inc., 118 Ever Road, Danville, PA 17821

This existing facility is located in Mahoning Township, **Montour County**.

The Department intends to terminate this general permit coverage effective 30 days following this publication.

Water Obstruction and Encroachment Permit

California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100, (Contact: Bonnie Herbert)

CDO-005. Consol Pennsylvania Coal Company LLC, 1525 Pleasant Grove Road, PO Box J, Claysville,

PA 15323. Tenmile Creek Mitigation Area, South Franklin Township, **Washington County**, Pittsburgh ACOE District (Prosperity, PA Quadrangle, Tenmile Creek project area centroid latitude 40° 04' 30" N, Longitude 80° 19' 31" W). The applicant proposes to offset the stream and wetlands affected by the 4 North #1 Airshaft and Bathhouse Site for Enlow Fork Mine located in Morris Township, Washington County, by developing a restoration site along a portion of Tenmile Creek along State Route 221 located just south of the intersection of State Route 221 and Pleasant Grove Road.

This is a Chapter 105 Water Obstruction and Encroachment permit application and 401 Water Quality Certification request.

Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit may be submitted to the Department within 30 days of the date of this notice to the California District Office, 25 Technology Park, Coal Center, PA 15423, Phone: 724.769.1100. Comments should contain the name, address, and telephone number of the person commenting. Identification of the request for 401 Water quality Certification and Chapter 105 permit application, to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including relevant facts upon which they are based.

The Water Obstruction and Encroachment permit application is available for review at the California District Office, by appointment, at the address listed above.

Application Received: June 23, 2014

[Pa.B. Doc. No. 14-1576. Filed for public inspection July 25, 2014, 9:00 a.m.]

Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for August 20, 2014, has been cancelled. The next meeting is scheduled for October 15, 2014, at 10 a.m. in Susquehanna Room A, Department of Environmental Protection (Department) Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

Questions concerning the cancellation of the August 20, 2014, meeting or the October 15, 2014, meeting should be directed to Tom Juengst, Bureau of Conservation and Restoration, (717) 783-7577, tjuengt@pa.gov. The agenda and materials for the October 15, 2014, meeting will be available through the Public Participation Center on the Department's web site at www.dep.state.pa.us (DEP Keyword: Public Participation).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-7019 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1577. Filed for public inspection July 25, 2014, 9:00 a.m.]

Climate Change Advisory Committee Meeting Rescheduled

The August 12, 2014, meeting of the Climate Change Advisory Committee has been rescheduled to Tuesday, September 16, 2014, at 10 a.m. in the 12th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the rescheduled meeting should be directed to Mark M. Brojakowski at (717) 772-3429 or mbrojakows@pa.gov. The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.dep.state.pa.us (DEP Keyword: "Public Participation").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-3429 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1578. Filed for public inspection July 25, 2014, 9:00 a.m.]

Proposed State Implementation Plan Revision; Attainment Demonstration for the Lower Beaver Valley Nonattainment Area for the 2008 Lead National Ambient Air Quality Standard

The Lower Beaver Valley, comprised of Potter, Vanport and Center Townships, Beaver County, was designated by the United States Environmental Protection Agency (EPA) as not meeting the Federal National Ambient Air Quality Standard (NAAQS) established for lead in 2008. Lead concentrations in ambient air above the NAAQS pose a serious human health threat. Lead that is emitted into the air can be inhaled or, after it settles out of the air, can be ingested. Once in the body, lead is rapidly absorbed into the bloodstream and results in a broad range of health effects, especially affecting children. The Department of Environmental Protection (Department) is seeking public comment on a State Implementation Plan (SIP) revision which demonstrates how the Lower Beaver Valley Area will attain the lead standard by the prescribed attainment date, December 31, 2015. The proposed SIP revision meets the requirements necessary for an approvable SIP revision, including a base year emission inventory, air quality modeling, air quality and emission trends, emission control strategies and a contingency plan to bring the area back into attainment should future violations of the standard occur. After consideration of comments received, the SIP revision will be finalized and submitted to the EPA for approval.

The proposed SIP revision is available on the Department's web site at www.dep.state.pa.us (select "Air," then "Bureau of Air Quality," then "Regs/Plan," then "Clean Air Plans") or through the contact persons listed as follows.

The Department will hold a public hearing to receive comments on the proposal on Wednesday, September 3, 2014, at 1 p.m. at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Persons wishing to present testimony at the hearing should contact Alex Haas, P. O.

Box 8468, Harrisburg, PA 17105-8468, (717) 787-9495, alehaas@pa.gov to reserve a time. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas using the previously listed contact information. TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than Friday, September 5, 2014. Written comments should be sent to the attention of Kirit Dalal, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, kdalal@pa.gov. Use "Lower Beaver Valley lead" as the subject line in written communication.

E. CHRISTOPHER ABRUZZO,
Secretary

[Pa.B. Doc. No. 14-1579. Filed for public inspection July 25, 2014, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Lawrence County

The Department of General Services (Department) will accept bids for the purchase of the former New Castle Youth Development Center, consisting of 145 ± acres of land and 13 buildings totaling 236,444 ± square feet, located at 1745 Frew Mill Road, New Castle, Shenango Township, Lawrence County. Bids are due Thursday, November 13, 2014. Interested parties wishing to receive a copy of Solicitation No. 94639 should view the Department's web site at www.dgs.state.pa.us or call Andrew Lick at (717) 772-8842.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 14-1580. Filed for public inspection July 25, 2014, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of East Stroudsburg Ambulatory Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that East Stroudsburg Ambulatory Surgery Center has requested an exception to the requirements of 28 Pa. Code § 555.33(d)(1) (relating to anesthesia policies and procedures).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1581. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application of Meadville Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Meadville Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests exemptions from the following standards contained in this publication: 3.3-1.1.2 and 3.3-3.2.6.10 (relating to corridors; and soiled holding rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1582. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application of Select Specialty Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Select Specialty Hospital, has requested ex-

ceptions to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1583. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application of St. Luke's Miners Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Miners Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 3.12-3.8.5 (relating to toilet rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1584. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application of UPMC Passavant for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *American Institute of Architects*. The facility specifically requests an exemption from the following standards contained in this publication: 2.2-3.1.3.6(2)(a) (relating to treatment rooms).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1585. Filed for public inspection July 25, 2014, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Allied Services Skilled Nursing Center
303 Smallacombe Drive
P. O. Box 2033
Scranton, PA 18501
FAC ID # 011902

Blough Healthcare Center, LLC
316 East Market Street
Bethlehem, PA 18018
FAC ID # 022602

Frederick Living—Cedarwood
2849 Big Road
P. O. Box 498
Frederick, PA 19435
FAC ID # 062002

Golden Livingcenter—Lansdale
25 West 5th Street
Lansdale, PA 19446
FAC ID # 140502

Ivy Hill Rehabilitation and Nursing Center
1401 Ivy Hill Road
Wyndmoor, PA 19150
FAC ID # 591902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.38(e) (relating to toilet facilities):

Seneca Place
5360 Saltsburg Road
Verona, PA 15147
FAC ID # 453302

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1586. Filed for public inspection July 25, 2014, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board (Board), established under section 1252 of the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Friday, August 1, 2014, from 10 a.m. to 3 p.m. The meeting will be held in the large conference room of the Community Center, 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

Currently in this Commonwealth, nearly 250,000 individuals are living with brain injury. On an annual basis, an additional 8,600 residents in this Commonwealth sustain long-term disabilities from brain injury. The Department of Health's (Department) Head Injury Program (HIP) strives to ensure that eligible individuals receive high quality rehabilitative services aimed at reducing functional limitations and improving quality of life. The Board assists the Department in understanding and meeting the needs of persons living with traumatic

brain injury and their families. This quarterly meeting will provide updates on the number of people served by HIP and the number of people waiting to be served by HIP. In addition, meeting participants will discuss budgetary issues and community programs relating to traumatic brain injury.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Julie Hohney, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 14-1587. Filed for public inspection July 25, 2014, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, September 10, 2014, at 10 a.m. at the Department of Labor and Industry, Room E-100, 651 Boas Street, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for "Uniform Construction Code" then "UCC Review and Advisory Council."

Questions concerning this may be directed to Kim D. Peck at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 14-1588. Filed for public inspection July 25, 2014, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions and Adjustments; September 2014

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on September 29 and 30, 2014, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Section Limits</i>
Berks	Rodges Run	Delaware River	Headwaters to mouth
Cambria	Bear Rock Run	Little Conemaugh River	Headwaters to Christie Hollow
Cambria	UNT to North Branch Little Conemaugh River (RM 1.43)	North Branch Little Conemaugh River	Headwaters to mouth
Indiana	UNT to Little Yellow Creek	Little Yellow Creek	Headwaters to mouth
Somerset	Shanks Run	Laurel Hill Creek	Headwaters to mouth
Somerset	Ware Run	Brush Creek	Headwaters to mouth
Westmoreland	Harbridge Run	McGee Run	Headwaters to 400 m upstream of T-972 (Tannery Hollow Road)
York	Mill Branch	Otter Creek	Headwaters to mouth

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County</i>	<i>Stream Name</i>	<i>Tributary To</i>	<i>Current Limits</i>	<i>Revised Limits</i>
Westmoreland	Shirey Run	McGee Run	Headwaters to mouth	Headwaters to Bridge on T-972 (Gray Station Road)
Westmoreland	UNT to Conemaugh River (RM 40.83)	Conemaugh River	Headwaters to mouth	Headwaters to confluence with the Sugar Run Reservoir Outflow

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

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

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 14-1589. Filed for public inspection July 25, 2014, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. The Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Abundance Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream section to have a Class A wild trout population. The Commission intends to consider adding this water to its list of Class A Wild Trout Streams at its meeting on September 29 and 30, 2014.

County	Stream	Section	Limits	Brook Trout (kg/ha)	Brown Trout (kg/ha)	Rainbow Trout (kg/ha)	Length (miles)	Survey Year
Somerset	Ware Run	01	Headwaters to Mouth	34.68	—	—	3.61	2013

Persons with comments, objections or suggestions concerning the addition are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender

within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 14-1590. Filed for public inspection July 25, 2014, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, July 10, 2014, and announced the following:

Action Taken—Regulations Approved:

Pennsylvania Gaming Control Board #125-169: Electronic Gaming Tables and Table Games Rules of Play (amends 58 Pa. Code Chapters 605a, 639a, 641a, 643a, 647a, 653a, 655a, and 657a)

State Board of Crane Operators #16A-7102: Fees (amends 49 Pa. Code § 6.4)

Philadelphia Parking Authority #126-5: Wheelchair Accessible Vehicle Taxicabs (amends 52 Pa. Code, Chapters 1001, 1011, 1017, 1019 and 1021)

Action Taken—Regulation Disapproved: Order Not Yet Issued

* State Board of Medicine #16A-4937: Genetic Counselors

* Will advise when order is issued.

Approval Order

Public Meeting Held
July 10, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Lawrence J. Tabas, Esq., abstained; Dennis A. Watson, Esq.

*Pennsylvania Gaming Control Board—
Electronic Gaming Tables and Table Games Rules of Play;
Regulation No. 125-169 (#3005)*

On April 15, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 605a, 639a, 641a, 643a, 647a, 653a, 655a, and 657a. The proposed regulation was published in the April 27, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on May 28, 2014.

This final-form rulemaking adds requirements for progressive table game systems, adds Progressive Payout Wagers to several games and adds the Bad Beat Bonus Wager to Four Card Poker.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30) and 13A02(1) and (2)) and the intention of the General Assembly. Having considered all of the other

criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
July 10, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Crane Operators—Fees;
Regulation No. 16A-7102 (#3002)*

On April 2, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Crane Operators (Board). This rulemaking amends 49 Pa. Code § 6.4. The proposed regulation was published in the April 13, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 5, 2014.

This final-form regulation increases the biennial renewal fee for all licensed crane operators from \$100 to \$130.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 2400.701(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting Held
July 10, 2014

Commissioners Voting: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Lawrence J. Tabas, Esq., abstained; Dennis A. Watson, Esq.

*Philadelphia Parking Authority—
Wheelchair Accessible Vehicle Taxicabs;
Regulation No. 126-5 (#3036)*

On October 15, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Philadelphia Parking Authority (Authority). This rulemaking amends 52 Pa. Code, Chapters 1001, 1011, 1017, 1019 and 1021. The proposed regulation was published in the October 26, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. On June 6, 2014, the Commission received a request from the Authority to toll consideration of this final-form regulation

to correct drafting errors. On June 16, 2014, the Authority submitted its revisions to the final-form regulation to the Commission.

This final-form regulation establishes standards for wheelchair accessible taxicab service in Philadelphia.

We have determined this regulation is consistent with the statutory authority of the Authority (53 Pa.C.S. §§ 5706(a.1), 5711(c)(2), 5717(b) and 5722) and the intention of the General Assembly. Having considered all of the

other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1591. Filed for public inspection July 25, 2014, 9:00 a.m.]

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
#57-303	Pennsylvania Public Utility Commission Electronic Access to Pre-Served Testimony 44 Pa.B. 2868 (May 17, 2014)	06/16/14	07/16/14

Pennsylvania Public Utility Commission

Regulation #57-303 (IRRC #3059)

Electronic Access to Pre-Served Testimony

July 16, 2014

We submit for your consideration the following comments on the proposed rulemaking published in the May 17, 2014 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (Commission) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest; Clarity; Reasonableness; and Economic Impact.

The Commission's proposed regulation provides for its staff and all parties of record in an adjudicatory proceeding to have electronic access to public versions of pre-served testimony. Under this proposal, the Commission is not permitting the public to electronically access pre-served testimony via its website. The Commission explains that only its advisory staff and parties of record are aware of the need to consult the transcript for purposes of determining which testimony has been admitted into the official record. The Office of Consumer Advocate (OCA) raises issue with the Commission's decision to exclude the public from electronically accessing pre-served testimony. The OCA points out that if testimony would appear on the Commission's website with any strikeouts, corrections or modifications in place, then the public would not need to refer to the transcript in order to know what the final version of the testimony admitted into the record contains. We ask the Commission to explain how barring the public's electronic access to pre-served testimony is in the public's interest.

There are fourteen footnotes to the Preamble to further explain the requirements in this proposed rulemaking.

We question why some of the information provided in the footnotes were not included in the annex. For instance:

- Footnote 1 explains how parties should revise testimony that has been stricken at the hearing.
- Footnote 4 discusses what is excluded from the electronic submission requirements.
- Footnotes 9 and 12 provide that parties of record must have eFiling accounts to have access to certain information.

It seems these explanatory notes are actually requirements for complying with this regulation; however, they are not part of the regulation itself. The Commission should ensure that the Annex to the final-form regulation clearly reflects how a party is to meet the requirements for electronic submission of pre-served testimony. We ask the Commission to include this information in the final-form regulation or explain why its exclusion is reasonable.

Question #21 of the RAF directs the Commission to provide a specific estimate of the cost and/or savings to the state government associated with implementation of the regulation. The Commission responded that costs associated with electronic filing cannot be quantified as they cannot estimate the number of state government entities which may participate in cases before the Commission. We ask the Commission to include in the final-form regulation the anticipated fiscal impact associated with the implementation of this regulation on the Commission itself.

2. Section 5.412a. Electronic submission of pre-served testimony.—Clarity.

Subsection (b)(3) prescribes the labeling of the electronically submitted testimony to the Commission. The OCA suggests that there can be additional pieces of pre-served testimony that are not addressed in this proposed section. Supplemental direct testimony and written rejoinder testimony are two examples of testimony that are not included in this subsection. We ask the

Commission to include in the final-form regulation a comprehensive list of the types of testimony that are electronically submitted to the Commission or to explain why the proposed list is adequate in meeting the Commission's record-keeping and/or labeling needs.

Subsection (c) pertains to the submission of paper copies of preserved testimony to the court reporter. We ask the Commission to explain why this provision is

located under the section for electronic submission of preserved testimony rather than under Section 5.412 relating to written testimony.

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1592. Filed for public inspection July 25, 2014, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from the web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
#16A-6921	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Qualifications for Licensure	7/11/14	9/4/14

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 14-1593. Filed for public inspection July 25, 2014, 9:00 a.m.]

INSURANCE DEPARTMENT

Alleged Violation of Insurance Laws; Joseph Alexander Biles; Doc. No. SC14-01-006

Notice is hereby given of the Second Amended Order to Show Cause issued on July 15, 2014, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: sections 611-A(2) and (20) and 678-A(a) of The Insurance Department Act of 1921 (40 P.S. §§ 310.11(2) and (20) and 310.78(a)).

Respondent shall file a written answer to the Order to Show Cause within 20 days of the date of issue. If the respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to special rules of administrative practice and procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna Fleischauer, Agency ADA Coordinator at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1594. Filed for public inspection July 25, 2014, 9:00 a.m.]

American General Life Insurance Company; Proposed Rate Increase for Several LTC Forms; Rate Filing

American General Life Insurance Company is requesting approval to increase the premium 25% on 419 policyholders with the following individual LTC forms: 64028-PA, C12277-PA, 64031 and 64032-PA.

Unless formal administrative action is taken prior to October 9, 2014, 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. Under the tab "How to Find . . ." click on the link "PA Bulletin."

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 and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1595. Filed for public inspection July 25, 2014, 9:00 a.m.]

Appeal of Clarke Oil under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2012-0146(F); Doc. No. UT14-07-003

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Adminis-

trative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference will be held on September 4, 2014, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator, Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before August 21, 2014. Answers to petitions to intervene, if any, shall be filed on or before September 2, 2014.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1596. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application for Approval to Acquire Control of OneBeacon Insurance Company, Potomac Insurance Company, OneBeacon America Insurance Company and The Employers' Fire Insurance Company; Reopening of Public Comment Period

The Insurance Department (Department) published notice of receipt of the application of Trebuchet US Holdings, Inc. (Trebuchet) requesting approval to acquire control of OneBeacon Insurance Company, a domestic stock casualty insurance company and Potomac Insurance Company, a domestic stock casualty insurance company. The notice afforded persons the opportunity to provide written comments on the filing to the Department for a period that expired on April 24, 2013 (see 43 Pa.B. 1157 (February 23, 2013)). Through subsequent notices, the public comment period was reopened for a period that expired on July 9, 2013 (see 43 Pa.B. 2970 (May 25, 2013)) and for a period that expired on November 27, 2013 (see 43 Pa.B. 5778 (September 28, 2013)). The application was amended by Trebuchet on June 25, 2014, to include the acquisition of OneBeacon America Insurance Company, a domestic stock casualty insurance company and The Employers' Fire Insurance Company, a domestic stock casualty insurance company. At the conclusion of a public informational hearing held by the Department on July 23, 2014, the Department announced that the public comment period would reopen.

The purpose of this notice is to reopen the public comment period to afford the public the opportunity to comment on additional filing materials, to include information obtained from the public informational hearing. A subsequent notice will appear in the *Pennsylvania Bulletin* to announce the closing of the public comment period.

The filing and related materials are currently available on the Department's web site at www.insurance.pa.gov. A transcript of the public informational hearing will be posted to the Department's web site as soon as it becomes available.

Persons wishing to comment on the acquisition are invited to submit a written statement to the Department. The public comment period will remain open for an indefinite period of time to afford persons ample opportunity to provide written comments on the filing to the Department. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1597. Filed for public inspection July 25, 2014, 9:00 a.m.]

Application for Approval to Acquire Control of Value Behavioral Health of Pennsylvania, Inc.

Beacon Health Vista Parent, Inc. and Beacon Health Vista Merger Sub, Inc., among others, filed an application to acquire control of Value Behavioral Health of Pennsylvania, Inc., a Pennsylvania domiciled risk-assuming preferred provider organization. The filing was received on July 2, 2014, and was made under Article XIV of The Insurance Company Law of 1921 (40 P.S. §§ 991.1401—991.1413).

Persons wishing to comment on this acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1598. Filed for public inspection July 25, 2014, 9:00 a.m.]

The Medical Protective Company Rate Filing

On July 8, 2014, the Insurance Department (Department) received from The Medical Protective Company a filing for rate level changes for Physicians and Surgeons Professional Liability insurance. The company requests an overall rate level change of 0.0% to be effective January 1, 2015. (This overall figure represents an average; the effect of this filing on the rates for individual consumers may vary.) The filing includes revisions to manual base rates, territory definitions and territorial relativities.

Unless formal administrative action is taken prior to August 22, 2014, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2015, by operation of law.

A copy of the filing is available on the Department's web site at www.insurance.pa.gov. Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@pa.gov within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1599. Filed for public inspection July 25, 2014, 9:00 a.m.]

Monumental Life Insurance Company; Proposed Rate Increase for Several LTC Forms; Rate Filing

Monumental Life Insurance Company is requesting approval to increase the premium 60% on 113 policyholders with the following individual LTC forms: ML-LTCP TQ (PA) 898, FPTQ (PA) 197 and LTC 5 TQ COM (PA) 1197.

Unless formal administrative action is taken prior to October 9, 2014, 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. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1600. Filed for public inspection July 25, 2014, 9:00 a.m.]

Monumental Life Insurance Company; Proposed Rate Increase for Several LTC Forms; Rate Filing

Monumental Life Insurance Company is requesting approval to increase the premium 60% on 1,379 policyholders with the following individual LTC forms: ML-LTCP TQ (PA-FR) 898, FPTQ (PA-FP) 197 and LTC 5 TQ COM (PA-FP) 1197.

Unless formal administrative action is taken prior to October 9, 2014, 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. Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlavery@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1601. Filed for public inspection July 25, 2014, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile insurance policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Nathaniel Reed; file no. 14-116-166088; Nationwide Affinity Insurance Company; Doc. No. P14-07-001; August 14, 2014, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 14-1602. Filed for public inspection July 25, 2014, 9:00 a.m.]

PENNSYLVANIA MUNICIPAL RETIREMENT BOARD

Hearing Scheduled

Hearings have been scheduled, as authorized by Pennsylvania Municipal Retirement Law (53 P. S. §§ 881.101—881.501), in connection with the Pennsylvania Municipal Retirement Board's (Board) denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Pennsylvania Municipal Retirement System, 1010 North 7th Street, Suite 301, Eastgate Center, Harrisburg, PA 17102:

September 24, 2014 John Callahan 1 p.m.
(Purchase of Service)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Wanita Campbell at (717) 787-2065 to discuss how the Board may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501–508 and 701–704 (relating to Administrative Agency Law). Under 16 Pa. Code § 91.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

STEPHEN W. VAUGHN,
Secretary

[Pa.B. Doc. No. 14-1603. Filed for public inspection July 25, 2014, 9:00 a.m.]

**PENNSYLVANIA PUBLIC
UTILITY COMMISSION**

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 August 11, 2014. 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-2014-2420244. A Queen Limousine Service, Inc. (2411 Greenhill Drive, Lansdowne, PA 19050) to transport as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2014-2426080. Kabs 4 Kids, LLC (1602 Apple Street, Boothwyn, PA 19061) for the right to begin to transport, as a common carrier, by motor vehicle, children, in paratransit service, from points in Delaware County, to points in Pennsylvania, and return.

Application 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 the application.

A-2014-2407268. Quincy Logistics, Inc. (6409 North 12th Street, Philadelphia, Philadelphia County, PA 19126) discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, household goods in use, from points in the Counties of Philadelphia and Montgomery, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1604. Filed for public inspection July 25, 2014, 9:00 a.m.]

Telecommunications

A-2014-2431984. Frontier Communications of Lakewood, LLC and IDT America Corp. Joint petition of Frontier Communications of Lakewood, LLC and IDT America Corp for approval of a traffic exchange agreement under section 252(e) of the Telecommunications Act of 1996.

Joint petition of Frontier Communications of Lakewood, LLC and IDT America Corp, by its counsel, filed on July 15, 2014, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a traffic exchange agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Frontier Communications of Lakewood, LLC and IDT America Corp joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov, and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 14-1605. Filed for public inspection July 25, 2014, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Taxicab and Limousine Division Fee and Assessment Schedule for the 2015 Fiscal Year

The following tables list all assessments and fees for the Taxicab and Limousine Division for the Fiscal Year 2015, beginning on July 1, 2014.

Assessments

<i>Utility Group</i>	<i>Assessment Amount</i>
All Taxicabs	\$1,457 per taxicab
Each Classification of Limousine Service	\$371 per limousine
Dispatcher	\$1,909 per dispatch

Fees

All Fees are Non-Refundable

<i>Fee Description</i>	<i>Fee</i>
Limousine Replacement Registration Sticker	\$30
Remote Carrier Vehicle Registration	\$15
Dispatcher Change in Colors and Markings Scheme Application Fee	\$500
Driver Certificate Renewal Application Fee (per designation)	\$110
Duplicate Driver Certificate Replacement Fee	\$25
New Taxicab Driver Certification Application Fee (Classroom Training)	\$160
New Limousine Driver Certification Application Fee	\$130

<i>Fee Description</i>	<i>Fee</i>
Individual Medallion or CPC Ownership Transfer Fee	\$3,000 or 3.5% of purchase price, whichever is greater
New and Annual Renewal Broker Registration Fee	\$1,200
New Dispatcher Certificate of Public Convenience Application Fee	\$15,000
New Limousine Certificate of Public Convenience Application Fee for One Class of Service	\$12,000
Application Fee for Each Additional Classification for Limousine Service for New Applicants for Any Limousine Service	\$3,000
Application Fee for Each Additional Limousine Certificate of Public Convenience for One Class of Service by a Current Limousine Certificate Holder	\$6,000
Protest Fee	\$2,500
Petition Filing Fee	\$250
New Car and Replacement Vehicle Transfer	\$200
Age or Mileage Compliance Inspection Fee	\$200
PA State and TLD Biannual Inspection Fee for vehicles with 200,000 Miles and Above	\$100
PA State and TLD Biannual Inspection Fee for Wheelchair-Accessible Vehicles or Vehicles with less than 200,000 Miles	\$75
Emission Inspection Waiver Fee	\$100
Inspection Fee for Any Vehicle After Two Failed Inspections	\$125
Off-site Vehicle Inspection Fee	\$150
Fee for Medallion Return after Sheriff Levy	\$200
Administrative Hearing Fee (upon determination of liability)	\$75
Taxicab Replacement Posting	\$10 (each posting)
PennDOT Processing Fee for all Vehicle Registration Changes (above PennDOT costs)	\$20
Check Declined for Payment	\$200
Voluntary Suspension of Individual Medallion or Certificate of Public Convenience	\$75
Limousine Tariff Amendments or Changes, or both	\$50

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 14-1606. Filed for public inspection July 25, 2014, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 14-043.S, Installation of Reef Ball Structures, until 2 p.m. on Thursday, August 21, 2014. Information (including mandatory prebid information) can be obtained from the web site at www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 14-1607. Filed for public inspection July 25, 2014, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Andrea K. Forkey; Doc. No. 0877-51-2014; File 14-51-06007

On May 29, 2014, Andrea K. Forkey, license no. PN263710 of New Castle, Lawrence County, was suspended under the Order of the Court of Common Pleas of Philadelphia County dated May 12, 2014, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Senior Counsel in Charge, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 14-1608. Filed for public inspection July 25, 2014, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522) (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Levi Hersherberger 790 Rimer Road Luthersburg, PA 15848	Clearfield County/ Brady Township	57.04	Veal	Amended	Rescind
F&M Farms, LLC 1201 Jacobsburg Road Wind Gap, PA 18091	Northampton County/ Bushkill Township	255	Horse	Amended	Approved
Guy S. Winey 2027 Heister Valley Road Mount Pleasant Mills, PA 17853	Snyder County/ Perry Township	155.1	Broilers	New	Approved

<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>
Jake Hardy 20 Taylor Mill Road Belleville, PA 17004	Mifflin County/ Brown Township	0	Cattle	Amended	Approved
Leshner's Poultry Farm, Inc. 1153 Swamp Fox Road Chambersburg, PA 17202-8865	Franklin County/ Guilford Township	1,040	Layers	Amended	Approved
J&L Groff Farms, LLC 2906 Dettinger Road Broque, PA 17309	York County/ Chanceford Township	297.33	Broilers	New	Approved
Skyline Acres, Inc. 477 Skyline Drive Bernville, PA 19506	Berks County/ Upper Bern Township	419.9	Cattle	New	Disapproved

E. CHRISTOPHER ABRUZZO,
Chairperson

[Pa.B. Doc. No. 14-1609. Filed for public inspection July 25, 2014, 9:00 a.m.]

Dirt and Gravel Roads Pollution Prevention Maintenance Program

As required by 25 Pa. Code § 83.604(f) (relating to apportionment criteria), the State Conservation Commission (Commission) is providing public notice of the apportionment of Fiscal Year 2014-2015 Dirt, Gravel and Low Volume Road Pollution Prevention Maintenance Program (program) funds to participating County Conservation Districts. This apportionment is authorized under 75 Pa.C.S. § 9106 (relating to dirt, gravel and low-volume road maintenance).

A. Effective Date

This apportionment is effective upon publication in the *Pennsylvania Bulletin*. Allocations will be disbursed when funds are released from the Treasury after July 1, 2014.

B. Background

The Commission approved the following allocations at their public meetings on May 13, 2014: \$26.068 million of Fiscal Year 2014-2015 funds were apportioned according to stipulations in 75 Pa.C.S. § 9106(c).

Copies of the referenced statement of policy in 25 Pa. Code § 83.604, as published at 28 Pa.B. 4634 (September 12, 1998), and 75 Pa.C.S. § 9106 are available from Roy Richardson, Dirt, Gravel and Low Volume Roads Program Coordinator, Room 311, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-2103.

The following allocations are being made to the County Conservation Districts participating in the program. Not all counties receive an allocation as provided for in 25 Pa. Code § 83.613(a) (relating to performance standards). Listed in ascending order, the allocations are:

<i>County</i>	<i>Low Volume Roads</i>	<i>Dirt and Gravel Roads</i>	<i>Total Allocation</i>
Adams	\$ 121,803	\$ 100,000	\$ 221,803
Allegheny	\$ 267,932	\$ 100,000	\$ 367,932
Armstrong	\$ 131,689	\$ 899,516	\$ 1,031,205
Beaver	\$ 101,664	\$ 100,000	\$ 201,664
Bedford	\$ 178,081	\$ 279,341	\$ 457,422

<i>County</i>	<i>Low Volume Roads</i>	<i>Dirt and Gravel Roads</i>	<i>Total Allocation</i>
Berks	\$ 262,545	\$ 100,000	\$ 362,545
Blair	\$ 80,817	\$ 100,000	\$ 180,817
Bradford	\$ 103,138	\$ 1,375,000	\$ 1,478,138
Bucks	\$ 182,980	\$ 100,000	\$ 282,980
Butler	\$ 181,592	\$ 163,389	\$ 344,981
Cambria	\$ 112,453	\$ 106,159	\$ 218,612
Cameron	\$ 40,000	\$ 121,074	\$ 161,074
Carbon	\$ 50,523	\$ 100,000	\$ 150,523
Centre	\$ 102,926	\$ 139,862	\$ 242,788
Chester	\$ 201,534	\$ 100,000	\$ 301,534
Clarion	\$ 96,669	\$ 386,968	\$ 483,637
Clearfield	\$ 122,597	\$ 400,622	\$ 523,219
Clinton	\$ 55,175	\$ 172,945	\$ 228,120
Columbia	\$ 86,206	\$ 403,408	\$ 489,614
Crawford	\$ 106,118	\$ 807,710	\$ 913,828
Cumberland	\$ 128,225	\$ 100,000	\$ 228,225
Dauphin	\$ 120,963	\$ 100,000	\$ 220,963
Elk	\$ 40,000	\$ 160,409	\$ 200,409
Erie	\$ 128,752	\$ 329,616	\$ 458,368
Fayette	\$ 146,934	\$ 210,873	\$ 357,807
Forest	\$ 40,000	\$ 121,433	\$ 161,433
Franklin	\$ 124,156	\$ 100,000	\$ 224,156
Fulton	\$ 62,167	\$ 142,976	\$ 205,143
Greene	\$ 108,893	\$ 420,263	\$ 529,156
Huntingdon	\$ 109,624	\$ 297,071	\$ 406,695
Indiana	\$ 164,917	\$ 491,038	\$ 655,955
Jefferson	\$ 94,901	\$ 318,553	\$ 413,454
Juniata	\$ 72,467	\$ 105,760	\$ 178,227
Lackawanna	\$ 74,655	\$ 137,366	\$ 212,021

<i>County</i>	<i>Low Volume Roads</i>	<i>Dirt and Gravel Roads</i>	<i>Total Allocation</i>
Lancaster	\$ 285,720	\$ 100,000	\$ 385,720
Lawrence	\$ 103,945	\$ 100,000	\$ 203,945
Lebanon	\$ 83,995	\$ 100,000	\$ 183,995
Lehigh	\$ 105,039	\$ 115,034	\$ 220,073
Luzerne	\$ 152,061	\$ 190,365	\$ 342,426
Lycoming	\$ 117,870	\$ 442,475	\$ 560,345
McKean	\$ 62,374	\$ 185,506	\$ 247,880
Mercer	\$ 136,377	\$ 215,555	\$ 351,932
Mifflin	\$ 53,824	\$ 100,000	\$ 153,824
Monroe	\$ 113,572	\$ 100,000	\$ 213,572
Montgomery	\$ 164,832	\$ -	\$ 164,832
Montour	\$ 40,000	\$ 100,000	\$ 140,000
Northampton	\$ 117,091	\$ 100,000	\$ 217,091
Northumberland	\$ 104,981	\$ 198,482	\$ 303,463
Perry	\$ 107,320	\$ 148,709	\$ 256,029
Pike	\$ 40,000	\$ 125,463	\$ 165,463
Potter	\$ 55,657	\$ 829,382	\$ 885,039
Schuylkill	\$ 157,026	\$ 182,305	\$ 339,331
Snyder	\$ 68,808	\$ 124,525	\$ 193,333
Somerset	\$ 180,054	\$ 294,480	\$ 474,534
Sullivan	\$ 40,000	\$ 387,937	\$ 427,937
Susquehanna	\$ 64,407	\$ 1,375,000	\$ 1,439,407
Tioga	\$ 56,888	\$ 1,089,759	\$ 1,146,647
Union	\$ 44,714	\$ 100,000	\$ 144,714
Venango	\$ 76,012	\$ 499,314	\$ 575,326
Warren	\$ 55,029	\$ 621,423	\$ 676,452
Washington	\$ 203,097	\$ 363,981	\$ 567,078
Wayne	\$ 85,655	\$ 518,060	\$ 603,715
Westmoreland	\$ 266,215	\$ 156,681	\$ 422,896
Wyoming	\$ 41,230	\$ 298,702	\$ 339,932
York	\$ 261,111	\$ 365,510	\$ 626,621
Total	\$ 7,448,000	\$ 18,620,000	\$ 26,068,000

E. CHRISTOPHER ABRUZZO,
Chairperson

[Pa.B. Doc. No. 14-1610. Filed for public inspection July 25, 2014, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0002 for electro-mechanical technology equipment to complete the lab and training center. Bid documents can be obtained from Carrie Harmon, Thad-

deus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1611. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0003 for Haas ST-10 CNC Turning Center or other approved equal. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1612. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0004 for Haas Mini Mill-Vertical Machining Center or other approved equal. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1613. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0005 for pumps training system or approved equal for heating ventilation, air conditioning and refrigeration labs. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1614. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0010 for H-CRT-4B commercial multi-compressor rack or approved equal. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1615. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0011 for Baykal Press Brake or approved equal and press brake tooling for the metals fabrication and welding technology labs. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1616. Filed for public inspection July 25, 2014, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for project 14-0012 for universal refrigeration skills trainer or approved equal for the heating, ventilation, air conditioning and refrigeration labs. Bid documents can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 14-1617. Filed for public inspection July 25, 2014, 9:00 a.m.]
