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PENNSYLVANIA BULLETIN

Volume 46
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Agencies in this issue

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The Courts
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Department of Conservation and Natural Resources
Department of Drug and Alcohol Programs
Department of Environmental Protection
Department of General Services
Department of Health
Department of Revenue
Insurance Department
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Board of Education
Susquehanna River Basin Commission
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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 501, August 2016

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

Recent Actions during the 2016 Regular Session of the General Assembly

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

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2016 General Acts of Regular Session Enacted—Act 061 through 101					
061	Jul 1	HB0602	PN0716	Immediately	Military and Veterans Code (51 Pa.C.S.)—pay of officers and enlisted personnel in active State service
062	Jul 1	HB1325	PN3164	60 days	Second Class Township Code—storm water management ordinances and fees
063	Jul 1	HB1934	PN3076	Immediately	Conveyance—Commonwealth property in the Borough of West Chester, Chester County
064	Jul 1	SB0936	PN1148	60 days	Domestic Relations Code (23 Pa.C.S.)—attachment of income
065	Jul 1	SB1205	PN1727	Immediately	Conveyance—Commonwealth property in the Borough of East Stroudsburg, Monroe County
066	Jul 7	HB2003	PN3536	Immediately	Conveyance—Commonwealth property in Fulton Township, Lancaster County
067	Jul 7	HB2034	PN3273	Immediately	Conveyance—Commonwealth property in Beale Township, Juniata County
068	Jul 7	HB2035	PN3274	Immediately	Conveyance—Commonwealth property in the Borough of Lewistown, Mifflin County
069	Jul 7	SB1154	PN1593	Immediately	Civil Service Act—ratings of competitors, appointment and promotion of employees in the classified service, certification and selection and appointment of eligibles
070	Jul 7	SB1192	PN1717	Immediately	Conveyance—Commonwealth property in Cresson Township, Cambria County
071	Jul 7	SB1225	PN1755	Immediately	Conveyance—Commonwealth property in Weisenberg Township, Lehigh County
072	Jul 7	SB1270	PN1819	60 days	Real Estate Appraisers Certification Act—powers and duties of board, application and qualifications, reciprocity and certification renewal, licensure renewal and records
073	Jul 8	HB0060	PN3646	Immediately	Insurance Company Law of 1921—coverage for oral chemotherapy medications
074	Jul 8	HB0064	PN0055	Immediately	Matt Adler Suicide Prevention Continuing Education Act—enactment
075	Jul 8	HB0898	PN3675	Immediately*	Vehicle Code (75 Pa.C.S.)—drivers of emergency vehicles, visual and audible signals on emergency vehicles, visual signals on authorized vehicles and removal of dead deer
076	Jul 8	HB1062	PN3638	Immediately	Human Services Code—omnibus amendments
077	Jul 8	HB1335	PN1817	60 days	Vehicle Code (75 Pa.C.S.)—emergency telephones along Pennsylvania Turnpike
078	Jul 8	SB0917	PN1922	60 days	Judicial Code (42 Pa.C.S.)—interagency information sharing
079	Jul 8	SB1104	PN1896	Immediately*	Probate, Estates and Fiduciaries Code (20 Pa.C.S.)—omnibus amendments
080	Jul 8	SB1123	PN1937	Immediately	Agriculture Code (3 Pa.C.S.)—standards for automotive fuel

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
081	Jul 8	SB1194	PN1785	Immediately	State Military College Legislative Appointment Initiative Program Act—repealing provisions relating to expiration
082	Jul 8	SB1216	PN1774	60 days	Private First Class Joseph Anthony Petrarca/Staff Sergeant John William Earnesty Memorial Bridge—designation
083	Jul 8	SB1217	PN1739	60 days	Private First Class Nils G. Thompson Memorial Highway—designation
084	Jul 13	HB1198	PN3731	Immediately*	Tax Reform Code of 1971—omnibus amendments
085	Jul 13	HB1605	PN3730	Immediately*	Fiscal Code—omnibus amendments
086	Jul 13	HB1606	PN3723	Immediately*	Public School Code of 1949—omnibus amendments
087	Jul 20	HB0059	PN0051	60 days	Hepatitis C Screening Act—enactment
088	Jul 20	HB0325	PN3084	60 days	Auctioneer Licensing and Trading Assistant Registration Act—omnibus amendments
089	Jul 20	HB0806	PN2948	Immediately	Pennsylvania Farmland and Forest Land Assessment Act of 1974—land devoted to agricultural use, agricultural reserve, and/or forest reserve, responsibilities of department and responsibilities of county assessor in establishing use values
090	Jul 20	HB0835	PN3708	60 days	Multiple designations in multiple counties—designation
091	Jul 20	HB0871	PN3690	60 days	Vehicle Code (75 Pa.C.S.)—transfer to scrap metal processor
092	Jul 20	HB0967	PN3706	Immediately*	Agriculture Code (3 Pa.C.S.)—industrial hemp research
093	Jul 20	HB1167	PN1826	180 days	Crime Victims Act—State income tax intercept
094	Jul 20	HB1856	PN2870	60 days	Specialist Jonathan R. Kephart Memorial Bridge—designation
095	Jul 20	SB0514	PN1970	60 days	Generic Equivalent Drug Law—substitutions, posting requirements, powers and duties of department and immunity of pharmacists under certain circumstances
096	Jul 20	SB0533	PN1952	60 days	Judicial Code (42 Pa.C.S.)—supervisory relationship to offenders
097	Jul 20	SB0648	PN1297	60 days	Vehicle Code (75 Pa.C.S.)—restricted account, Snowmobile and ATV Advisory Committee and refunds
098	Jul 20	SB0956	PN1953	60 days	Lieutenant Eric Eslary Memorial Bridge and James Paul Takitch Honorary Highway—designation
099	Jul 20	SB1221	PN1884	60 days	Intergovernmental Cooperation Authority Act for Cities of the Second Class—omnibus amendments
100	Jul 20	SB1227	PN2010	60 days	Administrative Code of 1929—Independent Fiscal Office, transferring powers and duties to municipal pension reporting and analysis and transfer of employees
101	Jul 20	SB1267	PN1987	60 days	Transportation Code (74 Pa.C.S) and Vehicle Code (75 Pa.C.S)—omnibus amendments

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2016 Appropriation Acts of Regular Session Enacted—Act 007A through 021A					
007A	Jul 8	HB2175	PN3550	Immediately*	Office of Small Business Advocate—operation
008A	Jul 8	HB2176	PN3551	Immediately*	State Employees' Retirement Board—administrative expenses, etc.
009A	Jul 8	HB2177	PN3552	Immediately*	Office of Consumer Advocate—operation
010A	Jul 8	HB2178	PN3553	Immediately*	Pennsylvania Gaming Control Board, Department of Revenue, Pennsylvania State Police and Attorney General—administrative expenses, etc.
011A	Jul 8	HB2179	PN3554	Immediately*	Department of Labor and Industry and Department of Community and Economic Development—expenses for Workers' Compensation Act, Pennsylvania Occupational Disease Act and Office of Small Business Advocate
012A	Jul 8	HB2180	PN3555	Immediately*	Philadelphia Parking Authority—operation
013A	Jul 8	HB2182	PN3557	Immediately*	Public School Employees' Retirement Board—administrative expenses, etc.
014A	Jul 8	HB2183	PN3558	Immediately*	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
015A	Jul 8	HB2184	PN3559	Immediately*	Pennsylvania Public Utility Commission—operation
016A	Jul 12	SB1073	PN2009	Immediately*	General Appropriation Act of 2016—enactment
017A	Jul 13	HB2137	PN3670	Immediately	Pennsylvania State University—education, general expenses and Agricultural College Land Scrip Fund
018A	Jul 13	HB2138	PN3671	Immediately	University of Pittsburgh—education, general expenses and rural education outreach
019A	Jul 13	HB2139	PN3672	Immediately	Temple University—education and general expenses
020A	Jul 13	HB2140	PN3673	Immediately	Lincoln University—education and general expenses
021A	Jul 13	HB2141	PN3674	Immediately	University of Pennsylvania—veterinary activities and Center for Infectious Diseases
2016 Joint Resolutions of Regular Session Passed—JR 003					
003	Jul 11	HB1871	PN3620		Constitution of Pennsylvania—exemptions and special provisions

* denotes an effective date with exceptions

Effective Dates of Statutes

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

Advance Copies of Statutes

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

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Director
Legislative Reference Bureau

[Pa.B. Doc. No. 16-1386. Filed for public inspection August 12, 2016, 9:00 a.m.]

THE COURTS

Title 207—JUDICIAL CONDUCT

PART IV. COURT OF JUDICIAL DISCIPLINE [207 PA. CODE CH. 21]

Amendment to the Internal Operating Procedures of the Court of Judicial Discipline; Doc. No. 1 JD 94

Order

And Now, this 3rd day of August, 2016, the Court, pursuant to Article 5, Section 18(b)(4) of the Constitution of Pennsylvania, having adopted amendments to the Internal Operating Procedures, Sections 101 and 102, on March 29, 2016, as more specifically hereinafter set forth, it is hereby ordered:

That said Internal Operating Procedures became effective March 29, 2016.

Per Curiam

JACK A. PANELLA,
President Judge

Annex A

TITLE 207. JUDICIAL CONDUCT PART IV. COURT OF JUDICIAL DISCIPLINE ARTICLE IV. INTERNAL OPERATING PROCEDURES CHAPTER 21. INTERNAL OPERATING PROCEDURES GENERAL PROVISIONS

§ 101. Classification of Judges.

(A) Judges who are serving a term of office which has not expired shall be classified as Active Members or Judges. Those Judges whose terms have expired, but who must continue to participate in a hearing in accordance with Article V, § 18(b)(2), shall be classified as Participating Former Members or Judges.

(B) The phrase “any hearing in progress” as used in Article V, § 18(b)(2) refers to a trial on the merits (not a pretrial matter) in which the Court has heard testimony from at least the first witness.

(C) The requirement that a judge continue to participate in “any hearing in progress” as used in Article V, (b)(2) does not apply to any matter on remand from the Pennsylvania Supreme Court. In the event of a remand, the then Active Members or Judges shall preside over the matter.

§ 102. Composition of Court or Panel.

(A) En banc or full Court proceedings shall be conducted by the entire Court. The President Judge shall preside unless he or she is unavailable to participate, in which case, the empaneled Judge most senior shall preside.

(B) Panels appointed to conduct a trial pursuant to C.J.D.R.P. No. 501 shall be composed of no fewer than three Judges of the Court, one of whom shall be the Conference Judge[, and at least one of whom shall be

a non-lawyer elector in accordance with C.J.D.R.P. No. 501(B)]. [The Judge who has seniority shall preside over three-member panel proceedings.]

[Pa.B. Doc. No. 16-1387. Filed for public inspection August 12, 2016, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 2]

Proposed Amendments of Pa.R.Crim.P. 205

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 205 (Contents of Search Warrant) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel
Supreme Court of Pennsylvania
Criminal Procedural Rules Committee
601 Commonwealth Avenue, Suite 6200
Harrisburg, PA 17106-2635
fax: (717) 231-9521
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, September 16, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural
Rules Committee*

CHARLES A. EHRLICH,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 2. INVESTIGATIONS PART A. Search Warrant

Rule 205. Contents of Search Warrant.

(A) Each search warrant shall be signed by the issuing authority and shall:

* * * * *

(8) when applicable, certify on the face of the warrant that for good cause shown the affidavit(s) is sealed pursuant to Rule 211 and state the length of time the affidavit(s) will be sealed.

(B) A warrant under paragraph (A) may authorize the seizure of electronic storage media or of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in (A)(1)(4)(a) refers to the seizure of the media or information, and not to any later off-site copying or review.

Comment

Paragraphs [(2) and (3)] (A)(2) and (A)(3) are intended to proscribe general or exploratory searches by requiring that searches be directed only towards the specific items, persons, or places set forth in the warrant. Such warrants should, however, be read in a common sense fashion and should not be invalidated by hypertechnical interpretations. This may mean, for instance, that when an exact description of a particular item is not possible, a generic description may suffice. See *Commonwealth v. Matthews*, [446 Pa. 65, 69—74,] 285 A.2d 510, 513-14 (Pa. 1971).

Paragraph [(4)] (A)(4) is included pursuant to the Court's supervisory powers over judicial procedure to supplement *Commonwealth v. McCants*, 450 Pa. 245, 299 A.2d 283 (1973), holding that an unreasonable delay between the issuance and service of a search warrant jeopardizes its validity. Paragraph [(4)] (A)(4) sets an outer limit on reasonableness. A warrant could, in a particular case, grow stale in less than two days. If the issuing authority believes that only a particular period which is less than two days is reasonable, he or she must specify such period in the warrant.

Paragraph [(4)(b)] (A)(4)(b) provides for anticipatory search warrants. These types of warrants are defined in *Commonwealth v. Glass*, [562 Pa. 187,] 754 A.2d 655 (Pa. 2000), as "a warrant based upon an affidavit showing probable cause that at some future time (but not presently) certain evidence of crime will be located at a specified place."

Paragraph [(5)] (A)(5) supplements the requirement of Rule 203(C) that special reasonable cause must be shown to justify a nighttime search. A warrant allowing a nighttime search may also be served in the daytime.

Paragraph [(6)] (A)(6) anticipates that the warrant will list the correct judicial officer to whom the warrant should be returned. There may be some instances in which the judicial officer who issues the warrant may not be the one to whom the warrant will be returned. For example, it is a common practice in many judicial districts to have an "on-call" magisterial district judge. This "on-call" judge would have the authority to issue search warrants anywhere in the judicial district but may not be assigned to the area in which the search warrant would be executed. There may be cases when the warrant is incorrectly returned to the judge who originally issued the warrant. In such cases, the issuing judge should forward the returned search warrant to the correct judicial officer. Thereafter, that judicial officer should administer the search warrant and supporting documents as provided for in these rules, including the Rule 210 requirement to file the search warrant and supporting documents with the clerk of courts.

Paragraph [(8)] (A)(8) implements the notice requirement in Rule 211(C). When the affidavit(s) is sealed pursuant to Rule 211, the justice or judge issuing the warrant must certify on the face of the warrant that there is good cause shown for sealing the affidavit(s) and must also state how long the affidavit will be sealed.

For purposes of this rule, the term "electronically stored information" includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained. This definition is intended to cover all current types of computer-based information and to encompass future changes and developments.

For purposes of this rule, the term "seizure" includes the copying of material or information that is subject to the search warrant. This includes the copying of electronically stored information for later analysis.

For the procedures for motions for return of property, see Rule 588.

Official Note: Rule 205 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; Comment revised October 22, 2013, effective January 1, 2014; amended , 2016, effective , 2016.

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6652 (November 9, 2013).

Report explaining the proposed amendment regarding the search warrants for electronically stored information published for comment at 46 Pa.B. 4952 (August 13, 2016).

REPORT

Proposed amendment of Pa.R.Crim.P. 205 Search Warrants for Electronically Stored Information: Copying and Later Review

The Committee has recently examined a suggestion from one of its members to amend Rule 205 (Contents of Search Warrant) to clarify that electronic storage data may be seized or copied for later analysis. This suggestion was based on language that is contained currently in Federal Rule of Criminal Procedure 41(B). The intention of the proposed amendment is to eliminate any confusion that, when a search warrant is for the seizure of electronically stored information and that information must be extracted, reviewed or analyzed, these additional processes do not need to be performed within the period set for execution of the search warrant.

The Committee examined the history of Federal Rule 41 and the specific provision related to warrants for electronically stored information which reads:

(B) *Warrant Seeking Electronically Stored Information.* A warrant under Rule 41(e)(2)(A) may authorize the seizure of electronic storage media or the seizure or copying of electronically stored information. Unless otherwise specified, the warrant authorizes a later review of the media or information consistent with the warrant. The time for executing the warrant in

Rule 41(e)(2)(A) and (f)(1)(A) refers to the seizure or on-site copying of the media or information, and not to any later off-site copying or review.

Federal Rule 41 (“the federal rule”) was amended in 2009 to add this provision regarding warrants for electronically stored information. Searches of electronic storage media are problematic because computers and external electronic storage devices contain an almost incomprehensible amount and variety of data. The use of computers in all stages of life and business has become ubiquitous. This is only further complicated by the storage of electronic data on networks and, with increasing frequency, “cloud” servers. Additionally, the information is stored as lines of code, often of little practical use without some type of program to convert into a usable form. As a result, it is often impossible to conduct a search on-site for evidence within the computer or server and necessitating analysis by specialists. The federal rule was amended to recognize the need for a two-step process: officers either may seize or may copy the entire storage medium and conduct a review of the storage medium later to determine what electronically stored information falls within the scope of the warrant. The Committee recognizes that Pennsylvania search warrant procedures differ from federal procedures. However, the Committee concluded that the same concerns that prompted the change to the federal rule are applicable to search warrant practice in Pennsylvania and that a similar solution would be beneficial in Pennsylvania. For that reason, the language that the Committee is proposing to be added to Rule 205 is similar to that in the federal rule.

The term “electronically stored information” is derived from Rule 34(a) of the Federal Rules of Civil Procedure, which states that it includes “writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations stored in any medium from which information can be obtained.” The Committee concluded that this description is an apt one and is intended to cover all current types of computer-based information and to encompass future changes and developments.

The federal rule contains references to the “copying of electronically stored information” in addition to its “seizure.” The Committee believes that the term “seizure” used in a search warrant context encompasses the copying of the information and that to retain this terminology would unduly emphasize this single aspect. Therefore, the term “copying” is not used but a statement would be added to the Comment to ensure that it is understood that this is included in the “seizure” of the information.

As in the federal rule, the Committee rejected adding a specific time period within which any subsequent off-site copying or review of the media or electronically stored information would take place. Given the vast divergences in the amount of time required for forensic analysis and review of information. The Committee concluded that if a time limit were set for these processes it would be highly arbitrary and result in frequent petitions for additional time.

One of the concerns raised during the development of the federal rule change was the ability of an aggrieved party to pursue the return of property associated with electronic media. In the note to the 2009 change to the federal rule, it was observed that Federal Rule 41(g), which provides for a motion for return of property, applies to electronic storage media. Pennsylvania Rule 588 provides a similar motion for return. However, the only

cross-reference in Chapter 2 that refers to Rule 588 is in the Comment to Rule 211 (Sealing of Search Warrant Affidavits). The Committee also proposes that a cross-reference to Rule 588 be added to the Rule 205 Comment to emphasize the availability of this remedy.

[Pa.B. Doc. No. 16-1388. Filed for public inspection August 12, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY

Criminal Rules of Procedure Rule 310, Motion for ARD Disposition Rule 590.1, Pleas and Plea Agreements; AD 54-2016

Order of Court

And Now, this 29th day of July, 2016 at 8:55 a.m., Schuylkill County Criminal Rule of Procedure, Rule 310, Motion for ARD Disposition, and Rule 590.1, Pleas and Plea Agreements, are amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania, Twenty-First Judicial District, Commonwealth of Pennsylvania, effective thirty days after publication in the *Pennsylvania Bulletin*.

The Clerk of Courts of Schuylkill County is Ordered and Directed to do the following:

1) File one (1) certified copy of this Order and Rules with the Administrative Office of the Pennsylvania Courts.

2) Forward two (2) certified copies of this Order and Rule and a CD-ROM containing the text of the local rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.

4) Copies shall be kept continuously available for public inspection in the Office of the Schuylkill County Clerk of Courts and the Schuylkill County Law Library.

It is further *Ordered* that said rules as they existed prior to the amendment are hereby repealed and annulled on the effective date of said rule as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

Rule 310. Motion for A.R.D. Disposition.

(a) In all cases in which a defendant charged with violation of 75 Pa.C.S.A. § 3731 (Driving Under the Influence) seeks a special handling by way of A.R.D., the District Attorney shall arrange with (1) the Drug and Alcohol Clinic at the Good Samaritan Hospital for examination and evaluation, and (2) the Adult Probation Department for an investigation of prior criminal history.

Reports prepared by the Drug and Alcohol Clinic and the Adult Probation Department shall be delivered to the District Attorney and shall be subject to inspection by the District Attorney and defense counsel. Such reports shall become part of the defendant’s probation department file.

All such reports shall be submitted along with the necessary A.R.D. forms to the Criminal Court Administrator.

(b) The A.R.D. motions for defendants who have been recommended by the District Attorney for the Fast Track A.R.D. Program shall be heard on the dates published for Fast Track A.R.D. in the Court Calendar.

Rule 590.1. Pleas and Plea Agreements.

(a) The District Attorney shall prepare the sentencing guideline forms provided by the Court as soon as practicable after the informations are lodged, setting forth the sentences required by the guidelines if a plea of guilty is entered by the defendant, and shall forward this material to defense counsel. Counsel for defendants who wish to engage in plea negotiations shall promptly thereafter schedule a meeting with the District Attorney.

(b) In those cases where no plea agreement has been made, a plea negotiation conference shall be held. At said conference, the District Attorney assigned to the case and prosecuting officer or an officer from his department with authority to resolve the case shall meet with the defendant and defense counsel with the end in view to determine whether they can arrive at a plea agreement. The victim shall be notified and given an opportunity to attend and participate in the negotiations.

(c) If the parties arrive at a plea agreement, the defense counsel or defendant shall complete the form for entry of a written guilty plea available at the office of the District Attorney and promptly return it to that office. The District Attorney shall promptly attach to the written guilty plea a copy of the information against the defendant, a report of the defendant's prior criminal record, and a list of maximum penalties and sentence guidelines

for each charge. The District Attorney shall file the written guilty plea with attachments in the office of the Clerk of Courts, who shall promptly forward the guilty plea and attachments to the Criminal Court Administrator. When the charge is D.U.I., a copy of the CRN shall also be provided to the Court.

Each written guilty plea shall be accompanied by a "Guilty Plea Certification" completed and signed by the District Attorney and defense counsel, certifying to the Court that the defendant's guilty plea has not previously been presented to the Court, or specifying the date when the plea was presented and identifying the judge who rejected the plea. Counsel who fail to comply with this rule may be held in contempt of Court.

The Criminal Court Administrator shall assign all guilty pleas and motions for A.R.D. among the judges who will hear those cases. Except for a plea of guilty entered after commencement of trial, the Court shall accept no guilty plea or A.R.D. motion unless scheduled and assigned by the Criminal Court Administrator.

(d) All guilty pleas and motions for A.R.D. received by the Criminal Court Administrator shall be heard on one of the dates scheduled for guilty pleas in the published Court Calendar unless otherwise scheduled by the Court.

(1) The pleas of incarcerated defendants and those defendants represented by the Public Defender or who have no counsel shall be heard at 9:30 a.m. on a published plea date.

(2) The pleas of all defendants who are not incarcerated and have retained private counsel shall be heard on the published guilty plea date at 1:30 p.m.

[Pa.B. Doc. No. 16-1389. Filed for public inspection August 12, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 18]

Financial Recovery

The State Board of Education (Board) adopts Chapter 18 (relating to financial recovery) to read as set forth in Annex A.

Statutory Authority

The Board is acting under the authority of section 621-A(a)(2)(i) of the Public School Code of 1949 (School Code) (24 P.S. § 6-621-A(a)(2)(i)).

Purpose

This final-form rulemaking establishes criteria the Secretary of Education (Secretary) may consider in determining whether to place a school district in financial recovery status and provides guidance to the Secretary in determining whether a district would be deemed in either moderate or severe recovery status.

Background

The act of July 12, 2012 (P.L. 1142, No. 141) (Act 141) added section 621-A(a)(2)(i) of the School Code, which identifies 15 criteria the Secretary may consider in determining whether to issue a declaration that a school district is in financial recovery status. Section 621-A of the School Code also directs the Board to promulgate regulations that establish additional criteria the Secretary may consider in determining whether to issue a declaration of financial recovery status and whether a financial recovery school district should be deemed in either moderate or severe recovery status.

In promulgating the regulations mandated by Act 141, the Board was required under section 621-A(a)(2)(ii)(A) of the School Code to convene and consult with a Statewide Advisory Committee (Committee) comprised of representatives of the Department of Education (Department), the Governor's Office of the Budget, and a superintendent, school board member and school business official representative of urban, rural and suburban school districts. The Committee met four times in 2012 to develop draft proposed regulations for the Board's consideration. The Committee meetings were open to the public and public comment was invited at each meeting.

From its first meeting on September 6, 2012, through the conclusion of its deliberations on December 6, 2012, the Committee worked in conjunction with the Board's Standing Committee on Financial Recovery (Standing Committee). Updates on the development of the draft regulations were reported to the full Board at its public meetings on September 13, 2012, and November 15, 2012. In addition, the full Board reviewed and considered the draft regulations at two additional public meetings in 2013, and reviewed and considered final regulations at its public meeting on November 13, 2014. Opportunity for public comment was part of the agenda at each of the Board's public meetings.

In the early stages of its deliberations, the Committee reviewed its statutory charge and received a presentation on Act 141 so that Committee members had a comprehensive understanding of how their work fit into the broader system of supports for struggling school districts estab-

lished by the General Assembly. This included receiving a presentation on the new Early Warning System developed by the Department to identify districts that show indications of financial challenges and provide them with technical assistance early on in the hopes that their challenges may be addressed before a declaration of financial recovery status would become necessary.

In the next stage of its deliberations, the Committee reviewed approaches used by other states to identify school districts facing financial challenges and discussed whether criteria used by those states were factors that should be included in the Board's regulations. In total, the Committee reviewed relevant policies from Michigan, California, Texas, Florida, Arizona and Illinois. The Committee also reviewed other Commonwealth laws concerning financially distressed entities to be better informed regarding the criteria used in other Commonwealth policies to classify distressed local governments.

Upon receiving the Committee's recommendation on Chapter 18, the Standing Committee held a public meeting on January 9, 2013, and adopted amendments to further refine areas where the Standing Committee felt the Committee's recommendation needed greater clarity. Proposed Chapter 18, as approved by the Standing Committee, was then presented for additional input by both the Board's Council of Basic Education (Council) at its public meeting on January 9, 2013, and the full Board at its public meeting on January 10, 2013. Both the Council and the Board provided an opportunity for public comment prior to approval of the proposed rulemaking.

Subsequently, the Board withdrew its proposed rulemaking to engage in continued discussion of the criteria identified for the Secretary's consideration. On November 14, 2013, the Board discussed and approved a revised proposed rulemaking that removed criteria that were identified as being duplicative and, therefore, unnecessary. An additional opportunity for public comment was made available prior to the Board's consideration of the revised proposed rulemaking at its public meeting on November 14, 2013.

Notice of proposed rulemaking was published at 44 Pa.B. 4514 (July 19, 2014). The public comment period closed on August 18, 2014. The Board reviewed Chapter 18 and adopted it as a final-form rulemaking with minor clarifying technical revisions at the Board's public meeting on November 13, 2014.

Public Comments on the Proposed Rulemaking

The Pennsylvania School Boards Association (PSBA) submitted comments on the proposed rulemaking in a letter to the Board dated August 13, 2014. PSBA's letter was the only comment that the Board received during the public comment period. PSBA expressed support for the rulemaking. PSBA also suggested the addition of language to § 18.2 (relating to purpose) stating that no weighting of the 18 criteria in the rulemaking may be inferred and that one specific criterion may not be used to make a declaration of recovery status. Act 141 did not include these types of stipulations. The Board believes that these stipulations are unnecessary in the regulations and contrary to the intent of Act 141 and the Board.

A statement that no weighting of the criteria may be inferred could be misinterpreted so as to render each criterion equal to the others. Hence, the suggested language could undermine the Board's intent of not assign-

ing weight to individual criteria. Section 621-A(a)(2)(i) of the School Code states the Secretary “may consider” the criteria in determining whether to issue a declaration. Hence, the Secretary is given the authority to use discretion concerning the criteria. There is not language stating the criteria are all equal. Given the number and variety of school districts across this Commonwealth, each with its unique financial conditions, it would not be prudent to limit the ability of the Secretary to determine and address the financial conditions in a particular district.

The Independent Regulatory Review Commission (IRRC) also submitted comments, which the Board received on September 17, 2014. After noting that Act 141 directs the Board to promulgate regulations establishing additional criteria, IRRC questioned whether the three new criteria in regulations were consistent with the intent of Act 141. IRRC asked if the Board consulted with the General Assembly to determine if the three additional criteria satisfy the mandate of Act 141.

The Chairpersons of the House and Senate Education Committees (Committees) are members of the Board ex officio. Through this statutorily prescribed structure, the Board was in continuous communication with relevant policy leaders of the General Assembly concerning its activities in developing this final-form rulemaking. As previously noted, the Board reviewed the development of Chapter 18 at five different public meetings. The Board shared copies of the rulemaking with the Committee Chairpersons as it was being reviewed and approved by the Board, and as required under the Regulatory Review Act (71 P.S. §§ 745.1—745.14).

Provisions of the Final-Form Rulemaking

This final-form rulemaking is virtually identical to the proposed rulemaking. There are not substantive revisions. Ten minor changes were made to clarify and streamline the text. More than half of these minor revisions are in § 18.3 (relating to definitions). The revisions streamline definitions by deleting text that repeats the definitions in 602-A of the School Code (24 P.S. § 6-602-A) and conforms Chapter 18 to regulatory drafting standards by referring to the citation when definitions exist in statute. The changes also add a clarifying reference to the *Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems* to the definition of “total annual expenditures.”

In response to a tolling memo submitted by the Office of Attorney General on the proposed rulemaking, the Board also added a reference to section 621-A(a)(2) of the School Code in § 18.7 (relating to moderate and severe recovery status for declarations issued under section 621-A(a)(2) of the School Code) to clarify the scope and purpose of this section. The addition of the cross-reference makes it more explicit that § 18.7 applies only in circumstances when the Secretary has discretion in determining whether to declare a school district to be in financial recovery status after considering the criteria in § 18.5 (relating to issuance of declaration under section 621-A(a)(2) of the School Code).

As noted in the proposed rulemaking, the regulations include provisions from Act 141 for completeness. The final-form rulemaking implements section 621-A of the School Code and includes: procedures for issuance of a declaration of the financial recovery status of a school district by the Secretary; the 18 criteria that the Secretary may consider in determining whether to issue a declaration; the statutory limitation that no more than 9

districts may be declared to be in financial recovery status or in receivership at any time; and delineations of when a district is in moderate or severe recovery status.

Section 18.8 (relating to appeal) refers to section 621-A(c) of the School Code, which states that declarations of financial recovery status are subject to appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). This is included for completeness.

Affected Parties

This final-form rulemaking will guide the decision making of the Secretary and affect work of the Department’s staff.

Cost and Paperwork Estimates

The Commonwealth incurred one-time costs of \$75,000 in Fiscal Year 2012-2013 to develop, populate and reconcile models to be used by the Department for information collected relevant to the Department’s Early Warning System. These models also can be applied to criteria identified in this final-form rulemaking.

This final-form rulemaking also establishes new responsibilities for the Secretary and staff of the Department. The Department estimates it will incur an annual cost of \$738,950 to support staffing necessary to carry out new responsibilities related to collecting and analyzing information pertaining to the criteria in this final-form rulemaking and to undertake certain legal procedures. Based on the Governor’s proposed General Government Operations appropriation, the Department will redirect current resources to absorb these costs and carry out its statutory obligations with no additional funds.

Effective Date

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

Sunset Date

The Board will review the effectiveness of Chapter 18 every 4 years in accordance with the Board’s policy and practice respecting its regulations. Therefore, a sunset date is not necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on July 8, 2014, the Board submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 4514, to IRRC and the Chairpersons of the Committees on for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 29, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 30, 2016, and approved the final-form rulemaking.

Contact Person

For information about Chapter 18, contact Karen Molchanow, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787.

Findings

The Board finds that:

(1) Public notice of the intention to adopt this final-form rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

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

(3) The final-form rulemaking is necessary and appropriate for the administration of the School Code.

Order

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

(a) The regulations of the Board, 22 Pa. Code, are amended by adding §§ 18.1—18.8 to read as set forth in Annex A.

(b) The Chairperson of the Board will submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

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

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

KAREN MOLCHANOW,
Executive Director

(Editor’s Note: See 46 Pa.B. 3894 (July 16, 2016) for IRRC’s approval order.)

Fiscal Note: 6-329. (1) General Fund; (2) Implementing Year 2016-2017 is \$739,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$739,000; (4) 2015-16 Program—N/A; 2014-15 Program—N/A; 2013-14 Program—N/A; (7) General Government Operations (Department of Education); (8) recommends adoption. The Department of Education General Government Operations appropriation, as proposed in 2016-17, is able to absorb the increased cost.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart A. MISCELLANEOUS PROVISIONS

CHAPTER 18. FINANCIAL RECOVERY

Sec.	
18.1.	Statutory authority.
18.2.	Purpose.
18.3.	Definitions.
18.4.	Issuance of declaration under section 621-A(a)(1) of the School Code.
18.5.	Issuance of declaration under section 621-A(a)(2) of the School Code.
18.6.	Limitation.
18.7.	Moderate and severe recovery status for declarations issued under section 621-A(a)(2) of the School Code.
18.8.	Appeal.

§ 18.1. Statutory authority.

The statutory authority for this chapter is section 621-A(a)(2) of the School Code (24 P.S. § 6-621-A(a)(2)).

§ 18.2. Purpose.

Consistent with section 621-A(a)(2) of the School Code (24 P.S. § 6-621-A(a)(2)), the purpose of this chapter is to establish criteria that the Secretary may consider in

determining whether to issue a declaration that a school district is in financial recovery status, and whether a school district in financial recovery status is in moderate or severe recovery status.

§ 18.3. Definitions.

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

Average daily membership—The final average daily membership of a school district as most recently determined by the Department in accordance with procedures established by the Secretary under section 2501(3) of the School Code (24 P.S. § 25-2501(3)).

Claim—The term as defined in section 602-A of the School Code (24 P.S. § 6-602-A).

Deficit—The term as defined in section 602-A of the School Code.

Expenditures—The term as defined in section 602-A of the School Code.

Financial recovery school district—The term as defined in section 602-A of the School Code.

Fixed costs—Expenditures for utility services, insurance-general, communications, energy and debt service as defined in the *Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems*.

Fund equity—The term as defined in section 602-A of the School Code.

Revenues—The term as defined in section 602-A of the School Code.

School Code—The Public School Code of 1949 (24 P.S. §§ 1-101—27-2702).

School district—The term as defined in section 602-A of the School Code.

Total annual expenditures—

(i) Reductions in fund equity (including current operating expenses that require the use of fund equity), debt service and capital outlays (including all governmental fund types and all proprietary fund types) as defined in the *Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems*, excluding all fiduciary fund types of the school district.

(ii) The term does not include interfund transfers.

Unassigned fund balance—Amounts available for any purpose within the general fund only as defined in the *Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems*.

§ 18.4. Issuance of declaration under section 621-A(a)(1) of the School Code.

(a) As provided by section 621-A(a)(1) of the School Code (24 P.S. § 6-621-A(a)(1)), the Secretary will issue a declaration that a school district is in financial recovery status when either of the following applies:

(1) The school district has an average daily membership over 7,500 and receives an advance of its basic education subsidy at any time.

(2) The school district receives an advance of its basic education subsidy at any time and either of the following applies:

(i) The school district is subject to a declaration of financial distress under section 691 of the School Code (24 P.S. § 6-691).

(ii) The school district is engaged in litigation against the Commonwealth in which the school district seeks financial assistance from the Commonwealth to allow the school district to continue in operation.

(b) As provided by section 621-A(a)(1)(ii)(B) of the School Code, the Secretary may decline to issue a declaration that a school district is in financial recovery status when the Secretary determines that the school district, within the previous 5 years, has faced an emergency that caused the occurrence of a circumstance in subsection (a).

(c) As provided by section 621-A(b) of the School Code, a school district will not be declared in financial recovery status if the circumstances in subsection (a) have been caused by the failure of the Commonwealth to make a payment of money due to the school district at the time the payment is due, including payment of Federal funding that is distributed through the Commonwealth.

§ 18.5. Issuance of declaration under section 621-A(a)(2) of the School Code.

(a) Consistent with section 621-A(a)(2)(i) of the School Code (24 P.S. § 6-621-A(a)(2)(i)), the Secretary may consider the following criteria when determining whether to issue a declaration that a school district is in financial recovery status:

(1) The school district receives at least 85% of its per pupil funding from the Commonwealth and collects less than 50% of local taxes levied to fund the school district.

(2) The school district's unreserved fund balance has declined for 3 consecutive years and is less than 5% of the school district's annual expenditures. As used in this paragraph, a school district's unreserved fund balance means the school district's unassigned fund balance.

(3) The school district's fixed costs are at least 30% of the school district's total annual expenditures.

(4) The school district's total outstanding debt is greater than the school district's total annual expenditures.

(5) The salaries of teachers or other employees of the school district are unpaid at least 15 days after payment is due.

(6) The school district is subject to withholding of its State appropriation under section 633 of the School Code (24 P.S. § 6-633).

(7) The school district is subject to withholding of its State appropriation under section 785 of the School Code (24 P.S. § 7-785).

(8) The school district is subject to withholding of its State appropriation under 53 Pa.C.S. § 8283(c) (relating to remedies).

(9) The school district has defaulted on the payment of a debt due to a school district, intermediate unit or charter school that remains unpaid on or after January 1 of the year following the school year it was due and there is not a dispute regarding the validity or amount of the claim.

(10) The school district's assigned and unassigned total fund balance is less than zero in the school district's general fund.

(11) The school district's assigned and unassigned total fund balance in the school district's general fund as a percentage of total expenditures is less than 3%.

(12) The school district experiences a delinquent tax rate of more than 10%.

(13) The assessed valuation of taxable real estate in the school district, as certified by the State Tax Equalization Board, has not increased over the previous 5 years.

(14) An amount due a joint board of school directors under a joint board agreement remains unpaid beyond the due date specific in the joint board's articles of agreement.

(15) The school district has contracted a loan not authorized by law.

(16) The school district has accumulated and operated with a deficit equal to at least 2% of the assessed valuation of the taxable real estate within the school district for 2 successive school years.

(17) The school district experiences a deficit of 3% or more for 3 consecutive school years resulting in a reduction of unassigned fund balance each year.

(18) A new, merged or union school district has been formed and one or more of the former school districts which compose the merged or union school district was a distressed school district under section 691 of the School Code (24 P.S. § 6-691) or a financial recovery school district under Article VI-A of the School Code (24 P.S. §§ 6-601-A—6-693-A) at the time of the formation of the new, merged or union school district.

(b) As provided by section 621-A(b) of the School Code, a school district will not be declared in financial recovery status if the circumstances in subsection (a) have been caused by the failure of the Commonwealth to make a payment of money due to the school district at the time the payment is due, including payment of Federal funding that is distributed through the Commonwealth.

(c) The Secretary may decline to issue a declaration that a school district is in financial recovery status when the Secretary determines that the school district, within the previous 5 years, has faced an emergency that caused the occurrence of a circumstance in subsection (a).

(d) When the Secretary issues a declaration that a school district is in financial recovery status, the Secretary will specify the criteria in this section that placed the school district in financial recovery status.

§ 18.6. Limitation.

(a) As provided by section 621-A(a)(1)(ii)(A) of the School Code (24 P.S. § 6-621-A(a)(1)(ii)(A)), no more than nine school districts may be under a declaration of financial recovery status or in receivership at any time.

(b) The Secretary may not use information that is more than 5 years old when considering criteria under § 18.5 (relating to issuance of declaration under section 621-A(a)(2) of the School Code).

§ 18.7. Moderate and severe recovery status for declarations issued under section 621-A(a)(2) of the School Code.

(a) *Moderate recovery status.* The Secretary will issue a declaration that a financial recovery school district is in moderate recovery status under section 621-A(a)(2) of the School Code (24 P.S. § 6-621-A(a)(2)) if the financial recovery school district is not declared by the Secretary in severe recovery status.

(b) *Severe recovery status.* The Secretary will issue a declaration that a financial recovery school district is in severe recovery status under section 621-A(a)(2) of the School Code if the financial conditions of the school district indicate that the school district is unable, or is reasonably unlikely to be able, to fulfill the 180 days of

instruction for pupils requirement provided by section 1501 of the School Code (24 P.S. § 15-1501) for the present school year or for the following school year due to the lack of existing revenue sources and additional revenue sources as are provided by and allowed under law, including the Taxpayer Relief Act (53 P.S. §§ 6926.101—6926.5006).

§ 18.8. Appeal.

As provided by section 621-A(c) of the School Code (24 P.S. § 6-621-A(c)), a school district may appeal the Secretary's declaration of financial recovery status under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

[Pa.B. Doc. No. 16-1390. Filed for public inspection August 12, 2016, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 62]

[L-2015-2465942]

Customer Information Disclosure Requirements for Natural Gas Suppliers Providing Natural Gas Supply to Residential and Small Business Customers

The Pennsylvania Public Utility Commission (Commission), on April 21, 2016, adopted a final rulemaking order to amend its customer information disclosure regulations for residential and small business natural gas supply customers relating to disclosure statement and notice requirements, and expiration or change in contract terms.

Executive Summary

The Pennsylvania Public Utility Commission (Commission) amends its customer information disclosure regulations at 52 Pa. Code §§ 62.72 and 62.75 for residential and small business natural gas supply customers. Section 62.72 provides regulatory definitions while Section 62.75 discusses the disclosure statement and notice requirements that a Natural Gas Supplier (NGS) must provide to customers. The Commission adds new regulations in Section 62.81, which governs the notice requirements that NGSs must provide to residential and small business customers at the end of a contract or when contract term changes are proposed. These enhanced disclosure requirements resulted from the Commission's broader Investigation of Pennsylvania's Retail Natural Gas Supply Market, Docket No. I-2013-2381742 (Final Order entered Dec. 18, 2014) (Gas RMI Final Order). In the Gas RMI Final Order, the Commission specifically sought from stakeholders comments and recommended revisions to the existing natural gas supplier disclosure requirements in Chapter 62 of the Commission's regulations, which have not been formally reviewed since being promulgated in April 2001.

Public Meeting held
April 21, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Pamela A. Witmer, statement follows, recusal; John F. Coleman, Jr.; Robert F. Powelson

Rulemaking to Amend and Add Regulations to Title 52 of the Pennsylvania Code, Sections 62.72, 62.75, and 62.81 Regarding Customer Information Disclosure Requirements for Natural Gas Suppliers Providing Natural Gas Supply to Residential and Small Business Customers; L-2015-2465942

Final Rulemaking Order

By the Commission:

In this Rulemaking Order, the Pennsylvania Public Utility Commission (Commission) finalizes its amended customer information disclosure regulations at 52 Pa. Code §§ 62.72 and 62.75 for residential and small business natural gas supply customers. Section 62.72 provides regulatory definitions while Section 62.75 in Title 52 of the *Pennsylvania Code* discusses the disclosure statement and notice requirements of the natural gas supplier (NGS) to the customer. The Commission also adds new regulations in Section 62.81 governing notice requirements for NGSs regarding the expiration or change in terms for residential and small business customers. The Commission finalizes these enhanced disclosure requirements as part of its broader Investigation of Pennsylvania's Retail Natural Gas Supply Market. See Docket No. I-2013-2381742 (Final Order entered December 18, 2014) (hereinafter Gas RMI Final Order).

Background

The Public Utility Code requires the Commission to establish regulatory requirements for both NGSs and natural gas distribution companies (NGDCs) to ensure that retail gas supply customers receive accurate information in an understandable format so that customers may make informed choices when purchasing retail gas supply. 66 Pa.C.S. § 2206(c). The Commission's disclosure regulations in the electric industry, 52 Pa. Code §§ 54.5 and 54.10, are now significantly different than the analogous natural gas industry regulations at 52 Pa. Code § 62.75 (Disclosure statement for residential and small business customers). The electric disclosure rules were expeditiously promulgated in July 2014 in response to the polar vortex events of the winter of 2014.¹

The natural gas disclosure rules in Section 62.75 were promulgated in April 2001 and have not been formally reviewed since.² The Commission has determined that concerns regarding variable rates and disclosure statements in the electric supply industry are relevant to the customer disclosure information in the natural gas industry. This customer disclosure information includes the availability of historical pricing information, notice of price changes, explicit disclosure of limits or the lack of limits on price variability, supplier contract summary pages, and supply contract expiration notice requirements. We believe that both customers and suppliers benefit from substantially consistent cross-industry rules. Inconsistencies between the two sets of rules can lead to customer confusion and inefficiencies for suppliers, especially for those customers who obtain both gas and electric service from the same supplier.³

¹ See Final-Omitted Rulemaking Order: Rulemaking to Amend the Provisions of 52 Pa. Code, Section 54.5 Regulations Regarding Disclosure Statement for Residential and Small Business Customers and to Add Section 54.10 Regulations Regarding the Provision of Notices of Contract Renewal or Changes in Terms, Docket No. L-2014-2409385 (Order entered April 3, 2014); see 52 Pa. Code §§ 54.5, 54.10.

² See Final Rulemaking Order: Customer Information Disclosure Requirements for Natural Gas Distribution Companies and Natural Gas Suppliers, Docket No. L-0000149 (Adopted November 29, 2000).

³ We note that the Commission has already examined some of the issues resulting from the current inconsistency between the electric and gas disclosure rules. See Final Order on Request for Clarification on Notice Requirements for Combined Electricity & Natural Gas Disclosure Statements, Docket No. L-2014-2409385 (Order entered October 2, 2014).

In the Gas RMI Final Order, the Commission specifically sought from stakeholders comments and recommended revisions to the existing natural gas supplier disclosure requirements in Chapter 62 of our regulations. See Gas RMI Final Order at 37—40. The Commission directed its Office of Competitive Market Oversight (OCMO) to review any comments submitted and develop a Notice of Proposed Rulemaking to amend the disclosure provisions for natural gas customers. *Id.* at 38—40. Accordingly, the Gas RMI Final Order served, in essence, as an Advanced Notice of Proposed Rulemaking Order, enabling the Commission to solicit comments⁴ from all parties and then use those comments to frame the issues in a Notice of Proposed Rulemaking Order. On March 26, 2015, the Commission issued that Proposed Rulemaking Order. Rulemaking to Amend and Add Regulations To Title 52 of the *Pennsylvania Code*, Sections 62.72, 62.75, and 62.81 Regarding Customer Information Disclosure Requirements for Natural Gas Suppliers Providing Natural Gas Supply to Residential and Small Business Customers, Docket No. L-2015-2465942 (entered March 26, 2015) (hereinafter Proposed Rulemaking Order).

As required by the Regulatory Review Act (71 P.S. § 745), the Proposed Rulemaking Order, Executive Summary thereof, and the Regulatory Analysis Form were submitted to the Office of Attorney General and the Office of Budget on April 15, 2015, receiving approval by the Attorney General as to form and legality on May 8, 2015. The Proposed Rulemaking Order, Executive Summary, and Regulatory Analysis Form were submitted on May 20, 2015, to the Independent Regulatory Review Commission (IRRC), the Legislative Reference Bureau, and the legislative committees. See 71 P.S. § 745.5a; 1 Pa. Code § 305.1. The Legislative Reference Bureau published the Proposed Rulemaking Order in the *Pennsylvania Bulletin*, providing for a 30-day public comment period. 45 Pa.B. 2705 (June 6, 2015).

Comments to the Proposed Rulemaking Order

As a preliminary matter, the Commission notes that there are three versions of Annex A. The first version is Annex A to the Commission's Proposed Rulemaking Order Entered on March 26, 2015, available on the Commission's website at www.puc.pa.gov/pcdocs/1349995.docx. The second version is proposed-form Annex A, which was published in the *Pennsylvania Bulletin* on June 6, 2015. 45 Pa.B. 2705. The third is final-form Annex A, which is attached to this Final Rulemaking Order. Of importance, Annex A available on the Commission's website and proposed-form Annex A as published in the *Pennsylvania Bulletin* differ in their treatment of proposed Section 62.81. Comments to the Proposed Rulemaking Order were filed by the Office of Consumer Advocate (OCA); the Public Utility Law Project (PULP); WGL Energy Services, Inc. (WGL Energy or WGL); the Pennsylvania Energy Marketers Coalition (PA Marketers); the National Energy Marketers Association (National Marketers); the Retail Energy Supply Association (RESA); and IRRC. Of those who commented on Section 62.81, IRRC, RESA and PULP referred to proposed-form Annex A as published in the *Pennsylvania Bulletin*, while OCA, WGL and NEMA referred to Annex A available on the Commission's website. The Commission believes that the commentators were clear in their references to Section 62.81, and for

⁴ Comments to the Gas RMI Final Order, pertaining to disclosure statement requirements in the gas industry, were filed by Columbia Gas of PA; Dominion Retail, Inc. d/b/a Dominion Energy Solutions; Shipley Choice, LLC d/b/a Shipley Energy; Rhoads Energy Corp. and AMERlgreen Energy; the National Energy Marketers Association; the Office of Consumer Advocate; PECO Energy Company; Peoples Natural Gas Company LLC and Peoples TWP LLC; Philadelphia Gas Works; the Retail Energy Supply Association; UGI Distribution Companies; Valley Energy, Inc.; and WGL Energy Services, Inc.

ease of review we will refer in this document to proposed-form Annex A as published in the *Pennsylvania Bulletin*.

Per the Commonwealth Documents Law, we reviewed the comments, which we will summarize and discuss, as necessary and applicable, to explain the determination of our final-form regulations. See 45 P.S. § 1202.

First, we will summarize IRRC's comments. Next, we will organize our summaries of comments into five main subject areas: 1) Regulation Uniformity, Variable Pricing, and Historical Pricing Information in the Disclosure Statement; 2) Disclosure Statement Customer Notification Requirements; 3) Contract Summaries; 4) Supplier Requests for Commission Review of Contract Terms; and 5) Notices Regarding Contract Expiration or Changes in Terms. In the Discussion section of this Order, we will provide dispositions of the comments in finalizing the changes to our specific regulatory provisions.

IRRC's Comments

In finalizing this rulemaking, IRRC asks the Commission to provide more details as to the costs and expenses pertaining to the rulemaking in the Regulatory Analysis Form submitted to IRRC with the final rulemaking. IRRC Comments at 1.

As to proposed Section 62.72, IRRC asks the Commission to ensure that terms such as billing cycle and billing month are clear, consistent, and unambiguous. *Id.* at 2.

As to proposed Section 62.75(c)(2)(iii), IRRC asks the Commission to ensure that the specific requirements for the variable pricing statement are clear to the regulated community. As to proposed Section 62.75(c)(2)(iv), IRRC recommends that the Commission revise the final-form regulation to require the NGS to state the guaranteed length of time that the starting price will be in effect and to require the NGS to provide the price to be charged, per billing unit, for the first month of service after the introductory period. IRRC Comments at 2-3. As to proposed Section 62.75(c)(2)(v), IRRC recommends that the Commission specify not just "when," but "how" a customer will receive notification of price changes. *Id.* at 3. IRRC recommends deleting "The NGS's information shall appear first and be prominent" from proposed Section 62.75(c)(10), finding it unnecessary. *Id.* As to proposed Section 62.75(c)(11), IRRC asks the Commission to consider keeping the language about Commission contact information, should a customer have a concern about the NGS disclosure statement. *Id.* at 3-4. Similarly, IRRC asks the Commission to consider retaining the universal service program information in Section 62.75(c)(13) or explaining why it should be removed. *Id.*

As to proposed Section 62.75(i), IRRC asks the Commission to explain in the final rulemaking how the regulated community could access the contract summary and how the regulated community would be made aware of any contract summary changes. IRRC Comments at 4. As to proposed Section 62.75(j), IRRC recommends that the Commission further require the NGS to provide the customer with notice if the contract is assigned and to include the name and contact information of the new NGS. *Id.* at 5.

As to proposed Sections 62.81(a)(1) and (2), IRRC questions the reasonableness of reducing the existing notice timeframes and recommends that the Commission keep the current timeframes in place until the gas industry moves to accelerated switching. IRRC Comments at 5. IRRC also asks that the Commission clarify the phrase "at least 30 days prior" in Section 62.81(a)(2). *Id.* at 5-6. IRRC also asks for clarification on proposed

Section 62.81(a)(1)(vi). *Id.* at 6. As to Section 62.81(a)(2), IRRC recommends that the Commission revise the final-form regulation to allow a customer to elect to receive the options notice in electronic form as an alternative to first-class mail. *Id.* IRRC asks the Commission to correct and clarify clauses in Sections 62.81(a)(2)(ii)(C) and (D). As to proposed Section 62.81(b), IRRC recommends requiring the disclosure statement to inform the customer as to the possibility of being rolled onto a variable rate plan at the end of a fixed duration contract if the customer does not respond to the notices. *Id.*

Regulation Uniformity, Variable Pricing, and Historical Pricing Information in the Disclosure Statement: Sections 62.72 and 62.75(c)

RESA urges the Commission to use this rulemaking as an opportunity to establish a set of fair and balanced rules that adequately protect consumers while not stifling natural gas competition. RESA Comments at 1; see also National Marketers Comments at 1. RESA notes that consistency in the disclosure rules between the electric and natural gas industries is important since unnecessary differences may confuse customers and burden NGSs' operations. RESA Comments at 3. RESA generally agrees with the Commission that modifications should be made to the rules to reflect "lessons learned," and that the electric rules can later be aligned, as necessary, based on the Commission's final determination in this rulemaking. *Id.*

Although we did not propose in the Proposed Rulemaking Order to alter the Section 62.75(c)(2)(ii) requirement that an NGS must provide the starting price in a variable contract, RESA contends that NGSs should not be required to include a starting price in the disclosure statement for a variable price contract. RESA Comments at 2, 4-5. RESA explains that it can be difficult to include a starting price, as some NGSs base their variable prices on the actual costs incurred to purchase natural gas supply in the market. *Id.* at 4. Disclosing the starting price requires those NGSs to estimate future costs and assume the risk for at least one billing cycle. See *id.* In turn, the NGS may need to charge the customer a higher starting price than otherwise necessary to ensure that this risk is covered. *Id.* RESA contends that this could result in an NGS making a business decision not to offer a variable price product or not to offer any products at all. *Id.* at 4-5.

Rather than mandating that NGSs include a starting price in the disclosure statement, RESA believes that the Commission should require NGSs to either include a starting price or prominently disclose to the customer that the starting price will be provided when the first bill is received or through the website of the NGS. RESA Comments at 5. RESA believes this would empower the customer to decide whether or not to switch to an NGS that does not provide the starting price, thereby allowing the market to dictate when and what pricing information is shared. *Id.* Alternatively, if the Commission retains the starting price requirement in the disclosure statement for the first full billing month per existing Section 62.75(c)(2)(ii), RESA urges the Commission to permit this mandate to be fulfilled through the use of a formulaic contract price that enables the customer to calculate the bill using the contract, publicly available rates, or price indices. *Id.* at 5. RESA further stresses that NGSs should be permitted to decide whether ceiling prices are part of their contracts. See *id.* at 2, 6.

RESA explains that advance notice to customers of variable price changes would be very burdensome to

NGSs and unhelpful to customers who will not know about price changes until after receiving their bills. RESA Comments at 6-7. RESA strongly opposes the proposal to provide 24-month historical pricing data, largely based on the proposed disclaimer language itself, "which accurately suggests that the data is essentially meaningless." *Id.* at 7. RESA contends that providing such historical data will more likely confuse and frustrate customers than effectively educate customers. *Id.* at 7. RESA suggests instead that the Commission could require an NGS to share historical information only in the event that a customer requests that kind of historical data. *Id.* at 8. RESA also urges a less stringent requirement wherein NGSs would only need to disclose general historical trends, such as a range of percentages by which prices have changed over the prior two years. *Id.* Moreover, if the Commission maintains the historical data requirement in the final regulations, RESA asks for an express exemption as to the provision of this historical information for an NGS product that is based on a pre-defined pricing formula or on publicly available market indices. *Id.* at 8. RESA notes that new NGSs and those with new variable priced products would not be able to provide this historical data, thereby placing them on uneven footing with incumbent NGSs. *Id.* at 9.

RESA also believes that NGSs should not be required to include a specific prescribed pricing methodology in the disclosure statement, finding that setting forth general conditions of variability is sufficient and consistent with the rules in the electric industry. RESA Comments at 2, 9-10.

In a similar vein to RESA, the National Marketers express concern that the requirement to include the initial starting price will prevent the offering of certain products in the competitive retail natural gas marketplace. National Marketers Comments at 2 (discussing products that utilize NYMEX-plus pricing, where the initial price will likely not be known when the disclosure statement is provided). The National Marketers note that if a competitive variable priced product is linked to the utility default service price, which changes on a quarterly basis, then the NGS will not know or be able to calculate the initial starting price for a contract term beginning after the next quarterly utility default service price change. *Id.* Similar to RESA, the National Marketers contend that disclosing a formulaic contract price should be sufficient to comply with the initial starting price requirement in the variable pricing disclosure statement. *Id.* The National Marketers also assert that changing to a billing month construct instead of a billing cycle construct for the natural gas industry may present operational problems for suppliers and utilities and unnecessarily and negatively impact the pricing structure of competitive products. The National Marketers believe this change in billing system logic would be costly, time-consuming, and unjustified. *Id.* at 3 (further recommending that these changes to the initial starting price requirements may not be prudent until the accelerated switching process and timeline has been fully vetted by stakeholders).

WGL Energy generally supports the uniformity of the disclosure rules between the gas and electric industries, but emphasizes that its comments focus on "recommending enhancement tweaks" and "not broad revisions." WGL Energy Comments at 2-3. WGL Energy also contends that disclosing the initial starting price for a variable priced product is problematic. *Id.* at 4. WGL Energy believes a contract formula or a publicly stated price or an industry index should be sufficient under the rules. *Id.* WGL Energy does not oppose the Commission's proposal in

Section 62.75(c)(2)(ii) requiring the NGS to disclose the ceiling price, if applicable, or the proposal in Section 62.75(c)(2)(iii) to conspicuously state that there are no price limits. *Id.* at 3. WGL also does not oppose a rule that will require NGSs to notify customers when and how they will be informed of future price changes, but does think that requiring advance notice of all price changes would be overly burdensome. *Id.* at 4. WGL suggests permitting NGSs to provide publicly available 24-month historical pricing data “to the extent it exists.” *Id.* at 5. WGL Energy seeks clarification from the Commission on how new NGSs or new products could meet the 24-month historical pricing requirement. *Id.* at 5.

The PA Marketers agree that informing the customer of the risks and benefits of a variable rate product is critical to ensuring that the customer knows what to expect with respect to price changes. PA Marketers Comments at 2. However, the PA Marketers stress that in a truly competitive marketplace NGSs should have the ability to sell an authorized product without discouraging customer interest and understanding. *Id.* The PA Marketers recommend allowing NGSs to include (beyond the “no ceiling statement”) additional educational language that is short, concise, and accurately informs the customer of the potential benefits of a product. *Id.*

The PA Marketers urge the Commission “to chart a middle course between allowing suppliers to only say ‘the variable price will vary’ and requiring a calculable formula based on public indices.” *Id.* at 3. The PA Marketers caution that a specific formula that a customer can use to calculate their bill total for service ahead of receiving the monthly bill may be impossible. *Id.* The PA Marketers explain that the calculation of a variable rate price each month depends on a range of factors: publicly available commodity prices; private factors like hedging and risk mitigation activities; and internal corporate factors (e.g., customer service and operations expenses, legal and regulatory compliance fees, etc.). *Id.* Therefore, the PA Marketers seek flexibility for suppliers who do not have the advantage of cost recovery and reconciliation like the utilities. *Id.*

The PA Marketers ask the Commission to reconsider requiring suppliers to disclose to a potential new customer the previous 24 months’ average monthly billed prices for that customer’s rate class and NGDC service territory. The PA Marketers question the efficacy of this information in light of wholesale energy markets subject to unpredictable price patterns and shifts (e.g., the historic drop in natural gas prices due to hydraulic fracturing). PA Marketers Comments at 4-5. If the Commission proceeds with this proposal, the PA Marketers contend that the 24-month price history should be accompanied by a disclaimer noting: (1) that historical pricing is not indicative of present or future pricing; (2) that the utility price to compare (PTC) and the supplier price term may differ, meaning straight comparisons of rates may be misleading; and (3) that the entire value of a supplier’s fixed price offer must be considered when comparing to the utility rate. *Id.* at 4. As for a new NGS entering the market, the PA Marketers recommend that the NGS disclose that it has no historic prices to provide, but moving forward will provide historical price information on each bill with an additional disclaimer until 24 months of data is available. *Id.* at 5.

OCA believes that while the proposed additional subparagraphs to Section 62.75(c)(2) are beneficial to consumers, Section 62.75(c)(2) may still not provide the necessary level of protection for consumers since the

proposal allows an NGS to state that there is no limit for the pricing. OCA Comments at 4, OCA’s Annex A. In OCA’s view, this simple statement of no limit to the price does not allow the consumer to make an informed choice or assess the risks in a highly complex market. *Id.* Therefore, OCA recommends that the Commission require that a ceiling price be stated for the maximum price or change that can occur under the variable price plan. *Id.* at 5. OCA further contends that requiring a ceiling price on an NGS offer does not constitute price regulation because the NGS would dictate the ceiling price, not the Commission. OCA Comments at 5 (explaining that the ceiling price merely serves as notice to the consumer of how high the price could go, thereby offering some protection and knowledge to the consumer). If the Commission allows variable price products to be marketed without specifying a ceiling price, OCA believes that the regulations should be amended to require that the variable pricing statement include a specific statement clearly indicating that there is no limit on how much the price may increase and that the price can fluctuate each billing period. *Id.* at 5-6, OCA’s Annex A.

OCA agrees with the proposed change requiring an NGS to disclose the price to be charged for the first billing month, but notes it may be insufficient and misleading in this marketplace where introductory rates are common. Accordingly, OCA recommends that the Commission also require an NGS to specify the guaranteed length of time that the starting price will be in effect. OCA Comments at 6. OCA submits that the description of when consumers will receive notification of price changes, as proposed by Section 62.75(c)(2)(v), is unclear and that without information about what price is being charged, the consumer cannot make an informed decision about energy use and the need for a new price plan or supplier. *Id.* at 7.

OCA supports the proposed addition of Section 62.75(c)(2)(vi) regarding historical prices, but believes that one approach should be used to develop the average price in order to allow customers to properly compare average prices of NGS offers. OCA Comments at 7-8. OCA also believes NGSs should be required to disclose the highest and lowest price that has been charged for the customer’s rate class and service territory in the last 60 months to ensure that customers have more complete information. *Id.* at 8, OCA’s Annex A.

RESA, WGL, and OCA support the Commission’s proposal to amend Section 62.75(c)(7) to facilitate “seamless moves” so that a customer can retain the same supply service instead of having to first receive default service when moving to a new location. RESA Comments at 20; WGL Comments at 15; OCA Comments at 10, OCA’s Annex A.

WGL and RESA agree that leaving the language “Automatic renewal is allowed at the same terms and conditions as long as the new agreement is month-to-month” in Section 62.75(c)(8) invites confusion and conflicting requirements and that the rule pertaining to contract expiration and change in terms notices and procedures is better included in proposed new Section 62.81. WGL Comments at 15-16; RESA Comments at 20.

OCA recommends minor changes to proposed Section 62.75(c)(9) to specify that type size should be no less than 12 point font. OCA Comments at 10, OCA’s Annex A. OCA also asks that its website be added to 62.75(c)(11) and proposes other additional changes. See *id.*

RESA and WGL strongly support removing NGDC references in Sections 62.75(c), but agree with including a

reference to the Commission's natural gas shopping website, PaGasSwitch.com. RESA Comments at 20; WGL Comments at 16. The PA Marketers and the National Marketers agree that it is now unnecessary to require a prominent display of NGDC information on NGS documents, as this may invite customer confusion and even risk creating the false impression that the NGS is "affiliated with" or "partnering with" the NGDC. PA Marketers at 8; National Marketers at 8 (averring that the current requirements place the NGS in the "unseemly position of promoting the utility even though the utility is not a party to the underlying transaction"). The PA Marketers and the National Marketers also support the proposal to reference the Commission's natural gas shopping website as a source for information and a beneficial shopping tool. Id.; National Marketers Comments at 8. OCA agrees that the Commission's PAGasSwitch.com website contains valuable information, but believes NGSs should continue to provide the Commission's telephone number, as only providing a webpage assumes that all consumers have internet access. Id. OCA also recommends referring consumers to its own website where consumers can access OCA's natural gas shopping guide. Id.

PULP objects to the proposal to strike Section 62.75(c)(13) (requiring NGSs to include the name and number of the universal service program), as PULP believes it is critical for economically vulnerable customers to receive this information in order to make more informed decisions about their natural gas supply. PULP Comments at 3.

Disclosure Statement Customer Notification Requirements: Sections 62.75(d), 62.75(g), and 62.75(j)

Although we did not propose any changes to Section 62.75(d) regarding the three-day right of rescission that provides a level of consumer protection, PULP urges the Commission to require NGSs to inform the customer of this three-day rescission period at the time the customer contracts with the supplier and again in the disclosure statement. PULP Comments at 3-4. PULP avers that the three-day rescission period is a critical protection for consumers, particularly for those who agree to move to a competitive supplier during an in-person or telephone sales solicitation or other high-pressure sales pitch. Id. at 4.

As to proposed Section 62.75(g), OCA recommends that this provision include two notices, one sent "60 to 45 days" before and the second sent "30 days" before the expiration date or the effective date of the proposed changes. OCA Comments at 11, 14, OCA's Annex A. OCA also notes that the phrase "whenever we propose to change the terms of service in any type of contract" could be misleading to consumers, as it suggests that an NGS has the ability to unilaterally change the terms of a contract. Id.

As to proposed Section 62.75(j), OCA agrees that an NGS should be required to inform the consumer that the contract is assignable. OCA Comments at 14. OCA submits that the NGS should be required to disclose this information at the time the consumer enters into the agreement and also be required to provide the consumer with written notice if the contract is assigned to another supplier. Id. WGL believes that an assignment clause in a consumer contract is standard in the natural gas industry and that including assignment clauses in contracts should be sufficient disclosure to comply with the revised rule. WGL Comments at 16-17. In contrast, RESA believes that it is reasonable to require NGSs to note in the disclosure

statement that the contract is assignable, as disclosing this information when enrolling the customer should minimize complaints in the future. RESA Comments at 21.

Contract Summaries: Section 62.75(i)

RESA supports the proposed basic framework for the one-page contract summary, but stresses that the finalized contract summary should be updated in accordance with the finalized regulations. RESA Comments at 10-11; see also WGL Comments at 5-6. RESA stresses that any periodic Commission revisions to the sample contract summary should be served on each licensed NGS and published in the *Pennsylvania Bulletin* in order to effectuate proper notice. Id. at 11. RESA states that the Commission should maintain its position to not require NGDC information on the contract summary, as including that information could lead one to falsely conclude that a business relationship between the NGS and the NGDC exists. Id. RESA also submits that including information on renewals of contracts and changes in contract terms is unnecessary in the one-page summary. Id. RESA supports including a general description of the expected start date of NGS service in the contract summary. Id. at 12.

As to the Commission's proposal that a contract start date be expressed as a generalized statement and not with reference to a specific date, the National Marketers and WGL submit that this approach would facilitate supplier compliance because the actual contract start date depends on the utility switching processes outside of the supplier's control. National Marketers Comments at 5; WGL Comments at 6-7.

WGL also believes that the contract summary need not be reflected in a distinct document that is separated from the contract itself or from other marketing and disclosure materials, as this adds costs to suppliers without adding significant value to the customer. WGL Comments at 6 (adding that including renewal and change of terms notices in a one-page contract summary is confusing and unnecessary); see also PA Marketers Comments at 5-6.

The PA Marketers agree with the Commission's position that: (1) the contract summary should be a brief, single-page document in a graphic/box format, summarizing only the key contract terms necessary to assist a customer when comparison-shopping; and (2) that the inclusion of NGDC contact information is unnecessary and lacks relevance to the customer when shopping, as the inclusion of NGDC information leads some customers to wrongly believe that a utility endorsement or affiliation with the supplier exists. PA Marketers Comments at 5. The PA Marketers suggest that the contract term field for month-to-month variable contracts simply state that the customer will be renewed on a monthly basis. Id. at 6.

OCA agrees that a one-page contract summary can benefit the customer, but submits that the following additional information should be included to aid consumers:

- Natural Gas Supplier Information: Inform the customer that "the NGS charges will replace the PTC identified on the customer's bill or the NGS charges of the customer's prior supplier."
- Natural Gas Price Structure: Add "a statement of the highest and lowest price charged by the NGS to this customer class served by this NGDC over the past 60 months."
- Natural Gas Supply Price: Add language indicating that "any introductory rate must be so identified and

state the rate that will be in effect following any introductory or promotional rate. If the price has not been set for the first month after the introductory period, a statement on how the rate will be established, whether or not it is a variable rate, when the rate will be provided to the consumer and state that the rate may be higher than the introductory rate.”

- Statement Regarding Savings: Add “compared to the PTC” to the end.
- Incentives: Add “and any criteria for obtaining any incentive or bonus.”

OCA Comments at 12–14.

Supplier Requests for Commission Review of Contract Terms

WGL submits that voluntary, informal reviews of contract summaries are a helpful service. WGL Comments at 7. WGL points out that Commission staff is already obligated to provide informal reviews and non-binding opinions on request as an aid. See 52 Pa. Code § 1.96 (relating to unofficial statements and opinions by Commission personnel). WGL believes that all suppliers have an independent duty to be knowledgeable of Commission regulations for compliance purposes per 66 Pa.C.S. § 2208. Id. at 14-15.

The PA Marketers support the Commission’s proposal to informally review sample contract summaries for all NGSs before they are implemented, just as the Commission did with the electric disclosure regulations. The PA Marketers explain that this will allow the Commission to make any necessary clarifications or corrections to ensure that the contract summary is implemented and disclosed with the interests of the customer in mind. PA Marketers Comments at 5-6.

RESA believes staff review of the contract summary is more beneficial if the staff review carries some weight and authority. RESA Comments at 12. If an NGS seeks informal staff review, RESA believes the NGS should receive a form letter acknowledging the consultation, a copy of which would be included in the NGS’s Commission record folder. Id. As to any subsequent challenge of the adequacy of the contract summary, RESA suggests that “the fact that the NGS made the effort to seek and obtain staff consultation before acting would be documented.” Id. at 12-13. RESA also recommends that the Commission require its Bureau of Investigation & Enforcement (I&E) to review disclosure statements and issue private letters that no action of an enforcement nature will be taken based on the facts presented if I&E deems the proposed terms and conditions to be compliant with current regulations. Id. at 19.

Notices Regarding Contract Expiration or Changes in Terms: Section 62.81

RESA and the National Marketers support the proposed time periods for the initial and options notices because they align with the rules applicable to the electric industry. RESA Comments at 13; National Marketers Comments at 5. By implementing the same rules, the Commission avoids potential confusion or frustration for customers receiving multiple notices at different times from their combined NGS/EGS. RESA Comments at 13-14. RESA further contends that uniformity avoids subjecting NGSs serving in a combined role to an overly burdensome administrative process, which discourages the offering of combined products and otherwise interferes with the development of a competitive retail energy market. Id.; see also National Marketers Comments at

5-6. RESA believes that mirroring the timeframes in the electric industry outweighs any concerns about the customer possibly not being able to expeditiously switch suppliers. Id. at 14. RESA states that, at most, the customer would have to remain with the NGS for an additional month, but since changes currently occur within 11–40 days, a customer would have sufficient time to switch to another NGS upon receipt of the options notice 30 days prior to the change. Id. RESA recommends that the Commission consider other alternatives, such as requiring NGSs to add content to the initial notice explaining that if the customer waits for the options notice, the customer may not be able to switch to another NGS until the following month. Id. at 15.

The PA Marketers also recommend adopting the 60-day and 30-day notice time frames from the electric rules, with similar caveats expressed by RESA and the National Marketers. See PA Marketers Comments at 6. While the 60-day and 30-day notice timeframes of the electric rules should easily apply to the natural gas rules, WGL strongly believes that one notice provided forty-five days before the end of a fixed duration contract (of at least one year) should be sufficient. WGL Comments at 8.

RESA opposes the proposed 30-day advance notice of a price change to a customer who was on a fixed term contract and was then converted to a month-to-month contract as a result of not responding to an options notice. RESA Comments at 15. RESA opines that even if NGSs were able to accomplish the “formidable task of accurately forecasting prices far enough in advance to satisfy the 30-day notice requirement, the cost of mailing this would be extremely high.” Id. The resulting inundation of information on a frequent basis would likely confuse most customers. Id. RESA believes that the NGSs would likely need to charge higher rates, making them less competitive, and resulting in higher prices for customers. Id. Instead, RESA recommends requiring NGSs “to inform customers that a failure to respond may result in conversion of a fixed term contract to a month-to-month contract with no advance notice of price changes.” Id. at 15-16 (adding that NGSs that do not plan to use this option would simply leave this information out of the options notice).

As to the automatic re-enrollment provision in proposed Section 62.81(a)(2)(ii)(A)(I), RESA urges the Commission to permit conversion of a fixed term contract to a month-to-month contract without requiring advance notice of price changes. RESA Comments at 17 (adding that requiring advance notice of prices would hinder the Commission’s goal of promoting the retail natural gas market). The National Marketers contend that this requirement for advance notice of price changes for variable priced products is particularly problematic because the supplier cannot forecast the market changes that would be required to provide advance notice. National Marketers Comments at 6 (explaining that this would require more hedging by the supplier). Critically, the National Marketers assert that this increases the costs and risks of providing the product. Id. at 7. Since a customer would be free to leave the next day without an early termination fee, the supplier’s costs and risks are even greater. Id.

The PA Marketers also believe NGSs should not be required to provide 30-day advance notice of a price change to a customer who is on a fixed price contract that automatically renews to a month-to-month product. PA Marketers Comments at 6. The PA Marketers explain that since significant technical challenges limit an NGS’s ability to predict wholesale market prices 30 days in

advance, the Commission should focus on moving forward to solve the comparably simpler technical challenge of accelerated switching for gas customers. *Id.* Faster switching will ensure that customers have the ability to respond in near-real time to new preferences and opportunities without putting an unreasonable burden on suppliers—“a burden that could have the unintended consequence of driving suppliers away from the marketplace all together.” *Id.* at 6. The PA Marketers urge the Commission to adopt a more reasonable timeframe for the price notification notice, such as 10–15 days, and to include the option of email or SMS text notification to ensure that the customer still receives notice in a timely manner. *Id.* at 6. The PA Marketers also believe that the NGSs should have a more reasonable timeframe by which to determine the variable price for the next billing cycle. *Id.*

RESA, the PA Marketers, and WGL urge the Commission to permit the options notices to be sent electronically, provided that the customer has agreed to accept electronic communications. RESA Comments at 18; PA Marketers Comments at 7; WGL Comments at 14. RESA and the PA Marketers believe that in today’s world of ever-increasing electronic communication, embedding a first class mail requirement in the regulations would be imprudent as that form of communication may become outdated. RESA Comments at 18; PA Marketers Comments at 7. RESA, the PA Marketers, and WGL also believe that the options notice is unnecessary in a situation where the NGS does not propose any changes in terms of service. RESA Comments at 19 (suggesting that the content of the initial notice should be revised to note that an options notice will be sent only if there is a proposed change in the terms of service); PA Marketers Comments at 7; WGL Comments at 14. The National Marketers suggest that if the customer has provided the NGS with an alternative means of contact besides mailing address (e.g., email address or cellular phone number for text notifications), the supplier should be allowed to honor the customer’s expressed preferred means of contact for receiving the options notice. National Marketers Comments at 7-8.

In contrast to the Commission’s assertion in the Proposed Rulemaking Order at this Docket regarding proposed Section 62.81(b)(1)(i), WGL contends that auto-renewals that include cancellation fees are sound public policy. WGL Comments at 10. WGL notes that similar processes have been in place in Maryland since the inception of choice programs there (1997 for gas choice and 2001 for electric choice) and have worked effectively and efficiently. *Id.* WGL, which has one of the largest shopping customer bases in Maryland, reports that the average WGL customer in Maryland has been with the company under a contract with fixed price auto-renewal for seven years. *Id.* at 10-11. In 2014, approximately 90% of WGL Energy customers auto-renewed at a fixed price, about 5% chose to terminate their contract, and the remaining 5% proactively chose to stay with WGL under a new contract with a different pricing option. WGL points out that auto-renewals provided price protection for WGL customers during the polar vortex and other times when prices have spiked. *Id.* at 11. WGL contends that mandating affirmative signatures and disallowing auto-renewals with early cancellation fees will lead to reduced supplier retention rates and diminished competitive markets and product offerings in Pennsylvania. *Id.* at 12.

WGL supports the clarification of the word “term” in Section 62.81 of the regulations to reflect “duration” for

the time length of the contract. WGL Comments at 9. The PA Marketers also support the Commission’s proposal to change the word “term” to “duration,” as “duration” is more accurate than using “length.” PA Marketers Comments at 7. While RESA does not necessarily object to the phrase “fixed duration contracts,” RESA believes that the change may raise more questions since it is not commonly used in other industries. RESA Comments at 16 (opining that “fixed length contracts” may be preferable from the perspective of plain language, as it is more easily understood by the average consumer than “fixed duration contracts”).

PULP recommends that the Commission require NGSs to include information about universal service programs in the options notice so that consumers are made aware of all options, including possible financial assistance or energy efficiency and conservation measures, to help reduce monthly bills. PULP Comments at 4-5.

OCA supports the Commission’s proposed Section 62.81, especially the requirement that consumers receive 30 days’ advance notice of a price change if the NGS is placing the customer on a month-to-month contract. OCA Comments at 14. While OCA does not propose thorough language revisions to Section 62.81, it requests that the Commission provide clarification that a customer whose fixed-term contract has expired and who will be placed in a variable priced month-to-month contract receive 30 days’ notice of pricing changes. *Id.* at 15 (citing Final-Omitted Rulemaking Order Re 52 Pa. Code §§ 54.5, 54.10, Docket No. L-2014-2409385 at pp. 33–36 (Order entered April 3, 2014)).

Discussion and Disposition

The Public Utility Code grants the Commission the power to license NGSs and establish standards to govern the conduct of NGSs, including requiring the provision of clear, adequate, accurate, and timely information to customers. See 66 Pa.C.S. §§ 2208(a) and 2208(f) (citing Chapter 56 of Commission regulations regarding Standards and Billing Practices). Under its mission statement, the Commission “balances the needs of consumers and utilities; ensures safe and reliable utility service at reasonable rates; protects the public interest; educates consumers to make independent and informed utility choices; furthers economic development; and fosters new technologies and competitive markets in an environmentally sound manner.”⁵ The Commission has a duty to facilitate the competitive natural gas supply market and to remove any impediments to market development without compromising consumer protection. See 66 Pa.C.S. §§ 2203, 2206, 2208; see also 52 Pa. Code Chapter 62 (generally).

Section 501 of the Public Utility Code empowers the Commission to promulgate regulations that are necessary or proper to exercise its powers and perform its duties. 66 Pa.C.S. § 501. The Commission need not “consider expressly and at length each contention and authority marshalled by a party to the [rulemaking] proceeding,” but must fully explain its decision in accepting the thesis of one party and rejecting the contentions of another party. *University of Pennsylvania v. Pa. Public Utility Commission*, 485 A.2d 1217, 1222-23 (Pa. Cmwlth. 1984). Through this Order, we finalize revisions to our existing natural gas customer disclosure information regulations at 52 Pa. Code §§ 62.72 and 62.75, and add Section 62.81.

⁵ See PUC Mission Statement, available at http://www.puc.state.pa.us/about_puc.aspx.

Disposition of Section 62.72

As to proposed Section 62.72, IRRC asked the Commission to ensure that terms such as billing cycle and billing month are clear, consistent, and unambiguous throughout the regulations. IRRC Comments at 2. Billing cycle is a term of art in the industry, which refers to billing time periods and the frequency of billing. See National Marketers Comments at 3. In addition to defining what constituted a billing month, we used the term twice in these regulations, in both instances referring to the first time period in which the customer is billed, which must be at least 26—35 days. See Annex A, Sections 62.75(c)(2)(iv), 62.81(a)(2)(ii). The distinction was proposed to ensure that customers who have an introductory rate receive that rate for at least one full month. This issue can arise in the electric industry where customers have accelerated switching that can result in a first bill being issued for less than a full month.

In order to address IRRC's concerns regarding language consistency and unambiguity, we will remove references to billing month throughout the final regulations. See Annex A, Sections 62.72, 62.75(c)(2)(ii), 62.81(a)(2)(ii). This is consistent with the electric regulations where neither billing month nor billing cycle are defined. See 52 Pa. Code § 54.2 (relating to definitions). The Commission is unaware of any issues resulting from the lack of definition of these terms in the electric regulations. The Commission also notes that the supplier switching processes are much different in the gas industry than in the electric industry due to differences in industry operations and markets. Therefore, to the extent that the Commission remains concerned about the length of a customer's introductory rate, it can be raised as part of a future rulemaking on the subject of accelerated switching in the natural gas industry, should such a rulemaking be initiated by the Commission.

In this section on definitions, billed prices is defined as "the disclosed NGS prices on the customer bill." 52 Pa. Code § 62.72. Since we use both singular and plural of billed price(s), we will add appropriate parentheticals to the finalized definition for purposes of clarification. See Annex A, Section 62.72. We will change "price" to "billed price" in Section 62.81 for purposes of clarification. See Annex A, Sections 62.81(a)(2)(ii), 62.81(a)(2)(ii)(A)(I), and 62.81(a)(2)(ii)(A)(II).

*Disposition of Section 62.75**Section 62.75(c)(2)(ii)*

Although we did not propose altering the Section 62.75(c)(2)(ii) requirement that an NGS must provide the starting price in a variable contract, RESA, the National Marketers, and WGL contend that NGSs should not be required to include a starting price in the disclosure statement for a variable price contract. RESA Comments at 2, 4-5; National Marketers Comments at 2; WGL Comments at 2—4. RESA contends that this requirement could result in NGSs making business decisions not to offer variable price products or not to offer any products at all. RESA Comments at 4-5. Instead, RESA proposes that the Commission should require NGSs to either include a starting price or prominently disclose to the customer that the starting price will be provided either when the first bill is received or through the website. Id. at 5. RESA adds that this would empower the customer to decide whether or not to switch to an NGS that does not provide the starting price, thereby allowing the market to dictate when and what pricing information is shared. Id. If the Commission retains the starting price requirement

in the disclosure statement for the first full billing month per existing Section 62.75(c)(2)(ii), RESA urges the Commission to permit this mandate to be fulfilled through the use of a formulaic contract price that enables the customer to calculate the bill using the contract, publicly available rates, or price indices. Id. at 5.

The National Marketers suggest that making changes to the initial starting price requirements may not be prudent until the accelerated switching process and timeline has been fully vetted by stakeholders. National Marketers Comments at 3.

In contrast to the NGS community, OCA recommends requiring that the actual maximum potential ceiling price be stated to offer more protection and knowledge to the consumer. OCA Comments at 5. OCA contends that this would not result in price regulation by the Commission because the NGS (and not the Commission) would dictate the ceiling price.

In its Comments, IRRC notes concerns with the ability of customers to calculate the first month's bill if alternative methods, such as formulas, are used in lieu of an actual projection. IRRC Comments at 3. The Commission has declined to adopt the alternative methods for calculation of the first month's bill that were proposed by the NGS commentators. While we appreciate the comments and concerns of the NGS community that this requirement could impede market development and the availability of certain variable priced products, we believe this requirement governing starting prices and ceiling prices is an important consumer protection, hence our decision not to propose any amendments to Section 62.75(c)(2)(ii). Other stakeholders, such as OCA and PULP, have filed comments seeking more consumer protection measures in this section. See OCA Comments at 4-5; PULP Comments at 2-3. However, we will not require an NGS to provide a ceiling price for the maximum price change that could occur under a variable price plan. While this may not constitute direct price regulation, as OCA seeks to assure us, this requirement would still potentially interfere with certain product offerings and thus indirectly interfere with or affect the prices and products offered in the market. See OCA Comments at 4. Importantly, the statement in Section 62.75(c)(2)(iii) that "there is no limit on how much the price may change" is a simple, clear, and direct notice/alert to the customer.

Furthermore, Sections 62.75(c)(2)(iii)—(vi) also provide more customer protections. The disclosure statement for residential and small business electric supply customers also does not require disclosure of a maximum ceiling price. See 52 Pa. Code § 54.4 (relating to bill format for residential and small business customers). We will also not make any sweeping changes to this provision until the accelerated switching process and timeline has been fully vetted by stakeholders, should the Commission proceed with initiating changes to the regulations relating to supplier switching. See National Marketers Comments at 3. Accordingly, we find that retaining the existing starting and ceiling price provisions is reasonable and balances stakeholder interests. See Annex A, Section 62.75(c)(2)(ii). As will be discussed below, deleted Section 62.75(c)(2)(iv) has been incorporated into final Section 62.75(c)(2)(ii).

Section 62.75(c)(2)(iii)

As IRRC points out, in proposing this Section, we inadvertently referred to the NGDC instead of the NGS. IRRC Comments at 2. Therefore, we will replace NGDC with NGS, as the supplier is the entity responsible for

providing “a clear and conspicuous statement that there is not a limit on how much the price may change” from one billing month to the next. See Annex A, Section 62.75(c)(2)(iii).

The National Marketers assert that changing to a billing month construct instead of a billing cycle construct for the natural gas industry may present operational problems for suppliers and utilities and negatively impact the pricing structure of competitive products. The National Marketers believe this change in billing system logic would be costly, time-consuming, and unjustified. National Marketers Comments at 3. As was discussed above, to address the billing month vs. billing cycle concern, we will retain billing cycle in order to avoid any potential operational problems for suppliers and utilities.

OCA believes that the statement proposed in Section 62.75(c)(2)(iii) does not allow the consumer to make an informed choice or assess the risks in a highly complex market. Specifically, OCA requests that the phrase “or on how high the price may go” should be added to the end of Section 62.75(c)(2)(iii). See OCA’s Annex A. We appreciate OCA’s comments, but find that the requested additional phrase is duplicative and unnecessary, especially since we already propose requiring “a clear and conspicuous statement that there is not a limit on how much the price may change from one billing cycle to the next.” See Annex A, Section 62.75(c)(2)(iii). Furthermore, this language mirrors the language in our electric regulations. See 52 Pa. Code § 54.5(c)(2)(ii)(B). Therefore, in an effort to prevent redundancies and to maintain unity and harmony between the electric and gas disclosure regulations, we will retain this language. See Annex A, Section 62.75(c)(2)(iii).

Section 62.75(c)(2)(iv)

OCA agrees with the proposed change requiring NGSs to disclose the price to be charged for the first billing month, but notes it may be insufficient and misleading in this marketplace where introductory rates are common. Accordingly, OCA recommends that the Commission also require an NGS to specify the guaranteed length of time that the starting price will be in effect. OCA Comments at 6-7. IRRC and OCA recommended that the Commission revise the final-form regulation to require the NGS to state the guaranteed length of time that the starting price will be in effect and to require the NGS to provide the price to be charged, per billing unit, for the first month of service after the introductory period if the starting price is introductory. IRRC Comments at 2-3; OCA’s Annex A. OCA also requests that the phrase “a statement that the price could change in the second month” be added this provision.

The NGS community does not voice opposition specific to the language in this provision, but RESA believes that setting forth general conditions of variability is sufficient and consistent with the rules in the electric industry. RESA Comments at 2, 9-10; see also PA Marketers Comments at 2-3 (seeking flexibility for suppliers who do not have the advantage of cost recovery and reconciliation like the utilities).

We agree with OCA and IRRC that adding information pertinent to a product with an introductory price would provide the consumer with more knowledge when making a decision about a particular product. Therefore, we will add OCA’s recommended language pertaining to introductory prices, modified to use billing cycle in lieu of billing month, as discussed above. See Annex A, Section

62.75(c)(2)(ii). However, we will not add OCA’s desired additional phrase that “a statement that the price could change in the second month,” as that language is unnecessary and duplicative in light of Section 62.75(c)(2)(iii)’s requirement that an NGS “shall provide a clear and conspicuous statement that there is not a limit on how much the price may change from one billing cycle to the next.” See Annex A, Sections 62.75(c)(2)(ii)—(iii). Also, upon review, we determined that Section 62.75(c)(2)(iv) was duplicative of Section 62.75(c)(2)(ii). Therefore we have revised Section 62.75(c)(2)(ii) to include the pertinent provisions of Section 62.75(c)(2)(iv). We have also renumbered subsequent Sections 62.75(c)(2)(v)—(vii) to account for this change.

New Finalized Section 62.75(c)(2)(iv)

As to succeeding Section 62.75(c)(2)(iv) (which was previously Section 62.75(c)(2)(v)), the PA Marketers urge the Commission “to chart a middle course between allowing suppliers to only say ‘the variable price will vary’ and requiring a calculable formula based on public indices.” PA Marketers Comments at 3. The PA Marketers caution that requiring a specific formula that a customer can use to calculate their bill total for service ahead of receiving the monthly bill may be impossible. Id. The PA Marketers explain that the calculation of a variable rate price each month depends on a range of factors. Id. The NGS community desires flexibility for suppliers who do not have the advantage of cost recovery and reconciliation like the utilities. See id.; see also RESA Comments at 6-7; see also National Marketers Comments at 2.

WGL Energy does not oppose requiring NGSs to notify customers when and how they will be informed of future price changes, but thinks that requiring advance notice of all price changes would be overly burdensome. WGL Comments at 4. OCA seeks to add the language “before such price change goes into effect” in order to require some kind of advance notification of a price change to the consumer. See OCA Comments at 7.

IRRC recommends that the Commission specify not just “when,” but “how” a customer will receive notification of price changes. IRRC Comments at 3. We find this reasonable additional language may help consumers and not overly burden suppliers. Therefore, we added “and how” to the final-form regulation. See Annex A, Section 62.75(c)(2)(iv). Mindful of the flexibility sought by the suppliers, this description of when and how the customer will receive notification of price changes must be clear and concise, but need not contain a specific formula. We appreciate OCA’s desire for consumers to be made aware of all price changes in advance, but we believe that the imposition of such a requirement may be overly burdensome to suppliers and may significantly restrict their product offerings.

New Finalized Section 62.75(c)(2)(v)

Succeeding Section 62.75(c)(2)(v) (which was previously Section 62.75(c)(2)(vi)), pertains to the requirement that a customer may request, from an NGS, historical average prices from the past 24 months for that customer’s rate class and NGDC service territory. A similar provision is found in our electric regulations. See 52 Pa. Code § 54.5(c)(14)(i). The intent behind this historical price requirement is to provide customers with helpful information regarding price variability from month-to-month, season-to-season and between suppliers.

RESA strongly opposes this requirement, contending that the historical data “is essentially meaningless,” especially in light of Section 62.75(c)(2)(vi), which re-

quires a statement that “historical pricing is not indicative of present or future pricing.” RESA Comments at 7. RESA instead offers a less stringent requirement wherein the NGS would disclose general historical trends, such as a range of percentages by which prices have changed over the past two years, upon request by a customer. *Id.* at 8. The PA Marketers question the efficacy of this information as wholesale energy markets are subject to unpredictable price patterns and shifts (e.g., the historic drop in natural gas prices due to hydraulic fracturing). PA Marketers Comments at 4-5. The NGS community also points out that this requirement potentially places new NGSs, who do not have 24 months’ worth of historical data, on uneven footing with incumbent NGSs. RESA Comments at 9; WGL Comments at 4-5; PA Marketers Comments at 5.

In contrast with the NGS community, OCA supports this regulatory provision and seeks even more additional language to ensure adequate disclosure. See OCA Comments at 8 (seeking to require the previous 60 months of historical price information).

The Natural Gas Choice and Competition Act, 66 Pa.C.S. §§ 2201 to 2212, charged the Commission with overseeing restructuring in the natural gas industry and promoting the competitive retail gas supply market while still ensuring consumer protection. See 66 Pa.C.S. § 2206 (relating to consumer protections and customer service). In the Proposed Rulemaking Order, we acknowledged that the 24-month price history requirement does not necessarily provide demonstrative information to consumers. Proposed Rulemaking Order, Docket No. L-2015-2465942, at p. 13. However, we kept it as a proposal in an effort to educate consumers on the seasonal variability and magnitude of volatility of energy prices. See *id.*; see also 52 Pa. Code § 54.5(c)(14)(i). We appreciate OCA’s concerns and proposals, but we do not believe that adding the additional language will necessarily assist the consumer in understanding more about a particular supplier contract or product offering. Importantly, imposing more costs and burdens on suppliers may curtail the ability of suppliers to offer lower, competitive retail prices, which are beneficial to consumers. See RESA Comments at 1-2; WGL Comments at 18; PA Marketers Comments at 3-5; National Marketers Comments at 1.

Therefore, in balancing the comments of OCA and the supplier community, we will retain the historical price requirement as proposed and not enhance or reduce the requirement. See Annex A, Section 62.74(c)(2)(v). This requirement ensures that a consumer is empowered and has access to historical price information from a particular NGS and the means to learn about possible historical price trends, relative price levels, and the degree of any volatility in the gas supply market. Additionally, Section 62.75(c)(2)(vi) provides clear knowledge to consumers about variable prices by requiring in the disclosure statement the phrase “historical pricing is not indicative of present or future pricing.”

We are persuaded by the supplier community’s comments that this requirement potentially places new NGSs (who do not have 24 months of historical data) on uneven footing with incumbent NGSs. RESA Comments at 9; WGL Comments at 4-5; PA Marketers Comments at 5. Therefore, if no price history or no representative price information is available for the product, then the NGS shall inform the customer of this fact. Accordingly, the final-form version of Section 62.75(c)(2)(v) has been amended by adding a sentence as follows:

(v) A telephone number and Internet address at which a customer may obtain the previous 24 months’ average monthly billed prices for that customer’s rate class and NGDC service territory. If an NGS has not been providing service in a rate class and NGDC service territory for 24 months, the NGS shall provide the average monthly billed prices for the months available to date. **If no price history or no representative price information is available for the product, the NGS shall inform the customer of this fact.**

Annex A, Section 62.75(c)(2)(v). We believe the provision, as amended, balances the interests of suppliers and consumers.

New Finalized Section 62.75(c)(2)(vi)

Succeeding Section 62.75(c)(2)(vi) (which was previously Section 62.75(c)(2)(vii)) proposes requiring the NGS to provide in “plain language, a statement that historical pricing is not indicative of present or future pricing.” We strongly believe this is an important consumer protection that is not a burdensome requirement on suppliers, hence our recent addition of this provision in our electric disclosure statement regulations. See 52 Pa. Code § 54.5(c)(14)(ii). OCA supports this provision, while other parties do not contest this provision. See OCA Comments at 9. Therefore, we will retain this provision as proposed. See Annex A, Section 62.75(c)(2)(vi).

Section 62.75(c)(7)

In Section 62.75(c)(7), we proposed removing the requirement that the NGS must cancel the contractual agreement if the consumer moves from one physical residence to another. We made this proposal in order to facilitate seamless moves, wherein a customer has the opportunity to retain the same NGS when moving from one physical residence to another without first having to go on default supply service provided by the NGDC. See Investigation of Pennsylvania’s Retail Natural Gas Supply Market, Docket No. I-2013-2381742, at p. 22 (Final Order entered December 18, 2014).

RESA, WGL, and OCA support the Commission’s proposal to amend Section 62.75(c)(7) to facilitate seamless moves so that a customer can retain the same supply service instead of having to first receive default service when moving to a new location. RESA Comments at 20; WGL Comments at 15; OCA Comments at 10, OCA’s Annex A. In light of that agreement and our belief that seamless moves promote the retail competitive natural gas supply market, we will retain this provision as proposed. See Annex A, Section 62.75(c)(7).

Section 62.75(c)(8)

In Section 62.75(c)(8), we proposed removing the sentence that allows for automatic renewal of contracts at the same terms and conditions so long as the new agreement is a month-to-month contract. WGL and RESA agree with the Commission in that leaving this language in the regulations invites confusion and conflicting requirements and that the rule pertaining to contract expiration and notices in Section 62.81 is a better place to provide automatic renewal standards. See WGL Comments at 15-16; see RESA Comments at 20. OCA asks the Commission to require that renewal provisions be provided for all contractual supplier agreements so that the consumer understands what occurs at the end of the agreement. See OCA Comments at 9.

On review, we agree with RESA and WGL that removing this provision avoids potential confusion, especially in light of our proposed standards in Section 62.81. We appreciate OCA's concern, but do not believe renewal provisions need to be provided for all contracts, as certain contracts may not have renewal provisions and this requirement could improperly interfere with such contracts. Furthermore, Section 62.75(g) regarding the end-of-contract disclosure statement notification also provides a comparable consumer protection. Therefore, we will retain this provision as proposed. See Annex A, Section 62.75(c)(8).

Deletion of Existing Section 62.75(c)(9)

In our Proposed Rulemaking Order, we proposed deleting the current Section 62.75(c)(9), believing that an NGS need not provide the name and telephone number of the supplier of last resort, which is most likely the NGDC in that customer's service territory. This requirement could confuse a customer as to the relationship between the NGS and the NGDC. RESA and WGL strongly support removing the NGDC or supplier of last resort reference. RESA Comments at 20; WGL Comments at 16. Other parties did not comment on this proposal. Therefore, we will delete existing Section 62.75(c)(9). See Annex A.

New Finalized Section 62.75(c)(9)

As to the succeeding Section 62.75(c)(9) (which was previously Section 62.75(c)(10)), we proposed adding the requirement that the NGS explain the "limits on price variability" in type size larger than the type size for the terms of service. IRRC asks the Commission to ensure that it was being specific in the requirements for the variable pricing statement, so that such requirements are clear for the regulated community. IRRC Comments at 2. OCA recommends adding the phrase "but no less than 12 point" font to the regulation. OCA Comments at 10. Other parties do not comment on this subsection. We appreciate OCA's proposed addition, the intent of which is to ensure that the disclosure statement is in a readable font size. We expect that this explanation of the limits on price variability, penalties, fees or exceptions will be clearly legible and stand out.

While we acknowledge IRRC's concerns, in our parallel electric disclosure regulation at 52 Pa. Code § 54.5(c)(10), we do not mandate a particular font size for this explanation of limits on price variability. In order to maintain uniformity, especially if consumers receive gas and electric from the same supplier, we will not mandate a minimum 12-point font size in these regulations.

New Finalized Section 62.75(c)(10)

As to the new Section 62.75(c)(10) (which was previously Section 62.75(c)(11)), IRRC recommended deletion of the sentence: "The NGS's information shall appear first and be prominent." IRRC Comments at 3. Since that sentence is extraneous in light of our determination that only the NGS contact information needs to be provided, we will delete that sentence in the final rule. See Annex A, Section 62.75(c)(10).

Deletion of Existing Sections 62.75(c)(12)-(13)

In the Proposed Rulemaking, we proposed deleting Section 62.75(c)(12), which requires a statement directing the customer to the Commission due to dissatisfaction with the contract's terms of service. We believe referring the customer to the natural gas shopping website, PaGasSwitch.com, is more helpful than referring the customer to the Commission, as self-diagnosis of a customer's concern or question may be more effective and

quicker in resolving an issue than first calling the Commission. IRRC also asked the Commission to consider keeping this requirement, as some consumers may not have access to the Internet. We understand IRRC's concern and will therefore add the Commission's general information telephone number in the newly finalized Section 62.75(c)(11). Section 62.75(c)(11) will require "[a] statement providing that information about shopping for a gas supplier is available at www.PaGasSwitch.com or other successor media platform as determined by the Commission, by calling the Commission's telephone number at 1-800-692-7380, and at www.oca.state.pa.us." The customer may also call the supplier, as the supplier's phone number must be provided on the contract disclosure statement. See Annex A, Section 62.75(c)(11).

We also proposed deleting Section 62.75(c)(13), which requires a statement providing universal service program information. PULP objects to the deletion of 62.75(c)(13), as PULP believes it is critical for economically vulnerable customers to receive this information in order to make more informed decisions. We understand PULP's concern and agree that it is critical for economically vulnerable customers to have access to such information. However, there are other avenues to access this information, such as the Commission's website and phone number and OCA's website,⁶ which we will incorporate into these regulations in the newly finalized Section 62.75(c)(11).

In order to alleviate customer confusion, we believe it is important to minimize the inclusion of any contact information other than NGS contact information, as including universal service program information may give the impression that the NGS has customer assistance programs or that the supplier is affiliated with the utility.⁷ The Commission has a duty to facilitate the competitive gas supply market and to remove any impediments to market development without compromising consumer protection. See 66 Pa.C.S. §§ 2203, 2206, 2208; see also 52 Pa. Code Chapter 62 (generally). We stress that this disclosure statement governs the contract between the supplier and the customer; it is not a contract with the utility or for any customer assistance program services. Requiring extraneous information and third party information may place unnecessary restraints on these contracts. See RESA Comments at 1—3, 20; PA Marketers Comments at 1, 8; National Marketers Comments at 1, 8; WGL Comments at 2, 16.

New Finalized Section 62.75(c)(11)

OCA requests that its website be added to this section (which was previously Section 62.75(c)(12)), along with the Commission's telephone number, in order to provide consumers with more access to information and resources. See OCA Comments at 10-11. We agree with OCA that including this information could aid consumers without adding unnecessary information to the disclosure statement. Therefore, in addition to the reference to PaGasSwitch.com, we will add OCA's website and the Commission's general telephone number to Section 62.75(c)(11). See Annex A, Section 62.75(c)(11).

Sections 62.75(d), 62.75(g), and 62.75(j)

Although we did not propose any changes to Section 62.75(d), PULP urges the Commission to require NGSs to inform the customer of the three-day rescission period at the time the customer contracts with the supplier and again in the disclosure statement. PULP Comments at

⁶ See http://www.oca.state.pa.us/information_links/UniversalServNos.htm.

⁷ The Commission's Bureau of Consumer Services has experienced customer confusion regarding this parallel universal service program requirement in the electric regulations at 52 Pa. Code § 54.5(c)(10).

3-4. We believe that requiring the notification of the three-day right of rescission, as currently established in Section 62.75(d), is sufficient customer protection. As the subject matter of Section 62.75 is “Disclosure statement for residential and small business customers,” adding another requirement to inform the customer of the three-day rescission period at another point in time is also beyond the scope of this rulemaking and therefore other parties to this proceeding would not have been provided an opportunity to comment on this proposal by PULP. Furthermore, Chapter 111 of the Commission’s regulations (relating to marketing sales practices for the retail residential energy market) already require a supplier to inform the customer of the three-day rescission period⁸ and to provide the customer with accurate and timely information.⁹ Therefore, we will not amend existing Section 62.75(d).

As to Section 62.75(g), OCA recommends that this provision include the “45 to 60 days” and the “30 days” timeframes in which consumers will receive the notices. OCA Comments at 11, 14, OCA’s Annex A. OCA also notes that the phrase “whenever we propose to change the terms of service in any type of contract” could be misleading to consumers, as it suggests that an NGS has the ability to unilaterally change the terms of a contract. Id. We agree with OCA’s suggested language clarifications as provided in OCA’s Annex A. Therefore, we will incorporate those language suggestions into the final-form regulation, noting the change in the notice timeframes, given our disposition of Section 62.81. See Annex A, Section 62.75(g).

As to Section 62.75(j), IRRRC recommends that the Commission further require the NGS to provide the customer with notice if the contract is assigned to another supplier and to include the name of the new NGS and contact information. IRRRC Comments at 5; see also OCA Comments at 14. With IRRRC’s and OCA’s suggestions for clarification in mind, we will amend and finalize this section as follows:

If the contract is assignable, the NGS shall inform the customer [**accordingly**] **at the time the parties enter into the contract. Prior to any contract assignment, the NGS shall provide notice to the affected customer, the affected NGDC and the Commission. The customer notice shall include the name of the new NGS, the contact information of the new NGS and language informing the customer that their contract terms and conditions remain unchanged.**

See Annex A, Section 62.75(j).

Disposition of Contract Summaries and Supplier Requests for Commission Review

Contract Summaries Referenced in Section 62.75(i)

The Commission will not change the proposed language in Section 62.75(i), which will be finalized as follows: “The NGS shall provide, with the disclosure statement, a separate NGS contract summary in a format provided by the Commission.” See Annex A, Section 62.75(i). We emphasize that the contract summary will not be embedded in the regulations, as this will allow the Commission

the flexibility to more easily and readily revise the contract summary in the future, with stakeholder input, to address arising issues or changes in the evolving energy markets. See Proposed Rulemaking Order, Docket L-2015-246594 at p. 16; see also Final Omitted Rulemaking Order Re Electric Disclosure Statement, Docket No. L-2014-2409385 at pp. 15, 21, 25—27 (Final Order entered April 3, 2014). In response to IRRRC’s concern that stakeholders may not be provided an opportunity to comment on any proposed revisions to the contract summary, the Commission notes that as the contract summary is being adopted as written in Attachment A to this Order. The Commission is required to give all stakeholders notice and an opportunity to be heard prior to rescinding or amending this contract summary. See 66 Pa.C.S. § 703(g) (relating to rescission or amendment of orders). The Commission has and will continue to comply with this statutory requirement.

The parties generally agree as to the basic proposed framework for and benefits of the one-page contract summary. See RESA Comments at 10—12, WGL Comments at 5-6, National Marketers Comments at 5, PA Marketers Comments at 5-6, OCA Comments at 12—14. RESA contends that Commission revisions to the contract summary should be published in the *Pennsylvania Bulletin* in order to effectuate proper notice. In response to this concern, the Commission will include a copy of the most updated contract summary on its website. If the Commission or any other stakeholder seeks to revise the contract summary, the Commission will ensure that proper notice is given to all interested stakeholders as required by law.

The supplier community requests that Contract Start Date in the summary be expressed as a generalized statement and not with reference to a specific date, as the actual contract start date depends on the utility switching processes outside the supplier’s control. In light of this valid concern, we will add “the approximate” to the start date row as follows: Plain language regarding the approximate start of NGS service. See Attachment A.

In light of our replacement of the word “term” with “duration” throughout these final-form regulations, we will also replace “term” with “duration” in the contract summary. See *id.*; see Annex A, Section 62.81.

The supplier community also contends that including any information on renewal and change of terms notices in a one-page contract summary is confusing and unnecessary. See RESA Comments at 12; National Marketers Comments at 5; WGL Comments at 6-7. The purpose of this requirement is to make customers aware of what happens at the end of the contract and to take steps necessary to avoid any unexpected and potentially adverse outcome that the customer may encounter upon expiration of the contract. Accordingly, we will maintain this section within the contract summary, but add the label “End of Contract” and shorten the description to “Treatment of customer at the end of contract in plain language.” See Attachment A. Suppliers will be afforded more flexibility to provide a general, concise statement in this portion of the contract summary.

OCA requests the inclusion of additional information to the one-page contract summary in order to aid consumers. See OCA Comments at 12—14. We appreciate OCA’s suggestions, but caution that inclusion of too much information potentially undermines the very purpose of the contract summary: to be a concise and effective tool for easily understanding the significant terms and conditions of the supply contract. However, we do agree with some of OCA’s suggestions and will make the following

⁸ “A customer shall be informed of the 3-business-day right of rescission of the transaction under §§ 54.5(d) and 62.75(d) (relating to disclosure statement for residential and small business customers) and the customer’s rights under section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P.S. § 201-7) at the end of the verification process contact.” 52 Pa. Code § 111.7(b)(3).

⁹ A supplier “[s]hall provide accurate and timely information about services and products being offered. Information includes rates being offered, contract terms, early termination fees and right of cancellation and rescission.” 52 Pa. Code § 111.12(d)(4).

clarifications to the contract summary. For the Natural Gas Supplier Information section, we will change “gas commodity charges” to “gas commodity/supply charges.” See Attachment A. For Natural Gas Price Structure, we will change “fixed or variable” to “fixed, variable or other,” as the supplier may offer a product with a price structure, such as a flat price product, that does not neatly align with either a fixed or variable pricing scheme. For the Natural Gas Supply Price section, we will add the phrase “full disclosure” to the description of any introductory rate. See *id.* For the Incentives section, we will add “criteria” and “conditions” to the description. See *id.*

Supplier Requests for Commission Review of Contract Terms

As WGL soundly notes in its comments, Commission staff may provide informal, non-binding opinions as to the form and legality of supplier contracts and supplier contract summaries. See 52 Pa. Code § 1.96 (relating to unofficial statements and opinions by Commission personnel), WGL Comments at 14-15. Suppliers do have an independent duty to know and understand Commission regulations for compliance purposes under 66 Pa.C.S. § 2208(b). See WGL Comments at 14-15. Commission staff and the Commission’s Office of Competitive Market Oversight will continue to provide informal feedback to reasonable requests by suppliers to review contract statements.

RESA contends that Commission staff review of the contract summary would be more beneficial if the staff review carried some weight and authority. RESA Comments at 12. RESA suggests that the Commission require I&E to review disclosure statements and issue private letters that no action of an enforcement nature will be taken based on the facts presented—if I&E deems the proposed terms and conditions to be compliant with current regulations. *Id.* at 19. We note that I&E is an independent bureau that prosecutes service and rate complaints pertaining to utilities and suppliers under the Commission’s jurisdiction. Requiring I&E to issue these private “no action” letters, which are advisory in nature, could hamper and improperly interfere with I&E’s enforcement efforts. See 66 Pa.C.S. § 308.2(b) (relating to prohibition on commingling of functions). Therefore, we will not direct I&E to review disclosure statements for form and legality.

Disposition of Section 62.81

Use of the Term “Fixed Duration/Length Contract” in Section 62.81

Most parties endorse the Commission’s proposal to change the word “term” to “duration” in this section for clarification purposes. WGL Comments at 9; PA Marketers Comments at 7. While RESA does not object to “fixed duration,” RESA opines that “fixed length” may be more easily understood by the average consumer. RESA Comments at 16. As “fixed duration contract” is definitionally more precise and less ambiguous than “fixed term” or “fixed length” contract, we will retain “fixed duration contract.”¹⁰ See Annex A, Section 62.81. However, in light of RESA’s concern, we note that the contract summary will refer to the duration/length of the contract in order to facilitate the consumer’s understanding. See Attachment A.

¹⁰ We also note that Ohio’s disclosure statement regulations refer to the “contract duration.” See Ohio Admin. Code 4901:1-29-11(O).

Timeframes for Initial and Options Notices in Sections 62.81(a)(1) and 62.81(a)(2)

The supplier community generally supports the proposed time period for the initial and options notices because the 45–60 day advance notice for the initial notice and the 30-day advance notice for the options notice align with the rules applicable to the electric industry. RESA Comments at 13, National Marketers Comments at 5; PA Marketers Comments at 6. WGL believes one 45-day options notice is sufficient. WGL Comments at 8. OCA and PULP do not provide language changes or suggestions to the notice timeframes. However, IRRC questions the reasonableness of reducing the existing notice timeframes and recommended that the Commission keep the current timeframes in place until the gas industry moves to accelerated switching. IRRC Comments at 5. Currently, the Commission’s regulations require NGSs to send notices to customers at about 90 days and 60 days prior to the expiration of a contract or the effective date of a proposed change in terms. See 52 Pa. Code § 62.75(g).

This Commission is concerned about forcing uniform notice requirements at this time, since supplier switching standards and timeframes are much different in the gas industry than in the electric industry. However, we still believe it is important to improve internal switching processes and notice timeframes, to the extent possible. The twin goals of uniform gas/electric notice requirements are 1) to avoid subjecting NGSs to more burdensome and costly administrative requirements and 2) to avoid undating and confusing consumers with multiple notices regarding their dual electric and gas supply contracts. As RESA attests, most switches usually occur within 11–40 days of a request. See RESA Comments at 14. Therefore, a customer who receives an options notice 30 days prior to the contract expiration may have to wait another month before effectuating a switch to a new supplier. Therefore, in finding middle ground between the current 60 day requirement and the proposed 30 day requirement, we will adjust the options notice requirement to “at least 45 days prior to the expiration date of the fixed duration contract or the effective date of the proposed change in terms.” See Annex A, Section 62.81(a)(2). This timeframe will better ensure that in most scenarios a customer will not have to wait until the following month if the customer switches soon after receiving the options notice.

Based on the adjustment to the options notice, we will adjust the 90-day initial notice requirement to “60 to 75 days prior to the expiration date of the fixed duration contract or the effective date of the proposed change in terms.” See Annex A, Section 62.81(a)(1). The electric regulations require the initial notice 45–60 days in advance of the contract expiration or change in terms and options notice at least 30 days prior. See 52 Pa. Code § 54.10(1), (2)(ii)(A)(I). Therefore, a supplier providing a dual gas/electric contract can send the dual gas/electric initial notice at least 60 days prior and the dual gas/electric options notice at least 45 days prior in compliance with both regulations. If a dual gas/electric supplier is concerned about the timing of its notices, the supplier may seek informal advice or a formal determination from the Commission. See 52 Pa. Code §§ 1.96, 5.42.

IRRC also expresses a concern that an NGS may attempt to send both the initial and options notice in the same mailing or at the same time. See IRRC Comments at 6. We believe the regulation, as written, indicates that two separate notices are required. However, to clarify that

these notices must be disseminated at separate times, we will rewrite Section 62.81(a)(2) to indicate that the options notice must be disseminated after the initial notice: “An options notice shall be provided after the initial notice to each affected customer...” See Annex A, Section 62.81(a)(2).

Use of Electronic Notices in Sections 62.81(a)(1) and 62.81(a)(2)

RESA, the PA Marketers, and WGL Energy urge the Commission to permit the options notices to be sent electronically, provided that the customer has agreed to accept electronic communications. RESA Comments at 18; PA Marketers Comments at 7; WGL Comments at 14. IRRC also asked the Commission to revise the final-form regulation to allow a customer to elect to receive the options notice in an electronic form as an alternative to first-class mail. IRRC Comments at 6. In light of the increasing number of customers who prefer electronic mail, we agree with IRRC and we will allow the options notice to be transmitted electronically, so long as the customer has affirmatively elected to receive electronic notice. Therefore, we will revise and edit Section 62.81(a)(2) to state: “the notice shall be provided by first class mail unless the customer has affirmatively elected to receive electronic communications from the NGS.” See Annex A, Sections 62.81(a)(2).

Clarification in Section 62.81(a)(1)(vi)

IRRC asks the Commission for clarification on the language “how to avoid the fee, if possible” in proposed Section 62.81(a)(1)(vi), specifically inquiring as to whether a customer could be charged a cancellation fee, even if the customer has fulfilled all the requirements of the fixed duration contract. If a customer fulfills all the requirements of the fixed duration contract, the customer should not be charged an early cancellation fee. This language is similar to the language in our electric disclosure statement regulations. See 52 Pa. Code § 54.10(1)(vi). As we stated in the electric disclosure statement final rulemaking order, the Commission strongly believes that customers nearing the end of a fixed duration contract need to be made aware if their existing contract has a cancellation fee. See Chapter 54 Regulations Regarding Electric Disclosure Statement for Residential and Small Business Customers, Docket No. L-2014-2409385 at p. 32 (Final-Omitted Rulemaking Order entered April 3, 2014). If the customer desires to switch suppliers, then the customer needs to know how to avoid any cancellation fee and not switch before the end of the contractual agreement with the current supplier. We have not received any complaints related to this language, but in light of IRRC’s concerns, we will slightly modify and clarify the language in Section 62.81(a)(1)(vi). The final-form regulation will provide:

(vi) A statement indicating whether the existing fixed duration contract has a cancellation fee and an explanation of the fee amount and how to avoid the **cancellation** fee, [**if possible,**] including notice of the date when the customer can choose a different product from the customer’s existing NGS, choose an alternative NGS or return to the supplier of last resort.

Annex A, Section 62.81(a)(1)(vi).

Notice of Price Changes and Month-to-Month Contract Conversions in Section 62.81(a)(2)(ii)

Due to technical and administrative challenges, an increase in mailing costs, and an increase in business

risks, the supplier community generally opposes requiring a supplier to provide a 30-day notice of a price change if a customer fails to respond to the options notice and is converted to a month-to-month contract. See PA Marketers Comments at 6; RESA Comments at 15-16 (contending this would lead to higher prices for consumers); National Marketers Comments at 7. In suggesting that a 10–15 day notice timeframe of price changes is more reasonable, the PA Marketers also note that suppliers could provide the option of email or SMS text notification to ensure that the customer still receives notice in a timely manner. PA Marketers Comments at 6.

The supplier community also urges the Commission to permit conversion of a fixed duration contract to a month-to-month contract without requiring advance notice of price changes. RESA Comments at 17-18; National Marketers Comments at 7. RESA contends that requiring this advance notice of the price change would “obliterate” the opportunity to convert a customer to a month-to-month contract after the customer fails to respond to the options notice. RESA Comments at 15.

OCA supports the 30-day notice of a price change in proposed Section 62.81(a)(2)(ii)(A)(I). See OCA Comments at 14. The purpose of the provision is to provide additional protection to those customers who do not respond to the options notice and are thereby converted to a month-to-month fixed or variable price contract without affirmatively agreeing to that type of product. See Proposed Rulemaking Order, Docket L-2015-2465942, at p. 21 (Order entered March 26, 2015).

IRRC questions whether it was still reasonable to allow an NGS to convert a customer from a fixed rate plan to a variable rate plan without affirmative customer consent. IRRC Comments at 6. Our electric disclosure regulations currently require the same 30-day notice of a price change and allow for conversion from a fixed rate plan to a variable rate plan. See 52 Pa. Code § 54.10(2)(ii)(A)(I). The conversion from a fixed rate plan to a variable rate plan has been a contractual practice in the retail energy markets since 2001. Accordingly, we implemented and will now finalize important additional consumer protections, such as the revised Section 62.75 on the required disclosure statement and this additional Section 62.81 on required customer notices regarding contract expiration or a change in contractual terms. Further, we agree with IRRC and will require the options notice to inform the customer of what will occur if the customer fails to respond to the notices. IRRC Comments at 6. Critically, a customer may still cancel the variable rate plan at any time without a penalty, as a month-to-month contract in this scenario must not, under these finalized regulations, include a cancellation fee. See Annex A, Section 62.81(b)(1)(i).

With respect to IRRC’s question as to what happens to a customer if the NGS declines to renew a contract upon expiration, we note that the NGS is obligated to inform the customer of the available options in the options notice. In this scenario, a customer cannot remain with the current NGS; so, if the customer does nothing, the customer would return seamlessly to the supplier of last resort. We will add the following language to the regulation to address this scenario:

(i) A statement advising the customer of the specific changes being proposed by the NGS and informing the customer of how to exercise the customer’s options, including the customer’s ability to accept the proposed changes, to choose another product offering from the customer’s existing NGS, to select another

NGS or to return to the supplier of last resort, **and what will occur if the customer fails to respond to the notice. If the NGS intends to discontinue service to the customer at the end of the contract, the options notice must include a statement that the NGS will no longer serve the customer at the end of the contract and that the customer will be returned to the supplier of last resort if the customer does not select another NGS.**

See Annex A, Section 62.81(a)(2)(i).

We understand that the 30-day notice requirement in Section 62.81(a)(2)(ii)(A)(I) may impede the ability of suppliers to offer certain products, especially variable rate products. However, based on the above comments, and at this stage in the development of the market, the Commission believes the 30-day advance notice of price changes is still an important consumer protection. As noted in our Electric Disclosure Statement Final-Omitted Rulemaking Order, because many of the customers enrolled in fixed-term contracts have affirmatively chosen a fixed rate, these customers may need more information regarding the potential variability in rates they may experience upon contract expiration or when the terms of the contract are changed. See Chapter 54 Regulations Regarding Electric Disclosure Statement for Residential and Small Business Customers, Docket No. L-2014-2409385 at p. 32 (Final-Omitted Rulemaking Order entered April 3, 2014). We believe this same rationale applies in the competitive natural gas marketplace, as well. Therefore, we will retain the language in Section 62.81(a)(2)(ii)(A)(I). See Annex A, Section 62.81(a)(2)(ii)(A)(I).

IRRC also asks the Commission to ensure certain terms, such as billed prices and marketed prices, are clear and consistent throughout these regulations. See IRRC Comments at 2. Under the definition in Section 62.72, a “billed price” is the “disclosed NGS price[] on the customer bill.” For purposes of clarity, we have inserted the word “billed” into the regulations Sections 62.81(a)(2)(ii), 62.81(a)(2)(ii)(A)(I), 62.81(a)(2)(ii)(A)(II), and 62.81(a)(2)(ii)(B). See Annex A, Sections 62.81(a)(2)(ii), 62.81(a)(2)(ii)(A)(I), 62.81(a)(2)(ii)(A)(II), and 62.81(a)(2)(ii)(B).

Cancellation Fees in Section 62.81(b)

Overall, commentators suggest few changes to proposed Section 62.81(b). Proposed Section 62.81(b) specifies that if a customer does not respond to the initial notice or options notice, then the fixed duration contract shall be converted into another fixed duration contract or a month-to-month contract, so long as neither converted contract contains cancellation fees. In contrast to that proposal, WGL Energy contends that auto-renewals that include cancellation fees are sound public policy and important features of a competitive market. WGL Comments at 9–13 (asserting that energy choice programs in Maryland that include these processes have been a success). WGL believes that disallowing auto-renewals with early cancellation fees will lead to reduced supplier retention rates and diminished competitive markets and product offerings in Pennsylvania. *Id.* at 12.

Similar to our rationale for Section 62.81(a)(2), the Commission proposed this provision to provide additional protection to those customers who do not respond to the options notice and are thereby converted to a month-to-month fixed or variable price contract without affirmatively agreeing to that type of product. WGL states that about 50% of customers do not re-sign due to inertia or

the hassle of signing and returning a new contract. WGL Comments at 12. WGL argues that allowing auto-renewals with cancellation fees in a regulatory environment with fair rules will benefit the retail energy market and provide customers with more competitive product offerings. See *id.*

We must balance our role of facilitating the market while still protecting the consumer. Notably, this consumer protection provision still exists in our electric regulations, 52 Pa. Code § 54.10(3)(i), and the retail electric supply market continues to grow and remain competitive. As we stated in the Proposed Rulemaking Order, the Commission does not have clear authority to set or regulate the amount of cancellation fees. Docket No. L-2015-2465942, at p. 21 (Order entered March 26, 2015). We expect and ask customers to stay alert for and act on expiration notices from suppliers. However, as WGL notes in its comments, approximately half of the customers, whether through neglect or inadvertence, will still overlook and ignore notices, later finding themselves automatically enrolled in a new product that potentially has a higher price and a cancellation fee. We do not want to establish rules that more easily allow a customer to be ensnared and held captive to hidden cancellation fees that are bundled with an auto-renewal. Aside from harm to individual customers, this could also freeze customer migration and cause serious harm to the overall impression of the competitive gas retail supply market. Therefore, we will retain the proposed language, which prohibits auto-renewals with cancellation fees. See Annex A, Section 62.81(b). Importantly, this regulation does not preclude a supplier from offering the customer a new product with cancellation fees, though the customer must affirmatively agree to that product.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 20, 2015, the Commission submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2705 (June 6, 2015), to IRRC and the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee (House and Senate Committees) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on June 29, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on June 30, 2016, and approved the final-form rulemaking.

Conclusion

Similar to our 2014 revisions and regulatory reforms in the electric industry, the Commission finalizes regulations at 52 Pa. Code §§ 62.72, 62.75, and 62.81 regarding customer disclosure information in the natural gas supply market. During the polar vortex in the winter of 2014, we observed first-hand the frustrations of customers enrolled in variable priced electric supply contracts who were not sufficiently aware of potentially significant price increases due to fluctuating wholesale market conditions. We want to avoid this kind of occurrence in the retail gas supply

market. We finalize these regulations in order to protect consumers and better inform customers about the scope and limits of rate variability, the terms and conditions of an NGS contract, and a customer's options prior to and after the expiration of their current contract for gas supply.

The finalized regulations, which are substantially similar to the finalized electric disclosure regulations, require enhanced disclosure information and notices from NGSs to customers. Well-informed customers are essential participants in a successful competitive retail market. Therefore, we finalize the attached updates and revisions to our regulations in order to create a more user-friendly marketplace that should continue to attract increased numbers of customers. See Annex A, Proposed 52 Pa. Code §§ 62.72, 62.75, and 62.81.

Accordingly, pursuant to sections 501 and 2208 of the Public Utility Code (66 Pa.C.S. §§ 501 and 2208); 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 thereunder at 4 Pa. Code §§ 7.231—7.234, we seek to finalize the regulations set forth in Annex A; *Therefore,*

It Is Ordered That:

1. The regulations of the Commission, 52 Pa. Code Chapter 62, are amended by adding § 62.81 and by amending §§ 62.72 and 62.75 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

2. The natural gas supplier contract summary is adopted as set forth in Attachment A to this Final Rulemaking Order.

3. The Law Bureau shall submit this Final Rulemaking Order, Attachment A and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.

4. The Law Bureau shall submit this Final Rulemaking Order, Attachment A and Annex A for review by the designated standing committees of both houses of the General Assembly, and for review by IRRC.

5. The Law Bureau shall deposit this Final Rulemaking Order, Attachment A and Annex A with the Legislative Reference Bureau for final publication in the *Pennsylvania Bulletin*.

6. These regulations shall become effective upon publication in the *Pennsylvania Bulletin*.

7. The Commission's Office of Competitive Market Oversight shall provide further direction to currently licensed natural gas suppliers serving residential and/or small business customers regarding the submission of NGS Contract Summaries to the Commission for informal review.

8. This Order and Annex A, revising the regulations appearing in Title 52 of the *Pennsylvania Code* Chapter 62 relating to Natural Gas Choice, be served on all licensed Natural Gas Suppliers, the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and those parties who submitted comments to the December 18, 2014 Final Order at Docket No. 1-2013-2381742 and the Proposed Rulemaking Order at Docket No. L-2015-2465942.

9. A copy of this Final Rulemaking Order, Attachment A and Annex A shall be posted on the Commission's web site at the Office of Competitive Market Oversight web page and on the web page for the Investigation of Pennsylvania's Retail Gas Supply Market.

10. The contact person for legal issues related to this rulemaking is Jennedy S. Johnson, Assistant Counsel, Law Bureau, (717) 265-8423. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

(Editor's Note: See 46 Pa.B. 3894 (July 16, 2016) for IRRC's approval order.)

Fiscal Note: Fiscal Note 57-309 remains valid for the final adoption of the subject regulations.

ATTACHMENT A Natural Gas Supplier Contract Summary

<i>Natural Gas Supplier Information</i>	Name, telephone number, website, etc. Plain language statement that NGS is responsible for gas commodity/supply charges.
<i>Natural Gas Price Structure</i>	Fixed, variable or other. If variable, based on what? If variable, how often is the price expected to vary? If variable, give any applicable ranges/ceilings. If no ranges/ceilings, a plain language statement indicating this fact. If variable, describe when the customer will receive notification of price changes in relation to time of month, final monthly meter read, billing cycle or when the price takes effect.
<i>Natural Gas Supply Price</i>	\$/unit or ¢/unit. If variable price, the first billing cycle's rate. Full disclosure of any introductory rate.
<i>Statement Regarding Savings</i>	Plain language that the supply price may not always provide savings to the customer.
<i>Deposit Requirements</i>	Any deposit requirements necessary for a customer and any terms associated with that deposit, in plain language.
<i>Incentives</i>	Any bonuses, discounts, cashback, offers, etc. and any associated terms, criteria and conditions, in plain language.

<i>Contract Start Date</i>	Plain language regarding the approximate start of NGS service.
<i>Contract Duration/Length</i>	In months, billing cycles, etc.
<i>Cancellation/Early Termination Fees</i>	Yes or no. If yes, describe the amount of the fee and how to avoid that fee, if possible.
<i>End of Contract</i>	Treatment of customer at the end of contract in plain language.

Statement of Commissioner Pamela A. Witmer

In accordance with Section 1102 of the Commonwealth’s Ethics Act, 65 Pa.C.S.A. § 1102, I will recuse myself from this Rulemaking due to my future employment with UGI Energy Services, a Natural Gas Supplier licensed in Pennsylvania.

PAMELA A. WITMER,
Commissioner

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE
Subchapter C. CUSTOMER INFORMATION DISCLOSURE

§ 62.72. Definitions.

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

Basic services—Services necessary for the physical delivery of natural gas to a retail customer, consisting of natural gas distribution services and natural gas supply services.

Billed price—The disclosed NGS price on the customer bill.

* * * * *

§ 62.75. Disclosure statement for residential and small business customers.

(a) The disclosure statement prices must reflect the marketed prices and the billed prices.

(b) The NGS shall provide the customer a written disclosure statement containing the terms of service at no charge whenever:

- (1) The customer requests that an NGS initiate service.
- (2) The NGS proposes to change the terms of service.

(c) The disclosure statement’s terms of service shall be disclosed, including the following terms and conditions, if applicable:

(1) Commodity charges shall be disclosed according to the actual prices and be presented in the standard pricing unit of the NGDC or other Commission-approved standard pricing unit. Commodity charges must include estimated total state taxes. Commodity charges exclude State sales tax and county tax.

(2) The variable pricing statement (if applicable) must include:

(i) Conditions of variability (state on what basis prices will vary) including the NGS’s specific prescribed variable pricing methodology.

(ii) The starting price and the ceiling price, if the ceiling price is applicable. If the price is introductory, the variable pricing statement must include a statement that the price is an introductory price, the duration of the

introductory period and the price for the first billing cycle after the introductory period.

(iii) If there is not a limit on price variability, the NGS shall provide a clear and conspicuous statement that there is not a limit on how much the price may change from one billing cycle to the next.

(iv) A description of when and how the customer will receive notification of price changes.

(v) A telephone number and Internet address at which a customer may obtain the previous 24 months’ average monthly billed prices for that customer’s rate class and NGDC service territory. If an NGS has not been providing service in a rate class and NGDC service territory for 24 months, the NGS shall provide the average monthly billed prices for the months available to date. If price history or representative price information is not available for the product, the NGS shall inform the customer of this fact.

(vi) In plain language, a statement that historical pricing is not indicative of present or future pricing.

(3) An itemization of basic and nonbasic charges distinctly separate and clearly labeled.

(4) The length of the agreement, which includes:

- (i) The starting date.
- (ii) The expiration date, if applicable.

(5) An explanation of sign-up bonuses, add-ons, limited time offers, other sales promotions and exclusions, if applicable.

(6) An explanation of prices, terms and conditions for special services, if applicable.

(7) The cancellation provisions, if applicable.

(8) The renewal provisions, if applicable.

(9) An explanation of limits on price variability, penalties, fees or exceptions, printed in type size larger than the type size appearing in the terms of service. Penalties shall be disclosed in actual dollars or a specific method for determining the actual dollars shall be disclosed.

(10) Customer contact information that includes the name of the NGS, the NGS’s address, telephone number, Commission license number and Internet address, if available.

(11) A statement providing that information about shopping for a gas supplier is available at www.PaGasSwitch.com or other successor media platform as determined by the Commission, by calling the Commission at (800) 692-7380 and at www.oca.state.pa.us.

(d) Customers shall be provided a 3-day right of rescission period following receipt of the disclosure statement from the NGS.

(1) The 3-day right of rescission is 3 business days.

(2) The 3-day right of rescission begins when the customer receives the disclosure statement from the NGS.

(3) The customer may cancel in writing, orally or electronically, if available, by contacting the NGS.

(4) Waivers of the 3-day right of rescission are not permitted.

(e) The definition for commodity charges is required on natural gas disclosure statements and must be defined in accordance with § 62.80 (relating to common natural gas competition terms). Definitions for other basic charges, if applicable, are required. Definitions for each of the nonbasic services, if applicable, are required. The definition section of the bill must be distinctly separate.

(f) The NGS shall include in the customer's disclosure statement the following statements which may appear together in a paragraph:

(1) "Commodity prices and charges are set by the natural gas supplier you have chosen."

(2) "The Public Utility Commission regulates distribution prices and services."

(g) Disclosure statements must include the following customer notification:

"If you have a fixed duration contract approaching the expiration date, or whenever we propose to change the terms of service, you will receive two separate written notifications, the first approximately 60 to 75 days in advance and the second 45 days in advance of either the expiration date or the effective date of the proposed changes. These notifications will explain your options going forward."

(h) If the supplier of last resort changes, the new supplier of last resort shall notify customers of that change, and shall provide customers with the name, address, telephone number and Internet address, if available.

(i) The NGS shall provide, with the disclosure statement, a separate NGS contract summary in a format provided by the Commission.

(j) If the contract is assignable, the NGS shall inform the customer at the time the parties enter into the contract. Prior to a contract assignment, the NGS shall provide notice to the affected customer, the affected NGDC and the Commission. The customer notice must include the name of the new NGS, the contact information for the new NGS and language informing the customer that contract terms and conditions remain unchanged.

§ 62.81. Notice of contract expiration or change in terms for residential and small business customers.

(a) An NGS shall provide the following notices to customers prior to the expiration of a fixed duration contract or prior to a change in contract terms:

(1) An initial notice shall be provided to each affected customer 60 to 75 days prior to the expiration date of the fixed duration contract or the effective date of the proposed change in terms. For a customer who has elected to receive electronic communications from the NGS, the notice shall be transmitted in the manner chosen by the customer. The initial notice must include:

(i) A general description of the proposed change in terms of service.

(ii) The date a change shall be effective or when the fixed duration contract is to expire.

(iii) An explanation of why a change in contract terms is necessary.

(iv) A statement indicating when a follow-up options notice shall be issued with details regarding the proposed change.

(v) A statement explaining that the options notice must discuss the customer's options to the proposed change in terms of service or expiring fixed duration contract.

(vi) A statement indicating whether the existing fixed duration contract has a cancellation fee and an explanation of the fee amount and how to avoid the cancellation fee, including notice of the date when the customer can choose a different product from the customer's existing NGS, choose an alternative NGS or return to the supplier of last resort.

(2) An options notice shall be provided after the initial notice to each affected customer at least 45 days prior to the expiration date of the fixed duration contract or the effective date of the proposed change in terms. The notice shall be provided by first class mail unless the customer has affirmatively elected to receive electronic communications from the NGS. The options notice must include:

(i) A statement advising the customer of the specific changes being proposed by the NGS and informing the customer of how to exercise the customer's options, including the customer's ability to accept the proposed changes, to choose another product offering from the customer's existing NGS, to select another NGS or to return to the supplier of last resort, and what will occur if the customer fails to respond to the notice. If the NGS intends to discontinue service to the customer at the end of the contract, the options notice must include a statement that the NGS will no longer serve the customer at the end of the contract and that the customer will be returned to the supplier of last resort if the customer does not select another NGS.

(ii) Information regarding the new billed price or renewal billed price, including the price to be charged for the first billing cycle of commodity service:

(A) If a customer fails to respond to the options notice and is converted to a month-to-month contract, the NGS shall provide a disclosure statement under § 62.75 (relating to disclosure statement for residential and small business customers).

(I) Notice of a subsequent change in billed price shall be provided to the customer at least 30 days prior to the new price being charged.

(II) For a customer who has elected to receive electronic communications from the NGS, notice of the change in billed price shall be transmitted in the manner chosen by the customer. For other customers, notice shall be provided by first class mail.

(B) If a customer fails to respond to the options notice and is entered into a new fixed duration contract, the NGS shall provide the billed price to be charged and the length of the contract.

(iii) The telephone numbers and Internet addresses, as applicable, for the Office of Consumer Advocate, the Commission and PaGasSwitch.com.

(iv) Language clearly visible on the front of the envelope used to provide the options notice stating that it

contains important information regarding the expiration or changes in terms of the customer's natural gas supply contract.

(b) When a customer fails to respond to the initial notice and the options notice, the following apply:

(1) A fixed duration contract shall be converted to one of the following:

(i) A month-to-month contract, either at the same terms and conditions or at revised terms and conditions, as long as the contract does not contain cancellation fees.

(ii) Another fixed duration contract, as long as the new contract includes a customer-initiated cancellation provi-

sion that allows the customer to cancel at any time, for any reason, and does not contain cancellation fees.

(2) The converted contracts must remain in place until the customer chooses one of the following options:

(i) Selects another product offering from the existing NGS.

(ii) Enrolls with another NGS.

(iii) Returns to the supplier of last resort.

[Pa.B. Doc. No. 16-1391. Filed for public inspection August 12, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 2, 2016.

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

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>												
7-31-2016	Wayne Bank Honesdale Wayne County Merger of The National Bank of Delaware County, Walton, NY, with and into Wayne Bank, Honesdale, PA. As a result of the merger, the following branch offices of The National Bank of Delaware County became branch offices of Wayne Bank: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">131—133 Delaware Street Walton Delaware County, NY</td> <td style="width: 50%;">314 Main Street Andes Delaware County, NY</td> </tr> <tr> <td>536 Main Street Franklin Delaware County, NY</td> <td>35861 State Highway 10 Hamden Delaware County, NY</td> </tr> <tr> <td>1 Churchill Avenue Stamford Delaware County, NY</td> <td>53898 State Highway 30 Roxbury Delaware County, NY</td> </tr> <tr> <td>3 River Road Callicoon Sullivan County, NY</td> <td>1972 Route 52E Liberty Sullivan County, NY</td> </tr> <tr> <td>4353 Highway 42 Monticello Sullivan County, NY</td> <td>93 Main Street Narrowsburg Sullivan County, NY</td> </tr> <tr> <td>43 Stewart Avenue Roscoe Sullivan County, NY</td> <td>101 Sullivan Street Wurtsboro Sullivan County, NY</td> </tr> </table>	131—133 Delaware Street Walton Delaware County, NY	314 Main Street Andes Delaware County, NY	536 Main Street Franklin Delaware County, NY	35861 State Highway 10 Hamden Delaware County, NY	1 Churchill Avenue Stamford Delaware County, NY	53898 State Highway 30 Roxbury Delaware County, NY	3 River Road Callicoon Sullivan County, NY	1972 Route 52E Liberty Sullivan County, NY	4353 Highway 42 Monticello Sullivan County, NY	93 Main Street Narrowsburg Sullivan County, NY	43 Stewart Avenue Roscoe Sullivan County, NY	101 Sullivan Street Wurtsboro Sullivan County, NY	Effective
131—133 Delaware Street Walton Delaware County, NY	314 Main Street Andes Delaware County, NY													
536 Main Street Franklin Delaware County, NY	35861 State Highway 10 Hamden Delaware County, NY													
1 Churchill Avenue Stamford Delaware County, NY	53898 State Highway 30 Roxbury Delaware County, NY													
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4353 Highway 42 Monticello Sullivan County, NY	93 Main Street Narrowsburg Sullivan County, NY													
43 Stewart Avenue Roscoe Sullivan County, NY	101 Sullivan Street Wurtsboro Sullivan County, NY													
8-2-2016	First Commonwealth Bank Indiana Indiana County Application for approval to purchase assets and assume liabilities of 13 branches of FirstMerit Bank, NA, Akron, OH, located at: <table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">6252 Middlebranch Avenue NE Canton Stark County, OH</td> <td style="width: 50%;">3100 Atlantic Boulevard NE Canton Stark County, OH</td> </tr> <tr> <td>1110 30th Street NW Canton Stark County, OH</td> <td>2917 Whipple Avenue NW Canton Stark County, OH</td> </tr> </table>	6252 Middlebranch Avenue NE Canton Stark County, OH	3100 Atlantic Boulevard NE Canton Stark County, OH	1110 30th Street NW Canton Stark County, OH	2917 Whipple Avenue NW Canton Stark County, OH	Filed								
6252 Middlebranch Avenue NE Canton Stark County, OH	3100 Atlantic Boulevard NE Canton Stark County, OH													
1110 30th Street NW Canton Stark County, OH	2917 Whipple Avenue NW Canton Stark County, OH													

<i>Date</i>	<i>Name and Location of Applicant</i>		<i>Action</i>
	4555 Belden Village Street NW Canton Stark County, OH	5594 Wales Avenue NW Massillon Stark County, OH	
	2150 Locust Street S Canal Fulton Stark County, OH	140 Lincoln Way E Massillon Stark County, OH	
	2704 Lincoln Way E Massillon Stark County, OH	100 Central Plaza S Canton Stark County, OH	
	308 East Gorgas Street Louisville Stark County, OH	4200 Park Avenue Ashtabula Ashtabula County, OH	
	22 West Jefferson Street Jefferson Ashtabula County, OH		

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-25-2016	Peoples Security Bank and Trust Company Scranton Lackawanna County	435 Wyoming Avenue Kingston Luzerne County	Opened
7-29-2016	Somerset Trust Company Somerset Somerset County	581 Pittsburgh Road Uniontown Fayette County	Approved
7-29-2016	Washington Financial Bank Washington Washington County	173 Millers Run Road Bridgeville Allegheny County	Filed
8-2-2016	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	168 North Flowers Mill Road Langhorne Bucks County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-29-2016	S&T Bank Indiana Indiana County	<i>To:</i> 491 North Cleveland Massillon Akron Summit County, OH <i>From:</i> 3501 Embassy Parkway Akron Summit County, OH	Approved

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-1-2016	Postmark Credit Union Harrisburg Dauphin County Application for approval to merge Postmark Credit Union, Harrisburg, PA, with and into Xceed Financial Credit Union, El Segundo, CA.	Approved

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

ROBIN L. WIESSMANN,
Secretary

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2016

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2016, is 4 1/4%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 1.85 to which was added 2.50 percentage points for a total of 4.35 that by law is rounded off to the nearest quarter at 4 1/4%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-1393. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Raccoon Creek Region Conservation Plan

The Department of Conservation and Natural Resources (Department), Bureau of Recreation and Conservation (Bureau) has approved the Raccoon Creek Region Conservation Plan (Plan) and is placing the 20D Raccoon Creek Watershed (Allegheny, Beaver and Washington Counties) covered in the Plan on the Pennsylvania Rivers Conservation Registry (Registry).

The Washington County Conservation District submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the Department has determined that the Pennsylvania Rivers

Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

- The 20D watershed of the Raccoon Creek including, more specifically, the watersheds of Mill Creek, Service Creek, Traverse Creek, King's Creek, Harmon Creek, Cross Creek and Raccoon Creek.

This action becomes effective August 13, 2016. Projects submitted to the Bureau, which are identified as part of the Plan will be given the highest consideration for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at http://www.dcnr.state.pa.us/brc/conservation/rivers/rivers_registry/index.htm or at the Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 5th Floor, Harrisburg, PA 17101. Questions may be directed to Kelly Rossiter at (717) 772-3319.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 16-1394. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on August 17, 2016, from 1 p.m. to 3:30 p.m. The meeting will be held at the Child Welfare Resource Center, 403 East Winding Hill Way, Mechanicsburg, PA 17055, (717) 795-9048. The meeting is open to the public. For additional information visit the Department of Drug and Alcohol Programs' (Department) web site at www.ddap.pa.gov.

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information visit the previously listed web site or contact Ann Catalano at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Ann Catalano at (717) 214-1937.

This meeting is subject to cancellation without notice.

GAROLD E. TENNIS, Esq.,
Secretary

[Pa.B. Doc. No. 16-1395. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0011436 (Industrial)	Handy & Harman Tube Company 124 Vepeco Boulevard Camden, DE 19934	Montgomery County East Norriton Township	Unnamed Tributary to Stony Creek (3-F)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0239411 (Sewage)	Michael's Restaurant & Motel 970 New Castle Road Butler, PA 16001	Butler County Franklin Township	Unnamed Tributary to the Mulligan Run (20-C)	Yes
PA0025739 (Sewage)	Port Allegany Borough STP 45 W Maple Street Port Allegany, PA 16743-1318	McKean County Port Allegany Borough	Allegheny River (16-C)	Yes
PA0034924 (Sewage)	Paint Elk STP 800 W Hersheypark Drive Hershey, PA 17033	Clarion County Paint Township	Paint Creek (17-B)	Yes
PA0033120 (Sewage)	Eisenhower Jr Sr High School 72 East Avenue, Suite B Warren, PA 16365	Warren County Farmington Township	Fairbanks Run (16-B)	Yes
PA0041645 (Sewage)	PA DOT Rest Area L PO Box 3060 Harrisburg, PA 17105-3060	Erie County Springfield Township	Unnamed Tributary to Turkey Creek (15-A)	Yes

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

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

PA0055671, Sewage, SIC Code 4952, **Worcester Township Montgomery County**, 1721 Valley Forge Road, Worcester, PA 19490-0767. Facility Name: Berwick Place STP. This existing facility is located in Worcester Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Berwick Place STP.

The receiving stream(s), Unnamed Tributary to Skippack Creek, is located in State Water Plan watershed 3-E and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	12.5	18.8	XXX	10	15	20
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	12.5	18.8	XXX	10	15	20
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Ultraviolet light intensity (%)	XXX	XXX	Report	XXX	XXX	XXX
Nitrate-Nitrite as N	12.5	18.8	XXX	10	15	20
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	3.8	5.6	XXX	3.0	4.5	6
May 1 - Oct 31	1.9	2.9	XXX	1.5	2.3	3
Total Phosphorus	0.7	XXX	XXX	1.5	XXX	3

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

- No Stormwater to Sewers
- Obtain Necessary Property Rights
- Proper Sludge Disposal
- Small Stream Discharge

- Notification of Responsible Operator
- Fecal Coliform Reporting
- Operations and Maintenance Manual

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

The EPA Waiver is in effect.

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

PA0026654, Sewage, SIC Code 4952, **New Cumberland Borough**, 1120 Market Street, New Cumberland, PA 17070. Facility Name: New Cumberland STP. This existing facility is located in New Cumberland Borough, **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), Susquehanna River, is located in State Water Plan watershed 7-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.25 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Ultraviolet light dosage (mjoules/cm ²)	XXX	XXX	Report	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	260	417	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)		Wkly Avg				
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	313	469	XXX	30.0	45.0	60
		Wkly Avg				
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	21	XXX	XXX	2.0	XXX	4

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Monthly	Annual	Monthly	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	22,831	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	3,044	XXX	XXX	XXX	XXX

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

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

- Chesapeake Bay Nutrient Monitoring Requirements
- Whole Effluent Toxicity (WET) Testing Requirements
- Stormwater Monitoring Requirements

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

The EPA Waiver is not in effect.

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

Application No. PA0229121 A-1, Concentrated Animal Feeding Operation (CAFO), **Donald G. Cotner (Don Cotner Farms)**, 127 Rushtown Road, Danville, PA 17821.

Donald G. Cotner has submitted an application for the amendment of the Individual NPDES permit for an existing CAFO known as Don Cotner Farms, located in Rush Township, **Northumberland County**.

The CAFO is situated near Carbon Run in Watershed 6-B, which is classified for Cold Water Fishes and Migratory Fishes. The CAFO will be designed to maintain an animal population of approximately 1,856.78 animal equivalent units (AEUs) consisting of 618,928 layers. Manure will be handled dry in five houses and manure storage shed. 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 570-327-3693.

The Environmental Protection Agency (EPA) permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

PA0232793, Sewage, SIC Code 4952, **Gary L. Zimmerman**, 1832 Iowa Road, Brookville, PA 15825-7056. Facility Name: Gary L. Zimmerman SRSTP. This proposed facility is located in Bloom Township, **Clearfield County**.

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

The receiving stream(s), Little Anderson Creek, is located in State Water Plan watershed 8-B 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.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

PA0028266, Sewage, SIC Code 4952, **Troy Borough**, 49 Elmira Street, Troy, PA 16947-1230. Facility Name: Troy Borough Wastewater Treatment Plant. This existing facility is located in Troy Borough, **Bradford 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), Sugar Creek, is located in State Water Plan watershed 4-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 0.4 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)					Max	
(Interim)	XXX	XXX	XXX	0.4	XXX	1.3
(Final)	XXX	XXX	XXX	0.11	XXX	0.37
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	80	125	XXX	25.0	38.0	50
May 1 - Oct 31	43	60	XXX	13.0	19.0	30
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				
Total Suspended Solids	100	150	XXX	30.0	45.0	60
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
		Daily Max				

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ammonia-Nitrogen				Geo Mean		
Nov 1 - Apr 30	15	21	XXX	4.5	6.0	9
May 1 - Oct 31	5.0	6.5	XXX	1.5	2.0	3

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual	Monthly	Monthly Average	Maximum	
Ammonia—N	Report	Report	XXX	Report	XXX	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX	XXX

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

PA0264636, Sewage, SIC Code 4952, 8800, **Diana & George Mastovich**, 1132 Lilly Vue Court, Mars, PA 16046. Facility Name: Diana & George Mastovich SRSTP. This proposed facility is located in Middlesex Township, **Butler County**.

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

The receiving stream is an unnamed tributary to Glade Run, located in State Water Plan watershed 20-C and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000

Geo Mean

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

The EPA Waiver is in effect.

PA0264539, Sewage, SIC Code 4952, 8800, **Peter Henlen**, 1643 Rutledge Road, Transfer, PA 16154. Facility Name: Peter Henlen SRSTP. This proposed facility is located in Delaware Township, **Mercer County**.

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

The receiving stream is an Unnamed Tributary to Shenango River, located in State Water Plan watershed 20-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0264504, Sewage, SIC Code 4952, 8800, **Nina Wilber**, 5052 Route 46, Smethport, PA 16749. Facility Name: Nina Wilber SRSTP. This proposed facility is located in Keating Township, **McKean County**.

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

The receiving stream is a dry swale to Potato Creek, located in State Water Plan watershed 16-C and 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 Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0264555, Sewage, SIC Code 4952, 8800, **Andrew McMichael**, 133 Route 44, Shinglehouse, PA 16748. Facility Name: Andrew McMichael SRSTP. This proposed facility is located in Ceres Township, **McKean County**.

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

The receiving stream is Oswayo Creek, located in State Water Plan watershed 16-C and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

PA0264491, Sewage, SIC Code 4952, 8800, **Ralph Ricciardi**, 2068 Lake Road, Sharpsville, PA 16150. Facility Name: Ralph Ricciardi SRSTP. This proposed facility is located in Jefferson Township, **Mercer County**.

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

The receiving stream is an unnamed tributary to the Shenango River, located in State Water Plan watershed 20-A and classified for Warm Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	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.

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

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

WQM Permit No. 6316401, Sewerage, **North Strabane Township Municipal Authority**, 1929b Rt 519 S, Canonsburg, PA 15317.

This proposed facility is located in North Strabane Township, **Washington County**.

Description of Proposed Action/Activity: Gravity sewer extension along unnamed tributaries of Little Chartiers Creek and Linnwood Road.

WQM Permit No. 1116404, Sewerage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

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

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Moxham Part II Area of the City of Johnstown.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

WQM Permit No. 1116406, Sewerage, **Southmont Borough**, 148 Wonder Street, Johnstown, PA 15905.

This proposed facility is located in Southmont Borough, **Cambria County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation project to replace existing defective sewers in the Phase 2 Area of Southmont Borough.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a potential funding source.

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

WQM Permit No. 2807202, Amendment No. 1, Sewerage, **Hissong Farmstead, Inc.**, 6841 Buchannan Trail West, Mercersburg, PA 17236.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a HDPE-Lined manure storage pond at existing dairy operation.

WQM Permit No. 3816202, Sewerage, **Dwayne Nolt Farm**, 58 East Strack Drive, Myerstown, PA 17067.

This proposed facility is located in Jackson Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction /operation of a third nursery swine barn with underbarn manure storage.

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

WQM Permit No. 1016407, Sewerage, **Breakneck Creek Region Authority**, PO Box 1180, Mars, PA 16046-1180.

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

Description of Proposed Action/Activity: Provide sewerage for a proposed residential development.

WQM Permit No. 2516410, Sewerage, **Barbara McGuigan**, 106 Arbor Lane, McCormick, SC 29835.

This proposed facility is located in North East Township, **Erie County**.

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

WQM Permit No. 6216404, Sewerage, **Spear Proukou**, PO Box 327, Elysburg, PA 17824.

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

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

WQM Permit No. 1079405 A-1, Sewage, **Edward Gulick**, 106 Beatty Drive, Saxonburg, PA 16056-9520.

This existing facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to add sludge holding and dewatering bed.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515035	East Goshen Municipal Authority 1580 Paoli Pike West Chester, PA 19380	Chester	East Goshen Township	Chester Creek TSF-MF Ridley Creek HQ-TSF-MF
PAI011516018	Owen J. Roberts School District 901 Ridge Road Pottstown, PA 19465	Chester	East Coventry Township	Pigeon Run HQ-TSF Schuylkill River HQ-TSF
PAI011508068-R	Robert Davis 15 Fox Den Road Newark, DE 19711	Chester	Franklin Township	Big Elk Creek HQ-TSF-MF
	James K. and Nancy M. Morris 258 North Creek Road Landenberg, PA 19350			

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024514012(1)	Saint Luke's Hospital of Bethlehem 801 Ostrum Street Bethlehem, PA 18015	Monroe	Stroud Township	UNT to Pocono Creek (HQ-CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024814009(1)	Ungerer & Company Attn: Kenneth G. Vorhees, Jr. 4 Bridgewater Lane Lincoln Park, NJ 07035	Northampton	Hanover Township	Monocacy Creek (HQ-CWF, MF)

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI056314010-1	First Pennsylvania Resource, LLC, 33 Terminal Way, Suite 431A Pittsburgh, PA 15219	Washington County	West Finley Township	Robinson Fork (WWF); Beham Run (WWF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062516002	O'Reilly Automotive Store Inc 233 South Patterson Avenue Springfield, MO 65802	Erie	Girard Borough	Godfrey Run HQ, CWF, MF

VII. List of NOIs for NPDES and/or Other General Permit Types

PAG-12	CAFOs
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CAFO Notices of Intent Received

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

PAG128301, CAFO, Sperry Farms, Inc., 11420 Sperry Road, Atlantic, PA 16111.

This existing facility is located in East Fallowfield Township, **Crawford County**.

Description of Size and Scope of Proposed Operation/Activity: Expansion to add new layer barn for 241,000 (706.16 AEU) laying hens.

The nearest potential receiving stream for this operation is an unnamed tributary to Adsit Run which is currently classified as a Warm Water Fishery.

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.

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 4516505, Public Water Supply.

Applicant **Aqua Pa, Inc.**
204 E. Sunbury St.
Shamokin, PA 17872
[Township or Borough] Polk Township
Monroe County

Responsible Official	Patrick R. Burke, PE Aqua Pa, Inc. 204 E. Sunbury St. Shamokin, PA 17872
Type of Facility	PWS
Consulting Engineer	Jonathan Morris, PE GHD 326 East 2nd St. Bloomsburg, PA 17815
Application Received Date	7/19/2016
Description of Action	The application proposes Aqua Pa's Well 5 improvement project consisting of replacing the chlorine contact segment, replacing the chemical feed system, adding corrosion control facilities, installing new piping, and replacing the existing hydropneumatic tank with one of larger capacity for additional storage.

Application No. 4516506MA, Public Water Supply.

Applicant	Pennsylvania 940 Station P O Box 301 East Stroudsburg, PA 18301
[Township or Borough]	Tobyhanna Township Monroe County
Responsible Official	Rubin Barth, Owner P O Box 301 East Stroudsburg, PA 18301
Type of Facility	PWS
Consulting Engineer	Russell D. Scott, PE RKR Hess, A Division of UTRS, Inc. 112 N. Courtland Street East Stroudsburg, PA 18301
Application Received Date	07/25/2016
Description of Action	Decommission and removal of the air stripping treatment.

Application No. 4816503, Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Dr.
Hershey, PA 17033

[Township or Borough] Nazareth Borough

Responsible Official David R. Kaufman, VP—
Engineering
Pennsylvania American Water
800 West Hersheypark Dr.
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Craig B. Darosh, PE
Pennsylvania American Water
Company
4 Wellington Blvd., Suite 2
Wyomissing, PA 19610

Application Received Date 6/15/2016

Description of Action Application proposes the installation of a 304,000 gallon glass lined, bolted steel tank at the Nazareth Reservoir site in order to take the reservoir out of service for the installation of a new liner and cover. The tank will be installed prior to the cover/liner project.

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

Permit No. 3616511, Public Water Supply.

Applicant **Mount Joy Borough Authority**

Municipality Mount Joy Borough

County **Lancaster**

Responsible Official John D. Leaman, Authority
Manager
21 East Main Street
PO Box 25
Mount Joy, PA 17552

Type of Facility Public Water Supply

Consulting Engineer Bryan Panther, P.E.
ARRO Consulting Inc
108 West Airport Road
Lititz, PA 17543

Application Received: 7/21/2016

Description of Action An increase in Well No. 2 maximum pumping rate to 1,250 gpm.

Permit No. 3616512, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania Department of Environmental Protection**

Municipality Leacock Township

County **Lancaster**

Responsible Official Kathleen G. Horvath PG, Land
Recycling Chief
909 Elmerton Avenue
Harrisburg, PA 17110

Type of Facility Public Water Supply

Consulting Engineer David V. Linahan, P.E.
Groundwater & Environmental
Services Inc
440 Creamery Way
Exton, PA 19341

Application Received: 7/25/2016

Description of Action Construction of the Hollander Well 120 gpm. The well will be treated at the previously permitted treatment building.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 1116504MA, Minor Amendment.

Applicant **Greater Johnstown Water Authority**
640 Franklin Street
PO Box 1407
Johnstown, PA 15901

[Township or Borough] Stonycreek Township

Responsible Official Mike Kerr, Manager
Greater Johnstown Water
Authority
640 Franklin Street
PO Box 1407
Johnstown, PA 15901

Type of Facility Water system

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

Application Received Date July 27, 2016

Description of Action Installation of approximately 2,900 feet of 8-inch diameter waterline and appurtenances (Oakland Tank waterline project).

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

Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.

WA 36-574G, Water Allocations. **East Petersburg (PWS ID No. 7360135), Lancaster County.** Water Allocation application from East Petersburg Borough, Lancaster County. The quantity of the allocation requested is 360,000 gallons per day (gpd) from the Graver Spring located in Manheim Township, Lancaster County. Applicant Address: Robin Hemperly, East Petersburg Borough, 6040 Main Street, East Petersburg, PA 17520. Consulting Engineer: Matthew D. Warfel The ARRO Consulting, Inc., 108 West Airport Road, Lititz, PA 17543. Application Received: July 18, 2016.

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

WA 17-632B, Water Allocations. Westover Municipal Authority, 143 Tannery Road, Westover, PA 16692-0186, Westover Borough, **Clearfield County**. Applicant submitted a water allocation application to continue to withdraw water from Rogues Harbor Run in Chest Township, Clearfield County. The existing allocation permit authorizes Westover Municipal Authority to withdraw a maximum 50,000 gallons per day from Rogues Harbor Run. This permit expires September 6, 2016. The applicant is requesting approval to withdraw 50,000 gallons per day from Rogues Harbor Run on an annual average basis. This is the only source currently available to the public water system.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part, and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the following site, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified as follows. During

this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental cleanup program manager in the Department regional office listed before the notice. If information concerning this acknowledgment is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

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

Gerald W. and Ilona A. Houpp Property, 23 Houpp Road, Oley, PA 19547, Oley Township, **Berks County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Wm. R. Gift Company, 2314 Farmington Avenue, Boyertown, PA 19512, and Gerald W. and Ilona A. Houpp, 23 Houpp Road, Oley, PA 19547 submitted a Notice of Intent to Remediate site soil and groundwater contaminated with diesel fuel. The site will be remediated to the Residential Statewide Health Standard. Future use of the site is to be continued for agriculture purposes. The Notice of Intent to Remediate was published in the *Reading Eagle* on July 4, 2016.

VF Outlet Center—Parcels 1—6 and 8, 801 Hill Avenue, Wyomissing, PA 19610, Boroughs of Wyomissing and West Reading, **Berks County**. Environmental Standards, 1140 Valley Forge Road, P.O. Box 810, Valley Forge, PA 19482, on behalf of Cherry Drive Operating, LLC, 301 Oxford Valley Road, Suite 1203A, Yardley, PA 19067, and VF Corporation, VF Outlet, Inc., 801 Hill Avenue, Wyomissing, PA 19610, submitted a Notice of Intent to Remediate site soil contaminated with Inorganics and PAHs. The site will be remediated to the Residential Statewide Health Standard and remain retail and office space. The Notice of Intent to Remediate was published in the *Reading Eagle* on July 16, 2016.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications Received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

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

PAD002395887. Horsehead Corporation, 4955 Steubenville Pike, Suite 405, Pittsburgh, PA 15205. This application is for the 10-year renewal of the existing Hazardous Waste Treatment, Storage and Disposal permit for Horsehead Corporation's Palmerton Recycling facility located in Palmerton Borough, **Carbon County**. The application was received by the Northeast Regional Office on April 21, 2016 and accepted as complete on July 28, 2016.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act; 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. WMGM027D001. Evergreen Recycling Solutions, LLC; 11 Dundar Road, Suite 210; Springfield, NJ 07081-3513; Site: 110 Evergreen Avenue, Newark, NJ 07114-1125. The application is to renew Evergreen Recycling Solutions' determination of applicability under General Permit WMGM027 for the beneficial use of alternative fuel produced by the processing of construction and demolition waste, wood, paper, cardboard, plastic, polymers, rubber, textiles and synthetic fibers, and carpet. The application was deemed administratively complete on June 30, 2016.

Persons interested in reviewing the application may contact Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and regulations to operate a Solid Waste Processing or Disposal Area or Site.

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

Permit Application ID No. 100434. Evergreen Landfill, Inc., P.O. Box 195, Luciusboro Road, Coral, PA 15731. A permit application for a 10-year renewal of a municipal waste landfill, located in Center and Brush Valley Townships, **Indiana County** was received in the Regional Office on July 21, 2016.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the 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 and Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the appli-

cation and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

PLAN APPROVALS

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

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

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

39-00004A: Mack Trucks, Inc. (700 Alburtis Road, Macungie, PA 18062) for their facility in Lower Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received a Plan Approval for Mack Trucks, Inc. (700 Alburts Road, Macungie, PA 18062) for their facility in Lower Macungie Township, Lehigh County. This Plan Approval No. 39-00004A will be incorporated into a Title V Permit through an administrative amendment at a later date.

Plan Approval No. 39-00004A is for the installation and operation of one (1) paint spray booths and one (1) curing oven. The main emissions from these sources are VOCs. The new sources will be required to comply with 25 Pa. Code § 129.52 surface coating 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.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 39-00004A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

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.

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

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

48-00027A: IESI PA Bethlehem Landfill Corp. (2335 Applebutter Road, Bethlehem, PA 18015) Notice is hereby given under 25 Pa. Code § 127.44 and 40 CFR 52.21, that the Department of Environmental Protection (Department) intends to issue the proposed Air Quality Plan Approval 48-00027A to IESI PA Bethlehem Landfill Corp. for the increase in landfill capacity of approximately 3,669,600 cubic yards utilizing the existing landfill gas collection system, which is one (1) landfill gas flare currently installed at their facility in Lower Saucon Township, **Northampton County**.

This change does not represent an increase in allowable tonnage per day and no other current emission limits in the facility Title V permit will change as a result of this modification. The Plan Approval will contain additional recordkeeping, testing, and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 48-00027. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00027A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

OPERATING PERMITS

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

Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110.

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

06-05100: Ontelaunee Power Operating Co. LLC (5115 Pottsville Pike, Reading, PA 19605) to issue a renewal of the Title V Operating Permit for the electric generating plant located in Ontelaunee Township, **Berks County**. The actual emissions from the facility in the 2015 year are estimated at 70 tons of CO, 95 tons of NO_x, 60 tons of PM₁₀, 60 tons of PM_{2.5}, 9 tons of SO_x and 12 tons of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from the Cross State Air Pollution Rule (CSAPR), Title IV of the Clean Air Act for acid rain, 40 CFR 63 Subpart ZZZZ, 40 CFR 60 Subpart KKKK and 25 Pa. Code 129.63.

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

Southcentral Region: Air Quality Program, 909 Elmerston Avenue, Harrisburg, PA 17110.

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

36-05153: Pierson Rheems LLC (5 Heisey Quarry Road, Elizabethtown, PA 17022) to issue a State Only Operating Permit for the stone quarry located in West Donegal Township, **Lancaster County**. The actual emissions from the facility in 2015 year are estimated at 0.63 tpy of PM₁₀. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60 Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

01-05019: ACME Composites (262 Church Street, Hanover, PA 17331) to issue a State Only Operating Permit for their fiberglass automotive after-market accessories manufacturing facility located in Conewago Township, **Adams County**. The actual emissions from the facility in 2015 are estimated at 1.0 ton VOC and 0.03 ton total HAPs. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

04-00181: Interstate Chemical Company, Inc. (2797 Freedland Road, Hermitage, PA 16148), for a facility-wide State Only Operating Permit renewal for the operation of a liquid chemical storage and distribution terminal, known as JOCHAR Vanport, located in Vanport Township, **Beaver County**. The facility contains air contamination sources consisting of 20 storage tanks and four tanker truck loading racks. Emissions from each of the tanks are controlled by either an internal floating roof or a conservation valve. Facility emissions are 4.5 tons of VOC, 0.1 ton of any single HAP, and 0.5 ton of all HAPs combined. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Interstate Chemical's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality

State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412-442-4000.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00181) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412-442-4194).

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940.

25-00456: Keystone Foundry, Division of United Brass Works, Incorporated (944 West 12th Street, Erie, PA 16501) for renewal natural minor permit to operate a Plumbing fixtures fittings and trim manufacturing facility. The facility is located in the City of Erie, **Erie County**. The facility's emitting sources include five Electric Induction Furnaces, Molding Operations, Grinding operations and a 15 KW—Emergency power generator engine. The facility is subject to 40 CFR Part 63 Subpart ZZZZZZ—NESHAPs: Area Source Standards for Aluminum, Copper, and Other Non-Ferrous Foundries. The emergency generator engine is subject to 40 CFR Part 63, Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines. The permit includes the requirements of plan approval 25-399-056 and the applicable Federal Requirements. The actual emissions from the facility in 2015 were Particulate Matter (PM) 1.37 Ton per year (TPY), Particulate Matter less than 10 micron (PM₁₀) 0.02 TPY, Oxides of Sulfur (SO_x) 0.00001 TPY, Oxides of Nitrogen (NO_x) 0.0007 TPY, Carbon Monoxide (CO) 0.0002 TPY, and Volatile Organic Compound (VOC) 0.000004 TPY.

37-00319: Three Rivers Aggregates LLC, Wampum plant (3118 Wampum Road, Wampum, PA 16157-9170) on July 26, 2016 for renewal of the Natural Minor Permit to operate a sand and gravel plant in North Beaver Township, **Lawrence County**. The emitting sources include Crushers (Jaw and Cone crusher), Screens (five vibrating screens), Conveyors, Storage piles and, a Diesel-Generator. The diesel generator engine is subject to 40 CFR Part 63, Subpart ZZZZ. All previously included conditions of Subpart ZZZZ have been revised with the updated version of Subpart ZZZZ. The facility provided the following potential emissions in the permit application: Particulate Matter (PM)—9.25 TPY, PM less than ten microns (PM₁₀)—3.86 TPY, Oxides of Sulfur (SO_x)—0.008 TPY, Carbon Monoxide (CO)—0.39 TPY, Oxides of Nitrogen (NO_x)—9.68 TPY and, Hydro Carbon (HC)—0.40 TPY.

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.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for installation of a degas borehole. Surface Acres Proposed 2.9. No additional discharges. The application was considered administratively complete on July 27, 2016. Application received March 4, 2016.

11841301 and NPDES No. PA0001317. ArcelorMittal Pristine Resources, LLC, (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948). To renew the permit for the Cambria Slope Mine No. 33 in Cambria, Allegheny, Munster, Portage, Summerhill and Croyle Townships, **Cambria County** and related NPDES permit for water treatment and reclamation. No additional discharges. The application was considered administratively complete on July 26, 2016. Application received February 7, 2014.

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** and Morris Township, **Washington County** and related NPDES permit for construction of the 8 North 1 Portal Site, a sewage treatment plant, six boreholes and 1 NPDES Outfall. Surface Acres Proposed 83.1. Receiving Stream: Unnamed Tributary to Ten Mile Creek, classified for the following use: TSF. The application was considered administratively complete on July 26, 2016. Application received March 11, 2016.

30031301 and NPDES No. PA0235610. Dana Mining Company of PA, LLC, (308 Dents Run Road, Morgantown, WV 26501). To renew the permit for the 4-West Mine in Dunkard, Perry and Whiteley Townships, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on July 29, 2016. Application received October 24, 2014.

30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for full extraction mining under Polen and Kent Run in Panels 3L through 5L and perform stream restoration/remediation. No additional discharges. The application was considered administratively complete on July 29, 2016. Application received February 23, 2016.

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

Permit No. 40041601R2. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), renewal and correction to delete 50.0 acres from 183.0 acres for a total of 153.0 permitted acres of an existing anthracite coal preparation plant operation in Hazle Township, **Luzerne**

County, receiving streams: Nescopeck Creek and Hazle Creek, classified for the following use: HQ—cold water fishes. Application received: July 21, 2016.

Permit No. 40-305-012GP12R. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), renewal application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit,

BAQ-GPA/GP-12 on Surface Mining Permit No. 40041601 in Hazle Township, **Luzerne County**. Application received: July 21, 2016.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

Permit No. 6875SM5 and NPDES No. PA0595128. New Enterprise Stone & Lime Co., Inc., 3912 Brumbaugh Road, New Enterprise, PA 16664, renewal of an NPDES Permit, located in Oliver Township, **Mifflin County**. Receiving stream: unnamed tributary to Strudes Run classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 18, 2016.

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

10010309. Annandale Sandstone (219 Goff Station Road, Boyers, PA 16020) Renewal of existing NPDES Permit No. PA0241938 in Venango Township, **Butler County**. Receiving streams: Unnamed tributaries to Seaton Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: July 26, 2016.

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

Permit No. 4874SM2C3 NPDES No. PA0123544. Pennsy Supply, Inc. DBA Oldcastle Industrial Minerals, (1001 Paxton Street, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County** affecting 214.8 acres, receiving stream: Little Conewago Creek, classified for the following uses: Trout stocking. Application received: July 22, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse

disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0262935 (Mining Permit No. 56090113), PBS Coals, Inc., P.O. Box 260, Friedens, PA 15541, renewal of an NPDES permit for surface mining of coal in Stonycreek Township, **Somerset County**, affecting 204.9 acres. Receiving streams: unnamed tributaries to/and Schrock Run, classified for the following use: cold water Fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River Watershed TMDL. Application received: August 17, 2015.

The outfalls listed below discharge to unnamed tributaries to/and Schrock Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N
004	N
005	N

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

<i>Outfalls: 001, 002(All Weather Conditions)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 003, 004, 005 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

NPDES No. PA0262790 (Mining Permit No. 56090107), Fieg Brothers, 3070 Stoystown Road Stoystown, PA 15563, renewal of an NPDES permit for discharge of water resulting from coal mining activities in Stonycreek Township, **Somerset County**, affecting 108.7 acres. Receiving stream: Stonycreek River, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 20, 2016.

The outfalls listed below discharge to Stonycreek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001 (Treatment Pond # 1)	N
002 (Treatment Pond # 2)	N
003 (Sediment Pond # 1)	N
004 (Sediment Pond # 2)	N

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

<i>Outfalls: 001—004 (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

Noncoal NPDES Draft Permits

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

NPDES No. PA0224456 (Mining permit No. 21050301), JR Zimmerman Enterprises, LLC, 35 Ridge Road, Newville, PA 17241, renewal of an NPDES permit for a shale quarry in North Newton Township, **Cumberland County**, affecting 33.31 acres. Receiving stream: unnamed tributary to Green Spring Creek, classified for the following use: cold water fishes. Application received: April 25, 2016.

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

The treatment outfall listed below discharges to unnamed tributary to Green Spring Creek.

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

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

<i>Outfalls:</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of

an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, draw-

ings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E02-1743, Buckeye Partners, L.P., One Greenway Plaza, Suite 600, Houston Texas 77046, Sewickley Heights Borough, **Allegheny County**, Pittsburgh ACOE District.

The applicant is proposing to:

1. Permanently impact 48 linear feet of an existing, intermittent, unnamed tributary to Little Sewickley Creek (HQ-TSF).
2. Temporarily impact 24 linear feet of the unnamed tributary to Little Sewickley Creek during construction.
3. Temporarily impact 0.097 acre of EV-PEM Wetland 1 during construction.

These encroachments are associated with the rehabilitation of a 9 linear foot section of exposed 10" liquid petroleum pipeline in an unnamed tributary to Little Sewickley Creek. The project site is located approximately 1.5 mile from the intersection between Blackburn Road and Fern Hollow Road (Ambridge, PA USGS Topographic

Quadrangle; Latitude: 40°34'13.49" Longitude: -80°09'28.74" Sub-basin: 20G; Pittsburgh Corps District) in Sewickley Heights Borough, Allegheny County.

E63-693, Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Mount Pleasant Township, **Washington County**, Pittsburgh ACOE District.

The applicant is proposing to:

Remove an existing single span, concrete arch deck bridge that spans 22.0 LF of Millers Run, and construct and maintain a single-span, precast concrete box culvert that spans 22.0 LF of Miller Run;

For the purpose of replacing a structurally deficient bridge located on SR 4039, Sect. 000 over Millers Run near the intersection of SR 4039 and Southview Road (Quadrangle: Midway Latitude: 40° 19' 35.8" Longitude: -80° 15' 17" in Mount Pleasant Township, Washington County.

ENVIRONMENTAL ASSESSMENTS

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

EA28-005: Great Commission Deliverance Ministries, 6621 March Road, Waynesboro, PA 17268 in Washington Township, **Franklin County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to construct and maintain a total of 1,875 linear feet of stream restoration, including 205 linear feet of random boulder placement, 75 linear feet of riprap/joint plantings, 195 linear feet of rock toe protection, 100 linear feet of live stakes on cut slopes, 245 linear feet of log vane installation, 90 linear feet of log vane with root wad, 175 linear feet of root wad in cut slopes, 220 linear feet of root wad on fill slopes, 645 linear feet of stone deflectors, and a 12 foot wide by 50 foot long concrete slat crossing, all in and along West Branch Antietam Creek along Cold Spring Park Road in Washington Township, Franklin County (Latitude: 39° 45' 15.5" Longitude: -77° 36' 11.7").

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction

requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095729 (Sewage)	Eastern Orthodox Foundation PO Box 342 8715 Route 422 Highway E Penn Run, PA 15765—342	Indiana County Cherryhill Township	Unnamed Tributary of Yellow Creek (18-D)	No
PA0218308 (Sewage)	Outside In School Of Experiential Education 196 Hamill School Rd Bolivar, PA 15923	Westmoreland County Fairfield Township	Unnamed Tributary to Hannas Run18-C	Yes
PA0254461 (Industrial)	Urban Redevelopment Authority of Pittsburgh 200 Ross Street, 11th Floor Pittsburgh, PA 15219-2069	Allegheny County Pittsburgh City	Ninemile Run (19-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0244813 A-1 (Sewage)	Mr. Stuart Ember 10 Jug Hollow Road Phoenixville, PA 19460	Chester County Schuylkill Township	Jug Hollow a Tributary to Schuylkill River (3-F)	Y
PA0244830 (Storm Water)	Northeast Enery Terminal, LLC 811 Main Street Suite 2800 Houston, TX 77002	Philadelphia County City of Philadelphia	Delaware River (3-J)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061921 (Sewage)	Silverleaf Resorts, Inc. Brookdale Resort Brookdale and Dyson Roads Scotrun, PA 18355	Monroe County Pocono Township	Brookdale lake (01E)	Yes
PA0042048-A1 (Sewage)	Conyngham-Sugarloaf Joint Municipal Authority WWTP 66 South Main Street Conyngham, PA 18219	Luzerne County Sugarloaf Township	Little Nescopeck Creek (05D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0228214 (Industrial)	The Coca Cola Company 217 Aquapenn Drive Howard, PA 16841	Centre County Boggs Township	Unnamed Tributary to Bald Eagle Creek and Unnamed Stream (9-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0263753 (Sewage)	Anita M Gaerttner SFTF 8105 Edinboro Road Erie, PA 16509-4468	Erie County Summit Township	Unnamed Tributary to Walnut Creek (15-A)	Yes
PA0102385 (Sewage)	Iron Bridge Inn 1438 Perry Highway Mercer, PA 16137	Mercer County Springfield Township	Neshannock Creek (20-A)	Yes
PA0221023 (Sewage)	Christopher S Arford SRSTP 4660 Hatch Run Road Warren, PA 16365-4232	Warren County Glade Township	Hatch Run (16-B)	Yes

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

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

NPDES Permit No. PA0254312, Storm Water, SIC Code 9999, **American Iron Oxide Co.**, 2 Wheeling Pgh Steel Drive, Allenport, PA 15412.

This proposed facility is located in Allenport Borough, **Washington County**.

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

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

NPDES Permit No. PA0008664, Industrial, SIC Code 4911, **Ugi Development Co.**, 1 Meridian Boulevard, Wyomissing, PA 19610.

This existing facility is located in Hunlock Township, **Luzerne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Industrial which will be increased by new Steam Electric Unit construction.

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

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

WQM Permit No. 3683415, Amendment #6, Sewerage, **Lancaster City**, 120 North Duke Street, Lancaster, PA 17608.

This proposed facility is located in Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for modifications to existing wastewater treatment plant.

WQM Permit No. WQG02361602, Sewerage, **Lititz Borough**, 7 S. Broad Street, Lititz, PA 17543.

This proposed facility is located in Lititz Borough, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a pump station and gravity sewer extension to serve the Moravian Manor complex.

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

WQM Permit No. 4909406 A-1, Sewage, SIC Code 4952, **Shamokin-Coal Township Joint Sewer Authority**, 114 Bridge Street, Shamokin, PA 17872-7690.

This existing facility is located in Ralpho Township, **Northumberland County**.

Description of Proposed Action/Activity: Permit amendment authorizing the sludge belt dryer odor control system.

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

WQM Permit No. WQG01201603, Sewage, SIC Code 4952, 8800, **Joseph M French**, 20540 Irish Road, Edinboro, PA 16412.

This proposed facility is located in Venango Township, **Crawford County**.

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

WQM Permit No. WQG01251605, Sewage, **Faith Sanders**, 14606 Stewart Road, Corry, PA 16407.

This proposed facility is located in Concord Township, **Erie County**.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011515033	The Cutler Group, Inc. 5 Apollo Road Suite 1 Plymouth Meeting, PA 19462	Chester	East Pikeland Township	Unnamed Tributary (No. 01549) to French Creek TSF-MF Stony Run HQ-TSF
PAI012316004	Edgmont Township 100 Gradyville Road Gradyville, PA 19039	Delaware	Edgmont Township	Delaware via Tributary 00645 to Big Run to Ridley Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI03915033	Patriot, LLC c/o Mr. Barry Hale Route 73 & Cooper Road P.O. Box 1400 Voorhees, NJ 08043	Lehigh	Upper Macungie Township	UNT to Cedar Creek (HQ-CWF, MF)
PAI024815020	JERC Partners XXII, LLC c/o Mr. Joseph Correia 171 State Route 173 Suite 201 Asbury, NJ 08802	Northampton	Plainfield Township	UNT to Little Bushkill Creek (HQ-CWF, MF)
PAI023903037R(4)	Upper Macungie Township c/o Mr. Scott Faust 8330 Schantz Road Breinigsville, PA 18031	Lehigh	Upper Macungie Township	Little Lehigh Creek (HQ-CWF, MF)
PAI023914018(1)	Jaindl Land Company c/o Mr. David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Erie County Conservation District, 1927 Wager Road, Erie, PA 16509.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062515001	PennDOT Engineering District 1-0 255 Elm Street Oil City, PA 16301	Erie	Millcreek Township Fairview Township	Lake Erie CWF; MF UNT Lake Erie CWF; MF Various Wetlands

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Merion Township Montgomery County	PAG02004616049	E3 Ventures LLC 4 Greenstone Way Malvern, PA 19301	Cobbs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAG02004616076	GlaxoSmithKline 893 River Road Conshohocken, PA 19428	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<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>
Old Forge Borough Lackawanna County	PAG02003516006	Birchwood Estates, Inc. 211 Amity Avenue Old Forge, PA 18518	St. Johns Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Wilkes-Barre City Luzerne County	PAG02004016013	Wilkes-Barre Area School District Dr. Bernard S. Prevuznak 730 South Main Street Wilkes-Barre, PA 18711-0376	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991

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>
Lower Paxton Township Dauphin County	PAG02002215036(1)	Lower Paxton Township 425 Prince Street Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG02002216016	Lower Paxton Township Authority 425 Prince Street Harrisburg, PA 17109	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

<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>
Lower Paxton Township Dauphin County	PAG02002216011	Infinity Charter School 51 Banks Street Suite 1 Harrisburg, PA 17103	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Union Township Adams County	PAG02000115023(1)	Stone Ridge Development Corporation 330 Dubbs Church Road Hanover, PA 17331-9596	UNT South Branch Conewago Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG02002216009	Hotcakes Harrisburg Venture, LLC	Spring Creek (West) (CWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG02002216017	Kalbach Associates, LLP 4402 Gettysburg Road Camp Hill, PA 17011	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
City of Harrisburg Dauphin County	PAG02002214041(1)	Cameron Street Investments 202 East 7th Street PO Box 295 Watsontown, PA 17777	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Manchester and Jackson Townships, York County	PAG02006715076	Department of General Services 18th & Herr Streets Harrisburg, PA 17125	West Branch Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Hellam Township York County	PAG02006715075	Manuel Torres 340 Freysville Road York, PA 17406	Kreutz Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG02006716003	The Congregation of the Daughters of Our Lady of Mercy 998 South Russell Street York, PA 17402	UNT Mill Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township & West Manheim Township York County	PAG02006703021R-1	Woodhaven Building & Development, Inc. James F. Piet 4175 Hanover Pike Manchester MD 21002	Indian Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
West Manchester Township York County	PAG02006716016	Thomas H. Clingan Electrical Services, LLC Jerry Watson 1832 Monroe Street York, PA 17404	UNT to Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Windsor Township York County	PAG02006716011	York Excavating Company LLC Jeff Walker 1010 Plymouth Road York, PA 17402	UNT to Kreutz Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430

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<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>
Peach Bottom Township York County	PAG02006714063-2	Calpine Mid Merit LLC Cheryl Hess 500 Delaware Ave Suite 600 Wilmington, DE 19801	UNT to Susquehanna River/ WWF, MF & TSF, MF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
York Township York County	PAG02006716013	Ray E. Markey 2477 S. George St. York, PA 17403	UNT to Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Penn Township York County	PAG02006716024	St. Joseph Catholic Church Rev. Msgr. James M. Lyons 5055 Grandview Rd Hanover, PA 17331	UNT to Plum Creek/ WWF & UNT to Indian Run/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township York County	PAG02006714040-1	Church and Dwight Company, Inc. Mike Stratis 5197 Commerce Drive York, PA 17408	Little Conewago Creek/TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Jackson Township Lebanon County	PAG02003816012	Amos Esh 2091 Camp Swatara Road Myerstown, PA 17067	Tulpehocken Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 277-5275
Broad Top Township Bedford County	PAG02000516003	Broad Top Township PO Box 57 Defiance, PA 16633	Six Mile Run (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 35522
Napier Township Bedford County	PAG02000516001	Plenary Walsh Keystone Partners 2000 Cliff Mine Road Park West Two 3rd Floor Pittsburgh, PA 15275	Shawnee Branch (WWF, MF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 35522
Bedford Township, Bedford County	PAG02000516001	Carl Feather Homes LP 5885 Forest Avenue Bedford, PA 15522	Dunnings Creek (WWF)	Bedford County Conservation District 702 West Pitt Street Suite 4 Bedford, PA 35522
Tulpehocken Township Berks County	PAG02000616007	Ben Schueller 5324 Four Point Road Bethel, PA 19507	UNT Little Swatara Creek (Wetlands, CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Upper Tulpehocken Township Berks	PAG02000615063	Forino Company, LLC 555 Mountain Home Road Sinking Spring, PA 19608	UNT Little Northkill Creek (CWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657

<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>
Tilden Township Berks County	PAG02000616012	Mid-Atlantic Realty 1 Rutherford Road Suite 100 Harrisburg, PA 17109	Schuylkill River (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Perry Township Berks County	PAG02000615062	Eugene Bell PO Box 238 Shoemakersville, PA 19555	UNT Pigeon Creek (WWF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
New Morgan Borough Berks County	PAG02000616028	Southern Berks Land Company, LP 200 Bethlehem Drive, Suite 106 Morgantown, PA 19543	East Branch Conestoga River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657
Quincy Township Franklin County	PAG02002815039	Kenneth Oyler 6938 Back Lane Waynesboro, PA 17268	West Brnch Antietam Creek (CWF, MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Letterkenny Township Franklin County	PAG02002816013	Hess's Poultry Barn 9822 Wye Road Orrstown, PA 17244	UNT Lehman Run (WWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Southampton Township Franklin County	PAG02002816012	Wadel's Poultry Barn 6554 Olde Scotland Road Shippensburg, PA 17257	Mountain Run (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Guilford Township Franklin County	PAG02002804017(2)	White Rock Inc. 3720 Clubhouse Drive Fayetteville, PA 17222	UNT Conococheague Creek (CWF, MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Greene Township Franklin County	PAG02002816010	TG Mercer Consulting Services, Inc. 120 El Chico Trail Willow Park, TX 76087	UNT Rowe Run UNT Rowe Run (CWF, MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Guilford Township Franklin County	PAG02002816005	Gary Yeager 577 Siloam Road Chambersburg, PA 17201	UNT Falling Springs (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Fannett Township Franklin County	PAG02002816011	Byler's Saw Mill 221308 Back Road Doyleburg PA 17219	UNT Doyleburg Stream (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499

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<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>
Southampton Township Franklin County	PAG02002812008(4)	CVRDC 100 Lincoln Way East Suite A Chambersburg PA 17201	Middle Spring Creek (CWF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
Washington Township Franklin County	PAG02002814023(1)	Woodcrest 11144 Old Forge Road Waynesboro, PA 17268	Bailey's Run (CWF, MF)	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17202 (717) 264-5499
North Lebanon Township Lebanon County	PAG02003816008	Michael Hursh 1950 North 7th Street Lebanon, PA 17046	3 UNT to Little Swatara Creek (WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 436-8953
North Lebanon Township Lebanon County	PAG02003816008	Michael Byrd 10673 Lee Highway McDonald, TN 37353	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 436-8953
East Hanover Township Lebanon County	PAG02003809011R(30)	Fort Indiantown Gap Training Site Headquarters Building T-0-1 Annville, PA 17003	Indiantown Run (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 436-8953
City of Lebanon Lebanon County	PAG02003816015	Dr. Tammy Stone 2301 South 5th Avenue Lebanon, PA 17042	UNT Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 436-8953
South Londonderry Township Lebanon County	PAG02003816019	Harold Weaver 47 Palmyra-Bellgrove Road Annville, PA 17003	Killinger Creek (TSF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 (717) 436-8953
Rapho Township Lancaster County	PAG02003615047(1)	Kerek Musser 2604 Hossler Road Manheim, PA 17545	Chicques Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Cocalico Township Lancaster County	PAG02003616011	Bill Hartman 5 Industrial Way Denver, PA 17517	Stony Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Penn Township Lancaster County	PAG02003616012	Autozone Development, LLC 123 S. Front Street Memphis, TN 38103	Chickies Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Manheim Township Lancaster County	PAG02003616052	John Hogan 616 Paxton Place, Suite 100 Lititz, PA 17543	UNT Landis Run (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361

<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>
East Hempfield Township Lancaster County	PAG02003616045	Kirby Agri Inc. 500 Running Pump Road Lancaster, PA 17607	Brubaker Run (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Upper Leacock Township Lancaster County	PAG02003616070	Shawn Sensenig 388 East Main Street Leola, PA 17540	UNT Mill Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Colerain Township Lancaster County	PAG02003615134(1)	Leslie Hershey 327 Maple Shade Road Christiana, PA 17509	UNT Coopers Run (TSF,	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Rapho Township Lancaster County	PAG02003616061	Cody Stauffer 888 Penryn Road Manheim, PA 17545	Chicies Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
West Cocalico Township Lancaster County	PAG02003616058	E. Scott Augsburger 164 Strasburg Pike Lancaster, PA 17602	UNT Little Cocalico Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
East Lampeter Township Lancaster County	PAG02003616067	Bridgeport SC Partners 416 Bethlehem Pike Port Washington, PA 19034	Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 (717) 299-5361
Lower Allen Township Cumberland County	PAG02002116013	4925 Ritter Road Mechanicsburg 1 LP 356 Laurens Road Montoursville, PA 17754	UNT Cedar Run (CMF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101
City of Altoona Blair County	PAG02000716003	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601	Mill Run (WWF)	Blair County Conservation Distarict 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Allegheny Township Blair County	PAG02000716004	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601	UNT Beaverdam Branch (WWF) Beaverdam Branch (TSF)	Blair County Conservation Distarict 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Logan Township Blair County	PAG02000716006	David Pozgar, Sewer Director 100 Chief Logan Circle Altoona, PA 16602	UNT Burgoon Run (WWF)	Blair County Conservation Distarict 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Rayburn Township	PAG02000316004	Rayburn Township Joint Municipal Authority P.O. Box 776 Kittanning, PA 16201	Cowanshannock Creek (TSF) and Hays Run (WWF)	Armstrong County Conservation District, Armsdale Administration Building Suite B-2 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425
Center Township	PAG02000416017	Community College of Beaver County 1 Campus Drive Monaca, PA 15061	Crows Run (WWF-N)	Beaver County Conservation District 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
Southmont Borough	PAG02001116009	Southmont Borough 148 Wonder Street Johnstown, PA 15905	Cheney Run (WWF), UNT to Cheney Run (WWF), and UNT to Elk Run (CWF)	Cambria County Conservation District 401 Candlelight Drive Suite 221 Ebensburg, PA 15931 (814) 472-2120
Brady Township Butler County	PAG02001015001	PTV Brady, LLC c/o Mr. Timothy Weinman 1563 Woodward Drive Ext Greenburg, PA 15601	Big Run CWF	Butler County Conservation District 724-284-5270
Fairview Township Erie County	PAG02002511018R(2)	Walt Bender 5678 West Ridge Road Erie, PA 16506	UNT Lake Erie CWF	Erie County Conservation District 814-825-6403
Millcreek Township Erie County	PAG02002516006	PADOT District 1-0 255 Elm Street PO Box 398 Oil City, PA 16301	Walnut Creek CWF	Erie County Conservation District 814-825-6403
Harborcreek Township Erie County	PAG02002516020	Erie Brewing Company 1213 Veshecco Drive Erie, PA 16501	Four Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Harborcreek Township Erie County	PAG02002516021	YMCA 31 West 10th Street Erie, PA 16510	Four Mile Creek WWF; MF	Erie County Conservation District 814-825-6403
Washington Township Erie County	PAG02002516023	Leone Real Estate LLC 12015 Lay Road Edinboro, PA 16412	Unt Conneauttee Creek WWF	Erie County Conservation District 814-825-6403
Winslow Township Jefferson County	PAG02003316004	Green Acres Contracting Co 150 O'Donnell Road Reynoldsville, PA 15851	Unt Camp Run	Jefferson County Conservation District 814-849-7463
Sandy Lake Township Mercer County	PAG02004316008	PTV XV LLC 1563 Woodward Drive Ext Greensburg, PA 15601	UNT McCutcheon Run WWF	Mercer County Conservation District 724-662-2242
Jay Township, Elk County	PAG02092416008	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Stony Brook (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

5010

NOTICES

General Permit Type—PAG-3

<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>
Philadelphia City Philadelphia County	PAR700020	Kinder Morgan Liquids Terminal 6310 West Passyunk Ave Philadelphia, PA 19153	Schuylkill River 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Bristol Township Bucks County	PAR900003	Exelon Generation Co LLC # 1 Industrial Highway Eddystone, PA 19022	Schuylkill River 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Williamsport City Lycoming County	PAR234803	Lonza Inc. 90 Boroline Road Allendale, NJ 07401-1629	UNT to Daugherty Run—10-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Warren City Warren County	PAR808312	Crossett Inc. 201 S Carver Street Warren, PA 16365-2867	Allegheny River—16-B	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-4

<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>
Pennsbury Township Chester County	PAG040158 A-1	Ms. Denee Dillon 1285 Parkersville Road Kennett Square	Bennetts Run Watershed 3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Venango Township Crawford County	PAG041207	Joseph M French 20540 Irish Road Edinboro, PA 16412	Unnamed Tributary to Torry Run—16-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Concord Township Erie County	PAG041209	Faith Sanders 14606 Stewart Road Corry, PA 16407	Unnamed Tributary to Winton Run—16-B	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-05

<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>
Kiskiminetas Township Armstrong County	PAG056260	Glassmere Fuel Service Inc. 2859 Oxford Boulevard Allison Park, PA 15101	Kiskiminetas River—18-B	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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act (35 P.S. 721.1-721.17).

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

Permit No. 2640032, Operations Permit Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1775 North Main St. Honesdale, PA 18431
[Borough or Township]	Waymart Borough
County	Wayne
Type of Facility	PWS
Consulting Engineer	Steven E. Riley, PE Entech Engineering, Inc. 201 Penn Street Reading, PA 19603
Permit to Operate Issued	7/19/2016

Permit No. 2359008, Operations Permit Public Water Supply.

Applicant	Pennsylvania American Water Company 800 W. Hersheypark Dr. Hershey, PA 17033
[Borough or Township]	Jessup Borough

County	Lackawanna
Type of Facility	PWS
Consulting Engineer	John P. Scheuer, PE BCM Engineers 1001 Lackawanna Trail Clarks Summit, PA 18411
Permit to Operate Issued	July 18, 2016

Permit No. 3130044, Operations Permit Public Water Supply.

Applicant	Jim Thorpe Borough 101 East 10th Street Jim Thorpe, PA 18229-2528
[Borough or Township]	Jim Thorpe Borough
County	Carbon
Type of Facility	PWS
Consulting Engineer	Jonathan R. Hawkes, PE Entech Engineering, Inc. 201 Penn Street Reading, PA 19602
Permit to Operate Issued	6/27/2016

Permit No. 3130043, Operations Permit Public Water Supply.

Applicant	Jim Thorpe Borough 101 East 10th Street Jim Thorpe, PA 18229-2528
[Borough or Township]	Jim Thorpe Borough
County	Carbon
Type of Facility	PWS
Consulting Engineer	Jonathan R. Hawkes, PE Entech Engineering, Inc. 201 Penn Street Reading, PA 19602
Permit to Operate Issued	6/29/2016

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

Permit No. 2216504, Public Water Supply.

Applicant	Pine Manor, LLC
Municipality	Londonderry Township
County	Dauphin
Responsible Official	Frank T. Perano, General Manager P O Box 677 Morgantown, PA 19543 0677
Type of Facility	Installation of a new 15,000-gallon finished water storage tank and a booster pumping station.
Consulting Engineer	James A. Cieri Sr, P.E. James A. Cieri, PE 914 N Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	7/21/2016

Permit No. 3616510 MA, Minor Amendment, Public Water Supply.

Applicant **Leola Sewer Authority**
 Municipality Upper Leacock Township
 County **Lancaster**
 Responsible Official Nelson Bard, Chairman
 36 Hillcrest Avenue
 PO Box 325
 Leola, PA 17540-0325
 Type of Facility Painting the 300,000-gallon
 Quarry Road Storage Tank.
 Consulting Engineer Dennis Hammaker, P.E.
 RETTEW Associates, Inc.
 3020 Columbia Avenue
 Lancaster, PA 17603
 Permit to Construct Issued 7/27/2016

Operation Permit No. 3814502 issued to: **Fredericksburg Sewer & Water Authority (PWS ID No. 7380035)**, Bethel Township, **Lebanon County** on 7/22/2016 for facilities approved under Construction Permit No. 3814502.

Emergency Construction/Operation Permit No. 0616508 E issued to: **Reading Area Water Authority North Heidelberg (PWS ID No. 3060115)**, North Heidelberg Township, **Berks County** on 7/27/2016 is being issued to replace the existing 1,200-gallon chlorine contact tank at EP 101 (Well No. 1) at the Reading Area Water Authority's North Heidelberg (RAWA NH) system. The tank is currently leaking and due to the condition of the tank a repair is not possible. RAWA NH will install at least 38' of 30" diameter yard piping to obtain the appropriate amount of volume to provide a minimum of at least 20 minutes of effective chlorine contact time. No changes to the existing chlorine injection location or entry point sampling location are needed.

Transferred Comprehensive Operation Permit No. 7380002 issued to: **Hill Farm Operating LLC (PWS ID No. 7380002)**, North Annville Township, **Lebanon County** on 7/27/2016. Action is for a Change in Ownership for Hill Farm Estate, Lebanon County for the operation of facilities previously issued to Bethel Pointe Foundation LLC.

Transferred Comprehensive Operation Permit No. 7010007 issued to: **Passage Village of Laurel Run Ops LLC (PWS ID No. 7010007)**, Franklin Township, **Adams County** on 7/7/2016. Action is for a Change in Ownership for Village of Laurel Run, Adams County for the operation of facilities previously issued to Piney Partners, LP.

Operation Permit No. 3616509 issued to: **Manheim Area Water & Sewer Authority (PWS ID No. 7360078)**, Manheim Borough, **Lancaster County** on 7/27/2016 for facilities approved under Construction Permit No. 3616509.

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

Permit No. 1414504-MA—Partial Operation—Public Water Supply.

Applicant **Pennsylvania State University**
 Township/Borough College Township

County
 Responsible Official

Type of Facility
 Consulting Engineer

Permit Issued
 Description of Action

Centre

Andrew D. Gutberlet, P.E.
 Engineering Services Manager
 Pennsylvania State University
 139J Physical Plant Building
 University Park, PA 16802

Public Water Supply
 James K. Baird, P.E.
 Pennsylvania State University
 152N Physical Plant Building
 University Park, PA 16802

July 28, 2016
 Operation of approximately 4,483 linear foot of new 16-inch diameter ductile iron Houseville raw water transmission line to the new water treatment plant.

Permit No. 4915503-MA—Partial Operation—Public Water Supply.

Applicant
 Township/Borough
 County
 Responsible Official

Type of Facility
 Consulting Engineer

Permit Issued
 Description of Action

Municipal Authority of the City of Sunbury

City of Sunbury
Northumberland
 Scott Debo, Water Manager
 Municipal Authority of the City of Sunbury
 1600 Market Street
 Sunbury, PA 17801

Public Water Supply
 John R. Segursky Jr.
 Uni-Tec Consulting Engineers, Inc.
 2007 Cato Avenue
 State College, PA 16801

July 29, 2016
 Operation of the 2.0 million gallon Hill Tank-South finished water storage tank.

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

Permit No. 4300503-T1-MA6, Public Water Supply

Applicant
 Township or Borough
 County
 Type of Facility
 Consulting Engineer

Permit to Construct Issued

Aqua Pennsylvania, Inc.
 City of Hermitage
Mercer
 Public Water Supply
 Robert Horvat, P.E.
 KLH Engineers, Inc.
 5173 Campbells Run Road
 Pittsburgh, PA 15205

July 26, 2016

Cancellation of Permit issued to **David Russell d/b/a Country Gable Apartments, PWSID No. 6250095**, Girard Township, **Erie County** on July 28, 2016. This action represents the cancellation of Permit Number 2509502 issued April 26, 2010. This action is a result of Country Gable Apartments no longer being a Public Water Supply.

Permit No. 6216502, Public Water Supply.
 Applicant **Deer Head Inn, LLC**
 Township or Borough Spring Creek Township
 County **Warren**
 Type of Facility Public Water Supply
 Consulting Engineer Karen L Clark, P.G.
 R. Rindfuss Drilling, LP
 13851 Route 19
 Waterford, PA 16441
 Permit to Construct July 29, 2016
 Issued

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Moravian House II, 701 Main Street, City of Bethlehem, **Northampton County**. Brickhouse Environmental,

515 South Franklin Street, West Chester, PA 19382, on behalf of Moravian Development, 561 Market Street, Suite 1, Bethlehem, PA 18018, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Ethylbenzene, MTBE, Isopropylbenzene, Napthalene, 1,3,5-TMB, 1,2,4-TMB, and Toluene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Gerald W. and Ilona A. Houpp Property, 23 Houp Road, Oley, PA 19547, Oley Township, **Berks County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406, on behalf of Wm. R. Gift Company, 2314 Farmington Avenue, Boyertown, PA 19512, and Gerald W. and Ilona A. Houpp, 23 Houp Road, Oley, PA 19547 submitted a Final Report concerning remediation of site soil and groundwater contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Portion of 1525 Pittsburgh Avenue, 1525 Pittsburgh Avenue, City of Erie, **Erie County**. Partner Engineering & Science, Inc., 100 Deerfield Lane, Suite 200, Malvern, PA 19355, on behalf of AMERCO Real Estate Company, 2727 North Central Avenue, Phoenix, AZ 85004 submitted a Final Report concerning the remediation of site ground water contaminated with vinyl chloride. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Harvard Seven LLC, Lot 5, Haverford and Columbia Roads, Haverford Township, **Delaware County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kevin Hillsinger, Harvard Seven LLC, 1305 Catfish Lane, Audubon, PA 19403 has submitted a Final Report concerning remediation of site soil contaminated with 1, 2, 4, 5 and 6 fuel oil short-list compounds. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF811099.

Hanover North Broad Street, North Broad and Callowhill Street, City of Philadelphia, **Philadelphia County**. Victoria Ryan, VERTEX, 700 Turner Way, Aston, PA 19014 on behalf of Kristen Gates, NB Project Owner, LLC, 5847 SanFelipe, Suite 3600, Houston, TX 77057 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. PF804670.

Brewerytown Mixed Block, 31 and Master Streets, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Penn Associates Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Jon Herzog, Westrum Development Company, 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 has submitted a Remedial Investigation/Cleanup Plan Report concerning remediation of site soil and groundwater contaminated with metals and pahs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF809901.

Happ Contractors Inc., 260 West Asland Street, Doylestown Borough, **Bucks County**. Sean Fullmer, 1350 Welsh Road, North Wales, PA 19454 on behalf of Andy Happ, 260 West Ashland Street, Philadelphia, PA 18901 has submitted a Final Report concerning remediation of site soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF810392.

Plaza Allegheny, 236-38 & 240-56 West Allegheny Avenue, City of Philadelphia, **Philadelphia County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19036, David Groverman, Groverpete, L.P. Plaza Allegheny, 50 Greenfield Avenue, Suite 201, Ardmore, PA 19003 on behalf of Peter Paik, P&H Group, 1382 Uxbridge Way, North Wales, PA 19454 has submitted a Remedial Investigation/Cleanup Plan and Final Report concerning remediation of site soil contaminated with pah and inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF770760.

Brigadoon Tract, Calcon Hook Road, Darby Township, **Delaware County**. Robert Goldman, TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103 on behalf of Brian W. Coyle, Brigaloon, Inc., 112 Chesley Drive, Suite 200, Media, PA 19063 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with gasoline constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF689145.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup

plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

120-160 West Union Street, 120-160 West Union Street, City of Allentown, **Lehigh County**. Mobile Environmental Analytical, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Railroad Resources & Recovery, Inc., 1800 Riverside Drive, Bethlehem, PA 18015, submitted a Baseline Environmental Report concerning the remediation of site soils and groundwater contaminated with tetrachloroethylene, arsenic, lead, antimony, and zinc. The Baseline Environmental Report demonstrated attainment of the Special Industrial Area Plan, and was approved by the Department on July 25, 2016.

St. Francis of Assisi Kitchen Property, 500 Penn Avenue, Scranton City, **Lackawanna County**. BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of St. Francis of Assisi Kitchen, 500 Penn Avenue, Scranton, PA 18509, submitted a Site-Specific Remedial Investigation Report and Final Report concerning the remediation of site soils contaminated with lead. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on July 27, 2016.

Bethlehem Commerce Center Site—Lot 88, 1005 Harvard Avenue, Bethlehem City, **Northampton County**. HDR Engineering, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Bethlehem, PA 18015, submitted a Site-Specific Cleanup Plan concerning the remediation of site soils contaminated with historical fill. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on July 19, 2016.

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

Max-Mile Car Care Center, 145 Guy Street, Hallam, PA 17406, Hallam Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster,

PA 17602, on behalf of Jump Start Garage, 2739 Black Bear Road, Needmore, PA 17238, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on July 27, 2016.

D.D. Freed Trucking Diesel Release, 2894 Oxford Road, New Oxford, PA 17350, Tyrone Township, **Adams County**. Environmental Products & Service of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of D.D. Freed Trucking/Canal Insurance, 13958 Unionville Road, Mount Airy, MD 21771, and Robert and Linda Adams, 2894 Oxford Road, New Oxford, PA 17350 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel and motor oil from a vehicular accident. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on July 29, 2016.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NWREC Mineral Oil Release, 10203 Nancy Drive, City of Meadville, **Crawford County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of Northwestern Rural Electric Company Association, 22534 Highway 86, Cambridge Springs, PA 16403, submitted a Final Report concerning the remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 2, 2016.

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

CenturyLink Communications, LLC, 2400 Market Street, City of Philadelphia, **Philadelphia County**. Mark Reisig, Tetra Tech, Inc., 216 16th Street, Suite 1500, Denver, CO 80202, Harlan Pincus, CenturyLink Communications, LLC, 55 Church Street, 1st Floor, White Plains, NY 10601 on behalf of Diane Green, PMC Property Group, 2400 Market Street, Suite 1, Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 26, 2016. PF811109.

Sugarhouse Casino, 1001 North Delaware Avenue, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, 835 Springdale Drive, Suite 200, Exton, PA 19341 on behalf of Terry McKenna, HSP Gaming L.P. c/o Keating Consulting, LLC, 1600 Arch Street, Suite 210, Philadelphia, PA 19103 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Cleanup Plan/Remedial Investigation was disapproved by the Department on July 28, 2016. PF706654.

Kijak Residence, 1254 and 1256 Duran Street, Whitmarsh Township, **Montgomery County**. Richard D.

Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jason Ballou, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of Theodore Sztubinski, 1256 Durant Street, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 19, 2016. PF806972.

Landis Residence, 668 Lower Road, Franconia Township, **Montgomery County**. Angela Funk, Goodville Mutual Casualty, 625 West Main Street, New Holland, PA 17557, Brain D. Sauls, Skelly and Loy, Inc., 449 Eisenhower Boulevard, Suite 300, Harrisburg, PA 17111 on behalf of Warren and Lydia Landis, 668 Lower Road, Souderton, PA 18964 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 14, 2016. PF810305.

Lincoln Point Shopping Center, 830 West Trenton Avenue, Falls Township **Bucks County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance, Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Jon Lubert, JLM Ventures, 2929 Street, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with voc's. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 25, 2016. PF785061.

McLaren Residence, 2007 Lockwood Lane, Lower Southampton, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Tina Reger, State Farm Insurance, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of [name & address of person seeking liability protection or person submitting the Mary Jane McLaren, 2007 Lockwood Lane, Feasterville-Treose, PA 19053 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 20, 2016. PF811100.

Collex Collision Experts, 1502 Bethlehem Pike, Springfield Township, **Montgomery County**. Jeremy Boly, Environmental Maintenance, Company Inc., 1420 East Mermaid Lane, Glenside, PA 19038 has submitted a Final Report concerning the remediation of site soil contaminated with no.2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 18, 2016. PF811105.

5716-5754 Baltimore Avenue Property, 5716—5754 Baltimore Avenue, City, of Philadelphia, **Philadelphia County**. Martin Gilgallon, Pennsylvania Tectonic, Inc., 723 Mans Street, Archbald, PA 18403 on behalf of Patrick Burns, Philacobbs Development, LP, 5004 State Road, Second Floor, Drexel Hill, PA 19026 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with voc's. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on July 27, 2016. PF619681.

HAZARDOUS WASTE TRANSPORTER LICENSE**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Expired

Ryan Environmental Transport, LLC, 5793 West Veterans Memorial Highway, Bridgeport, WV 26330. License No. PA-AH 0815. Effective Jul 31, 2016.

Hazardous Waste Transporter License Reissued

Better Management Corporation of Ohio, Inc., 4321 State Route 7, New Waterford, OH 44445. License No. PA-AH 0773. Effective Jul 27, 2016.

Renewal Applications Received

Better Management Corporation of Ohio, Inc., 4321 State Route 7, New Waterford, OH 44445. License No. PA-AH 0773. Effective Jul 27, 2016.

TNI (USA), INC. dba AATCO, PO Box 545, Duenweg, MO 64841. License No. PA-AH 0604. Effective Jul 27, 2016.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

Environmental Transport Group, Inc., PO Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective August 01, 2016.

Renewal Applications Received

Environmental Transport Group, Inc., PO Box 296, Flanders, NJ 07836. License No. PA-HC 0023. Effective July 28, 2016.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**Application(s) Approved 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.**

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

Permit Application No. 400696. Alpha Bio-Med Services, LLC, 9220 Kirby Drive, Suite 500, Houston, TX 77054. An application for a new medical waste processing facility located in Nesquehoning Borough, Car-

bon County. The application was approved by the Northeast Regional Office on July 28, 2016.

Persons wishing to review the permit should contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511.

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: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP5-58-035A: Bluestone Pipeline Company of PA LLC (1429 Oliver Road, New Milford, PA, 18834) on August 2, 2016, for the construction and operation of 12 Caterpillar Engines with ultra lean burn and oxidation catalyst and two dehydration units with reboilers and one emergency generator at the Bluestone-CDP#1-A site at their facility in New Milford Township, **Susquehanna County.**

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP3-41-733: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on July 7, 2016, to operate a portable crushing and sizing operation pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Minnier quarry in McNett Township, **Lycoming County.**

GP9-41-733: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on July 7, 2016, to operate two (2) diesel engines to power a portable crushing and sizing operation pursuant to the General Plan Approval and/or General Operating Permit for Diesel or #2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Minnier quarry in McNett Township, **Lycoming 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.

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

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

08-00017A: Northern Tier Solid Waste Authority (P.O. Box 10, Burlington, PA 18814-0010) on July 19, 2016, for the construction of additional landfill cells (waste disposal areas), up to 23 acres of lined waste disposal area known as the Western Expansion at the company's Bradford County Landfill located in West Burlington Township, **Bradford County.**

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

23-0119 Sunoco Partners Mkt & Term LP (100 Green St, Marcus Hook, PA 19061-4800) On July 28, 2016, to install two cryogenic tanks for the storage of liquid ethane and propane from the Marcellus Shale formation at the facility in Marcus Hook, **Delaware County**.

23-0119B Sunoco Partners Mkt & Term LP (100 Green St, Marcus Hook, PA 19061-4800) On July 28, 2016, for installing and operating a new four-lane offloading/loading facility for natural gasoline and for utilizing a vapor balance system in Marcus Hook, **Delaware County**.

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

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

49-00066A: Great Dane Trailers (207 Progress Road, Elysburg, PA 17824) on July 26, 2016, to extend the authorization to operate several sources to manufacture and finish truck trailers at the Elysburg Plant in Ralpho Township, **Northumberland County** on a temporary basis to February 9, 2017. The plan approval has been extended.

41-00025C: Lycoming County Resource Management Services (PO Box 187, Montgomery, PA 17752) on July 7, 2016, to extend the authorization an additional 180 days to January 5, 2017 in order to continue the compliance demonstration evaluation and permit operation pending issuance of an operating permit for the facility. Plan Approval 41-00025C for the construction of Fields 11 and 12 at the landfill that is in Brady Township, **Lycoming County** has been extended.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00161: Giles & Ransome, Inc. (2975 Galloway Road, Bensalem, PA 19020) On August 1, 2016, for the renewal of a non-Title V, State Only, Synthetic Minor operating permit in Bensalem Township, **Bucks County**.

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

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

06-03098: Ralph Good, Inc. (306 E. Main Street, PO Box 924, Adamstown, PA 19501) on July 25, 2016, for the potato chip manufacturing facility located in Adamstown Borough, **Berks County**. The State-only permit was renewed.

07-03053: Keystone Cremation Center LLC (14443 S. Eagle Valley Road, Tyrone, PA 16686-8132) on July 20, 2016, for two human crematory units at the facility located in Snyder Township, **Blair County**.

67-03074: Heffner Funeral Chapel & Crematory, Inc. (1551 Kenneth Road, York, PA 17408-2243) on July 27, 2016, for the human crematory at the facility located in West Manchester Township, **York County**. The State-only permit was renewed.

06-03071: Wolfe Dye & Bleach Works, Inc. (25 Ridge Road, Shoemakersville, PA 19555) on July 26, 2016, for the dyeing and bleaching facility located in Perry Township, **Berks County**. The State-only permit was renewed.

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

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

59-00020: Carleton Funeral Home, Inc. (11470 Route 6, Wellsboro, PA 16901) on July 26, 2016, was issued a renewal state only operating permit for their Wellsboro facility located in Charleston Township, **Tioga County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00017: Herbert Cooper Company, Inc. (121 Main Street, Genesee, PA 16923) on July 29, 2016, issued a state only operating permit for their facility located in Genesee Township, **Potter County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00018: PA Pellets, LLC (958 State Route 49W, Ulysses, PA 16948-9364) on July 29, 2016, issued a state only operating permit for their facility located in Ulysses Borough, **Potter County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

11-00411: Concurrent Technologies Corporation (100 CTC Drive, Johnstown, PA 15904) On July 29, 2016, the Department issued an initial facility-wide Natural Minor Operating Permit for the operation of a research facility, known as Johnstown (ETF, MTF, STF), located in Richland Township, **Cambria County**.

The facility's air contamination sources consist of three (3) natural gas-fired boilers (4.635 MMBtus/hr total), two (2) emergency, diesel (750-bhp) and natural gas (175-bhp) fired, emergency generator engines, building heaters (21.19 MMBtus/hr total), and test equipment and workshops. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The permit includes emission limitations, operational requirements, monitoring requirements, and recordkeeping requirements for the facility.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 25 Pa. Code, Article III, Chapters 121—145.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00224: Nationwide Mutual Insurance Company, (355 Maple Ave, Harleysville, PA 19438) On August 1, 2016, to incorporated the change of ownership from Harleysville Mutual Insurance Company to Nationwide Mutual Insurance Company for this location in Lower Salford Township, **Montgomery County**.

46-00032: SPS Technologies LLC (301 Highland Ave, Jenkintown, PA 19046-2630) On August 1, 2016, to incorporate the change of responsible official from Bill Comeau (General Manager) to Blake Ray (VP & General Manager) for this location in Abington Township, **Montgomery County**.

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

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

07-05001: Appvion, Inc. (100 Paper Mill Road, Roaring Spring, PA 16673-1488) on June 25, 2016, for the Kraft pulp and paper mill located in Roaring Spring Borough, **Blair County**. The Title V permit underwent a minor modification to reduce the pulp bleaching source 114, scrubber C33 effluent minimum pH from 10.0 to 9.0.

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

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

53-00010: National Fuel Gas Supply Corp. (6363 Main St., Williamsville, NY 14221), on August 1, 2016, was issued a revised State-Only operating permit to revise the Responsible Official and Permit Contact Person in the operating permit for their Costello Station facility located in Portage Township, **Potter County**. The revised State-Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

19-00024A: Benton Foundry, Inc. (5297 State Route 487 Benton, PA 17814-6711) on June 24, 2016, was issued a revised State-Only operating permit to incorporate the terms and conditions from plan approval 19-00024A into the operating permit for their facility located in Sugarloaf Township, **Columbia County**. The revised State-Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940.

24-00146: National Fuel Gas Supply Boone Mountain Compressor Station (6363 Main Street, Williamsville, NY 14221-5887) on July 28, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Horton Township, **Elk County**. The amendment incorporates the change in responsible official.

24-00166: National Fuel Gas Supply Bowen Compressor Station (6363 Main Street, Williamsville, NY 14221-5887) on July 28, 2016 issued an administrative amendment to the State Operating Permit for the facility located in Highland Township, **Elk County**. The amendment incorporates the change in responsible official.

25-00954: National Fuel Gas Supply Summit Station (6363 Main Street, Williamsville, NY 14221-5887) on July 29, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Summit Township, **Erie County**. The amendment incorporates the change in responsible official.

25-00979: National Fuel Gas Supply Carter Hill Station (6363 Main Street, Williamsville, NY 14221-5887) on July 29, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Wayne Township, **Erie County**. The amendment incorporates the change in responsible official.

33-00141: National Fuel Gas Supply Knox Station (6363 Main Street, Williamsville, NY 14221-5887) on August 1, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Knox Township, **Jefferson County**. The amendment incorporates the change in responsible official.

61-00193: National Fuel Gas Supply Henderson Station (6363 Main Street, Williamsville, NY 14221-5887) on August 1, 2016, issued an administrative amendment to the State Operating Permit for the facility located in Mineral Township, **Venango County**. The amendment incorporates the change in responsible official.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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

Contact: Dave Balog, New Source Review Chief or Matt Williams, Facilities Permitting Chief—Telephone: 814-332-6340.

24-00062: Metal Powder Products—St Marys (879 Washington Street, St Marys, PA 15857) for its facility located in St Marys City, **Elk County**. The De minimis emission increase is for construction of a new powder metal sintering furnace # 3. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code § 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on May 29, 2015.

Date	Source	PM ₁₀ (tons)	SO _x (tons)	NO _x (tons)	VOC (tons)	CO (tons)
7-27-16	PM Sintering Furnace # 3	0.41				
Total Reported Increases		0.41				
Allowable		0.6 ton/source 3 tons/facility	1.6 ton/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

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.

10841302 and NPDES No. PA0002780. ArcelorMittal Pristine Resources, LLC, (PO Box 36, 129 Bethlehem Road, Revloc, PA 15948). To revise the NPDES permit for the Fawn Mine # 91 in Clinton Township, **Butler County**. This NPDES permit is also being published in compliance with 25 Pa. Code § 92a.88, as a result of an executed Consent Order and Agreement. No additional discharges. The first downstream potable water supply intake from the point of discharge is New Kensington City Municipal Authority and intake: Allegheny River. The application was considered administratively complete on August 12, 2014. Application received August 12, 2014. Permit issued July 27, 2016.

11031301 and NPDES No. PA0235539. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Madison Mine in Cambria, Croyle and Jackson Townships, **Cambria County**. No additional discharges. The application was considered administratively complete on September 26, 2013. Application received July 30, 2013. Permit issued July 27, 2016.

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

Permit No. 32130102 and NPDES No. PA0279293. Frantz Brothers Resources, LLC, 24 Wilgus Road, P.O. Box 135, Hillsdale, PA 15746, transfer of an existing bituminous surface mine from Forcey Coal, Inc., 475 Banion Road, Madera, PA 16661 located in Green Township, **Indiana County**, affecting 10.7 acres. Receiving

streams: unnamed tributary to/and Little Mahoning Creek classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 2, 2015. Permit issued: July 25, 2016.

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

17080111 and NPDES PA0256901. Waroquier Coal Company (P.O. Box 128, Clearfield, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Lawrence Township, **Clearfield County** affecting 176.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River and West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 8, 2015. Permit issued: July 22, 2016.

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

03090101 and NPDES Permit No. PA0251577. RES Coal, LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit renewal issued for commencement, operation and restoration to an existing bituminous surface mine, located in Madison Township, **Armstrong County**, affecting 117.4 acres. Receiving streams: unnamed tributaries to Redbank Creek and Redbank Creek. Application received: November 25, 2015. Renewal permit issued: July 29, 2016.

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

Permit No. 49851603R6. PAC 23 Mining Co., Inc., (6370 SR 61, Shamokin, PA 17872), renewal of an existing anthracite coal preparation plant operation in Ralpho Township, **Northumberland County** affecting 9.1 acres, receiving stream: Shamokin Creek. Application received: May 24, 2016. Renewal issued: August 1, 2016.

Permit No. PAM111086R (formerly 49851603GP104), PAC 23 Mining Co., Inc., (6370 SR 61, Shamokin, PA 17872), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49851603 in Ralpho Township, **Northumberland County**, receiving stream: Shamokin Creek. Application received: May 24, 2016. Renewal issued: August 1, 2016.

Permit No. 49-305-004GP12R. PAC 23 Mining Co., Inc., (6370 SR 61, Shamokin, PA 17872), renewal of general operating permit to operate a coal preparation plant on Surface Mining Permit No. 49851603 in Ralpho Township, **Northumberland County**. Application received: May 24, 2016. Renewal issued: August 1, 2016.

Noncoal Permits Issued

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

Permit No. 05910301 and NPDES Permit No. PA0599085, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES Permit, Napier Township, **Bedford County**. Receiving streams: unnamed tributary to/and Dunning Creek, classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: February 17, 2016. Permit issued: July 25, 2016.

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

10960302. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Renewal of existing NPDES Permit No. PA0227200 in Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to Blacks Creek and unnamed tributary to North Branch Slippery Rock Creek. Application received: April 20, 2016. Permit Issued: July 27, 2016.

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

08162802. Black Knight Quarries, Inc. (293 Beacon Light Road, Towanda, PA 18848). Commencement, operation and restoration of small noncoal industrial minerals (bluestone) permit in Wilmot Township, **Bradford County** affecting 1.0 acre. Receiving stream(s): Panther Lick Creek. Application received: April 12, 2016. Permit Issued: July 18, 2016.

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

Permit No. 58160809. Stanley Bennett, (6612 SR 367, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received: May 10, 2016. Permit issued: July 28, 2016.

Permit No. PAM116021. Stanley Bennett, (6612 SR 367, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58160809 in Rush Township, **Susquehanna County**, receiving stream: unnamed tributary to Middle Branch Wyalusing Creek. Application received: May 10, 2016. Permit issued: July 28, 2016.

Permit No. 58162503. Paul B. Bennett & Sons, (312 Keech Road, Rushville, PA 18828), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 8.5 acres, receiving stream: no discharge to Gaylord Creek Watershed and unnamed tributary to North Branch Wyalusing Creek Watershed. Application received: January 19, 2016. Permit issued: July 28, 2016.

Permit No. PAM116003. Paul B. Bennett & Sons, (312 Keech Road, Rushville, PA 18828), General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58162503 in Rush Township, **Susquehanna County**, receiving stream: no discharge to Gaylord Creek Watershed and unnamed tributary to North Branch Wyalusing Creek Watershed. Application received: January 19, 2016. Permit issued: July 28, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

04164002. Plum Contracting, Inc. (864 Croft Road, Greensburg, PA 15601) Blasting activity permit to blast for road construction in Ohioville Borough, **Beaver County**. This blasting activity permit will expire on December 31, 2016. Permit Issued: July 25, 2016.

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

Permit No. 67164002. Explosives Experts, Inc., (500 Dairy Road, Parkton, MD 21120), construction blasting for SalonCentric Warehouse expansion in East Manchester Township, **York County** with an expiration date of July 29, 2017. Permit issued: July 28, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-943: MANBEL DEVCO I, LP, 200 Old Forge Lane, Suite 201, Kennett Square, PA 19348-1895 in Manheim Township, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To:

1. Place and maintain fill in an existing 3.81 acres quarry pond, reducing the open water aerial footprint to 1.64 acre.

2. Install and maintain two (2), 42 inch, high-density polyethylene (HDPE) pipe outfalls including an endwall and rock plunge pool in the floodway of an unnamed tributary to Little Conestoga Creek (WWF, MF).

3. Install and maintain a 24 inch, reinforced concrete pipe outfall including an endwall and rock plunge pool in the floodway of an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 4.

4. Install and maintain a 75 lineal feet, 53 inch, elliptical, reinforced concrete pipe, endwalls, and rock plunge pool in an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 7.

5. Install and maintain 90 lineal feet, 8 inch diameter, PVC sewer pipe under an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 5.

6. Install and maintain 353 lineal feet, 8 inch diameter, PVC sewer pipe under an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 5.

7. Relocate and maintain 1,120 lineal feet of an unnamed tributary to Little Conestoga Creek (WWF, MF). The relocation includes removing 931 cubic yards of fill from the floodway. Approximately one (1) acre of wetland will be permanently impacted by this activity. The application proposes 1.47 acre of onsite wetlands to be created as a part of the project.

8. Install and maintain an 18 inch, reinforced concrete pipe outfall including an endwall and rock plunge pool in the floodway of an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 4.

9. Install and maintain a 22 feet wide weir with a 12 feet wide primary spillway outfall, rock plunge pool, and vegetated conveyance swale outfall in the floodway of an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 4.

10. Install and maintain an 18 inch, reinforced concrete pipe outfall including an endwall in the floodway of

an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 4.

11. Install and maintain 90 lineal feet, 8 inch diameter, PVC water pipe under an unnamed tributary to Little Conestoga Creek (WWF, MF). This activity qualifies for the use of General Permit 5.

All of the activities are located near the coordinates of Latitude 40°4'10", Longitude -76°18'50.9" in Manheim Township, Lancaster County. The permit was issued on July 25, 2016.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335.

E25-775, PennDOT Engineering District 1-0, 255 Elm Street, Oil City, PA 16301 in Millcreek and Fairview Townships, **Erie County**. ACOE Pittsburgh District.

To permanently impact 0.91 acre and temporarily impact 0.09 acre of wetlands and to temporarily impact 0.05 acre of open water in the Lake Erie watershed for the realignment of SR 4016, Millfair Road, between its intersections with SR 20 and SR 5 in order to eliminate two at-grade railroad crossings and address safety concerns (Swanville, PA Quadrangle N: 41°, 4', 3"; W: -80°, 12', 4"). Project includes debit of 1.298 acres of PEM wetland from PennDOT's Houghton Wetland Mitigation Bank.

E25-779, PennDOT Engineering District 1-0, 255 Elm Street, Oil City, PA 16301 in Millcreek Township, **Erie County**. ACOE Pittsburgh District.

To conduct roadway improvements along Zimmerly/Interchange Road from SR 0019 to a point approximately 0.2 mile west of Zuck Road including the following activities:

1. To remove the existing structure and to construct and maintain a steel plate girder bridge having a clear span of 127.5 feet with a minimum underclearance of 21.2 feet and an out-to-out width of 81.1 feet across Walnut Creek.

2. To remove the existing culvert and construct and maintain a 228.0-foot long, 42.0-inch culvert in a UNT to Walnut Creek at the S.R. 699 intersection.

3. To install and maintain a stormwater outfall to a UNT to Walnut Creek approximately 850 feet west of Zuck Road.

4. To permanently fill 0.046 acre of wetland due to roadway widening activities.

5. To temporarily impact 0.346 acre of wetland due to various construction activities.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

EA67-028. Mr. William Conn, Jackson Township Manager, 439 Roth's Church Road, Spring Grove, PA 17362, Jackson Township, **York County**, USACOE Baltimore District.

Project proposes to remove an existing pedestrian bridge and to excavate approximately 4,000 cubic yards of legacy sediment from an approximately 2 acres floodway area of an Unnamed Tributary (UNT) to Codorus Creek (WWF) for the purpose of restoring natural aquatic ecosystems. To realign approximately 850 lineal feet of

stream channel for the purpose of restoring anastomosing channel characteristics. To place a wood grade control structure and place other large woody debris in restored channels and floodway areas. The project is located at the Jackson Township Community Park in Jackson Township, York County (USGS Quadrangle: West York, PA; Latitude 39°53'49.9"; Longitude: -76°51'17.0").

DAM SAFETY

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, Harrisburg, PA 17105.

D64-043. Lake Quinn Dam, Lake Quinn Cottages Club, Inc., 139 Lake Quinn Road, Waymart, PA 18472. To modify, operate and maintain the Lake Quinn Dam across a tributary to Middle Creek (HQ-CWF, MF), having 0.01 acre of impact to waterways or wetlands, for the purpose of rehabilitating an existing, recreational dam (Waymart, PA Quadrangle; Latitude: 41.5081N, Longitude: 75.4261W) in South Canaan Township, **Wayne 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 AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law. For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

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

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323.

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG 00 121 15 001	Kinder Morgan c/o Thomas Shimer 1001 Louisiana St Suite 1460C	Venango	Rockland Township	UNT Allegheny River HQ

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

ESCGP-2 # ESG16-083-0001—D08-U
Applicant Seneca Resources Corporation
Contact Mr. Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County Elk Township(s) Jones
Receiving Stream(s) and Classification(s) Straight Creek:
EV; UNTs to Straight Creek; Watershed: Straight Creek

ESCGP-2 # ESX10-065-0017—Lougee Pad 151
Applicant Exco Resources
Contact Mr. Brian Rushe
Address 260 Executive Drive, Suite 100
City Cranberry Township State PA Zip Code 16066
County Jefferson Township(s) Washington
Receiving Stream(s) and Classification(s) Fivemile Run/
Redbank Creek

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX29-115-16-0029
Applicant Name SWN Production Co LLC
Contact Person Sean Burke
Address 917 SR 92 N
City, State, Zip Tunkhannock, PA 18657
County Bradford & Susquehanna
Township(s) Stevens & Rush

Receiving Stream(s) and Classification(s) Ross Ck (WWF);
2 UNTs to Wyalusing Ck (WWF)
Secondary-Wyalusing Ck (WWF)

ESCGP-2 # ESX29-015-16-0017
Applicant Name EOG Resources Inc
Contact Person Greg Shaffer
Address 2039 S Sixth St
City, State, Zip Indiana, PA 15701
County Bradford
Township(s) Springfield
Receiving Stream(s) and Classification(s) Mill Ck
(TSF, MF); Bentley Ck (TSF)
Secondary—Sugar Creek

ESCGP-2 # ESX29-115-16-0028
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Harford
Receiving Stream(s) and Classification(s) E Branch Martins Ck (CWF-MF); UNT to Martins Ck (CWF-MF)

ESCGP-2 # ESX29-115-16-0032
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address 2000 Park Lane, Suite 300
City, State, Zip Pittsburgh, PA 15275
County Susquehanna
Township(s) Dimock

Receiving Stream(s) and Classification(s) UNT to Stevens
Ck (CWF); Stevens Ck (CWF)
Secondary—Stevens Ck (CWF); Meshoppen Ck (CWF)

ESCGP-2 # ESX12-015-0088(02)
Applicant Name EOG Resources Inc
Contact Person Greg Shaffer
Address 2039 S Sixth St
City, State, Zip Indiana, PA 15701
County Bradford

Township(s) Springfield
Receiving Stream(s) and Classification(s) Mill Ck
(TSF, MF); Brace Ck (TSF); Leonard Ck (TSF)
Secondary—Sugar Creek

ESCGP-2 # ESX11-035-0021(01)
Applicant Name Anadarko E & P Onshore LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 200

City, State, Zip Williamsport, PA 17701
County Clinton
Township(s) Grugan

Receiving Stream(s) and Classification(s) East Branch
Hyner Run (EV); UNTs to Right Branch Hyner Run
(EV)
Secondary—Hyner Run (EV); Right Branch Hyner Run
(EV)

ESCGP-2 # ESX12-117-0034(01)
Applicant Name Seneca Resources Corp
Contact Person Douglas Kepler
Address 51 Zents Blvd
City, State, Zip Brookville, PA 15825
County Tioga

Township(s) Delmar
Receiving Stream(s) and Classification(s) Norris Brook
(EV); East Branch Cananda Run (HQ-CWF); Baldwin
Run (HQ-CWF)

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of July 2016 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P.L. 238, No. 43 (63 P.S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Justin Ake	2309 13th Street Altoona, PA 16601	Mitigation
Roger Baker	1564 Dry Hollow Rd. Warriors Mark, PA 16877	Testing
Ralph D'Angelo	474 Burnley Ln. Drexel Hill, PA 19026	Testing
Joseph Donnelly, III	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Darren Ferguson	1022 Old Noblestown Rd. Oakdale, PA 15071	Testing
David Grammer RAdata, Inc.	27 Ironia Rd., Unit 2 Flanders, NJ 07836	Mitigation
Judith Hood-Scheidler Alltech Inspection Services	5225 Library Rd., Ste. 194 Bethel Park, PA 15102	Testing
Travis Hoverter	452 Allen Dr. Chambersburg, PA 17202	Testing
John Kerrigan	100 Old Kennett Rd. Wilmington, DE 19807	Mitigation
Harry Lehman Alpha Radon Reduction, LLC	2625 Bristol Rd., Ste. 100 Warrington, PA 18976	Mitigation
Frank Mitchell	PO Box 1222 Mullica Hill, NJ 08062	Testing
Judy O'Loughlin	1936 Butler Bridge Rd. Mills River, NC 28759	Laboratory Analysis
Riemenschneider	11909 Crestwood Cir. Waynesboro, PA 17268	Testing
Jeffrey Ralston	420 Valley Rd. Bloomsburg, PA 17815	Testing
Michael Rhodes	730 Attig Rd. Selinsgrove, PA 17870	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Clarence Sisco	PO Box 954 Blue Bell, PA 19422	Testing
Michael Sporik	400 Elizabeth St. Harrisburg, PA 17109	Testing
Adam Ulery	615 Aspen Ln. Duncansville, PA 16635	Testing
Gary Walters	PO Box 40 Enola, PA 17025	Mitigation

Draft NPDES Permit; Public Hearing

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

Notice is hereby given that the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, Coal Center, PA 15423, has received a request for a public hearing on the draft NPDES Permit for the Consol Pennsylvania Coal Company, LLC, 1000 Consol Energy Drive, Canonsburg, PA 15317, revision to the NPDES permit (NPDES No. PA0092894—Mining Permit No. 30810703) published in the *Pennsylvania Bulletin*, Volume 46, No. 24 on June 11, 2016. The revision is for one (1) NPDES outfall located in Richhill Township, Greene County.

The draft NPDES permit lists the following NPDES outfall:

Outfall 101-Lat: 39° 58' 35.7" Long: 80° 22' 45.9"—UNT to Booth Run.

The Department will hold a public hearing on the revised draft NPDES permit application at the Morris Township Community Center, Nineveh, PA on Wednesday, September 21, 2016, from 1:00 p.m. until 3:00 p.m. The nature of the public hearing is to solicit concerns and comments regarding the revised draft NPDES permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2, for the CRDA No. 7 & No. 8 support area to construct a sediment pond and Outfall 101. The public hearing will be held in accordance with 25 Pa. Code § 92a.83.

The public hearing is being held at the request of Center for Coalfield Justice, to state their concerns about the issuance of the NPDES permit and associated documentation that the Department utilizes to make a determination for effluent limits, effects on the receiving stream and infringement of Pennsylvanian's environmental rights.

A Department representative will be available to receive both written and oral testimony regarding the draft NPDES permit. Testimony will be placed into public record for the draft NPDES permit and considered by Department staff in the review process. A court stenographer will be present to document the expressed concerns.

If you are a person with a disability wishing to attend this public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, please contact Bonnie Herbert at 724.769.1100 to discuss how we may accommodate your needs. If necessary, you may use the Pennsylvania AT&T Relay Service by calling 1.800.654.5984 (TDD Users) or 1.800.654.5988 (Voice users) and request that your call be relayed to Bonnie Herbert at 724.769.1100.

Copies of the draft NPDES permit are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, Phone: 724.769.1100.

[Pa.B. Doc. No. 16-1396. Filed for public inspection August 12, 2016, 9:00 a.m.]

Coastal Zone Grant Solicitation

The Compacts and Commissions Office in the Department of Environmental Protection (Department) will be accepting applications beginning August 15, 2016, for Federal Fiscal Year 2017 Coastal Zone grants. Applications must be received no later than October 17, 2016.

Applicants must meet certain eligibility requirements (for example, the applicant must be an authority, an incorporated nonprofit organization, a political subdivision or an educational institution) and must be located within the Delaware Estuary Coastal Zone or the Lake Erie Coastal Zone. Proposals must also support the Coastal Resources Management Program's mission to protect and enhance coastal resources in this Commonwealth.

To apply or obtain more information concerning Coastal Zone grants, visit the Department web site at www.dep.pa.gov (select "Businesses," then "Water," then "Compacts and Commissions," then "Coastal Resources Management Program," then "Grants"). Questions concerning the grant solicitation should be directed to the Department of Environmental Protection, Compacts and Commissions Office at RA-epcoastalzone@pa.gov or (717) 772-4785.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1397. Filed for public inspection August 12, 2016, 9:00 a.m.]

Water Resources Advisory Committee Rescheduled Meeting

The August 17, 2016, meeting of the Water Resources Advisory Committee (Committee) has been rescheduled for September 21, 2016, at 9:30 a.m. at the Rachel Carson State Office Building, Room 105, 400 Market Street, Harrisburg, PA 17101.

Questions concerning the next scheduled meeting of the Committee can be directed to Lee McDonnell at (717) 787-5017 or lmcdonnell@pa.gov. The agenda and meeting

materials for the next meeting will be available on the Department of Environmental Protection's (Department) web site at <http://www.dep.pa.gov> (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Water Resources Advisory Committee").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-5017 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1398. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth McKean County

Proposers are invited to provide the Department of General Services with 8,896 usable square feet of office space for the State Police in McKean County. For more information on SFP No. 94825, which is due on Friday, October 7, 2016, visit www.dgs.pa.gov or contact David Weyandt, (717) 525-5255, daweyandt@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-1399. Filed for public inspection August 12, 2016, 9:00 a.m.]

Lease Office Space to the Commonwealth Northampton County

Proposers are invited to submit proposals to the Department of General Services to provide the Department of Health with 1,553 usable square feet of office space in Northampton County. Downtown locations will be considered. For more information on SFP No. 94814, which is due on September 27, 2016, visit www.dgs.pa.gov or contact Jerry Munley, Bureau of Real Estate, (717) 525-5231, gmunley@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-1400. Filed for public inspection August 12, 2016, 9:00 a.m.]

Lease Office Space to the Commonwealth Potter County

Proposers are invited to provide the Department of General Services with 8,246 usable square feet of office space for the State Police in Potter County. For more

information on SFP No. 94821, which is due on Friday, September 30, 2016, visit www.dgs.pa.gov or contact David Weyandt, (717) 525-5255, daweyandt@pa.gov.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 16-1401. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Emergency Medical Services Operating Fund Funding Priorities for Fiscal Year 2016-2017

Under 28 Pa. Code §§ 1021.24 and 1021.25 (relating to use of EMSOF funding by a regional EMS council; and allocation of EMSOF funds to regional EMS councils), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year beginning July 1, 2016, and ending June 30, 2017.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under 28 Pa. Code § 1021.24(e), that recipients of EMSOF funding from regional EMS councils may be required to provide matching funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2016, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2017.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the fiscal year beginning July 1, 2016, and ending June 30, 2017, must be expended or encumbered by the regional EMS council by June 30, 2017.

Funding Priorities

The funding priorities as follows are listed in order of current State priority. These priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed in a manner consistent with the

regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been met and additional funding is available, the request to use EMSOF money towards lower-priority items must still be supported by the Statewide and regional EMS development plans.

1. Recruitment and retention programs, including scholarships or tuition reimbursement for emergency medical responder (EMR), emergency medical technician (EMT), advanced emergency medical technician (AEMT) and paramedic (P) education in areas with higher than average prehospital personnel vacancy rates or other challenges associated with the provision of EMS primary education, or both, as determined by the regional EMS council and approved by the Department.

2. Costs associated with investigating a potential merger or consolidation of services. These costs include, but are not limited to, consulting fees, studies, legal fees and statistical analysis.

3. Costs associated with the actual merger or consolidation of services.

4. Development or improvement of an organizational risk management program (safety measures, hazard recognition or mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding that include a comprehensive program with expected outcome metrics and a review process that can potentially be replicated will receive first consideration. The Department must approve any requests prior to funding.

5. Capnography equipment (especially wave-form end-tidal CO₂ monitors).

6. Software or computer equipment to enable services to collect and transmit EMS patient care reports electronically.

7. Bariatric equipment for ambulances.

8. Replacement of an ambulance, for ambulance services, that is older than 10 years or has more than 200,000 miles on it. This allowance is limited to one per fiscal year.

When two or more ambulance companies have consolidated to create one entity, for the first 5 years after the ambulance companies completed consolidation, the entity may be deemed eligible to receive funding not to exceed the amount of the combined total for which the individual companies would have been eligible had they not consolidated.

Emergency Preparedness and Response Funding Requests

Emergency preparedness and response funding requests must be based on local and response roles of

services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, hazmat and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to responding to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and responding to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

Provider Equipment

Purchases by providers of EMS are not limited to equipment. If a provider of EMS requests EMSOF monies to purchase equipment, the Eligible Provider Equipment List included with this announcement identifies equipment for which EMSOF funds will be made available to purchase. This list provides the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. Providers of EMS that receive funding are responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for the percentage of the maximum allowable cost not funded with EMSOF funds and for any amount in excess of the maximum allowable cost. The last two columns of the Eligible Provider Equipment List identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

Examinations

Funding may be provided to EMS agencies to cover the cost of the State written test for paramedic, prehospital physician extender (PHPE), prehospital registered nurse (PHRN), AEMT, EMT and EMR certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$220 for Ps, PHPEs and PHRNs, \$200 for AEMTs, \$140 for EMTs and \$130 for EMRs per person.

Medical Director

The maximum allowable cost for an EMS agency to contract for medical director oversight is \$10,000 for fiscal year 2016-2017.

ELIGIBLE PROVIDER EQUIPMENT LIST

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>ALS</i>	<i>ALS/SQ</i>	<i>IALS</i>	<i>IALS/SQ</i>	<i>BLS</i>	<i>BLS/SQ</i>	<i>QRS</i>	<i>Allowable Costs¹</i>	<i>Nonrural (50%)</i>	<i>Rural (60%)</i>
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	N	N	N	12,000	6,000	7,200
12 Lead EKG ²	5 years	Y	Y	Y	Y	N	N	N	20,000	10,000	12,000
Automated External Defibrillator (AED)	5 years	N	N	N	N	Y ³	Y ³	Y ³	1,500	750	900
Automated External Defibrillator Trainer	5 years	N	N	N	N	Y	Y	Y	400	200	240
Oxygen Equipment (any combination)	5 years	Y	Y	Y	Y	Y	Y	Y	500	250	300
Cylinder											
Demand Valve w/Hose & Mask											
Regulator (combination or constant flow—25 lpm capable)											
Case											
Capnography Equipment	3 years	Y	Y	Y	Y	N	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	Y	Y	Y	Y	Y	1,500	750	900
Pulse Oximeter	5 years	Y	Y	Y	Y	Y	Y	Y	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	N	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	N	N	N	2,000	1,000	1,200
Adult /Pediatric Intubation Kits	5 years	Y ⁴	Y ⁴	N	N	N	N	N	600	300	360
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	N	N	N	200	100	120
Splinting/Immobilization Devices (any combination)	3 years	Y	Y	Y	Y	Y	Y	Y	500	250	300
Backboard											
Cervical Immobilization Device											
Splints (rigid, traction, and the like)											
Stairchair	5 years	Y	N	Y	N	Y	N	N	Up to 5,000	2,500	3,000
Stretcher	5 years	Y	N	Y	N	Y	N	N	Up to 10,000	5,000	6,000
Stair Stretcher 500-pound Capacity	5 years	Y	N	Y	Y	Y	N	N	2,700	1,350	1,620
Suction (Portable)	3 years	Y	Y	Y	Y	Y	Y	Y	900	450	540

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>ALS</i>	<i>ALS/SQ</i>	<i>IALS</i>	<i>IALS/SQ</i>	<i>BLS</i>	<i>BLS/SQ</i>	<i>QRS</i>	<i>Allowable Costs¹</i>	<i>Nonrural (50%)</i>	<i>Rural (60%)</i>
	5 years	Y ⁵	Y ⁵	Y ⁶	Y ⁶	Y ⁶	Y ⁶	Y ⁶	3,000	1,500	1,800
Ventilator, Automatic (per Department of Health Guidelines)	—	Y	N	Y	N	Y	N	N	—	15,000	20,000
Ambulance with Chevron Marking on Back of Unit	—	Y	Y	Y	Y	Y	Y	Y	1,500	750	900
Chevron	—	N	Y	N	Y	N	Y	Y	—	7,500	9,000
Squad/Response Vehicle with Chevron Marking on Back of Unit	—	Y	Y	Y	Y	Y	Y	Y	1,700	850	1,020
Data Collection Software/Technology ⁷	—	Y	Y	Y	Y	Y	Y	Y	2,000	1,000	1,200
Data Collection Hardware ⁸	3 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000	2,500	3,000
Radio, Mobile (two per vehicle)	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	5,000	2,500	3,000
Radio, Portable (two per vehicle per year)	5 years	Y	Y	Y	Y	Y	Y	Y	150	75	90
Triage Vest with Reflection Stripes Meeting ANSI National Standards	5 years	Y	Y	Y	Y	Y	Y	Y	750	375	450
Triage System	5 years	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	Y ⁹	2,000	1,000	1,200
Alerting Equipment (5 per service @ \$400 each)	5 years	Y	Y	Y	Y	Y	Y	Y	3,500	1,750	2,100
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	Y	Y	Y	1,200	600	720
Personal Protective Equipment/ Turnout Gear: Helmet, Coat, Pants, Boots	5 years	Y	Y	Y	Y	Y	Y	Y	1,000	500	600
Protection Respiratory	5 years	Y	Y	Y	Y	Y	Y	Y	500	250	300
Protection from Communicable Diseases	5 years	Y	Y	Y	Y	Y	Y	Y	1,000	500	600
Protective Ballistic Vest	5 years	Y	Y	Y	Y	Y	Y	Y	2,500	1,250	1,500
Global Positioning System Receiver 1 per licensed Ambulance or Recognized QRS Vehicle	5 years	Y	Y	Y	Y	Y	Y	Y	3,000	1,500	1,800
Traffic Safety Equipment	5 years	Y	Y	Y	Y	Y	Y	Y	3,000	1,500	1,800
Large Patient Moving/ Carrying Device	10 years	Y	Y	Y	Y	Y	Y	Y	3,000	1,500	1,800
Self-Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	Y	Y	Y	3,000	1,500	1,800
Paramedic/PHPE/PHRN Testing (Written)	—	—	—	—	—	—	—	—	220	220	220

<i>Equipment Description</i>	<i>Life Expectancy</i>	<i>ALS</i>	<i>ALS/SQ</i>	<i>IALS</i>	<i>IALS/SQ</i>	<i>BLS</i>	<i>BLS/SQ</i>	<i>QRS</i>	<i>Allowable Costs¹</i>	<i>Nonrural (50%)</i>	<i>Rural (60%)</i>
AEMT Testing (Written)	—								200	200	200
EMT Testing (Written)	—								140	140	140
EMR Testing (Written)	—								130	130	130
CO Detectors (Monitors)	5 Years	Y	Y	Y	Y	Y	Y	Y	200	100	120
12 Lead EKG Transmitter System	5 Years	Y	Y	Y	Y	N	N	N	1,000	500	600
IO Drills or Bone Injection Systems	5 Years	Y	Y	Y	Y	N	N	N	300	150	180
Narcotics Security Systems	5 Years	Y	Y	Y	Y	N	N	N	900	450	540
Refrigerators (mini)	10 Years	Y	Y	Y	Y	N	N	N	1,200	600	720
Pediatric Safe Transport Device	10 Years	Y	N	Y	N	Y	N	N	Up to 400	200	240
Tourniquet (tactical)	5 Years	Y	Y	Y	Y	Y	Y	Y	25	12.50	15
Bariatric equipment	5 Years	Y	Y	Y	Y	Y	Y	Y	27,000	13,500	16,200

ALS—Advanced Life Support ambulance service; ALS/SQ—Advanced Life Support Squad service; IALS—Intermediate Advanced Life Support ambulance service; IALS/SQ—Intermediate Advanced Life Support Squad service; BLS—Basic Life Support ambulance service; BLS/SQ—Basic Life Support Squad service; QRS—Quick Response Service

¹ All figures are dollar amounts for each item of equipment.
² Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.
³ Must be an approved AED service or part of regional planning, and AED medical director required.
⁴ Must be durable equipment, not disposable equipment.
⁵ Completion of approved training program required.
⁶ Completion of approved training program required and BLS service medical director approval required.
⁷ Must be a Department-approved software program, version and vendor.
⁸ Data collection hardware may include computer, modem, printer, backup device and battery system.
⁹ Must be compatible with regional and State EMS communications plan.

Questions regarding this notice should be directed to Aaron M. Rhone, EMS Program Manager, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Aaron Rhone at the previously listed address or telephone number or for speech or hearing impaired persons may use VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1402. Filed for public inspection August 12, 2016, 9:00 a.m.]

Infant Hearing Screening Advisory Committee Meeting

The Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P.S. §§ 876-1—876-9), will hold a public meeting on Wednesday, September 14, 2016. The meeting will be held at the Department of Transportation, Materials and Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110-2543 from 10 a.m. until 3 p.m. Agenda items will include updates about the newborn screening data system, Pediatric Audiology Links to Service, cytomegalovirus and the primary care physician family survey.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact Wendy O'Shea, Nursing Service Consultant, Division of Newborn Screening and Genetics, (717) 783-8143. Speech and/or hearing impaired persons use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

Persons who plan to attend the meeting should contact Wendy O'Shea at (717) 783-8143 by September 2, 2016.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1403. Filed for public inspection August 12, 2016, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Diamond Mine '16 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Diamond Mine '16.

2. *Price:* The price of a Pennsylvania Diamond Mine '16 instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania Diamond Mine '16 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and a "GAME 10" area. Each game is played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26 (TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN),

60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY). The play symbols and their captions located in the "GAME 1," "GAME 2," "GAME 3," "GAME 4," "GAME 5," "GAME 6," "GAME 7," "GAME 8," "GAME 9" and "GAME 10" areas are: 11 (ELV), 12 (TLV), 13 (THN), 14 (FRN), 15 (FTN), 16 (SXT), 17 (SVT), 18 (EGN), 19 (NIT), 20 (TWY), 21 (TTO), 22 (TTW), 23 (TTR), 24 (TTF), 25 (TYF), 26 (TTS), 27 (TYS), 28 (TTE), 29 (TTN), 30 (TRY), 31 (TRO), 32 (TRT), 33 (TYT), 34 (TRF), 35 (TFV), 36 (TRS), 37 (TRV), 38 (TRE), 39 (TRN), 40 (FRY), 41 (FTO), 42 (FFT), 43 (FTE), 44 (FRF), 45 (FRV), 46 (FRS), 47 (FSN), 48 (FRE), 49 (FNI), 50 (FTY), 51 (FFN), 52 (FTT), 53 (FTR), 54 (FTF), 55 (FTV), 56 (FTX), 57 (FSV), 58 (FEG), 59 (FNN), 60 (SXY), 61 (SXO), 62 (SXW), 63 (SXR), 64 (SXF), 65 (SXV), 66 (SXX), 67 (SXS), 68 (SEG), 69 (SNN) and 70 (SVY).

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area of "GAME 1" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELV), \$15⁰⁰ (FIFTN), \$18⁰⁰ (EGHTN), \$20⁰⁰ (TWENTY), \$24⁰⁰ (TWY FOR), \$30⁰⁰ (THIRTY), \$40⁰⁰ (FORTY), \$60⁰⁰ (SIXTY), \$90⁰⁰ (NINETY), \$100 (ONE HUN), \$300 (THR HUN), \$1,000 (ONE THO), \$3,000 (THR THO), \$30,000 (TRY THO) and \$60,000 (STY THO). The prize symbols and their captions located in the "PRIZE" area of "GAME 2" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$12⁰⁰ (TWELV), \$20⁰⁰ (TWENTY), \$24⁰⁰ (TWY FOR) and \$30,000 (TRY THO). The prize symbols and their captions located in the "PRIZE" area of "GAME 3" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$8⁰⁰ (EGT DOL), \$9⁰⁰ (NIN DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$100 (ONE HUN), \$300 (THR HUN) and \$1,000 (ONE THO). The prize symbols and their captions located in the "PRIZE" area of "GAME 4" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), and \$10⁰⁰ (TEN DOL). The prize symbols and their captions located in the "PRIZE" area of "GAME 5" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$8⁰⁰ (EGT DOL), \$12⁰⁰ (TWELV), \$18⁰⁰ (EGHTN), \$20⁰⁰ (TWENTY) and \$60⁰⁰ (SIXTY). The prize symbols and their captions located in the "PRIZE" area of "GAME 6" are: \$4⁰⁰ (FOR DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL) and \$15⁰⁰ (FIFTN). The prize symbols and their captions located in the "PRIZE" area of "GAME 7" are: \$3⁰⁰ (THR DOL) and \$12⁰⁰ (TWELV). The prize symbols and their captions located in the "PRIZE" area of "GAME 8" are: \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL) and \$6⁰⁰ (SIX DOL). The prize symbols and their captions located in the "PRIZE" area of "GAME 9" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL) and \$30⁰⁰ (THIRTY). The prize symbols and their captions located in the "PRIZE" area of "GAME 10" are: \$3⁰⁰ (THR DOL), \$4⁰⁰ (FOR DOL), \$6⁰⁰ (SIX DOL), \$9⁰⁰ (NIN DOL), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$100 (ONE HUN) and \$3,000 (THR THO).

5. *Prizes:* The prizes that can be won in this game are: \$3, \$4, \$5, \$6, \$8, \$9, \$10, \$12, \$15, \$18, \$20, \$24, \$30, \$40, \$60, \$90, \$100, \$300, \$1,000, \$3,000, \$30,000 and \$60,000. A player can win up to 4 times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Diamond Mine '16 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches the play symbol found in the “GAME 1” play area shall be entitled to a prize in the amount of the prize symbol which appears in the “GAME 1 PRIZE” area.

(b) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches either of the play symbols found in the “GAME 2” play area shall be entitled to a prize in the amount of two times the prize symbol which appears in the “GAME 2 PRIZE” area.

(c) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 3” play area shall be entitled to a prize in the amount of three times the prize symbol which appears in the “GAME 3 PRIZE” area.

(d) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 4” play area shall be entitled to a prize in the amount of four times the prize symbol which appears in the “GAME 4 PRIZE” area.

(e) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 5” play area shall be entitled to a prize in the amount of five times the prize symbol which appears in the “GAME 5 PRIZE” area.

(f) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of

the “WINNING NUMBERS” play symbols found in the “GAME 6” play area shall be entitled to a prize in the amount of six times the prize symbol which appears in the “GAME 6 PRIZE” area.

(g) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 7” play area shall be entitled to a prize in the amount of seven times the prize symbol which appears in the “GAME 7 PRIZE” area.

(h) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 8” play area shall be entitled to a prize in the amount of eight times the prize symbol which appears in the “GAME 8 PRIZE” area.

(i) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 9” play area shall be entitled to a prize in the amount of nine times the prize symbol which appears in the “GAME 9 PRIZE” area.

(j) Holders of tickets upon which any one of the “WINNING NUMBERS” play symbols matches any one of the “WINNING NUMBERS” play symbols found in the “GAME 10” play area shall be entitled to a prize in the amount of ten times the prize symbol which appears in the “GAME 10 PRIZE” area.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When A Number In Any Game Matches Any Winning Number, Apply That Game’s Multiplier To The Prize Shown For That Game And Win That Amount. Win With:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$3 w/ 1X	\$3	10	840,000
\$4 w/ 1X	\$4	20	420,000
\$5 w/ 1X	\$5	50	168,000
\$3 w/ 2X	\$6	66.67	126,000
\$6 w/ 1X	\$6	200	42,000
\$4 w/ 2X	\$8	111.11	75,600
\$8 w/ 1X	\$8	1,000	8,400
(\$3 w/ 1X) + (\$3 w/ 2X)	\$9	333.33	25,200
\$3 w/ 3X	\$9	250	33,600
\$9 w/ 1X	\$9	1,000	8,400
\$5 w/ 2X	\$10	333.33	25,200
\$10 w/ 1X	\$10	333.33	25,200
(\$4 w/ 1X) + (\$4 w/ 2X)	\$12	500	16,800
\$3 w/ 4X	\$12	1,000	8,400
\$4 w/ 3X	\$12	1,000	8,400
\$12 w/ 1X	\$12	1,000	8,400
(\$5 w/ 1X) + (\$5 w/ 2X)	\$15	500	16,800
\$5 w/ 3X	\$15	500	16,800
\$3 w/ 5X	\$15	200	42,000
\$15 w/ 1X	\$15	1,000	8,400
(\$3 w/ 1X) + (\$5 w/ 3X)	\$18	1,000	8,400
(\$3 w/ 2X) + (\$3 w/ 4X)	\$18	500	16,800
\$6 w/ 3X	\$18	1,000	8,400
\$9 w/ 2X	\$18	1,000	8,400
\$18 w/ 1X	\$18	1,000	8,400

*When A Number In Any Game
Matches Any Winning Number,
Apply That Game's Multiplier To
The Prize Shown For That Game
And Win That Amount. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$4 w/ 5X	\$20	1,000	8,400
\$5 w/ 4X	\$20	1,000	8,400
\$10 w/ 2X	\$20	1,000	8,400
\$20 w/ 1X	\$20	1,000	8,400
\$3 w/ 8X	\$24	2,400	3,500
\$4 w/ 6X	\$24	2,400	3,500
\$8 w/ 3X	\$24	2,400	3,500
\$12 w/ 2X	\$24	2,400	3,500
(\$18 w/ 1X) + (\$3 w/ 2X)	\$24	2,400	3,500
\$24 w/ 1X	\$24	2,400	3,500
(\$3 w/ 1X) + (\$3 w/ 2X) + (\$3 w/ 3X) + (\$3 w/ 4X)	\$30	1,200	7,000
(\$5 w/ 1X) + (\$5 w/ 2X) + (\$5 w/ 3X)	\$30	2,000	4,200
(\$6 w/ 1X) + (\$12 w/ 2X)	\$30	2,400	3,500
(\$5 w/ 1X) + (\$5 w/ 5X)	\$30	2,400	3,500
(\$9 w/ 1X) + (\$3 w/ 7X)	\$30	2,400	3,500
(\$3 w/ 1X) + (\$3 w/ 9X)	\$30	2,400	3,500
\$3 w/ 10X	\$30	6,000	1,400
\$10 w/ 3X	\$30	6,000	1,400
\$30 w/ 1X	\$30	6,000	1,400
(\$4 w/ 1X) + (\$4 w/ 2X) + (\$4 w/ 3X) + (\$4 w/ 4X)	\$40	6,000	1,400
(\$4 w/ 1X) + (\$6 w/ 6X)	\$40	6,000	1,400
(\$4 w/ 1X) + (\$4 w/ 9X)	\$40	3,000	2,800
\$4 w/ 10X	\$40	6,000	1,400
\$5 w/ 8X	\$40	6,000	1,400
\$10 w/ 4X	\$40	6,000	1,400
\$20 w/ 2X	\$40	12,000	700
\$40 w/ 1X	\$40	12,000	700
(\$6 w/ 1X) + (\$6 w/ 2X) + (\$6 w/ 3X) + (\$6 w/ 4X)	\$60	12,000	700
(\$12 w/ 1X) + (\$24 w/ 2X)	\$60	12,000	700
(\$3 w/ 4X) + (\$6 w/ 8X)	\$60	12,000	700
\$6 w/ 10X	\$60	12,000	700
\$10 w/ 6X	\$60	12,000	700
\$12 w/ 5X	\$60	12,000	700
\$20 w/ 3X	\$60	24,000	350
\$60 w/ 1X	\$60	24,000	350
(\$9 w/ 1X) + (\$9 w/ 2X) + (\$9 w/ 3X) + (\$9 w/ 4X)	\$90	3,000	2,800
(\$3 w/ 2X) + (\$12 w/ 7X)	\$90	2,400	3,500
\$9 w/ 10X	\$90	4,000	2,100
\$15 w/ 6X	\$90	4,000	2,100
\$18 w/ 5X	\$90	4,000	2,100
\$30 w/ 3X	\$90	4,000	2,100
\$90 w/ 1X	\$90	4,000	2,100
(\$10 w/ 1X) + (\$10 w/ 2X) + (\$10 w/ 3X) + (\$10 w/ 4X)	\$100	12,000	700
(\$10 w/ 1X) + (\$30 w/ 3X)	\$100	12,000	700
(\$8 w/ 5X) + (\$6 w/ 10X)	\$100	12,000	700
(\$10 w/ 6X) + (\$5 w/ 8X)	\$100	8,000	1,050
\$20 w/ 5X	\$100	12,000	700
\$100 w/ 1X	\$100	24,000	350
(\$20 w/ 5X) + (\$20 w/ 10X)	\$300	24,000	350
(\$30 w/ 9X) + (\$3 w/ 10X)	\$300	60,000	140
\$30 w/ 10X	\$300	60,000	140
\$60 w/ 5X	\$300	120,000	70
\$100 w/ 3X	\$300	120,000	70
\$300 w/ 1X	\$300	120,000	70
(\$300 w/ 3X) + (\$20 w/ 5X)	\$1,000	120,000	70

When A Number In Any Game Matches Any Winning Number, Apply That Game's Multiplier To The Prize Shown For That Game And Win That Amount. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,400,000 Tickets	
\$100 w/ 10X	\$1,000	120,000	70
\$1,000 w/ 1X	\$1,000	120,000	70
\$1,000 w/ 3X	\$3,000	1,680,000	5
\$3,000 w/ 1X	\$3,000	1,680,000	5
\$3,000 w/ 10X	\$30,000	1,680,000	5
\$30,000 w/ 1X	\$30,000	1,680,000	5
\$30,000 w/ 2X	\$60,000	1,680,000	5
\$60,000 w/ 1X	\$60,000	1,680,000	5

Each game is played separately. Game 1 prize is not multiplied.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Diamond Mine '16 lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Diamond Mine '16, prize money from winning Pennsylvania Diamond Mine '16 lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Diamond Mine '16 lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Diamond Mine '16 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1404. Filed for public inspection August 12, 2016, 9:00 a.m.]

Pennsylvania Lottery Family Feud® Instant Game Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lottery Family Feud® Instant Game.

2. *Price:* The price of a Pennsylvania Lottery Family Feud® instant game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lottery Family Feud® instant game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a separate "SURVEYS SAYS BONUS" area. The "SURVEY SAYS BONUS" area is played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY).

\$\$\$ (TRIPLE) symbol, and a Trophy (WINALL) symbol. The play symbols and their captions located in the "SURVEY SAYS BONUS" area are: Microphone (NO BONUS) symbol, Popcorn (TRY AGAIN) symbol, Soda (NO BONUS) symbol, Lemonade (TRY AGAIN) symbol and a TV (TV) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), 15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO). The prize symbols and their captions located in the "SURVEY SAYS BONUS" area are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$15⁰⁰ (FIFTN), \$20⁰⁰ (TWENTY), \$30⁰⁰ (THIRTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300, \$500, \$1,000, \$10,000 and \$100,000. The prizes that can be won in the "SURVEY SAYS BONUS" area are: \$5, \$10, \$15, \$20, \$30, \$50, \$100, \$300 and \$1,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawing:* The Pennsylvania Lottery will conduct two *Family Feud*® Second-Chance Drawings for which non-winning Pennsylvania Lottery *Family Feud*® instant game tickets may be eligible, as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Lottery *Family Feud*® instant game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which a TV (TV) symbol appears in the "SURVEY SAYS BONUS" area, and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in eight of the "prize" areas and a prize symbol of \$50⁰⁰ (FIFTY) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the match-

ing "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$300 (THR HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(h) Holders of tickets upon which a TV (TV) symbol appears in the "SURVEY SAYS BONUS" area, and a prize symbol of \$300 (THR HUN) appears in the "prize" area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$300.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in two of the "prize" areas and a prize symbol of \$20⁰⁰ (TWENTY) appears in ten of the "prize" areas, on a single ticket, shall be entitled to a prize of \$300.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which a TV (TV) symbol appears in the "SURVEY SAYS BONUS" area, and a prize symbol of \$100 (ONE HUN) appears in the "prize" area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Trophy (WINALL) symbol, and a prize symbol of \$15⁰⁰ (FIFTN) appears in four of the "prize" areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under the \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$60.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which a TV (TV) symbol appears in the "SURVEY SAYS BONUS" area, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$15⁰⁰ (FIFTN) appears in the "prize" area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$45.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING

NUMBERS” play symbols and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30.

(s) Holders of tickets upon which a TV (TV) symbol appears in the “SURVEY SAYS BONUS” area, and a prize symbol of \$30⁰⁰ (THIRTY) appears in the “prize” area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$30.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which a TV (TV) symbol appears in the “SURVEY SAYS BONUS” area, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which a TV (TV) symbol appears in the “SURVEY SAYS BONUS” area, and a

prize symbol of \$15⁰⁰ (FIFTN) appears in the “prize” area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a \$\$\$ (TRIPLE) symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that \$\$\$ (TRIPLE) symbol, on a single ticket, shall be entitled to a prize of \$15.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(aa) Holders of tickets upon which a TV (TV) symbol appears in the “SURVEY SAYS BONUS” area, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$10.

(bb) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(cc) Holders of tickets upon which a TV (TV) symbol appears in the “SURVEY SAYS BONUS” area, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area to the right of that TV (TV) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets:</i>
\$5 w/ SURVEY SAYS BONUS	\$5	20	540,000
\$5	\$5	20	540,000
\$5 x 2	\$10	60	180,000
(\$5 w/ SURVEY SAYS BONUS) + \$5	\$10	27.27	396,000
\$10 w/ SURVEY SAYS BONUS	\$10	60	180,000
\$10	\$10	60	180,000
\$5 x 3	\$15	600	18,000
\$5 w/ \$\$\$	\$15	150	72,000
(\$5 w/ SURVEY SAYS BONUS) + (\$5 x 2)	\$15	200	54,000
\$15 w/ SURVEY SAYS BONUS	\$15	600	18,000
\$15	\$15	600	18,000
\$10 x 2	\$20	600	18,000
(\$5 w/ \$\$\$) + \$5	\$20	120	90,000
(\$5 w/ SURVEY SAYS BONUS) + (\$5 x 3)	\$20	300	36,000
\$20 w/ SURVEY SAYS BONUS	\$20	600	18,000
\$20	\$20	600	18,000
\$10 x 3	\$30	600	18,000
\$15 x 2	\$30	600	18,000
(\$5 w/ \$\$\$) x 2	\$30	600	18,000
(\$10 w/ SURVEY SAYS BONUS) + (\$10 x 2)	\$30	600	18,000
\$30 w/ SURVEY SAYS BONUS	\$30	600	18,000
\$30	\$30	600	18,000
\$5 x 10	\$50	600	18,000

When Any Of Your Numbers Match
Any Winning Number, Win Prize
Shown Under The Matching
Number. Win With:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets:	
(\$15 w/ \$\$\$) + \$5	\$50	600	18,000
(\$10 w/ \$\$\$) + (\$10 × 2)	\$50	600	18,000
(\$10 w/ SURVEY SAYS BONUS) + (\$10 × 4)	\$50	600	18,000
\$50 w/ SURVEY SAYS BONUS	\$50	600	18,000
\$50	\$50	600	18,000
TROPHY w/ ((\$15 × 4) + (\$5 × 8))	\$100	600	18,000
TROPHY w/ ((\$10 × 8) + (\$5 × 4))	\$100	600	18,000
\$10 × 10	\$100	6,000	1,800
\$20 × 5	\$100	6,000	1,800
(\$10 w/ \$\$\$) × 3 + \$10	\$100	4,000	2,700
(\$20 w/ \$\$\$) + (\$10 w/ \$\$\$) + (\$5 × 2)	\$100	4,000	2,700
(\$10 w/ SURVEY SAYS BONUS) + (\$10 × 9)	\$100	12,000	900
\$100 w/ SURVEY SAYS BONUS	\$100	12,000	900
\$100	\$100	12,000	900
TROPHY w/ ((\$50 × 2) + (\$20 × 10))	\$300	24,000	450
\$30 × 10	\$300	24,000	450
\$100 × 3	\$300	24,000	450
(\$100 w/ SURVEY SAYS BONUS) + (\$100 × 2)	\$300	24,000	450
\$300 w/ SURVEY SAYS BONUS	\$300	24,000	450
\$300	\$300	24,000	450
TROPHY w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	24,000	450
\$500 × 2	\$1,000	120,000	90
(\$100 w/ SURVEY SAYS BONUS) + (\$100 × 9)	\$1,000	120,000	90
\$1,000 w/ SURVEY SAYS BONUS	\$1,000	120,000	90
\$1,000	\$1,000	120,000	90
\$10,000	\$10,000	540,000	20
\$100,000	\$100,000	1,080,000	10

Reveal a “\$\$\$” (TRIPLE) symbol, win triple the prize shown under that symbol.

Reveal a “TROPHY” (WINALL) symbol, win all 12 prizes shown!

SURVEY SAYS BONUS: Reveal a “TV” (TV) symbol, win prize shown to the right of that symbol. SURVEY SAYS BONUS is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawings*: Pennsylvania Lottery's *Family Feud*® Second-Chance Drawings (hereafter, the “Drawings”):

(a) *Qualifying Tickets*: Non-winning PA-1230 *Family Feud*® (\$5) instant game tickets (“Qualifying Tickets”) are eligible for entry into the Drawings.

(b) *Participation and Entry*:

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Drawings. To join the VIP Players Club, visit <https://www.palottery.state.pa.us/Vip-players-club/Login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Drawings, entrants must submit the identifying information from at least one Qualifying Ticket via the Drawings' promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted only once in the Drawings. Entries awarded will be applied to the active drawing at the time of successful submission of the entry. Entries are cumulative and will carry forward to the next drawing. No other

method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawings Description*:

(1) The Lottery will conduct two *Family Feud*® Second-Chance Drawings. All time references are Eastern Prevailing Time.

(i) All Drawings entries received after 11:59:59 p.m. August 21, 2016, through 11:59:59 p.m. September 29, 2016, will be entered into drawing # 1, held between September 30, 2016 and October 4, 2016.

(ii) All Drawings entries received after 11:59:59 p.m. August 21, 2016, through 11:59:59 p.m. October 27, 2016,

will be entered into drawing # 2, held between October 28, 2016 and November 1, 2016.

(2) The entry periods for the Drawings will be posted to the Pennsylvania Lottery's publicly accessible website.

(3) A Qualifying Ticket will receive 5 entries.

(4) Players may review their entries for the Drawings via the Drawings' promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section (e), or those mentioned anywhere else in these rules.

(2) The Lottery will conduct two drawings from among all the entries received during the entry period as described in section 10(c).

(3) *Drawing # 1:*

(i) The first through the fifth entries selected from the total number of entries awarded in drawing # 1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$10,000.

(ii) The sixth through the fifteenth entries selected from the total number of entries awarded in drawing # 1 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$5,000.

(4) *Drawing # 2:* The first through the fifth entries selected from the total number of entries awarded in drawing # 2 will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$20,000.

(5) The number of winning entries to be selected for each drawing will be posted to the Pennsylvania Lottery's publicly accessible website.

(6) The odds of an entry being selected in each drawing depend upon the number of entries received for each drawing.

(7) A computer generated randomizer will be used to select the winning entries for the Drawings.

(e) *Drawings Restrictions:*

(1) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawing because of incompatible cellular telephones or internet browsers, mobile lottery application failure, or other technical issues. If a Drawings entry is selected as a winner and rejected during or following the Drawings, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of

residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(8) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in the Drawings. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected. A winning entry drawn in drawing # 1 is ineligible to win a prize in drawing # 2.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Lottery *Family Feud*[®] instant game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of

at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lottery's *Family Feud*® instant game, prize money from winning Pennsylvania Lottery's *Family Feud*® instant game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lottery's *Family Feud*® instant game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lottery's *Family Feud*® instant game or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1405. Filed for public inspection August 12, 2016, 9:00 a.m.]

Pennsylvania Lucky 13 '16 Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Lucky 13 '16.

2. *Price:* The price of a Pennsylvania Lucky 13 '16 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Lucky 13 '16 instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 14 (FORTY), 15 (FIFTY), 16 (SIXTY), 17 (SEVENTY), 18 (EIGHTY), 19 (NINETY), 20 (TWENTY), 13 (THIRTY) symbol and a LUCKY (LCKY13) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$13⁰⁰ (THIRTEEN), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$1,300 (THIRTYHUN) and \$13,000 (THIRTYTHO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$13, \$20, \$40, \$100, \$1,300 and \$13,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Lucky 13 '16 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$13,000 (THRTNTHO) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$13,000.

(b) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$1,300 (THRTNHUN) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$1,300.

(c) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$40⁰⁰ (FORTY) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(e) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(f) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$13⁰⁰ (THIRTEEN) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$13.

(g) Holders of tickets with a LUCKY (LCKY13) symbol in the play area and a prize symbol of \$13⁰⁰ (THIRTEEN) appears in the "PRIZE" area to the right of that LUCKY (LCKY13) symbol, on a single ticket, shall be entitled to a prize of \$13.

(h) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(i) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$5.

(j) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$4.

(k) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$2.

(l) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of \$1^{.00} (ONE DOL) appears in the "PRIZE" area to the right of that 13 (THRTN) symbol, on a single ticket, shall be entitled to a prize of \$1.

(m) Holders of tickets with a 13 (THRTN) symbol in the play area and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the right of that 13

(THRTN) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Lucky 13 '16 instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A "13" (THRTN) Symbol,
Win Prize Shown To The Right
Of That Symbol. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
FREE	FREE \$1 TICKET	10	1,080,000
\$1	\$1	150	72,000
\$1 × 2	\$2	30	360,000
\$2	\$2	30	360,000
\$1 × 4	\$4	150	72,000
\$2 × 2	\$4	300	36,000
\$4	\$4	300	36,000
\$1 × 5	\$5	150	72,000
\$5	\$5	300	36,000
\$2 × 5	\$10	300	36,000
\$5 × 2	\$10	600	18,000
\$10	\$10	600	18,000
\$13 w/ LUCKY	\$13	103.45	104,400
\$13	\$13	3,000	3,600
\$4 × 5	\$20	3,000	3,600
\$5 × 4	\$20	3,000	3,600
\$10 × 2	\$20	3,000	3,600
(\$13 w/ LUCKY) + (\$2 × 3) + \$1	\$20	1,500	7,200
(\$13 w/ LUCKY) + \$5 + \$2	\$20	3,000	3,600
\$20	\$20	3,000	3,600
\$20 × 2	\$40	12,000	900
(\$10 × 3) + (\$5 × 2)	\$40	12,000	900
(\$13 w/ LUCKY) × 3 + \$1	\$40	2,400	4,500
\$40	\$40	12,000	900
\$20 × 5	\$100	24,000	450
(\$40 × 2) + (\$10 × 2)	\$100	24,000	450
(\$13 w/ LUCKY + (\$40 × 2) + \$5 + \$2	\$100	12,000	900
\$100	\$100	24,000	450
\$1,300	\$1,300	540,000	20
\$13,000	\$13,000	1,080,000	10

Reveal a "LUCKY" (LCKY13) symbol, win \$13 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Lucky 13 '16 instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single

installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky 13 '16, prize money from winning Pennsylvania Lucky 13 '16 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky 13 '16 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky 13 '16 or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1406. Filed for public inspection August 12, 2016, 9:00 a.m.]

Pennsylvania Million In An Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million In An Instant.

2. *Price:* The price of a Pennsylvania Million In An Instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million In An Instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and an "INSTANT CASH BONUS" area. The "INSTANT CASH BONUS" area is played separately. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Star (STAR) symbol, WIN ALL (WINALL) symbol and an INSTANT (\$1MILL) symbol. The play symbols and their captions located in the "INSTANT CASH BONUS" area are: Chest (NO BONUS) symbol, Safe (TRY AGAIN) symbol, Bank (NO BONUS) symbol, Stack of Coins (TRY AGAIN) symbol, Gold Bar (NO BONUS) symbol and a Cash (CASH) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$20.00

(TWENTY), \$40.00 (FORTY), \$50.00 (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$20,000 (TWY THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL). The prize symbols and their captions located in the "INSTANT CASH BONUS" area are: \$20.00 (TWENTY), \$50.00 (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$500 (FIV HUN).

5. *Prizes:* The prizes that can be won in this game are: \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$20,000, \$100,000 and \$1,000,000. The prizes that can be won in the "INSTANT CASH BONUS" area are \$20, \$50, \$100, \$400 and \$500. A player can win up to 21 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Million In An Instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is an INSTANT (\$1MILL) symbol, and a prize symbol of \$1MILL (ONE MIL) appears in the "prize" area under that INSTANT (\$1MILL) symbol, on a single ticket, shall be entitled to a prize of \$1,000,000. This prize shall be paid as a one-time, lump-sum cash payment.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$100,000 (ONEHUNTHO) appears in the "prize" area under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20,000 (TWY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$20,000 (TWY THO) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Star (STAR) symbol, and a prize symbol of \$1,000 (ONE THO) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a WIN ALL (WINALL) symbol, and a prize symbol of \$50.00 (FIFTY) appears in all twenty of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500

(FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$500 (FIV HUN) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which a Cash (CASH) symbol appears in the “INSTANT CASH BONUS” area, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area to the right of that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN ALL (WINALL) symbol, and a prize symbol of \$40.00 (FORTY) appears in five of the “prize” areas and a prize symbol of \$20.00 (TWENTY) appears in fifteen of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$400 (FOR HUN) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$400.

(o) Holders of tickets upon which a Cash (CASH) symbol appears in the “INSTANT CASH BONUS” area, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area to the right of that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$400.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a WIN ALL (WINALL) symbol, and a prize symbol of \$20.00 (TWENTY) appears in all twenty of the “prize” areas on a single ticket, shall be entitled to a prize of \$400.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$100 (ONE HUN) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$100.

(s) Holders of tickets upon which a Cash (CASH) symbol appears in the “INSTANT CASH BONUS” area, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area to the right of that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$100.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$50.00 (FIFTY) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$50.

(v) Holders of tickets upon which a Cash (CASH) symbol appears in the “INSTANT CASH BONUS” area, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area to the right of that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$50.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$40.00 (FORTY) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$40.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Star (STAR) symbol, and a prize symbol of \$20.00 (TWENTY) appears under that Star (STAR) symbol, on a single ticket, shall be entitled to a prize of \$20.

(aa) Holders of tickets upon which a Cash (CASH) symbol appears in the “INSTANT CASH BONUS” area, and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area to the right of that Cash (CASH) symbol, on a single ticket, shall be entitled to a prize of \$20.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

\$20 w/ STAR
 \$20
 \$20
 \$40 w/ STAR
 \$40
 \$50 w/ STAR

Instant Cash Bonus:

\$20 w/ CASH
 \$50 w/ CASH

Win:
 \$20
 \$20
 \$40
 \$40
 \$40
 \$50
 \$50

Approximate Odds Are 1 In:
 10
 15
 60
 60
 30
 50
 60

Approximate No. Of Winners Per 4,800,000 Tickets:
 480,000
 320,000
 80,000
 80,000
 160,000
 96,000
 80,000

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Instant Cash Bonus:	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 4,800,000 Tickets:
\$50		\$50	60	80,000
\$20 × 5		\$100	300	16,000
\$50 × 2		\$100	300	16,000
\$50	\$50 w/ CASH	\$100	100	48,000
(\$20 w/ STAR) × 5		\$100	300	16,000
	\$100 w/ CASH	\$100	300	16,000
\$100 w/ STAR		\$100	300	16,000
\$100		\$100	150	32,000
WIN ALL w/ (\$20 × 20)		\$400	521.74	9,200
\$40 × 10		\$400	12,000	400
\$50 × 7	\$50 w/ CASH	\$400	12,000	400
\$100 × 3	\$100 w/ CASH	\$400	12,000	400
(\$100 w/ STAR) × 3	\$100 w/ CASH	\$400	12,000	400
	\$400 w/ CASH	\$400	12,000	400
\$400 w/ STAR		\$400	12,000	400
\$400		\$400	12,000	400
WIN ALL w/ (\$20 × 20)	\$100 w/ CASH	\$500	8,000	600
WIN ALL w/ ((\$40 × 5) + (\$20 × 15))		\$500	8,000	600
\$50 × 10		\$500	24,000	200
\$50 × 9	\$50 w/ CASH	\$500	24,000	200
(\$100 w/ STAR) × 4	\$100 w/ CASH	\$500	24,000	200
	\$500 w/ CASH	\$500	24,000	200
\$500 w/ STAR		\$500	24,000	200
\$500		\$500	24,000	200
WIN ALL w/ (\$50 × 20)		\$1,000	12,000	400
WIN ALL w/ ((\$40 × 5) + (\$20 × 15))	\$500 w/ CASH	\$1,000	12,000	400
\$100 × 10		\$1,000	24,000	200
\$500 × 2		\$1,000	24,000	200
(\$100 w/ STAR) × 6	\$400 w/ CASH	\$1,000	24,000	200
\$500	\$500 w/ CASH	\$1,000	24,000	200
\$1,000 w/ STAR		\$1,000	24,000	200
\$1,000		\$1,000	24,000	200
\$20,000 w/ STAR		\$20,000	480,000	10
\$20,000		\$20,000	480,000	10
\$100,000 w/ STAR		\$100,000	960,000	5
\$100,000		\$100,000	960,000	5
\$1,000,000 w/ INSTANT		\$1,000,000	960,000	5

Reveal a “STAR” (STAR) symbol, win prize shown under that symbol automatically.

Reveal a “WIN ALL” (WINALL) symbol, win all 20 prizes shown.

Reveal an “INSTANT” (\$1MILL) symbol, win \$1 Million In An Instant!

INSTANT CASH BONUS: Reveal a “CASH” (CASH) symbol, win prize shown to the right of that symbol.

Bonus is played separately.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Million In An Instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize,

either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million In An

Instant, prize money from winning Pennsylvania Million In An Instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million In An Instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million In An Instant or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1407. Filed for public inspection August 12, 2016, 9:00 a.m.]

Pennsylvania Money Clip Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name*: The name of the game is Pennsylvania Money Clip.

2. *Price*: The price of a Pennsylvania Money Clip instant lottery game ticket is \$5.

3. *Play Symbols*: Each Pennsylvania Money Clip instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Coin (COIN) symbol and Money Roll (WINALL) symbol.

4. *Prize Symbols*: The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$5^{.00} (FIV DOL), \$10^{.00} (TEN DOL), \$20^{.00} (TWENTY), \$40^{.00} (FORTY), \$50^{.00} (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO) and \$100,000 (ONEHUNTHO).

5. *Prizes*: The prizes that can be won in this game are: \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$10,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 9,600,000 tickets will be printed for the Pennsylvania Money Clip instant lottery game.

7. *Determination of Prize Winners*:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10,000 (TEN THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Roll (WINALL) symbol, and a prize symbol of \$50^{.00} (FIFTY) appears in two of the “prize” areas and a prize symbol of \$40^{.00} (FORTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Roll (WINALL) symbol, and a prize symbol of \$50^{.00} (FIFTY) appears in two of the “prize” areas, a prize symbol of \$40^{.00} (FORTY) appears in five of the “prize” areas and a prize symbol of \$20^{.00} (TWENTY) appears in five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Roll (WINALL) symbol, and a prize symbol of \$100 (ONE HUN) appears in two of the “prize” areas and a prize symbol of \$20^{.00}

(TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$400.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money Roll (WINALL) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in two of the “prize” areas, a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the “prize” areas and a prize symbol of \$5⁰⁰ (FIV DOL) appears in eight of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$50⁰⁰ (FIFTY) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN)

symbol, and a prize symbol of \$40⁰⁰ (FORTY) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$20⁰⁰ (TWENTY) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Coin (COIN) symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “prize” area under that Coin (COIN) symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,600,000 Tickets:</i>
\$5 w/ COIN	\$5	15	640,000
\$5	\$5	20	480,000
\$5 × 2	\$10	120	80,000
\$10 w/ COIN	\$10	21.43	448,000
\$10	\$10	120	80,000
\$5 × 4	\$20	300	32,000
\$10 × 2	\$20	300	32,000
(\$5 w/ COIN) × 4	\$20	200	48,000
\$20 w/ COIN	\$20	300	32,000
\$20	\$20	300	32,000
\$5 × 8	\$40	600	16,000
\$10 × 4	\$40	600	16,000
(\$20 w/ COIN) × 2	\$40	600	16,000
\$40 w/ COIN	\$40	600	16,000
\$40	\$40	600	16,000
\$5 × 10	\$50	300	32,000
(\$10 w/ COIN) × 5	\$50	300	32,000
\$50 w/ COIN	\$50	300	32,000
\$50	\$50	300	32,000

When Any Of Your Numbers
Match Any Winning Number,
Win Prize Shown Under The
Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 9,600,000 Tickets:
MONEY ROLL w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	300	32,000
\$10 × 10	\$100	2,400	4,000
\$20 × 5	\$100	2,400	4,000
(\$50 w/ COIN) × 2	\$100	2,000	4,800
\$100 w/ COIN	\$100	2,000	4,800
\$100	\$100	2,400	4,000
MONEY ROLL w/ ((\$100 × 2) + (\$20 × 10))	\$400	8,000	1,200
MONEY ROLL w/ ((\$50 × 2) + (\$40 × 5) + (\$20 × 5))	\$400	8,000	1,200
\$50 × 8	\$400	24,000	400
(\$100 w/ COIN) × 4	\$400	24,000	400
\$400 w/ COIN	\$400	24,000	400
\$400	\$400	24,000	400
MONEY ROLL w/ ((\$50 × 2) + (\$40 × 10))	\$500	8,000	1,200
(\$100 w/ COIN) × 5	\$500	24,000	400
\$500 w/ COIN	\$500	24,000	400
\$500	\$500	24,000	400
(\$100 w/ COIN) × 10	\$1,000	960,000	10
\$1,000	\$1,000	960,000	10
\$10,000	\$10,000	960,000	10
\$100,000	\$100,000	960,000	10

Reveal a "COIN" (COIN) symbol, win prize shown under that symbol automatically.

Reveal a "MONEY ROLL" (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Money Clip instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Money Clip, prize money from winning Pennsylvania Money Clip instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Clip instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Clip or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1408. Filed for public inspection August 12, 2016, 9:00 a.m.]

Pennsylvania Money Stash Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Money Stash.

2. *Price:* The price of a Pennsylvania Money Stash instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Money Stash instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN) and 19 (NINTN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), Vault (VAULT) symbol and a \$20 Bill (WIN20) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "prize" areas are: \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$25.⁰⁰ (TWY FIV), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$50,000. The player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Money Stash instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$500 (FIV HUN) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$100 (ONE HUN) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$25⁰⁰ (TWY FIV) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$20 Bill (WIN20) symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "prize" area under that \$20 Bill (WIN20) symbol, on a single ticket, shall be entitled to a prize of \$20.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vault (VAULT) symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the "prize" area under that Vault (VAULT) symbol, on a single ticket, shall be entitled to a prize of \$2.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate

number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$2 w/ VAULT	\$2	17.65	476,000
\$2	\$2	18.75	448,000
\$2 × 2	\$4	50	168,000
\$4 w/ VAULT	\$4	50	168,000
\$4	\$4	50	168,000
\$5 w/ VAULT	\$5	75	112,000
\$5	\$5	75	112,000
\$2 × 5	\$10	750	11,200
\$5 × 2	\$10	750	11,200
\$10 w/ VAULT	\$10	107.14	78,400
\$10	\$10	750	11,200
\$4 × 5	\$20	1,500	5,600
\$5 × 4	\$20	1,500	5,600
\$20 w/ \$20 BILL	\$20	136.36	61,600
\$20 w/ VAULT	\$20	1,500	5,600
\$20	\$20	1,500	5,600
\$5 × 5	\$25	1,500	5,600
(\$20 w/ \$20 BILL) + \$5	\$25	1,500	5,600
(\$5 w/ VAULT) × 5	\$25	750	11,200
\$25 w/ VAULT	\$25	1,500	5,600
\$25	\$25	1,500	5,600
\$5 × 10	\$50	3,000	2,800
\$10 × 5	\$50	2,400	3,500
((\$20 w/ \$20 BILL × 2) + \$10)	\$50	2,400	3,500
(\$10 w/ VAULT) × 5	\$50	2,400	3,500
\$50 w/ VAULT	\$50	2,400	3,500
\$50	\$50	4,000	2,100
\$10 × 10	\$100	6,000	1,400
\$50 × 2	\$100	6,000	1,400
(\$40 × 2) + (\$10 × 2)	\$100	6,000	1,400
(\$20 w/ \$20 BILL) × 5	\$100	6,000	1,400
\$100 w/ VAULT	\$100	6,000	1,400
\$100	\$100	6,000	1,400
\$50 × 10	\$500	210,000	40
\$100 × 5	\$500	210,000	40
((\$20 w/ \$20 BILL) × 5) + (\$100 × 4)	\$500	210,000	40
(\$100 w/ VAULT) × 5	\$500	210,000	40
\$500 w/ VAULT	\$500	210,000	40
\$500	\$500	210,000	40
\$500 × 2	\$1,000	210,000	40
\$1000	\$1,000	280,000	30
\$50,000	\$50,000	840,000	10

Reveal a "VAULT" (VAULT) symbol, win prize shown under that symbol automatically.

Reveal a "\$20 BILL" (WIN20) symbol, win \$20 instantly!

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Money Stash instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000

shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-

winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money*: For a period of 1 year from the announced close of Pennsylvania Money Stash, prize money from winning Pennsylvania Money Stash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Money Stash instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Money Stash or through normal communications methods.

EILEEN H. McNULTY,
Secretary

[Pa.B. Doc. No. 16-1409. Filed for public inspection August 12, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by AIG Assurance Company

AIG Assurance Company, a domestic stock casualty insurance company, has filed an application for approval of a plan of redomestications whereby the state of domicile would change from the Commonwealth of Pennsylvania to Illinois. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1410. Filed for public inspection August 12, 2016, 9:00 a.m.]

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by the Insurance Company of the State of Pennsylvania

The Insurance Company of the State of Pennsylvania, a domestic stock property insurance company, has filed an application for approval of a plan of redomestications whereby the state of domicile would change from the Commonwealth of Pennsylvania to Illinois. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of 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 Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1411. Filed for public inspection August 12, 2016, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Meadowood Life Plan at Home, LLC

Meadowood Life Plan at Home, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Meadowood Life Plan at Home in Worcester, PA. The initial filing was received on July 22, 2016, and was under the Continuing-Care Provider Registration and Disclosure Act (40 P.S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. 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 to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1412. Filed for public inspection August 12, 2016, 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 29, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2016-2558324. RC Jones Transportation, LLC (134 Harriet Street, Rankin, Allegheny County, PA 15104) in paratransit service, from points in Allegheny, to points in Pennsylvania, and return.

A-2016-2558652. Michael L. Fuller (745 Five Points Road, Muncy, Northumberland County, PA 17756) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Center, Columbia, Lycoming, Montour, Northumberland and Union, to points in Pennsylvania, and return.

A-2016-2558989. Kathy J. Pentz and Steven L. Pentz, t/a Pentz's Primitives Used Mart Haulin (1470 Brouse Road, Montgomery, Lycoming County, PA 17752) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lycoming, Northumberland and Union, to points in Pennsylvania, and return.

A-2016-2559007. Donald Henry Bigger, Jr. (855 Hockley Hill Road, Turbotville, Northumberland County, PA 17772) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from Northumberland County, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2016-2559268. Green Express, LLC (16 Merwood Drive, Upper Darby, Delaware County, PA 19082) for the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service, from points in Pennsylvania to Pennsylvania airports.

A-2016-2559380. Niazh, Inc., t/a Saiva Medical Transportation (914 Hunt Drive, Yardley, Bucks County, PA 19067) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from

points in the Counties of Berks, Bucks, Chester, Delaware, Lehigh, Montgomery and Philadelphia, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1413. Filed for public inspection August 12, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due August 29, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Robert L. Hyde, t/a Hyde Excavating; Docket No. C-2016-2553218

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Robert L. Hyde, t/a Hyde Excavating, (respondent) is under suspension effective June 11, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 367 Smokey Corners Road, Cogan Station, PA 17728.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 24, 2010, at A-8912256.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue

an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8912256 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/6/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current

insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Zaman Enterprises, LLC, t/a ASR Limousine; Docket No. C-2016-2553407

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Zaman Enterprises, LLC, t/a ASR Limousine, (respondent) is under suspension effective May 28, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 105 Paoli Pike, Paoli, PA 19355.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 28, 2015, at A-2014-2402297.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2014-2402297 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/29/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Gregory B.
Hockenberry, t/a Hockenberry Trucking;
Docket No. C-2016-2553439**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Gregory B. Hockenberry, t/a Hockenberry Trucking, (respondent) is under suspension effective May 30, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 26796 Route 75 North, Mifflintown, PA 17059.
3. That respondent was issued a Certificate of Public Convenience by this Commission on August 27, 2013, at A-2013-2368689.
4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2013-2368689 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/29/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

—————

**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Eric Hamilton, t/a Eric Hamilton Towing & Road Service;
Docket No. C-2016-2553457**

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Eric Hamilton, t/a Eric Hamilton Towing & Road Service, (respondent) is under suspension effective May 26, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 170 Old Beaver Grade Road, Coraopolis, PA 15108.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 14, 2012, at A-2012-2290012.

4. That respondent has failed to maintain evidence of Cargo and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public

Convenience held by respondent at A-2012-2290012 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 6/29/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regula-

tions and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
Investigation and Enforcement v. Advanced
Limousine Coach Services, Inc.;**
Docket No. C-2016-2556621

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Advanced Limousine Coach Services, Inc., (respondent) is under suspension effective June 17, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 538 Durham Rd, Newtown, PA 18940.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 12, 2014, at A-6416475.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6416475 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/20/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If

your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
 Secretary

[Pa.B. Doc. No. 16-1414. Filed for public inspection August 12, 2016, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-25, Miscellaneous Uniform Items 2016, until 2 p.m. on Friday, September 9, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
 Executive Director

[Pa.B. Doc. No. 16-1415. Filed for public inspection August 12, 2016, 9:00 a.m.]

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-26, Printing 2016, until 2 p.m. on Thursday, September 8, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
 Executive Director

[Pa.B. Doc. No. 16-1416. Filed for public inspection August 12, 2016, 9:00 a.m.]

Request for Proposals

The Philadelphia Parking Authority will accept sealed proposals for RFP No. 16-27, Automotive Tires 2016, until 2 p.m. on Friday, September 9, 2016. Information can be obtained from www.philapark.org or call Mary Wheeler at (215) 683-9665.

VINCENT J. FENERTY, Jr.,
 Executive Director

[Pa.B. Doc. No. 16-1417. Filed for public inspection August 12, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from June 1, 2016, through June 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18

CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals By Rule Issued Under 18 CFR 806.22(e)

1. The Hershey Company, West Hershey Plant, ABR-201606003, Derry Township, Dauphin County, PA; Consumptive Use of Up to 0.499 mgd; Approval Date: June 17, 2016.

Approvals By Rule Issued Under 18 CFR 806.22(f)

1. Chesapeake Appalachia, LLC, Pad ID: Gestewitz, ABR-201111002.R1, North Towanda Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 2, 2016.

2. Chesapeake Appalachia, LLC, Pad ID: Coyle, ABR-201111009.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 2, 2016.

3. Chesapeake Appalachia, LLC, Pad ID: Bartholomew, ABR-201111012.R1, Franklin Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 2, 2016.

4. Chesapeake Appalachia, LLC, Pad ID: Dulcey, ABR-201111020.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 2, 2016.

5. Chesapeake Appalachia, LLC, Pad ID: Gregerson, ABR-201111025.R1, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 2, 2016.

6. SWEPI, LP, Pad ID: Weiner 882, ABR-201103045.R1, Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 2, 2016.

7. SWEPI, LP, Pad ID: Swan 1122, ABR-201104031.R1, Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 2, 2016.

8. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 027B Pad A, ABR-201107030.R1, McHenry Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 3, 2016.

9. Anadarko E&P Onshore, LLC, Pad ID: COP Tract 356 Pad G, ABR-201108017.R1, Cummings Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 3, 2016.

10. Chief Oil & Gas, LLC, Pad ID: Bouse Drilling Pad # 1, ABR-201110008.R1, Monroe Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 3, 2016.

11. Chief Oil & Gas, LLC, Pad ID: Nelson Drilling Pad # 1, ABR-201111031.R1, Forks Township, Sullivan County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 3, 2016.

12. Seneca Resources Corporation, Pad ID: Gamble Pad R, ABR-201606001, Eldred Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 3, 2016.

13. Seneca Resources Corporation, Pad ID: DCNR 100 Pad G, ABR-201108032.R1, McIntyre Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 3, 2016.

14. Chief Oil & Gas, LLC, Pad ID: Beirne Green Hills Farms A Drilling Pad # 1, ABR-201111024.R1, Asylum and Monroe Townships, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 8, 2016.

15. EXCO Resources (PA), LLC, Pad ID: Cadwalader Pad, ABR-201103039.R1, Cogan House Township, Lycoming County, PA; Consumptive Use of Up to 8.0000 mgd; Approval Date: June 8, 2016.

16. Chesapeake Appalachia, LLC, Pad ID: Hess, ABR-201105004.R1, Rome Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 10, 2016.

17. Chief Oil & Gas, LLC, Pad ID: Madigan Farms A Drilling Pad # 1, ABR-201111016.R1, Burlington Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 10, 2016.

18. EOG Resources, Inc., Pad ID: HOLCOMBE 1H Pad, ABR-201107022.R1, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 10, 2016.

19. EOG Resources, Inc., Pad ID: STAHL 1H Pad, ABR-201107021.R1, Smithfield Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: June 10, 2016.

20. Chesapeake Appalachia, LLC, Pad ID: LW, ABR-201111027.R1, Cherry Township, Sullivan County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 13, 2016.

21. Endless Mountain Energy Partners, LLC, Pad ID: Sturgis-B, ABR-201105019.R1, Gallagher Township, Clinton County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 13, 2016.

22. Energy Corporation of America, Pad ID: Coldstream Affiliates B, ABR-201110019.R1, Goshen Township, Clearfield County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: June 13, 2016.

23. SWEPI, LP, Pad ID: Showalter 822, ABR-201105018.R1, Chatham Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 13, 2016.

24. Range Resources—Appalachia, LLC, Pad ID: Mohawk South Unit Well Pad, ABR-201606002, Gallagher Township, Clinton County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: June 14, 2016.

25. Chesapeake Appalachia, LLC, Pad ID: Robbins, ABR-201111018.R1, Ulster Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 21, 2016.

26. Chief Oil & Gas, LLC, Pad ID: Squier B Drilling Pad # 1, ABR-201110007.R1, Springville Township, Susquehanna County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 21, 2016.

27. Talisman Energy USA, Inc., Pad ID: 07 185 Camp Comfort, ABR-201106025.R1, Middletown Township, Susquehanna County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 21, 2016.

28. SWN Production Company, LLC, Pad ID: Zeffler Pad, ABR-201108029.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: June 23, 2016.

29. SWN Production Company, LLC, Pad ID: Scott Pad, ABR-201108030.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: June 23, 2016.

30. Clean Energy E&P, LLC, Pad ID: Whispering Pines Pad 1, ABR-201606004, Delmar Township, Tioga County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: June 24, 2016.

31. Seneca Resources Corporation, Pad ID: DCNR 595 Pad L, ABR-201108033.R1, Bloss Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 24, 2016.

32. SWEPI, LP, Pad ID: Sanchis 1129, ABR-201105017.R1, Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 24, 2016.

33. SWEPI, LP, Pad ID: Drake 274, ABR-201106003.R1, Lawrence Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 24, 2016.

34. SWEPI, LP, Pad ID: Fuller 826, ABR-201606005, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: June 24, 2016.

35. Talisman Energy USA, Inc., Pad ID: 02 011 DCNR 587, ABR-201106029.R1, Ward Township, Tioga County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 24, 2016.

36. Talisman Energy USA, Inc., Pad ID: 03-086 Everts P, ABR-201606006, Columbia Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: June 24, 2016.

37. Chesapeake Appalachia, LLC, Pad ID: Lines, ABR-201111017.R1, Monroe Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2016.

38. Chesapeake Appalachia, LLC, Pad ID: Knapp, ABR-201111003.R1, Burlington and Ulster Townships, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: June 28, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: July 28, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1418. Filed for public inspection August 12, 2016, 9:00 a.m.]

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects from June 1, 2016, through June 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Rescinded ABR Issued

1. Seneca Resources Corporation, Pad ID: Gamble Pad C, ABR-201506006, Gamble Township, Lycoming County, PA; Rescind Date: June 15, 2016.

2. Atlas Resources, LLC, Pad ID: Perry Well Pad, ABR-201201019, Mill Creek Township, Lycoming County, PA; Rescind Date: June 15, 2016.

3. Atlas Resources, LLC, Pad ID: Stubler Pad B, ABR-201307006, Gamble Township, Lycoming County, PA; Rescind Date: June 15, 2016.

4. EOG Resources, Inc., Pad ID: GHFC Pad A, ABR-201110030, Lawrence Township, Clearfield County, PA; Rescind Date: June 15, 2016.

5. EOG Resources, Inc., Pad ID: GHFC Pad B, ABR-201110029, Lawrence Township, Clearfield County, PA; Rescind Date: June 15, 2016.

6. EOG Resources, Inc., Pad ID: GHFC Pad D, ABR-201203009, Goshen Township, Clearfield County, PA; Rescind Date: June 15, 2016.

7. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 244 # 1000H, ABR-20090927.R1, Rush Township, Centre County, PA; Rescind Date: June 16, 2016.

8. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 244 # 1001H & # 1002H, ABR-20090928.R1, Rush Township, Centre County, PA; Rescind Date: June 16, 2016.

9. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 342 D, ABR-20100349.R1, Beech Creek Township, Clinton County, PA; Rescind Date: June 16, 2016.

10. Anadarko E&P Onshore, LLC, Pad ID: COP Tr 344 Pad B, ABR-201008019.R1, Grugan Township, Clinton County, PA; Rescind Date: June 16, 2016.

11. Anadarko E&P Onshore, LLC, Pad ID: Tx Gulf B # 2H & # 3H, ABR-20090823.R1, Beech Creek Township, Clinton County, PA; Rescind Date: June 16, 2016.

12. Anadarko E&P Onshore, LLC, Pad ID: Williams S. Kieser Pad A, ABR-201011046.R1, Cogan House Township, Lycoming County, PA; Rescind Date: June 16, 2016.

13. American Energy—Marcellus, LLC, Pad ID: Sooner Magic 1, ABR-201412001, Union Township, Huntingdon County, PA; Rescind Date: June 29, 2016.

14. SWN Production Company, LLC, Pad ID: WY 03 LUMBER PAD, ABR-201401005, Tunkhannock Township, Wyoming County, PA; Rescind Date: June 29, 2016.

15. SWN Production Company, LLC, Pad ID: WY 05 DZIUBA BENJAMIN PAD, ABR-201402003, Eaton Township, Wyoming County, PA; Rescind Date: June 29, 2016.

16. SWN Production Company, LLC, Pad ID: FRIES Pad, ABR-201112033, Lenox Township, Susquehanna County, PA; Rescind Date: June 29, 2016.

17. SWN Production Company, LLC, Pad ID: WY 02 HARDING PAD, ABR-201402007, Tunkhannock Township, Wyoming County, PA; Rescind Date: June 29, 2016.

18. SWN Production Company, LLC, Pad ID: Malling Well Pad, ABR-201208017, Silver Lake Township, Susquehanna County, PA; Rescind Date: June 29, 2016.

19. SWN Production Company, LLC, Pad ID: Nota Well Pad, ABR-201210019, Franklin Township, Susquehanna County, PA; Rescind Date: June 29, 2016.

20. SWN Production Company, LLC, Pad ID: TI-03 Porter Dennis—Pad, ABR-201403001, Union Township, Tioga County, PA; Rescind Date: June 29, 2016.

21. SWN Production Company, LLC, Pad ID: WHENGREEN, ABR-201111033, Lenox Township, Susquehanna County, PA; Rescind Date: June 29, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: July 28, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1419. Filed for public inspection August 12, 2016, 9:00 a.m.]
