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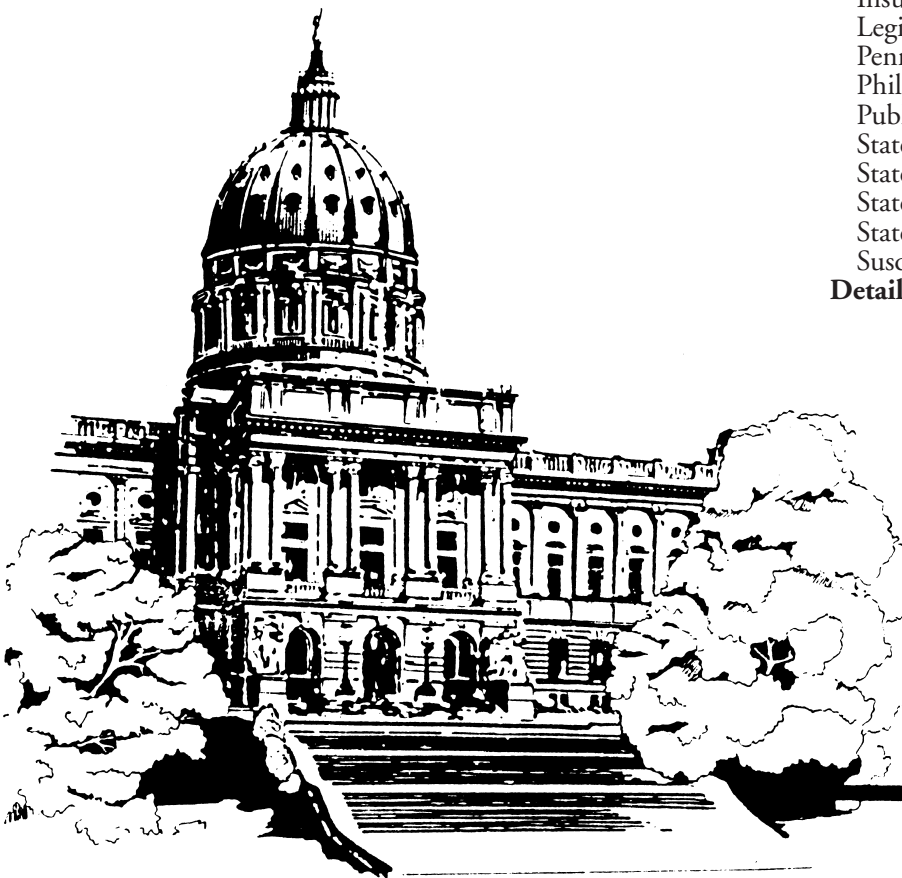
PENNSYLVANIA BULLETIN

Volume 47
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Number 33
Pages 4791—4972

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The Courts
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Insurance Department
Legislative Reference Bureau
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Philadelphia Parking Authority
Public School Employees' Retirement Board
State Board of Nursing
State Charter School Appeal Board
State Conservation Commission
State Employees' Retirement Board
Susquehanna River Basin Commission

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

No. 513, August 2017

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2017.

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THE GENERAL ASSEMBLY

Recent Actions during the 2017 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2017 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>
2017 General Acts of Regular Session Enacted—Act 014 through 032					
014	Jul 7	HB0239	PN2005	Immediately	Rare Disease Advisory Council Act—enactment
015	Jul 7	HB0283	PN0269	60 days	Multiple designations in multiple counties—designation
016	Jul 7	HB0423	PN0439	60 days	Second Class Township Code—vacancies in office and vacancies in general
017	Jul 7	HB0424	PN0440	60 days	Vital Statistics Law of 1953—information for certificates and coroner referrals
018	Jul 7	HB1219	PN1447	60 days	Sgt. Robert Eugene Goodlin Memorial Bridge—designation
019	Jul 7	HB1269	PN1536	60 days	General Local Government Code (53 Pa.C.S.)—municipal authorities purposes and powers
020	Jul 7	SB0288	PN0274	60 days	Vehicle Code (75 Pa.C.S.)—duty of driver in emergency response areas
021	Jul 7	SB0365	PN0357	60 days	Second Class Township Code—personal property
022	Jul 7	SB0560	PN0936	60 days	Crimes Code (18 Pa.C.S.) and Judicial Code (42 Pa.C.S.)—omnibus amendments
023	Jul 20	HB0422	PN1058	60 days	First Class Township Code—electors only eligible and vacancies in general
024	Jul 20	HB1426	PN1794	60 days	Vehicle Code (75 Pa.C.S.)—conditions of permits and security for damages, permit for movement of construction equipment and for permit for movement of containerized cargo
025	Jul 20	HB1494	PN1904	60 days	Conservation and Natural Resources Act—contracts and agreements
026	Jul 20	SB0144	PN1051	60 days	Pennsylvania Sewage Facilities Act—official plans
027	Jul 20	SB0289	PN1020	60 days	Multiple designations in multiple counties—designation
028	Jul 20	SB0399	PN0399	60 days	Second Class Township Code—supervisors
029	Jul 20	SB0527	PN1081	60 days	Administrative Code of 1929—establishing the Office of State Inspector General
030	Jul 20	SB0553	PN1037	Immediately*	Vehicle Code (75 Pa.C.S.)—omnibus amendments
031	Jul 20	SB0589	PN0887	60 days	Vehicle Code (75 Pa.C.S.)—fire apparatus, length of vehicles and for maximum gross weight of vehicles
032	Jul 22	SB0624	PN1000	Immediately	Bituminous Mine Subsidence and Land Conservation Act—planned subsidence and retroactivity
2017 Appropriation Acts of Regular Session Enacted—Act 001A through 010A					
001A	Jul 11	HB0218	PN2196	Immediately	General Appropriation Act of 2017—enactment
002A	Jul 21	SB0680	PN1028	Immediately	State Employees' Retirement Board—administrative expenses, etc.
003A	Jul 21	SB0681	PN1029	Immediately	Public School Employees' Retirement Board—administrative expenses, etc.

<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>
004A	Jul 21	SB0682	PN0803	Immediately	Bureau of Professional and Occupational Affairs—operation of professional licensure boards
005A	Jul 21	SB0683	PN0804	Immediately	Department 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
006A	Jul 21	SB0684	PN1030	Immediately	Pennsylvania Public Utility Commission—operation
007A	Jul 21	SB0685	PN0806	Immediately	Office of Consumer Advocate—operation
008A	Jul 21	SB0686	PN1031	Immediately	Office of Small Business Advocate—operation
009A	Jul 21	SB0687	PN1032	Immediately	Gaming Control Appropriation Act of 2017—enactment
010A	Jul 21	SB0688	PN1033	Immediately	Philadelphia Parking Authority—operation

2017 Joint Resolutions of Regular Session Passed—JR 001

001	Jul 17	HB1285	PN1589		Constitution of Pennsylvania—exemptions and special provisions
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* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified 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 1 Pa.C.S. (relating to prothonotaries to keep files of advance copies of 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.

One-time purchases of the advance copies of statutes can be purchased through the State Bookstore's web site at www.shoppaheritage.com.

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

[Pa.B. Doc. No. 17-1365. Filed for public inspection August 18, 2017, 9:00 a.m.]

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing (Commission) announces the following meetings to be held at the Commission's business office at 204 East Calder Way, Suite 400, State College, PA 16801.

Wednesday, September 13, 2017	1 p.m.	Annual Planning Session
Thursday, September 14, 2017	9 a.m.	Policy Committee Meeting
	11 a.m.	Quarterly Commission Meeting

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 17-1366. Filed for public inspection August 18, 2017, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 81]

Amendment of IOLTA Board Regulations; No. 153 Disciplinary Rules Doc.

Order

Per Curiam

And Now, this 7th day of August, 2017, it is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Regulations for the Pennsylvania Interest on Lawyers Trust Account Board in Subchapter B (Rules for Interest on Lawyers Trust Accounts) and Subchapter C (Minor Judiciary Interest on Trust Accounts) are amended in the following form.

To the extent that notice of proposed rulemaking would otherwise be required by Pa.R.J.A. No. 103, the immediate promulgation of the amendments is found to be in the interests of justice and efficient administration.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective immediately.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter B. RULES FOR INTEREST ON LAWYERS TRUST ACCOUNTS

§ 81.101. Definitions.

The following words and phrases when used in these [**regulations**] **Regulations** shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Comparability Guidance.—Guidance developed and updated from time to time by the IOLTA Board which addresses how Eligible Institutions should determine the comparable interest or dividend rate to be applied to IOLTA Accounts. This guidance is made available online at www.paiolta.org and may also be obtained by writing to the IOLTA Board at P.O. Box 62445, Harrisburg, PA 17106-2445.

Eligible Institution.—An Eligible Institution is a Financial Institution which has been approved as a depository of Trust Accounts pursuant to Pa.R.D.E. 221(h).

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[**Good faith**] **Good Faith.**—Honesty in fact in the conduct or transaction concerned.

Interest on [Lawyer] Lawyers Trust Account (IOLTA) Account.—An IOLTA Account is an [**income produc-**

ing] **income-producing** Trust Account from which funds may be withdrawn upon request as soon as permitted by law. Qualified Funds are to be held or deposited in an IOLTA Account.

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Non-IOLTA Account.—A Non-IOLTA Account is an [**income producing**] **income-producing** Trust Account from which funds may be withdrawn upon request as soon as permitted by law in which a lawyer deposits Rule 1.15 Funds. Only Nonqualified Funds are to be held or deposited in a Non-IOLTA Account. A Non-IOLTA Account shall be established only as:

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§ 81.105. Eligible Institutions.

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(b) In order to be approved as an Eligible Institution, the Financial Institution must comply [**not only**] with applicable provisions of Pa.R.P.C. 1.15, [**but also**] Pa.R.D.E. 221, and the Regulations contained in this subchapter.

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(e) Acceptable account title: The lawyer must specifically identify an IOLTA [**account**] **Account** with the words “IOLTA Trust Account” or “IOLTA Escrow Account” and the name of the lawyer or the law firm who maintains the account in the main title of the account.

(f) Acceptable title on checks/deposit slips: The word “IOLTA” need not be placed on checks or deposit slips.

(g) Provision of Information[.]: The Eligible Institution must provide the following information to the IOLTA Board and to the lawyer who maintains the IOLTA Account at the time of each remittance:

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§ 81.106. Income on IOLTA Accounts.

(a) The rate of interest or dividend paid on IOLTA Accounts shall be not less than the highest rate of interest or dividend generally available from the Eligible Institution to non-IOLTA customers when the IOLTA Account meets the same minimum balance or other **account** eligibility qualifications.

(b) An Eligible Institution shall be deemed to have satisfied the requirements of subsection (a) of this regulation only if the Eligible Institution is in compliance with the Comparability Guidance published by the IOLTA Board from time to time.

(c) [**Each Eligible Institution shall file with the IOLTA Board a Compliance Certification Form, certifying compliance with Comparability Guidance in effect from time to time. The Eligible Institution shall be responsible for filing a new Compliance Certification Form when information previously provided to the IOLTA Board becomes inaccurate.] Each Eligible Institution shall submit to the IOLTA Board for review and approval a Compliance Certification Form, which identifies the rate of interest or dividend to be paid on IOLTA Accounts and certifies the Eligible Institution’s compliance with the IOLTA Regulations and Comparability Guidance. Prior to changing a rate of interest or divi-**

dend that was previously approved by the IOLTA Board, or when the rate of interest or dividend for comparable products exceeds the rate listed in the Eligible Institution's most recently approved Compliance Certification Form, the Eligible Institution shall submit a new Compliance Certification Form to the IOLTA Board for review and approval.

(d) Remittance of income: All income earned under the IOLTA program must be remitted to the IOLTA Board at least every quarter. Eligible Institutions shall honor requests by the IOLTA Board to recover income that was not remitted to the IOLTA Board, in accordance with the Eligible Institution's most recently approved Compliance Certification Form, during the twelve months preceding the IOLTA Board's request.

§ 81.112. Refunds.

(a) The IOLTA Board may return income paid to the IOLTA Board under certain circumstances. **[If] For example, if a lawyer mistakenly places Nonqualified Funds in an IOLTA Account, or if the lawyer reasonably believed that Rule 1.15 Funds were Qualified Funds, but the Rule 1.15 Funds were in fact not Qualified Funds, then the lawyer may apply for a refund of income paid to the IOLTA Board. Additionally, if an Eligible Institution erroneously remits to the IOLTA Board income that should have been properly directed to a different jurisdiction's interest on lawyers trust account program, then the impacted lawyer, financial institution, or other jurisdiction's interest on lawyers trust account program may apply for a refund of the income paid to the IOLTA Board.**

(b) The following guidelines apply to **[applications for return of income]** requests for a refund:

(i) **[The lawyer must make the application in writing on firm letterhead.] All requests must be made on the letterhead of the party making the request (i.e., the impacted lawyer, financial institution, or other jurisdiction's interest on lawyers trust account program), and all requests must set forth in reasonable detail the basis for the requested refund.**

(ii) **[The application] Requests** must be accompanied by verification **[from] of the income paid for which a refund is sought. Verification must be made by** the Eligible Institution **[in]** at which the IOLTA Account is maintained **[of the income earned on the Rule 1.15 Funds for which a refund is sought]**. As needed for auditing purposes, the IOLTA Board may request additional documentation.

(iii) **[The application must be received by the IOLTA Board within six months after the Rule 1.15 Funds have been disbursed from the IOLTA Account.] The IOLTA Board will only consider requests where the income to be refunded was received by the IOLTA Board during the twelve-month period prior to the IOLTA Board receiving the written request for a refund.**

(iv) **[The refund will be remitted to the lawyer for his/her distribution to the Third Party Owner. The IOLTA Board will issue an IRS (Internal Revenue Service) form 1099 to the lawyer who, in turn, is responsible for issuing an IRS form 1099 to the Third Party Owner.] Refunds will be remitted**

through the Eligible Institution that transmitted the income to the IOLTA Board unless an alternative method is requested and agreed to by the IOLTA Board.

(v) If the Eligible Institution has imposed a service charge with respect to the **[deposit] IOLTA Account**, only the net amount of income paid to the IOLTA Board (reduced by applicable service charges) will be refunded.

(vi) The IOLTA Board may **impose and** deduct a processing charge from the refund.

Appendix A

The Pennsylvania Interest on Lawyers Trust Account Board

Promulgated by the Pennsylvania Interest on Lawyers Trust Account Board and Approved by the Supreme Court of Pennsylvania

These **[regulations] Regulations** are to be read and applied in connection with the Pennsylvania Rules of Professional Conduct. Nothing in these **[regulations] Regulations** shall be construed to relieve a lawyer of any provision of the Pennsylvania Rules of Professional Conduct. Where these **[regulations] Regulations** contain directives pertaining to the Interest on Lawyers Trust Account program which are more specific than those set forth in the Pennsylvania Rules of Professional Conduct, the provisions of these **[regulations] Regulations** shall control.

Questions and Answers Concerning Pennsylvania IOLTA

STATEMENT OF PURPOSE

The following is a representation of the questions most frequently asked of the Pennsylvania Interest on Lawyers Trust Account Board (the "IOLTA Board") and the answers given. Some of the answers paraphrase the actual Rules of Professional Conduct or Regulations of the IOLTA Board. Reference should be made to the Rules and to the Regulations when appropriate.

What is the Basic Concept of IOLTA?

Clients and third persons frequently transfer monies to lawyers to hold. Rule 1.15 of the Pennsylvania Rules of Professional Conduct generally requires the lawyer to deposit all monies of clients and third persons ("Rule 1.15 Funds") in a Trust Account. When the amount is large or if the funds will be held for an extended period of time, lawyers invest them for the benefit of the owner. These funds are known as Nonqualified Funds. But when the funds are nominal in amount or expected to be held for a short time, they cannot practically be invested to benefit the owner of the funds. These funds are Qualified Funds.

Rule 1.15 of the Pennsylvania Rules of Professional Conduct requires a lawyer to deposit Qualified Funds in a particular type of Trust Account: an **[income producing] income-producing IOLTA Account**. The result is that funds that would otherwise earn no income can be put to constructive use.

The lawyer's Eligible Institution transfers the income earned on IOLTA Accounts ("IOLTA Funds"), no less frequently than quarterly, to the IOLTA Board. The IOLTA Board distributes the IOLTA Funds for the delivery of civil legal assistance to the poor and disadvantaged, educational legal clinical programs and internships

administered by law schools, the administration of justice, and for the administration and development of the IOLTA program.

How do lawyers comply with the IOLTA requirements of Rule 1.15?

IOLTA Accounts may be maintained only at Eligible Institutions approved by the Supreme Court of Pennsylvania.

An "Enrollment Form for Lawyers and Law Firms" can be used to direct the Eligible Institution to open or convert one or more of the lawyer's Trust Account(s) to [**income producing**] **income-producing** IOLTA Accounts. Submit the second copy of the enrollment form, along with a list of all the lawyers who use the IOLTA Account in the regular course of their practice, to the IOLTA Board.

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Are any exemptions from IOLTA participation allowed?

Yes, a lawyer may apply for an exemption from the requirement that all Qualified Funds be placed in an IOLTA Account. However, the exemption will be granted by the IOLTA Board only for one of the reasons specified in Rule 1.15. Write to the IOLTA Board if you believe any of the permitted exemptions apply. Exemptions will be granted if:

[(A) the nature of the lawyer's practice does not require the routine maintenance of a Trust Account in Pennsylvania;

(B) the establishment of an IOLTA Account would work an undue hardship on the lawyer or would be extremely impractical, based either on the geographical distance between the lawyer's principal office and the closest Eligible Institution or on other compelling and necessitous factors;

(C) the lawyer's historical annual Trust Account experience, based on information from the Eligible Institution in which the lawyer deposits Rule 1.15 Funds, demonstrates the service charges on the Trust Account would significantly and routinely exceed any income generated.]

(i) **Low balance account:** If the average daily balance of your current IOLTA Account, as measured over twelve months, is less than \$5,000, you may request an exemption.

(ii) **Account service charges routinely exceed income:** If the bank service charges assessed on your current IOLTA Account routinely exceed the income earned, you may request an exemption.

(iii) **Extreme impracticality or undue hardship:** Under limited circumstances it would be unduly burdensome for a lawyer to maintain a Trust Account as an IOLTA Account. An example includes the lack of an Eligible Institution that offers IOLTA Accounts in the lawyer's geographical location.

(iv) **Other compelling and necessitous reasons:** There may be compelling and necessitous reasons justifying an exemption from the requirement that the lawyer maintain a Trust Account as an IOLTA Account. A lawyer who demonstrates a compelling and necessitous reason for not complying with the IOLTA Board Regulations may request an exemption. A philosophical objection to the IOLTA Pro-

gram or the IOLTA Board Regulations does not constitute a compelling and necessitous reason for an exemption.

What funds are to be placed in IOLTA Accounts?

Qualified Funds are monies of a client or third person received by a lawyer, that in the [**good faith**] **Good Faith** judgment of the lawyer, are nominal in amount or which the lawyer reasonably expects to be held for such a short period of time that sufficient income will not be generated to justify the expense of earning income to benefit the client or third person.

A lawyer will not be liable for damages or held to have breached his or her professional responsibility because monies are deposited in an IOLTA Account pursuant to the lawyer's judgment in [**good faith**] **Good Faith** that the monies are Qualified Funds.

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How does the IOLTA program affect financial institutions?

Financial [**institutions**] **Institutions** are not mandated to participate in IOLTA. However, [**financial institutions**] **Financial Institutions** that wish to offer Trust Accounts into which lawyers can deposit Rule 1.15 Funds (whether Qualified or Nonqualified Funds) must be approved by the Supreme Court of Pennsylvania. A list of Eligible Institutions can be obtained from the Disciplinary Board.

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What if a lawyer mistakenly deposits funds which are not Qualified Funds into an IOLTA Account?

As long as the lawyer used [**good faith**] **Good Faith** judgment, the lawyer will not be liable in damages for placing Nonqualified Funds into an IOLTA Account, nor will the lawyer be held to have breached any fiduciary duty or responsibility because monies were deposited into an IOLTA Account. Additionally, if timely requested, a refund of income earned on an IOLTA Account and received by the IOLTA Board attributable to the mistaken deposit, net of an administrative charge, will be [**made to the lawyer for distribution to the Third Party Owner**] returned to the remitting Eligible Institution, unless an alternative method is approved by the IOLTA Board.

May all lawyers in a law firm use the same IOLTA Account?

Yes. If a law firm established an IOLTA Account, each lawyer who deposits all Qualified Funds in that account will be deemed to be in compliance with IOLTA. This account must be set up according to IOLTA [**regulations**] **Regulations**. Each lawyer is ultimately responsible to ensure that he or she is in compliance with IOLTA.

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Must a lawyer who receives funds of clients or third persons other than in connection with a client-lawyer relationship deposit those funds in a Trust Account, including an IOLTA Account?

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Rule of Professional Conduct 5.7 provides that a lawyer is subject to the Pennsylvania Rules of Professional Conduct with respect to the provision of both legal and nonlegal services if a lawyer provides nonlegal services that are not distinct from legal services. Rule of Profes-

sional Conduct 5.7(e) defines “nonlegal services” as “services that might reasonably be performed in conjunction with and in substance are related to the provision of legal services, and that are not prohibited as unauthorized practice of law when provided by a [non lawyer] nonlawyer.” Even if the nonlegal services are distinct from legal services, the lawyer is still subject to the Rules of Professional Conduct: (i) if the lawyer knows or reasonably should know that the recipient of the services might believe that the recipient is receiving the protection of a client-lawyer relationship, or (ii) if the lawyer is an owner, controlling party, employee, agent, or is otherwise affiliated with an entity providing nonlegal services and the lawyer knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship. In each of these cases, the lawyer will be subject to the obligations of Rule 1.15 of the Pennsylvania Rules of Professional Conduct and these Regulations as if a client-lawyer relationship existed with the recipient of the services. The lawyer then must deposit all funds of the client or a third person which are received in connection with that relationship in a Trust Account, regardless of whether the funds resulted from legal or nonlegal services. If the funds are Qualified Funds, those funds are to be placed in an IOLTA Account.

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Subchapter C. MINOR JUDICIARY INTEREST ON TRUST ACCOUNTS

Preamble: Statement of Purpose

The Minor Judiciary Interest on Trust Accounts Program (the “MJ-IOTA Program”) was established by Order of the Supreme Court of Pennsylvania dated August 3, 2004. The judges and justices of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are subject to MJ-IOTA. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the [Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates] Philadelphia Municipal Court, Traffic Division (assuming the jurisdiction and functions of the former Traffic Court of Philadelphia) and judges of the Pittsburgh Municipal Court (judicial unit assigned matters that were formerly within the jurisdiction of the Pittsburgh Magistrates).

The MJ-IOTA Program generates income where formerly there was none. This income aids the citizens of the Commonwealth of Pennsylvania. [Interest] Income earned on MJ-IOTA [accounts] Accounts may be used only for educational legal clinical programs and internships administered by law schools located in Pennsylvania, delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and for the administration and development of the MJ-IOTA [program] Program.

§ 81.301. Minor Judiciary Interest on Trust Accounts Program.

(a) [All qualified funds received by a judge, magistrate or district justice (hereinafter judicial official) in the administration of his/her duties shall be placed in a Minor Judiciary Interest on Trust Account (MJ-IOTA) Account. This rule does not change existing practices with respect to funds (other than qualified funds) received by a judicial

official in the administration of his/her duties.] All Qualified Funds received by a judge, magistrate or Magisterial District Judge (hereinafter Judicial Official) in the administration of his/her duties shall be placed in a Minor Judiciary Interest on Trust Account (hereinafter MJ-IOTA Account) as defined in paragraph (c) below; such Qualified Funds placed in MJ-IOTA Accounts are referred to hereinafter as MJ-IOTA Funds. This rule does not change existing practices with respect to funds (other than Qualified Funds) received by a Judicial Official in the administration of his/her duties.

(b) [Qualified funds are monies received by a judicial official in a custodial capacity that, in the good faith judgment of the judicial official] Qualified Funds are monies received by a Judicial Official in a Custodial Capacity that, in the Good Faith judgment of the Judicial Official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient [interest] income will not be generated to justify the expense of earning [interest] income to benefit the owner of the funds.

(c) [A MJ-IOTA is an unsegregated interest-bearing account with a depository institution for the deposit of qualified funds maintained by a judicial official.] An MJ-IOTA Account is an unsegregated interest-bearing account with a Depository Institution for the deposit of Qualified Funds maintained by a Judicial Official. An account shall not be considered an MJ-IOTA Account unless the [depository institution] Depository Institution at which the account is maintained shall:

(1) Remit monthly any [interest] income earned on the account to the [IOLTA Board] Interest on Lawyers Trust Account Board of the Supreme Court of Pennsylvania (hereinafter the IOLTA Board), or if that is not possible, remit the [interest] income earned at least quarterly.

(2) Transmit to the IOLTA Board with each remittance a statement showing [at least] not less than the following information: the name of the account[,]; the account number[,]; the service charges [or] and/or fees deducted, if any[,]; the amount of [interest] income remitted from the account[,]; and if available, the average daily collected balance in the account for the period reported.

(3) [Compute the rate of interest paid on MJ-IOTA Accounts at no less than the highest rate of interest generally available from the depository institution to non-MJ-IOTA depositors when MJ-IOTA Accounts meet or exceed the same minimum balance or other account eligibility qualifications as other non-MJ-IOTA depositors. In no event shall the rate of interest payable on MJ-IOTA accounts be less than the rate paid by the depository institution on negotiable order of withdrawal accounts or super negotiable order of withdrawal accounts.] Compute the rate of interest or dividend paid on an MJ-IOTA Account at no less than the highest rate of interest or dividend generally available from the Depository Institution to non-MJ-IOTA customers when the MJ-IOTA Account meets the same minimum balance or other account eligibility qualifications.

(4) [**The accounts must be collateralized by the assets of the banks in accordance with Act 72 of 1971.**] Collateralize the account with the assets of the Depository Institution in accordance with current practice and Act 72 of 1971.

(d) The MJ-IOTA Program shall be administered by the IOLTA Board. Disbursement and allocation of MJ-IOTA [**funds**] **Funds** shall be subject to the prior approval of the Supreme Court of Pennsylvania (hereinafter the Court). A copy of the IOLTA Board's proposed annual budget will be provided to the Court, designating the uses to which MJ-IOTA [**Funds**] **funds** are recommended. The IOLTA Board shall submit to the [**Supreme**] Court a copy of its audited statement of financial affairs, clearly setting forth in detail all funds previously approved for disbursement under the MJ-IOTA Program.

[**Interest**] **Income** earned on MJ-IOTA Accounts may be used only for the following purposes:

(1) educational legal clinical programs and internships administered by law schools located in Pennsylvania, with emphasis given to providing grants to these programs such that the total funding they receive from the IOLTA Board is relatively stable and reasonably predictable from year to year in accordance with the allocation plan approved by the Court:

(2) delivery of civil legal assistance to the poor and disadvantaged in Pennsylvania by non-profit corporations described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and

(3) administration and development of the MJ-IOTA [**program**] **Program** in Pennsylvania.

(e) The IOLTA Board shall hold the beneficial interest in MJ-IOTA Funds. Monies received in the MJ-IOTA [**program**] **Program** are not state or federal funds and are not subject to Article VI of the Act of April 9, 1929 (P.L. 177, No. 175) known as the Administrative Code of 1929, or the Act of June 29, 1976 (P.L. 469, No. 117).

§ 81.302. Definitions.

The following words and phrases when used in these [**regulations**] **Regulations** shall have the meanings given to them in this section unless the context clearly indicates otherwise:

AOPC. The Administrative Office of Pennsylvania Courts.

AOPC Magisterial District Judge Case Reporting System. The computerized docket activity tracking and accounting system developed by the AOPC for use by the Magisterial District Judges throughout the state.

Beneficial Owner. The third party whose funds are in the custody of a [**judicial official**] **Judicial Official**.

[**Board.** The Pennsylvania Interest on Lawyer Trust Account Board.]

Comparability Guidance. Guidance developed and updated from time to time by the IOLTA Board which addresses how Depository Institutions should determine the comparable interest or dividend rate to be applied to MJ-IOTA Accounts. This guidance is made available online at www.paiolta.org and may also be obtained by writing to the IOLTA Board at P.O. Box 62445, Harrisburg, PA 17106-2445.

Custodial Account. [**Any account maintained in a depository institution in which or with respect to which a judicial official holds the funds of a beneficial owner.**] Any account maintained in a Depository Institution in which or with respect to which a Judicial Official holds the funds of a Beneficial Owner.

Custodial Capacity. [**The capacity in which the judicial official holds funds of a beneficial owner received by a judicial official in his or her capacity as a judicial official.**] The capacity in which the Judicial Official holds funds of a Beneficial Owner received by a Judicial Official in his or her capacity as a Judicial Official.

Custodial Funds. Funds, whether cash, check, money order, or other negotiable instrument, received by a [**judicial official**] **Judicial Official** in his or her capacity as a [**judicial official**] **Judicial Official**.

Depository Institution. [**A financial institution in which a member of the minor judiciary holds funds of beneficial owners in a custodial account.**] A financial institution in which a Judicial Official holds funds of Beneficial Owners in a Custodial Account.

Good Faith. Honesty in fact in the conduct or transaction concerned.

IOLTA Board. The Pennsylvania Interest on Lawyers Trust Account Board.

Judicial Official. Each judge and justice of all courts created pursuant to Article V, Sections 6 and 7 of the Pennsylvania Constitution are judicial officials. These include Magisterial District Judges, judges of the Philadelphia Municipal Court, judges of the [**Traffic Court of Philadelphia and judges of the Pittsburgh Magistrates Court**] Philadelphia Municipal Court, Traffic Division and judges of the Pittsburgh Municipal Court.

MJ-IOTA Account. [**An un-segregated interest-bearing account with a depository institution for the deposit of qualified funds by a judicial official, the interest from which is beneficially owned by the Board.**] An un-segregated income-producing account with a Depository Institution for the deposit of Qualified Funds by a Judicial Official, the income from which is beneficially owned by the IOLTA Board.

MJ-IOTA Order. The Order of the Supreme Court of Pennsylvania dated August 3, 2004 which established the Minor Judiciary Interest on Trust Account Program.

Qualified Funds. Funds, whether cash, check, money order, or other negotiable instrument received by a [**judicial official**] **Judicial Official** in his or her capacity as a [**judicial official**] **Judicial Official** which, in the [**good faith**] **Good Faith** judgment of the [**judicial official**] **Judicial Official**, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient [**interest**] **income** will not be generated to justify the expense of earning [**interest to benefit the beneficial owner**] **income to benefit the Beneficial Owner** of the funds.

Regulations. These regulations adopted by the IOLTA Board, and approved by the Supreme Court of Pennsylvania, as they may be amended from time to time.

§ 81.303. Scope.

The MJ-IOTA [**program**] **Program** applies to each [**custodial account**] **Custodial Account** maintained by, or on behalf of, a [**judicial official**] **Judicial Official** in the performance of his or her official duties.

§ 81.304. Custodial Funds.

(a) Custodial [**funds**] **Funds** must be deposited in a [**custodial account**] **Custodial Account**.

(b) [**Qualified funds are custodial funds that, in the good faith judgment of the judicial official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient interest income will not be generated to justify the expense of earning interest to benefit the beneficial owner of the funds. With few exceptions, custodial funds handled by judicial officials will be qualified funds.**] **Qualified Funds are Custodial Funds that, in the Good Faith judgment of the Judicial Official, are nominal in amount or are reasonably expected to be held for such a short period of time that sufficient income will not be generated to justify the expense of earning income to benefit the Beneficial Owner of the funds. With few exceptions, Custodial Funds handled by Judicial Officials will be Qualified Funds.**

(c) [**The judicial official, in the exercise of good faith judgment, should apply an economic benefits test to determine whether particular custodial funds are not qualified funds and hence the beneficial owner of the funds should receive interest on those funds.**] **The Judicial Official, in the exercise of Good Faith judgment, should apply an economic benefits test to determine whether particular Custodial Funds are not Qualified Funds and hence the Beneficial Owner of the funds should receive the income on those funds.**

(1) If the anticipated cost of administering a segregated account for the benefit of the [**beneficial owner**] **Beneficial Owner** of the funds is more than the [**interest**] **income** expected to be generated on the funds, then the funds are [**qualified funds**] **Qualified Funds**.

(2) [**Custodial funds that when considered alone are not large enough to earn interest for the beneficial owner thereof are qualified funds.**] **Custodial Funds that when considered alone are not large enough to earn income for the Beneficial Owner thereof are Qualified Funds.**

(3) Funds which are not expected to be held for a sufficient time to provide [**interest for the beneficial owner are qualified funds**] **income for the Beneficial Owner are Qualified Funds.**

(d) Factors which should be used to determine whether [**custodial funds are qualified funds**] **Custodial Funds are Qualified Funds** include:

(1) the cost of establishing and maintaining separate account(s) benefiting [**beneficial owners**] **Beneficial Owners**;

(2) the account and bank service charges of the [**depository institution**] **Depository Institution** in which the account is maintained;

(3) the minimum deposit requirements of the [**depository institution**] **Depository Institution** in which the account is maintained;

(4) accounting fees incurred in connection with the funds;

(5) tax reporting requirement costs incurred in connection with the funds; and

(6) the length of time the funds are expected to be on deposit and the rate of interest **or dividend** that will be earned on the funds.

(e) Examples of [**qualified funds**] **Qualified Funds** include:

(1) funds collected which represent fines and costs that are awaiting payment to the appropriate governmental entity;

(2) funds collected which represent posting of collateral by individuals who plead not guilty to a charged offense, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the [**interest**] **income** anticipated to be earned;

(3) funds collected which represent posting of bail by or on behalf of an individual awaiting a hearing, unless those funds are of such a magnitude that the costs of administering a separate account for those funds, including service charges and other charges, will be less than the [**interest**] **income** anticipated to be earned;

(4) funds collected which represent restitution to victims pending the payment of the funds to the victims; and

(5) funds collected which represent payment of filing fees and other costs pending payment to the appropriate persons or entities.

§ 81.305. Special Provisions Applicable to Custodial Accounts of Magisterial District Judges.

(a) Each [**magisterial district judge**] **Magisterial District Judge** must use the statewide computerized reporting system of the AOPC for reporting all transactions which occur through his or her [**custodial account**] **Custodial Account**. [**As of the date of these regulations, the AOPC Magisterial District Judge case reporting system is incapable of handling more than one custodial account per magisterial district judge, meaning that each magisterial district judge may maintain only one custodial account.**] **As of the date of these Regulations, the AOPC Magisterial District Judge Case Reporting System is incapable of handling more than one Custodial Account per Magisterial District Judge, meaning that each Magisterial District Judge may maintain only one Custodial Account.**

(b) [**Custodial funds received by a magisterial district judge will generally be qualified funds.**] **Custodial Funds received by a Magisterial District Judge will generally be Qualified Funds.** Magisterial District Judges, however, may determine that particular [**custodial funds received are not, in fact, qualified funds**] **Custodial Funds received are not, in fact, Qualified Funds**, applying the criteria set forth in § 81.304.

(c) Each [**magisterial district judge**] **Magisterial District Judge** is permitted to exercise his or her

judgment as to whether [custodial funds received by that magisterial district judge are qualified funds] Custodial Funds received by that Magisterial District Judge are Qualified Funds. [If, in the good faith judgment of the magisterial district judge, custodial funds are not qualified funds, the magisterial district judge may request a refund of interest with respect to those custodial funds.] If, in the Good Faith judgment of the Magisterial District Judge, Custodial Funds are not Qualified Funds, the Magisterial District Judge may request a refund of income with respect to those Custodial Funds. See § 81.308—Refunds.

(d) [If, in the future, the AOPC magisterial district judge case reporting system permits handling of multiple custodial accounts for each magisterial district judge, the provisions of this section shall no longer apply, although magisterial district judges shall remain subject to the remaining provisions of these regulations.] If, in the future, the AOPC Magisterial District Judge Case Reporting System permits handling of multiple Custodial Accounts for each Magisterial District Judge, the provisions of this section shall no longer apply, although Magisterial District Judges shall remain subject to the remaining provisions of these Regulations.

§ 81.306. Requirements Applicable to MJ-IOTA Accounts.

(a) [Unless an exemption has been granted to the judicial official, each judicial official shall establish a MJ-IOTA account at the depository institution of his or her choice.] Unless an exemption has been granted to the Judicial Official, each Judicial Official shall establish an MJ-IOTA Account at the Depository Institution of his or her choice, provided that the Depository Institution complies with the MJ-IOTA Regulations. If local county policies and procedures concerning accounts established by the [judicial official] Judicial Official exist, nothing herein shall be construed as relieving the [judicial official] Judicial Official of complying with such policies and procedures, except to the extent inconsistent herewith.

(b) [In order to qualify as a MJ-IOTA Account, the depository institution must:] In order to qualify an account as an MJ-IOTA Account, the Depository Institution must satisfy the requirements set forth in Section 81.301(c) above.

[(1) Remit monthly any interest earned on the account to the Board, or if that is not possible, remit the interest earned at least quarterly; and

(2) Transmit to the Board with each remittance a statement showing not less than the following information: the name of the account, the account number, the service charges and/or fees deducted, if any, from the account, the amount of interest remitted from the account, and if available, the average daily collected balance in the account for the period reported.]

(c) The following additional requirements apply to MJ-IOTA [accounts] Accounts:

[(1) The rate of interest paid on MJ-IOTA Accounts shall be not less than the highest rate of interest generally available from the depository

institution to depositors generally for accounts with the same minimum balance and other account eligibility requirements.

(2) Under no circumstances may the rate of interest payable on a MJ-IOTA account be less than the rate paid by the depository institution on negotiable order of withdrawal accounts or super negotiable order of withdrawal accounts.

(3) The accounts must continue to be collateralized by the assets of the depository institution in accordance with current practice and Act 72 of 1971.]

(1) A Depository Institution shall submit to the IOLTA Board for review and approval a Compliance Certification Form, which identifies the rate of interest or dividend to be provided for MJ-IOTA Accounts and certifies the Depository Institution's compliance with the MJ-IOTA Regulations and the IOLTA Board's Comparability Guidance. Prior to changing a rate that was previously approved by the IOLTA Board, or when the rates for comparable products exceed the rate listed in the Depository Institution's most recently approved Compliance Certification Form, the Depository Institution shall submit a new Compliance Certification Form to the IOLTA Board for review and approval.

(2) Depository Institutions shall grant requests by the IOLTA Board to recover income that was not remitted to the IOLTA Board, in accordance with the Depository Institution's most recently approved Compliance Certification Form, during the twelve months preceding the IOLTA Board's request.

(d) Depository [institutions] Institutions may impose reasonable service charges for the administration of MJ-IOTA [accounts] Accounts.

(1) A [depository institution] Depository Institution may deduct service charges such as maintenance fees and transaction charges against the amount of [interest] income to be paid on the MJ-IOTA [account] Account to which service charges apply.

(2) All costs associated with check printing, overdraft charges, charges for a temporary extension of credit, stopped payments, certified checks, wire transfers and similar bank charges shall not be assessed against [funds in or interest earned on a MJ-IOTA account] Qualified Funds in or income earned on an MJ-IOTA Account.

[(3) All costs for services such as overdrafts on deposited items, stopped payments, certified checks, and wire transfers shall not be assessed against funds in or interest earned on a MJ-IOTA account.]

§ 81.307. Exemptions from MJ-IOTA Participation.

(a) The IOLTA Board may grant exemptions from participation in the MJ-IOTA Program. Exemptions are not automatic. The IOLTA Board may declare a [judicial official] Judicial Official exempt from the requirements of maintaining [a MJ-IOTA account] an MJ-IOTA Account. Alternatively, a [judicial official] Judicial Official may submit a written request for exemption. All requests by a [judicial official must be made on the judicial official's] Judicial Official

must be made on the Judicial Official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested exemption.

(b) [Exemptions may be granted only with respect to the maintenance of a MJ-IOTA account for qualified funds. The Board is not empowered to handle other types of exemptions. Judicial officials exempt from maintenance of a MJ-IOTA account are reminded that the judicial official remains subject to other requirements pertaining to custodial funds.] Exemptions may be granted only with respect to the maintenance of an MJ-IOTA Account for Qualified Funds. The IOLTA Board is not empowered to handle other types of exemptions. Judicial Officials exempt from maintenance of an MJ-IOTA Account are reminded that the Judicial Official remains subject to other requirements pertaining to Custodial Funds.

(c) Exemptions will be routinely granted in the following situations:

(1) Low balance account: Any [custodial account] Custodial Account which historically, generally based upon 12 consecutive months of activity, has an average daily balance of three thousand five hundred (\$3,500) Dollars or less will be exempt from being [a MJ-IOTA account] an MJ-IOTA Account. The IOLTA Board may exempt from the MJ-IOTA Program, without application, a low balance account. A [judicial official] Judicial Official requesting an exemption based on a low balance account must, as a part of the written request for exemption, include an account analysis or written statement that demonstrates the amount of the average daily balance.

(2) Account service charges routinely exceed [interest] income: Some [custodial accounts] Custodial Accounts may have an average daily balance of more than \$3,500, but account service charges routinely exceed [interest] the income earned on the account. A [judicial official] Judicial Official requesting an exemption under this subsection, as part of the written request for exemption, must include an account analysis or written statement that clearly shows the [interest earned, or the interest] income earned, or the income that would have been earned, on the account each month for the past 12 months, plus the account service charges imposed on the account for each of the last 12 months. Only account-related service charges will be considered for the purpose of whether an exemption will be granted.

(3) Extreme impracticality: Under limited circumstances it may be unduly burdensome for a [judicial official to maintain a MJ-IOTA account] Judicial Official to maintain an MJ-IOTA Account. When claiming undue hardship, the [judicial official] Judicial Official should provide appropriate detail demonstrating undue hardship. An example includes the lack of a [depository institution that offers MJ-IOTA accounts in the judicial official's] Depository Institution that offers MJ-IOTA Accounts in the Judicial Official's geographical location.

(4) Other compelling and necessitous reasons: A [judicial official] Judicial Official who demonstrates a compelling and necessitous reason for not complying with

the MJ-IOTA Program may request an exemption. A philosophical objection to the MJ-IOTA Program does not constitute a compelling and necessitous reason for an exemption.

(d) If the IOLTA Board denies a [judicial official's] Judicial Official's request for an exemption from maintenance of [a MJ-IOTA account, the judicial official] an MJ-IOTA Account, the Judicial Official may, within 30 days of written notice of denial from the IOLTA Board, request in writing a reconsideration of the IOLTA Board's decision. All requests for reconsideration shall set forth in detail additional facts, if any, not brought before the IOLTA Board in the request for exemption, as well as the reasons, if any, why an exemption should be granted.

(e) [If the Board has determined that a judicial official's custodial account is exempt from MJ-IOTA status, the judicial official may, within 30 days of written notice from the Board that the judicial official is exempt, request in writing a reconsideration of the Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the judicial official should maintain a MJ-IOTA account, and the manner, if any, in which the Board and the purposes of the MJ-IOTA program will be furthered by the judicial official's maintenance of a MJ-IOTA account.] If the IOLTA Board has determined that a Judicial Official's Custodial Account is exempt from the MJ-IOTA Program, the Judicial Official may, within 30 days of written notice from the IOLTA Board that the Judicial Official is exempt, request in writing a reconsideration of the IOLTA Board's decision. All requests for reconsideration shall set forth in detail facts, if any, why the Judicial Official should maintain an MJ-IOTA Account, and the manner, if any, in which the IOLTA Board and the purposes of the MJ-IOTA Program will be furthered by the Judicial Official's maintenance of an MJ-IOTA Account.

(f) Notice shall be deemed to have been given to a [judicial official] Judicial Official under the provisions of this Section upon the deposit by the IOLTA Board, postage prepaid, with the United States Postal Service of its written determination regarding the exemption, if any, of the [judicial official] Judicial Official from the MJ-IOTA Program.

(g) The IOLTA Board may delegate to its staff or to a committee of the IOLTA Board the authority to determine exemptions from the MJ-IOTA Program or to reconsider exemption denials or determinations.

§ 81.308. Refunds.

(a) [Upon application of a judicial official, the Board may return interest paid to it. For example, if a judicial official mistakenly places custodial funds which are not qualified funds in an MJ-IOTA account, interest earned on those funds may be refunded.] The IOLTA Board may return income paid to the IOLTA Board under certain circumstances. For example, if a Judicial Official mistakenly places Custodial Funds which are not Qualified Funds in an MJ-IOTA Account, then the Judicial Official may apply to the IOLTA Board for a refund of the income paid to the IOLTA Board.

(b) [At the time of the issuance of these regulations, all custodial funds handled by Magisterial District Judges are anticipated to be qualified funds. Magisterial District Judges occasionally may determine that certain custodial funds maintained in their custodial account do not meet this presumption, and are not qualified funds. Upon application of the Magisterial District Judge, the Board may return interest paid to it applicable to the funds which were not qualified funds.] At the time of the issuance of these Regulations, all Custodial Funds handled by Magisterial District Judges are anticipated to be Qualified Funds. Magisterial District Judges occasionally may determine that certain Custodial Funds maintained in their Custodial Account do not meet this presumption, and are not Qualified Funds. Upon application of the Magisterial District Judge, the IOLTA Board may return income paid to it applicable to the funds which were not Qualified Funds.

(c) The following guidelines apply to requests for a refund of [interest] income:

(1) [All requests by a judicial official must be made on the judicial official's] Requests by a Judicial Official must be made on the Judicial Official's official letterhead, and all requests must set forth in reasonable detail the basis for the requested refund[;].

(2) [The request] Requests must be accompanied by verification of the [interest] income paid with respect to the funds mistakenly placed in the MJ-IOTA [account] Account. Verification must be made by the [depository institution] Depository Institution in which the MJ-IOTA [account] Account is maintained. As needed for auditing purposes, the IOLTA Board may request additional documentation[;].

(3) [The request must be made within six months after the beneficial owner's funds have been disbursed from the MJ-IOTA account;] The IOLTA Board will only consider requests where the income to be refunded was received by the IOLTA Board during the twelve-month period prior to the IOLTA Board receiving the written request for a refund.

(4) [Refunds will be remitted to the beneficial owner and the Board will issue an IRS (Internal Revenue Service) form 1099 to the beneficial owner;] Refunds will be remitted through the Depository Institution that transmitted the income to the IOLTA Board unless an alternative method is requested and agreed to by the IOLTA Board.

(5) If the [depository institution] Depository Institution has imposed a service charge with respect to the MJ-IOTA [account] Account, only the net amount of [interest] income paid to the IOLTA Board (i.e., the [interest] income reduced by applicable service charges) will be refunded[; and].

(6) The IOLTA Board may impose and deduct a processing charge from the refund.

[Pa.B. Doc. No. 17-1367. Filed for public inspection August 18, 2017, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

[210 PA. CODE CH. 5]

Proposed Amendments to Pa.R.A.P. 511

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 511 to remove references to practices of 15 years ago, update case law citations, make stylistic changes, and add guidance regarding when a cross-petition for allowance of appeal may be appropriate.

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

Comments should be provided to:

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

All communications in reference to the proposal should be received by September 29, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

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

*By the Appellate Court
 Procedural Rules Committee*

HONORABLE PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE I. PRELIMINARY PROVISIONS

CHAPTER 5. PERSONS WHO MAY TAKE OR PARTICIPATE IN APPEALS

MULTIPLE APPEALS

Rule 511. [Cross Appeals] Cross-Appeals.

The timely filing of an appeal shall extend the time for any other party to [cross appeal as set forth in Rules 903(b) (cross appeals), 1113(b) (cross petitions for allowance of appeal) and 1512(a)(2) (cross petitions for review)] cross-appeal as set forth in Pa.R.A.P. 903(b), 1113(b), and 1512(a)(2). The discontinuance of an appeal by a party shall not affect the right of appeal or cross-appeal of any other party regardless of whether the parties are adverse.

Official Note: [The 2002 amendment clarifies the intent of the former rule that the filing of an appeal extends the time within which any party may cross

appeal as set forth in Rules 903(b), 1113(b) and 1512(a)(2) and that a discontinuance of an appeal by a party will not affect the right of any other party to file a timely cross appeal under Rules 903(b), 1113(b) or 1512(a)(2) or to otherwise pursue an appeal or cross appeal already filed at the time of the discontinuance. The discontinuance of the appeal at any time before or after a cross appeal is filed will not affect the right of any party to file or discontinue a cross appeal.

The 2002 amendment eliminates the requirement that a party be adverse in order to file a cross appeal and supersedes *In Re Petition of the Board of School Directors of the Hampton Township School District*, 688 A.2d 279, (Pa. Cmwlth. 1997), to the extent that decision requires that a party be adverse to the initial appellant in order to file a cross appeal. See Rule 903(b).]

See also [Rules] Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in [cross appeals and Rule] cross-appels and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

[An appellee should not be required to file a cross appeal because the Court below ruled against it on an issue, as long as the judgment granted appellee the relief it sought. See *Ratti v. Wheeling Pittsburgh Steel Corp.*, 758 A.2d 695 (Pa. Super. 2000) and *Hashagen v. Worker's Compensation Appeal Board*, 758 A.2d 276 (Pa. Cmwlth. 2000). To the extent that *Saint Thomas Township Board of Supervisors v. Wycko*, 758 A.2d 755 (Pa. Cmwlth. 2000) is in conflict, it is disapproved.]

An appellate court can sustain a trial court's judgment if the decision was correct, even if the basis for the decision was not; accordingly, an appellee can argue alternative grounds for affirmation and does not need to file a cross-appeal to preserve an issue it wishes to raise. *Lebanon Valley Farmers Bank v. Commonwealth*, 83 A.3d 107, 111-112 (Pa. 2013). That is because "the focus of review is on the judgment or order before the appellate court, rather than any particular reasoning or rationale employed by the lower tribunal." *Ario v. Ingram Micro, Inc.*, 965 A.2d 1194, 1200 (Pa. 2009). A party receiving all of the relief it sought thus does not need to file a cross-appeal. *Lebanon Valley*, 83 A.3d at 112-113; *Hosp. & Healthsystem Ass'n of Pa. v. Dep't of Pub. Welfare*, 888 A.2d 601, 607 n.11 (Pa. 2005); *Pittsburgh Constr. Co. v. Griffith*, 834 A.2d 572, 589-90 (Pa. Super. 2003). A party's analysis may change in light of the ruling of an intermediate appellate court. See, e.g., *A. Scott Enter., Inc. v. City of Allentown*, 142 A.3d 779, 786 (Pa. 2016). If an intermediate appellate court decision awards different relief than the trial court or other government unit decision, a party may wish to file a cross-petition for allowance of appeal under Pa.R.A.P. 1112. See *Meyer, Darragh, Buckler, Bebenek & Eck, P.L.L.C. v. Law Firm of Malone Middleman, P.C.*, 137 A.3d 1247 (Pa. 2016).

EXPLANATORY COMMENT

The Committee proposes four changes to Pa.R.A.P. 511, which addresses cross-appeals. These are to delete references to practices of 15 years ago, update case law citations, make stylistic changes, and add guidance re-

garding when a cross-petition for allowance of appeal may be appropriate.

First, before the 2002 amendment, there were cases holding that some parties could not file cross-appeals. For example, if a co-defendant or intervenor had been aligned with the appellant in the underlying litigation, then that party could not file a cross-appeal even if it was aggrieved by rulings that did not affect the party that had already filed a notice of appeal. When Pa.R.A.P. 903(b) was amended to make a cross-appeal available to any party, the Note to Pa.R.A.P. 511 was also amended. The Committee proposes removing the discussion of that amendment.

Second, as part of the 2002 amendment, the Committee sought to clarify that a party did not need to file a cross-appeal if the ruling in question adversely decided an issue, but did not deprive the party of any relief. Since 2002, the case law has clarified that principle, and the Committee proposes substituting current case law for the law that is presently in the Note.

Third, the Committee proposes to make certain non-substantive conforming amendments to the rule.

Finally, neither the Note to Pa.R.A.P. 511 nor the Note to Pa.R.A.P. 1113 regarding cross-petitions for allowance of appeal offers guidance regarding additional considerations that may influence the decision to file a cross-petition for allowance of appeal. Unlike intermediate appellate courts, the Supreme Court exercises its discretionary review on a question-by-question basis. Thus, the prospect of Supreme Court reversal of an intermediate appellate court's decision on a given question may leave intact another ruling that adversely affects the appellee. For example, a party may have prevailed in the trial court on one theory and prevailed in the intermediate appellate court on another. The Supreme Court's ruling on one theory may leave intact the impact of the other theory. Another scenario would be where an intermediate appellate court did not have reached issues on which the party prevailed in the trial court. Either situation might lead a party to file a cross-petition for allowance of appeal, even if the party was not aggrieved by the trial court ruling. A proposed amendment adds language to alert practitioners to consider various ways in which it might be aggrieved by the intermediate court's ruling and, thus, have cause to file a cross-petition for allowance of appeal.

[Pa.B. Doc. No. 17-1368. Filed for public inspection August 18, 2017, 9:00 a.m.]

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CH. 9]

Proposed Amendments to Pa.R.A.P. 904 and 907

Protecting the privacy of juveniles and children is of great importance to the Courts. To date, that has been done through the use of initials rather than full names. When attempting to access opinions and dockets, however, initials alone can be unwieldy. In an effort to provide an additional reference point, the Committee is proposing to amend Pa.R.A.P. 904 and 907 to require the captions to include initials, county, and year.

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

Comments should be provided to:

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

All communications in reference to the proposal should be received by September 29, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any emailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

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

*By the Appellate Court
 Procedural Rules Committee*

HONORABLE PATRICIA A. McCULLOUGH,
Chair

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 9. APPEALS FROM LOWER COURTS

Rule 904. Content of the Notice of Appeal.

* * * * *

(b) *Caption.*—[**The**] **Except as provided in paragraph (g), the parties shall be stated in the caption as they stood upon the record of the trial court at the time the appeal was taken.**

* * * * *

(f) *Content in children’s fast track appeals.*—In a children’s fast track appeal the notice of appeal shall include a statement advising the appellate court that the appeal is a children’s fast track appeal.

(g) *Caption in Juvenile Act and Adoption Act appeals.*—For an appeal of an order arising from a proceeding under the Juvenile Act or the Adoption Act, the caption shall be stated using the initials of the child’s full name, followed by the name of the county in which the order being appealed was entered and the year in which the order was entered.

Official Note: The Offense Tracking Number (OTN) is required only in an appeal in a criminal proceeding. It enables the Administrative Office of the Pennsylvania Courts to collect and forward to the Pennsylvania State Police information pertaining to the disposition of all criminal cases as provided by the Criminal History Record Information Act, 18 Pa.C.S. § 9101 *et seq.*

* * * * *

A party filing a cross-appeal should identify it as a cross-appeal in the notice of appeal to assure that the prothonotary will process the cross-appeal with the initial appeal. *See also* Pa.R.A.P. 2113, 2136, and 2185 regarding briefs in cross-appeals and Pa.R.A.P. 2322 regarding oral argument in multiple appeals.

Paragraph (g) introduced a new naming convention for appeals from decisions under the Juvenile Act, 42 Pa.C.S. § 6301, *et seq.*, and the Adoption Act, 23 Pa.C.S. § 2101, *et seq.* For such appeals, references to juveniles or children should be by initials, county, and year, such as *In the Interest of A.B.C.—Jefferson 2017*. The revised form of caption preserves the child’s anonymity but avoids the confusion that has arisen using initials alone.

Rule 907. Docketing of Appeal.

(a) *Docketing of appeal.*—Upon the receipt of the papers specified in [**Rule 905(b) (transmission to appellate court)**] **Pa.R.A.P. 905(b)**, the prothonotary of the appellate court shall immediately enter the appeal upon the docket, note the appellate docket number upon the notice of appeal, and give written notice of the docket number assignment in person or by first class mail to the clerk of the [**lower**] **trial** court, to the appellant, and to the persons named in the proof of service accompanying the notice of appeal. An appeal shall be docketed under the caption given to the matter in the [**lower**] **trial** court, with the appellant identified as such, [**but if such caption does not contain the name of the appellant, his name, identified as appellant, shall be added to the caption in the appellate court**] unless the appeal arises under the Juvenile Act or the Adoption Act, in which case the juvenile or child should be identified by the initials of the child’s full name, followed by the name of the county in which the order being appealed has been entered and the year in which the order was entered. **If the appellant is not identified in the caption of the trial court, the appellant’s name shall be added to the caption in the appellate court.**

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

Official Note: The transmission of a photocopy of the notice of appeal, showing a stamped notation of filing and the appellate docket number assignment, without a letter of transmittal or other formalities, will constitute full compliance with the notice requirement of [**Subdivision**] **paragraph** (a) of this rule.

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

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

EXPLANATORY COMMENT

Protecting the privacy of juveniles and children is of great importance to the courts. To date, that has been done through the use of initials rather than full names. When attempting to access opinions and dockets, however, initials can be unwieldy. As one example, on March 21, 2014, the Superior Court decided *In the Interest of T.J.*, in an unpublished opinion; a later Superior Court opinion was issued July 24, 2014. That case came out of Berks County. But there is also a Superior Court “*In the Interest of T.J.*” from 2012 (from Philadelphia County) and 2010 (Allegheny County). Accordingly, if a person is looking for “*In the Interest of T.J.*,” the title of the opinion is not enough to avoid confusion. Options such as using actual first names with last initials only or assigning random first names in alphabetical order (as is done with hurricanes) appeared to create new issues. For example, in a large county, “*In the Interest of John D.*” might still generate multiple same-name appeals, and in a small one, an unusual first name might eliminate the anonymity needed. If names were generated randomly on a county-by-county basis, there would likewise be opportunities for duplication and confusion, as well as additional administrative challenges.

In an effort to use the existing format, but avoid confusion, the Appellate Court Procedural Rules Committee is proposing the use of initials, county, and year in combination. Accordingly, the Committee is proposing to amend Pa.R.A.P. 904 and 907 to ensure that notices of appeal—and from the notices of appeal, the appellate dockets—use that format.

[Pa.B. Doc. No. 17-1369. Filed for public inspection August 18, 2017, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rule 1910.16-1 of the Rules of Civil Procedure; No. 669 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 3rd day of August, 2017, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 46 Pa.B. 6106 (October 1, 2016):

It is ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on October 1, 2017.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.16-1. Amount of Support. Support Guidelines.

(a) *Applicability of the Support Guidelines.*

(1) Except as provided in subdivision [(2)] (3), the support guidelines determine the amount of support [**which**] that a spouse or parent should pay based on the parties' combined monthly net [**incomes**] **income**, as defined in Pa.R.C.P. No. 1910.16-2, and the number of persons being supported.

(2) If a person caring for or having custody of a minor child, who does not have a duty of support to the minor child, initiates a child support action as provided in Pa.R.C.P. No. 1910.3:

(i) the complaint shall identify the parent(s) as defendant(s);

(ii) in determining the basic child support amount, the monthly net income for the individual initiating the action shall not be considered in the support calculation by the trier of fact;

(iii) the parents' monthly net incomes shall be combined to determine the basic child support amount, which shall be apportioned based on the parents' respective monthly net incomes consistent with Pa.R.C.P. No. 1910.16-4. The parents shall pay the obligee their proportionate share of the basic child support amount as a separate obligor; and

(iv) as with other support actions, the trier of fact may make adjustments or deviations consistent with the support guidelines based on the evidence presented by the parties.

Example 1. The parents have one child, who is in the custody of the maternal grandmother. Maternal grandmother initiates a support action against the parents. Mother's monthly net income is \$3,000 and Father's monthly net income is \$2,000 for a combined monthly net income of \$5,000. For purposes of the child support calculation, maternal grandmother's income is irrelevant and not part of the calculation. The basic child support obligation for one child at a combined monthly net income of \$5,000 is \$990 per month. Mother's percentage share of the combined monthly net income is 60% (\$3,000/\$5,000) and Father's percentage share of the combined monthly net income is 40% (\$2,000/\$5,000). Mother's preliminary monthly share of the child support obligation is \$594 (\$990 × 60%) and Father's preliminary monthly share of the child support obligation is \$396 (\$990 × 40%). Maternal grandmother is the obligee with Mother and Father as separate obligors owing \$594 and \$396 respectively to the maternal grandmother.

[(2)] (3) In actions in which the plaintiff is a public body or private agency pursuant to Pa.R.C.P. No. 1910.3, the amount of the order shall be calculated under the guidelines based upon each obligor's monthly net income, as defined in Pa.R.C.P. No. 1910.16-2, with the public or

private entity's income as zero. In such cases, each parent shall be treated as a separate obligor and [a] the parent's obligation will be based upon his or her own monthly net income without regard to the income of the other parent.

(i) The amount of basic child support owed to other children not in placement shall be deducted from each parent's monthly net income before calculating support for the child or children in placement, including the amount of direct support the guidelines assume will be provided by the custodial parent.

Example [1.] 2. Mother and Father have three children and do not live in the same household. Mother has primary custody of two children and monthly net income of \$2,000 per month. Father's monthly net income is \$3,000. The parties' third child is in foster care placement. Pursuant to the schedule in Pa.R.C.P. No. 1910.16-3, the basic child support amount for the two children with Mother is \$1,415. As Father's income is 60% of the parties' combined monthly net income, his basic support obligation to Mother is \$849 per month. The guidelines assume that Mother will provide \$566 per month in direct expenditures to the two children in her home. The agency/obligee brings an action against each parent for the support of the child in placement. Father/obligor's income will be \$2,151 for purposes of this calculation (\$3,000 less \$849 in support for the children with Mother). As the agency/obligee's income is zero, Father's support for the child in placement will be 100% of the schedule amount of basic support for one child at the \$2,151 income level, or \$509 per month. Mother/obligor's income will be \$1,434 for purposes of this calculation (\$2,000 less \$566 in direct support to the children in her custody). Her support obligation will be 100% of the schedule amount for one child at that income level, or \$348 per month.

Example [2.] 3. Mother and Father have two children in placement. Father owes child support of \$500 per month for two children of a former marriage. At the same income levels as in Example [1] 2, Father's income for determining his obligation to the children in placement would be \$2,500 (\$3,000 less \$500 support for two children of prior marriage). His obligation to the agency would be \$849 per month (100% of the schedule amount for two children at the \$2,500 per month income level). Mother's income would not be diminished as she owes no other child support. She would owe \$686 for the children in placement (100% of the schedule amount for two children at the \$2,000 income level).

(ii) If the parents reside in the same household, their respective obligations to the children who remain in the household and are not in placement shall be calculated according to the guidelines, with the parent having the higher income as the obligor, and the calculated support amount shall be deducted from the parents' monthly net incomes for purposes of calculating support for the child(ren) in placement.

Example [3.] 4. Mother and Father have four children, two of whom are in placement. Mother's monthly net income is \$4,000 and Father's is \$3,000. The basic support amount for the two children in the home is \$1,660, according to the schedule in Pa.R.C.P. No. 1910.16-3. As Mother's income is 57% of the parties' combined monthly net incomes, her share would be \$946, and Father's 43% share would be \$714. Mother's income

for purposes of calculating support for the two children in placement would be \$3,054 (\$4,000 less \$946). She would pay 100% of the basic child support at that income level, or \$1,032, for the children in placement. Father's income would be \$2,286 (\$3,000 less \$714) and his obligation to the children in placement would be \$784.

(iii) In the event that the combined amount the parents are required to pay exceeds the cost of placement, the trier of fact shall deviate **the support amount downward** to reduce each parent's obligation in proportion to his or her share of the combined obligation.

[(3)] (4) The support of a spouse or child is a priority obligation so that a party is expected to meet this obligation by adjusting his or her other expenditures.

* * * * *

Explanatory Comment—2013

The schedule of basic child support has been updated to reflect newer economic data. The schedule was prepared by Jane Venohr, Ph.D., the economist who assisted in the last guideline review using the same methodology. It includes an increase in the Self-Support Reserve to \$931 per month, the 2012 federal poverty level for one person.

Explanatory Comment—2017

Pursuant to Pa.R.C.P. No. 1910.3(a), a person having custody of a child or caring for a child may initiate a support action against the child's parent(s). Previously, this rule only addressed when a public body or private agency had custody of a child but was silent with regard to an individual third party, e.g., grandparent, seeking support. The rule has been amended by adding a new subdivision (a)(2) and renumbering the previous (a)(2) to (a)(3). In addition, an example illustrating the new (a)(2) calculation has been included.

Subdivision (a)(2) excludes the income of the third party/obligee, as that person does not have a duty of support to the child; instead, the rule uses the combined monthly net income of the parents to determine the basic child support amount, which is then apportioned between the parents consistent with their respective percentage of the combined monthly net income in the same manner as a parent vs. parent support action. However, under this rule, each parent would be a separate obligor, would pay the obligee their proportionate share under a separate support order, and would be subject to separate enforcement proceedings. Under (a)(2), the exclusion of the third party's income is consistent with Pa.R.C.P. No. 1910.16-2(b)(2)(B) as that rule relates to an action for support by a third party against a surviving parent in which the child receives a Social Security derivative benefit due to the death of the other parent.

In accordance with Pa.R.C.P. No. 1910.16-6(c), payment of the first \$250 of unreimbursed medical expenses per year per child is applicable to third party/obligees in support actions governed by (a)(2). The first \$250 of unreimbursed medical expenses is built into the Basic Child Support Schedule.

[Pa.B. Doc. No. 17-1370. Filed for public inspection August 18, 2017, 9:00 a.m.]

PART II. ORPHANS' COURT RULES

[231 PA. CODE PART II]

Proposed Amendment of Pa. O.C. Rule 1.5, Proposed Rescission of Pa. O.C. Rules 14.1—14.5 and Orphans' Court Forms G-01 through G-04, Proposed Adoption of New Pa. O.C. Rules 14.1—14.14 and Orphans' Court Forms G-01 through G-06, and Proposed Amendment of the Appendix of Forms

The Orphans' Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa. O.C. Rule 1.5, the rescission of Chapter XIV of the Pennsylvania Orphans' Court Rules, Pa. O.C. Rules 14.1—14.5, together with related forms, G-01 through G-04, to be replaced with the adoption of new Pa. O.C. Rules 14.1—14.14 and Orphans' Court Forms G-01 through G-06, and the amendment of the Appendix of Forms, 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.

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

Orphans' Court Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 FAX: (717) 231-9551
 orphanscourtproceduralrules@pacourts.us

All communications in reference to the proposal should be received by September 21, 2017. 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 Orphans' Court
 Procedural Rules Committee*

JOHN F. MECK, Esq.,
Chair

REPUBLICATION REPORT

Proposed Amendment of Pa. O.C. Rule 1.5, Proposed Rescission of Pa. O.C. Rules 14.1—14.5 and Orphans' Court Forms G-01 through G-04, Proposed Adoption of New Pa. O.C. Rules 14.1—14.14 and Orphans' Court Forms G-01 through G-06, and Proposed Amendment of the Appendix of Forms

In 2014, the Elder Law Task Force delivered a comprehensive 284-page report detailing 130 specific recommendations to help lay the foundation for improvements in tackling elder law issues in the courts and by other government entities. The report recommended a number of amendments to the Pennsylvania Orphans' Court Rules. The report also suggested modification of current statewide guardianship forms and the addition of several new forms to assist in monitoring guardianships.

On December 27, 2016, the Orphans' Court Procedural Rules Committee published for comment a proposal that would rescind and replace Chapter XIV of the Pennsylvania Orphans' Court Rules, Pa. O.C. Rules 14.1—14.5, together with related forms. *See* 46 Pa.B. 7934 (December 27, 2016). The intention of that proposal was to respond

to Elder Law Task Force recommendations and to provide more comprehensive statewide rules establishing uniformity and consistency for guardianship proceedings.

The Committee received seven comments raising an aggregate of 80 discrete points related to the Rules. All of the comments related to the Rules were reviewed and discussed by the Committee in the course of several meetings. These deliberations resulted in several revisions to the Rules, some of which were comprehensive. Accordingly, the Committee decided that the proposal should be re-published for additional comment on those revisions. What follows is further commentary to specific proposed rules and discussion of some of the more significant revisions.

Rule 1.5 Local Rules

Through amendment of Rule 1.5, the Committee intends to recommend that the Court vacate all local rules pertaining to guardianships on a date certain unless the local rules have been reviewed for inconsistency pursuant Pa.R.J.A. No. 103.

Similar to the more global amendments of the Pennsylvania Orphans' Court Rules, effective September 1, 2016, the Committee will recommend an effective date on which all local guardianship rules will be vacated, providing however, sufficient time for the judicial districts to review their local rules and submit to the Committee for review any new rules or current local rules that they wish to retain. Submission of local rules will be subject to a deadline to allow the Committee time to review the proposed local rules for inconsistency.

This rule was not substantively revised for republication.

Rule 14.1 Guardianship Petition Practice and Pleading

A number of comments inquired as to the extent that the requirements in Chapter III of the Pennsylvania Orphans' Court Rules concerning petition practice and pleading requirements would apply to guardianship proceedings. Commenters suggested that the notice and timing requirements would cause delays and invite litigation. Further, some aspects of Chapter III appear impractical in a guardianship proceeding.

Rule 14.1 is designed to place different requirements on petitions for the adjudication of incapacity and appointment of a guardian on one hand and all other petitions on the other hand. Paragraph (a) incorporates by reference and applies specific aspects of Chapter III to petitions for adjudication and appointment. Paragraph (b) provides for the filing of responsive pleadings in these proceedings, but does so on a limited basis and subject to a shorter time frame than Chapter III. While the Committee does not believe that such pleadings are going to be used frequently, a procedural mechanism should exist for contested guardianship proceedings.

It should be noted that responsive pleadings under paragraph (b) are permissive and not required—there are no “default judgments” with respect to the adjudication of incapacity. Further, the paragraph is not intended to preclude the judge from hearing objections first raised at the adjudicatory hearing. Finally, the judge is to decide the objections at the adjudicatory hearing rather than delaying that hearing with another to determine objections.

For all other petitions, paragraph (c) operates to apply the Chapter III requirements to those pleading, subject to the modification of “interested party.” The Committee recognizes that Chapter III imposes more formal require-

ments on what are often informal proceedings. However, the provisions of Chapter III are designed to afford due process to all involved and the Committee believes that petition practice in guardianship matters require no less protection. As observed in the Explanatory Comment, the requirements are not intended to preclude a petitioner from seeking relief on an emergency or expedited basis when circumstance warrant departure from strict adherence to the Chapter III requirements. However, it will be a judge, and not the Rules, that determine when a departure is warranted.

Paragraph (d) is intended to provide a procedure for a person to seek permission to intervene in a proceeding. This mechanism was crafted as recognition that all those entitled to service pursuant to Rule 14.2(f) may not include all potentially aggrieved parties.

Rule 14.2 Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person

The required content of a petition set forth in the Rule is intended to include those requisites set forth in 20 Pa.C.S. § 5511(c) as well as information to assist the court in determining capacity, the need for a guardian, the appointment of a guardian for the estate and/or the person, and the replacement of a guardian, as the case may be. An additional requirement is the identification of any person or persons who are to receive notice of the filing of reports. The Committee favored a naming procedure rather than a rule stating universally and categorically the classes of persons entitled to view reports.

Paragraph (a)(3) has been revised to require the petitioner to indicate whether intestate heirs are *sui juris*. The Committee received a comment about why the petition must be served on all persons entitled to an intestate share of the alleged incapacitated person's estate pursuant to paragraph (f)(2)(i), rather than only those residing in Pennsylvania, as stated in 20 Pa.C.S. § 5511(a). The Committee recognizes, particularly in counties bordering other states, that family members residing in other states may only be separated by a relatively short distance. Further, the Committee takes notice that people exhibit greater mobility now than in the past. Therefore, the Committee favored providing notice to those relatives regardless of residency within Pennsylvania.

Paragraph (b)(1) has been revised to require the petitioner to identify those individuals who will have direct responsibility for the alleged incapacitated person when the proposed guardian is an entity. This paragraph would also require the principal of the entity to be identified. The Committee acknowledges that designating those persons having direct responsibility may be challenging at this stage in a guardianship proceeding. However, the Committee believes it is important to do so for the purposes of the criminal record check requirement in paragraph (c)(2). For those entities using a team approach or rotating assignments, identification of all likely individuals would be necessary. The Committee also believes that the person having ultimate responsibility for the entity should be identified for purposes of the criminal record check.

Paragraph (b)(4) requires the petition to include whether the proposed guardian has completed any guardianship training. The Committee received several comments regarding this paragraph and whether it was intended to create an expectation that training is a pre-requisite to appointment as a guardian. This para-

graph was intended to require the inclusion of training information; it was not intended to create a training requirement.

Paragraph (b)(5) has been revised to include the number of active matters for the guardian. This quantification is intended to provide the court with information about the current caseload of the proposed guardian.

Paragraph (c)(2) has been revised, together with the addition of the Explanatory Comment, to incorporate a suggestion provided by a comment. With the PATCH System, a requestor can apply for a criminal background check with the Pennsylvania State Police. It is reported that 85% of the time that a "no record" certificate is returned immediately to the requestor. The fee for a request is \$8.00. As explained in the Explanatory Report, the response need not be notarized, thereby avoiding an additional \$5.00 fee. The Committee recognizes there is a cost for obtaining this information, but the value of this information to screen potential guardians and persons having direct responsibility for the incapacitated person justifies the expense.

Rule 14.3 Written Deposition

The Committee previously published for comment a proposed rule and form regarding written depositions to be used for the admission of expert testimony in lieu of live testimony. *See* 46 Pa.B. 2306 (May 7, 2016). That proposal represented a refinement of an earlier published version of the form. *See* 45 Pa.B. 1070 (March 7, 2015). The version submitted to the Court is set forth in the proposed rules to provide context for the remaining rules and forms. The Committee is not soliciting comment on this Rule.

Rule 14.4 Counsel

Based upon a comment, the Committee added new paragraph (a) to the Rule to set forth the statutory requirement that the petitioner inform the court whether the alleged incapacitated person has counsel. *See* 20 Pa.C.S. § 5511(a). Relatedly, the Committee received suggestions that the Rule require that counsel be appointed to represent the alleged incapacitated person in all cases. The statute provides that counsel may be appointed to represent the alleged incapacitated person "in appropriate cases." The Committee read this provision to grant the judge discretion to appoint counsel and not as a requirement that counsel be appointed in all cases.

The language of paragraphs (b)—(d) has been retained from the previous proposal. As mentioned in the prior publication report, this Rule intended to provide for the memorialization of the scope of counsel's services before commencement of the proceedings in order to avoid confusion about the role of counsel. The Rule also requires private counsel to set forth information regarding fees in the engagement letter. The reasonableness of all fees incurred on behalf of the alleged incapacitated person, whether attributed to private counsel or appointed counsel, are subject to court review. The Committee did not accept a suggestion that the Rule contain a range of reasonable fees, believing that reasonableness remains a matter of local practice.

Rule 14.5 Waiver or Modification of Bond

As previously proposed, this Rule would have permitted the court to consider whether a consumer report or proof of insurance should be filed as assurance after a bond has been waived or modified. The Committee believed that these two documents may cause the Rule to be too

narrowly applied because proof in paragraph (c) might operate to limit what constitutes proof of “good cause” in paragraph (b).

Aside from the statutory exception for corporate guardians, see 20 Pa.C.S. §§ 5121, 5122, bonding is generally going to be initially waived or reduced for one of the following: 1) the guardian is unable to be bonded; 2) a bond is unnecessary due to assets of guardian; 3) a bond is unnecessary because of insurance; 4) a bond is unnecessary because the guardian’s character or relationship with the incapacitated person; or 5) the protection of a bond for smaller estates is outweighed by the cost. This Rule is premised on the guardian being bondable. With these examples, the existence of a consumer report or insurance policy may be relevant in some, but not all, instances. Further, a consumer report is practically meaningless if the basis for a subsequent bond modification is an increase or decrease in the size of the incapacitated person’s estate.

Accordingly, the Committee favored providing examples of “good cause” in the Explanatory Comment and revising paragraph (c) to require the court to consider the necessity and means of how “good cause” can be demonstrated in the future to provide assurance that “good cause” continues to exist. The revision allows the court, rather than the Rule, to determine what evidence is necessary to assure “good cause.”

Rule 14.6 Determination of Incapacity, Selection of Guardian

In response to a comment, the Committee revised paragraph (a) to require that the petitioner present the citation and proof of service at the adjudicatory hearing.

The omission of professional guardians from the list of eligible guardians was not intended to exclude them from consideration. Accordingly, “professional guardian” was added to paragraph (b)(1)(x) and the concluding sentence of paragraph (b)(2). This proposal does not define “professional guardian;” currently, that phrase will be subject to local interpretation. This matter remains under Committee study.

A commenter suggested that a professional guardian be given greater consideration when selecting a guardian because the use of family members tends to lead to conflict. With regard to a guardian of the person, the Committee believed that family members are typically most knowledgeable of the incapacitated person’s preferences and values. Therefore, family members should be given higher preference than non-family members. Likewise for guardians of the estate, provided that the estate consists of minimal assets or the proposed guardian possesses the necessary skills and experience.

Rule 14.7 Order and Certificate

The Committee previously deliberated on whether to propose a form order adjudicating incapacity and appointing a guardian. The Committee initially concluded that the format and content of the order should be left to local practice subject to statutory requirements. However, the Committee received several comments regarding items that should be included in an order. After revisiting this issue, the Committee concluded that the format of orders should remain a matter of local practice. Further, the content of guardianship orders should be tailored to the needs of the incapacitated person. Mandating the use of a boilerplate form for individualized issues would either contain a kaleidoscope of options or vast sections of fillable blank text. The end result would be a “skeleton

form” that achieves little uniformity other than format, which was not a pressing concern to the Committee.

To address comment concerns, the Committee created Rule 14.7 to set forth topics that all orders must address, see paragraph (a)(1), and language the order must contain, see paragraph (a)(2). Regarding guardianships of the estate, paragraph (b)(1) would require orders to address bonding requirements and the authority of the guardian to spend principal without prior court approval. Paragraph (b)(2) would require all orders for guardians of the estate to contain language substantially in the form provided. The model language in paragraph (b)(2) is intended to address a recurring issue with financial institutions not readily permitting access to the incapacitated person’s accounts and to conduct transactions on behalf of the incapacitated person. Given that a financial institution may have branches in multiple counties, the Committee believed that similar model language should be used in every order to provide for consistent recognition and uniform effect.

The Committee retained the concept of a certificate being issued by the clerk of the orphans’ court to minimize the unnecessary disclosure of confidential matters involving the incapacitated person when dealing with third parties. However, the Committee reconsidered the previously proposed Certificate of Guardian form and its function. Questions arose whether the description of “plenary guardian” is of practical use in third party transactions. Further, the Committee learned that some orders contain the enumerated powers of a plenary guardian rather than specifying the type of guardianship. Additionally, the conditions placed on a limited guardian’s authority may be extensive and detailed.

Aware of the burden that may be placed on clerks of the orphans’ court having to interpret, identify, and transcribe into a certificate the guardian’s authority set forth in the order of adjudication and appointment, the Committee elected to limit the scope of the Certificate of Guardianship to include only the model language in paragraph (b)(2). Moreover, the Committee’s concern about disclosing the entirety of the order has been tempered by the requirement that final orders be publicly accessible. See *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts*, § 9.0(B) (Eff. January 6, 2018).

Rule 14.8 Guardianship Reporting, Monitoring, Review, and Compliance

Based upon comments, the Committee considered whether the first report should be filed less than twelve months after the appointment, whether there should be shorter forms for estates of modest value, and whether the inventory should be filed within three months rather than ninety days. Further, the Committee considered whether reports should be as of the anniversary of the appointment or the month end of the month in which the anniversary occurs. Finally, the Committee considered whether the Rules provide sufficient time to complete and file a report before the report becomes delinquent.

Concerning the timing of the reports, the Committee favors adherence to the current practice of reports for the same period regardless of whether the report is for the first anniversary or the tenth anniversary. As for the concern that filing periods may end mid-month and make data collection necessary to complete the report difficult, the Committee believes that such challenges already exist and have been overcome. The Committee is not inclined to alter the current practice via rulemaking. Likewise, the

Committee does not favor the development of a short form for estates of modest value because value is not perfectly correlated with complexity and guardians can simply indicate “N/A” for those parts of the forms that are inapplicable.

Upon reviewing paragraphs (f)(1) and (f)(2), the Committee concluded that the guardian has at least 40 days to complete and file a required report before the judge is given notice. Accordingly, the Committee believes that 40 days was sufficient to perform this function.

Finally, the Committee is mindful that statute provides three months to file an inventory. *See* 20 Pa.C.S. § 5142. However, the Committee believes that an established number of days provides provided a more uniform approach than months of varying length.

In response to a comment, paragraph (a)(4) has been revised to additionally require the filing of a final report when an order has expired and no permanent order is entered. This revision is intended to address emergency orders in which no final order is entered.

The Committee considered a request to include a reference to the “Guardianship Tracking System” (GTS) in Rule 14.8. The GTS is an online system being developed by the Administrative Office of Pennsylvania Courts (AOPC) that will provide the means for guardians to file reports and update information online as opposed to the current paper process.

The GTS is intended to standardize reporting, prevent mistakes, and ensure complete reports. It will store and carryover information from year-to-year, which is intended to facilitate the filing of subsequent reports. Further, the GTS can track information and flag accounts where inputted data falls outside of established parameters, which is intended to enhance guardianship monitoring.

The AOPC expects to begin implementation sometime in mid-to-late 2018. Once the GTS is implemented, then the Rules will be amended to reflect to the availability of the system. However, until that time, the Committee believes that it would premature for the Rules to reference a system that is not yet in statewide operation.

Rule 14.9 Review Hearing

No substantive revisions were made to Rule 14.9. The Committee received a comment suggesting that this Rule should be more expansively drafted to include other types of petitions. The Committee intended for this Rule to be applicable to review petitions and not to the exclusion of all other petitions. The Committee believes that the addition of Rule 14.1 will better inform readers that other petitions are permitted under the Rules and the procedures to follow can be found in Chapter III.

Rule 14.10 Proceedings Relating to Real Estate

No substantive revisions were made to Rule 14.10. The Committee received a comment about whether paragraph (b) should require the guardian to inform the court if there is a known objection from an interested party concerning the proposed transaction. The Committee believes that an interested party objecting to a transaction should file a responsive pleading. *See also* 20 Pa.C.S. § 5521(e) (concerning knowledge of incapacitated person’s objection).

Rule 14.11 Transfer of Guardianship of the Person to Another State

A commenter questioned how the petitioner would be able to plead facts indicating that the guardianship will

be accepted by other state’s court. In response, the Committee revised paragraph (a)(4) to insert “likely” and add that likelihood may be established by evidence of the other state having procedures similar to Rule 14.13 (Acceptance of a Guardianship Transferred from Another State). Per the National Conference of Commissioners on Uniform State Laws’ website, as of August 8, 2017, Florida, Texas, Michigan, Wisconsin, and Kansas have not enacted legislation based upon the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.

Other comments indicated that anyone should be able to raise an objection and questioned whether an answer is necessary to raise an objection. The Committee believes that permitting anyone to raise an objection would invoke issues of standing. Rather, if someone other than those entitled to service pursuant to Rule 14.2(f)(2) wishes to raise an objection, then that person should seek to intervene pursuant to Rule 14.1(d). Additionally, an answer may include new matter, *see* Pa. O.C. Rule 3.6(a), both of which may be used as vehicles to raise objections depending on the basis for the objection.

Rule 14.12 Transfer of Guardianship of the Estate to Another State

See the Committee’s comments to Rule 14.11, *supra*.

Rule 14.13 Acceptance of a Guardianship Transferred from Another State

After further consideration by the Committee, paragraph (a)(3) was added to require the petition and order determining the initial incapacity be attached. The Committee believed this was important information for the receiving court to possess. Further, this information may be helpful in determining whether a modification hearing may be necessary.

As previously proposed, the Rule would have required the court to conduct a hearing within 90 days of the issuance of the final order. The Committee received several comments objecting to a rule-mandated hearing when the statute made such a hearing discretionary. The commenters contended that a hearing in every instance would be burdensome. The Committee agrees with these comments and deleted this requirement in its entirety, instead including a reference to the pertinent statute in the Explanatory Comment.

As previously proposed, the receiving court would enter an order “accepting jurisdiction” when it received the final order from the other state transferring the guardianship. A commenter questioned why the receiving court did not “accept the guardianship” rather than “accept jurisdiction.” The Committee agrees with this comment and has revised paragraph (e)(2) accordingly.

Rule 14.14 Forms

There are eight statewide forms associated with this Chapter, two of which (OC-03 and OC-04) are also associated with Pa. O.C. Rule 2.4 in Chapter II. Rule 14.12(e) & (f) are intended to incorporate those forms by reference. Likewise, Forms OC-3 and OC-04 are not replicated within the Appendix to Chapter XIV; rather, they are incorporated by reference. Those forms (OC-03 and OC-04), revised and repromulgated on September 1, 2016, are not being revised, rescinded, or replaced by this proposal.

No further revision is being proposed for the Citation with Notice (G-01) or the Notice of Filing (G-06) beyond that previously proposed at 46 Pa.B. 7934 (December 27, 2016).

The Report of the Guardian of the Estate (G-02), the Report of the Guardian of the Person (G-03), and the Inventory (G-04) forms were previously published for comment at 45 Pa.B. 1070 (March 7, 2015). The forms were republished at 46 Pa.B. 7934 (December 27, 2016). The comments related to these forms were shared with the Office of Elder Justice in the Courts for review and consideration by the Advisory Council on Elder Justice in the Courts. As such, these reports are not being republished for comment and, therefore, are not included in this proposal. Likewise, the Written Deposition form remains under review and is not included in this proposal.

After any necessary revisions and Supreme Court adoption, the forms will be posted permanently on the UJS website with the other Orphans' Court forms.

The Committee invites all comments, concerns, and suggestions regarding this proposal.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER I. PRELIMINARY RULES

Rule 1.5. Local Rules.

(a) All previously promulgated local rules are hereby vacated, effective September 1, 2016, except for those local rules promulgated under Chapter [14] XIV regarding guardianship of incapacitated persons, Chapter [15] XV regarding adoptions, and Chapter [16] XVI regarding proceedings pursuant to section 3206 of the Abortion Control Act.

(b) All previously promulgated local rules under Chapter XIV regarding guardianship of incapacitated persons are hereby vacated, effective (TBD).

[(b)] (c) The requirements for the promulgation and amendment of local procedural rules for orphans' court proceedings are set forth in Pennsylvania Rule of Judicial Administration 103(d).

[(c)] (d) The local rules applicable to practice in the Civil or Trial Division of the local Court of Common Pleas shall not be applicable in the Orphans' Court Division unless so directed by these Rules or by local rule adopted by the court of the particular judicial district in accordance with Pa.R.J.A. No. 103.

Note: Effective August 1, 2016, Pennsylvania Rule of Judicial Administration 103 was amended to consolidate and include all local rulemaking requirements. Accordingly, the rulemaking requirements under Pa. O.C. Rule 1.5 for the promulgation and amendment of local procedural rules for orphans' court proceedings were rescinded and replaced.

(Editor's Note: As part of this proposed rulemaking, the Committee is proposing to rescind Chapter XIV, Rules 14.1—14.5, which appears in 231 Pa. Code pages 14-1 to 14-2, serial pages (382157) and (382158), and replace it with Chapter XIV as follows. This chapter is new and printed in regular type to enhance readability.)

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule	
14.1.	Guardianship Petition Practice and Pleading.
14.2.	Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person.
14.3.	Written Deposition.
14.4.	Counsel.

14.5.	Waiver or Modification of Bond.
14.6.	Determination of Incapacity, Selection of Guardian.
14.7.	Order and Certificate.
14.8.	Guardianship Reporting, Monitoring, Review, and Compliance.
14.9.	Review Hearing.
14.10.	Proceedings Relating to Real Estate.
14.11.	Transfer of Guardianship of the Person to Another State.
14.12.	Transfer of Guardianship of the Estate to Another State.
14.13.	Acceptance of a Guardianship Transferred from Another State.
14.14.	Forms.

Rule 14.1. Guardianship Petition Practice and Pleading.

(a) *Proceedings for Adjudication of Incapacity and Appointment of a Guardian.* The following petition practice and pleading requirements set forth in Chapter III (Petition Practice and Pleading) shall be applicable to proceedings for the adjudication of incapacity and appointment of a guardian:

- (1) Rule 3.2 (Headings; Captions);
- (2) Rule 3.3 (Contents of All Petitions; General and Specific Averments);
- (3) Rule 3.12 (Signing);
- (4) Rule 3.13 (Verification); and
- (5) Rule 3.14 (Amendment).

(b) *Responsive Pleadings to a Petition for Adjudication of Incapacity and Appointment of a Guardian Filed Pursuant to Rule 14.2.*

(1) Responsive pleadings allowed after filing of a petition are limited to those identified in Rule 3.6 (Pleadings Allowed After Petition) and shall be subject to Rules 3.10 (Denials; Effect of Failure to Deny) and 3.11 (Answer with New Matter).

(2) The alleged incapacitated person and any person or institution served pursuant to Rule 14.2(f)(2) may file a responsive pleading.

(3) Any responsive pleading shall be filed with the clerk and served pursuant to Rule 4.3 (Service of Legal Paper Other than Citations or Notices) on all others entitled to file a responsive pleading pursuant to paragraph (b)(2).

(4) All responsive pleading shall be filed and served no later than five (5) days prior to the hearing.

(5) The court shall determine any objections at the adjudicatory hearing.

(6) The court, in the interest of justice, may waive strict adherence to this paragraph.

(c) *All Other Petitions for Relief.* Unless otherwise provided by Rule in this Chapter, the petition practice and pleading requirements set forth in Chapter III shall be applicable to proceedings other than a petition seeking the adjudication of incapacity and appointment of a guardian. "Interested party," as used in Chapter III, shall include all those entitled to service pursuant to Rule 14.2(f).

(d) *Intervention.* A petition to intervene shall set forth the ground on which intervention is sought and a statement of the issue of law or question of fact the petitioner seeks to raise. The petitioner shall attach to the petition a copy of any pleading that the petitioner will file if permitted to intervene. A copy of the petition shall be served pursuant on all those entitled to service pursuant to Rule 14.2(f).

Explanatory Comment: This Rule is intended to specify the provisions of Chapter III that are applicable to proceedings under Chapter XIV and provide a procedure

for intervention in such proceedings. Those provisions not specified are inapplicable to proceedings under Chapter XIV. For proceedings for the adjudication of incapacity and appointment of a guardian, responsive pleadings are permitted as a means of identifying contested legal issues and questions of fact prior to the adjudicatory hearing. However, given the abbreviated window for filing a response relative to other proceedings, compare Pa. O.C. Rule 3.7(a), the failure to file a responsive pleading should not operate to preclude an issue or question from being raised and considered at the hearing. Paragraph (b)(6) is intended to permit the court to waive strict adherence with the time requirements for a responsive pleading. Such pleadings should not be filed as a means of delaying the hearing on the merits of the petition.

The practice for other petitions is to follow the requirements of Chapter III. Nothing in this Rule is intended to prevent relief being sought on an expedited basis, provided the petitioner is able to establish circumstances to the satisfaction of the court warranting disregard of procedural requirements. *See* Pa. O.C. Rule 1.2(a).

Notice should be taken that Rules within Chapter XIV may have specific pleading and practice requires. *See, e.g.,* Pa. O.C. Rules 14.11—13.

Rule 14.2. Petition for Adjudication of Incapacity and Appointment of a Guardian of the Person or Estate of an Incapacitated Person.

(a) *Petition Contents.* A petition to adjudicate an individual as an incapacitated person shall state in plain language:

(1) Name, age, address, and mailing address, if different, of the petitioner and the petitioner's relationship to the alleged incapacitated person;

(2) Name, age, residence, and mailing address, if different, of the alleged incapacitated person;

(3) Names and addresses of the spouse, parents, and presumptive intestate heirs of the alleged incapacitated person and whether they are *sui juris* or *non sui juris*;

(4) Name and address of the person or institution providing residential services to the alleged incapacitated person;

(5) Names and addresses of other service providers and nature of services being provided;

(6) Reason(s) why guardianship is sought, including a description of functional limitations and the physical and mental condition of the alleged incapacitated person;

(7) If not plenary, then specific areas of incapacity over which it is requested that the guardian be assigned powers;

(8) The probability of whether the physical condition and mental condition of the alleged incapacitated person will improve;

(9) Whether there is an executed health care power of attorney, and if so, the name of the person designated in the document to act as the health care agent;

(10) Whether there is an executed power of attorney, and if so, the name of the person designated in the document to act as the agent;

(11) Whether there has been a prior incapacity hearing concerning the alleged incapacitated person, and if so, the name of the court, the date of the hearing, and the determination of capacity;

(12) Steps taken to find a less restrictive alternative than a guardianship;

(13) If a guardian of the estate is sought, then the gross value of the estate and net income from all sources, to the extent known;

(14) Whether there is a prepaid burial account, to the extent known;

(15) Whether the alleged incapacitated person is a veteran of the United States Armed Services, and whether the alleged incapacitated person is receiving benefits from the United States Veterans' Administration on behalf of himself or herself or through a spouse; and

(16) Name and address, if available, of any person proposed to receive a notice of filing pursuant to Rule 14.8(b).

(b) *Nomination of Guardian.* The petition for adjudication of incapacity shall also include:

(1) The name, address, and mailing address, if different, of the proposed guardian whom the petitioner nominates to be appointed guardian and the nominee's relationship, if any, to the alleged incapacitated person. If the proposed guardian is an entity, then the name of the person or persons to have direct responsibility for the alleged incapacitated person and the principal of the entity;

(2) Whether the proposed guardian has any adverse interest to the alleged incapacitated person;

(3) Whether the proposed guardian is available and able to visit or confer with the alleged incapacitated person;

(4) Whether the proposed guardian has completed any guardianship training, including the name of the training program, length of the training, and date of completion;

(5) Whether the proposed guardian is or was a guardian in any other matters and, if so, the number of active matters; and

(6) If the petition nominates a different proposed guardian of the estate from the proposed guardian of the person, then the information required in subparagraphs (b)(1)—(b)(5) as to each nominee.

(c) *Exhibits.* The following exhibits shall be appended to the petition:

(1) All powers of attorney, if available;

(2) The certified response to a Pennsylvania State Police criminal record check, with Social Security Number redacted, for each proposed guardian issued within six months of the filing of the petition.

(i) If any proposed guardian has resided outside the Commonwealth and was 18 years of age or older at any time within the previous five-year period, then the petition shall include a criminal record check obtained from the statewide database, or its equivalent, in each state in which such proposed guardian has resided within the previous five-year period.

(ii) When any proposed guardian is an entity, the person or persons to have direct responsibility for the alleged incapacitated person and the principal of the entity shall comply with the requirements of subparagraph (c)(2); and

Note: For information on requesting a criminal record check from the Pennsylvania State Police, see <http://www.psp.pa.gov/Pages/Request-a-Criminal-History-Record.aspx>.

(3) Any proposed orders as required by Rule 3.4(b).

(4) Any consent or acknowledgement of a proposed guardian to serve.

(d) *Emergency Guardian.* A petition seeking the appointment of an emergency guardian shall aver with specificity the facts giving rise to the emergent circumstances and why the failure to make such an appointment will result in irreparable harm to the person or estate of the alleged incapacitated person.

Note: Limitations on emergency guardianships are prescribed by statute. See 20 Pa.C.S. § 5513.

(e) *Separate Petitions.* Separate petitions shall be filed for each alleged incapacitated person.

(f) *Citation with Notice.* A citation with notice using the form provided in the Appendix to these Rules shall be attached to and served with the petition and any preliminary order as follows:

(1) Upon the alleged incapacitated person no less than 20 days prior to the hearing. Additionally, the content and terms of the petition shall be explained to the maximum extent possible in language and terms the alleged incapacitated person is most likely to understand.

(2) In the manner pursuant to Rule 3.5(b) no less than 20 days prior to the hearing upon:

(i) All persons who would be entitled to an intestate share in the estate of the alleged incapacitated person;

(ii) The person or institution providing residential services to the alleged incapacitated person; and

(iii) Such other parties as the court may direct, including service providers.

Note: For notice to the United States Veterans' Bureau, see 20 Pa.C.S. § 8411.

(3) For a petition seeking the appointment of an emergency guardian, the court may direct the manner of service as emergent circumstances warrant. Thereafter, notice shall be served in accordance with Rule 14.2(f)(2).

Explanatory Comment: Concerning the requirement of a criminal record check set forth in paragraph (c)(2), the Pennsylvania State Police has created the Pennsylvania Access to Criminal History ("PATCH") System to enable the public to obtain criminal history record checks via Internet request. The certified response from the Pennsylvania State Police criminal history record check need not be notarized to comply with the requirements of this rule. Any response other than "no record" may require supplementation at the discretion of the court.

Rule 14.3. Written Deposition.

Evidence of incapacity may be admissible through a written deposition using the form provided in the Appendix to these rules under the following circumstances:

(a) The deponent is qualified by training and experience in evaluating individuals with incapacities for the type alleged in the petition;

(b) The deponent signs, dates, and verifies the responses set forth in the form; and

(c) Incapacity is uncontested.

Explanatory Comment: This rule and referenced form are intended to permit the admission of expert testimony by written deposition rather than live testimony. See 20 Pa.C.S. § 5518. The rule is permissive; whether a deposition is admitted in lieu of testimony is at the discretion of the court. Nothing in this rule is

intended to preclude the court from requiring the deponent to appear or requiring supplementation if the court is not satisfied with the responses contained within the deposition. With the necessity of cross-examination, the use of a written deposition pursuant to this rule is not permitted when capacity is contested.

Rule 14.4. Counsel.

(a) If counsel for the alleged incapacitated person has not been retained, the petitioner shall notify the court in writing at least seven days prior to the adjudicatory hearing that the alleged incapacitated person is unrepresented.

(b) *Private Counsel.* If the alleged incapacitated person has retained private counsel, counsel shall prepare a comprehensive engagement letter for the alleged incapacitated person to sign, setting forth when and how counsel was retained, the scope of counsel's services, whether those services include pursuing any appeal, if necessary, how counsel will bill for legal services and costs and the hourly rate, if applicable, who will be the party considered responsible for payment, whether any retainer is required, and if so, the amount of the retainer. Counsel shall provide a copy of the signed engagement letter to the court upon request.

(c) *Appointed Counsel.* The court may appoint counsel if deemed appropriate in the particular case. Any such order appointing counsel shall delineate the scope of counsel's services and whether those services include pursuing any appeal, if necessary.

(d) *Other Counsel.* Counsel for any other party shall enter an appearance in accordance with Rule 1.7(a).

Explanatory Comment: Reasonable counsel fees, when appropriate, should be paid from the estate of the alleged incapacitated person whenever possible. If the alleged incapacitated person is unable to pay for counsel, then the court may order counsel fees and costs to be paid by the county. See 20 Pa.C.S. § 5511(c). Any fee dispute should be resolved in a timely and efficient manner to preserve resources in order to maintain the best possible quality of life for the incapacitated person.

Rule 14.5. Waiver or Modification of Bond.

(a) *Request.* A request for the court to waive or modify a bond requirement for a guardian of the estate may be raised within the petition for adjudication of incapacity or at any other time by petition.

(b) *Waiver or Modification.* The court may order the waiver or modification of a bond requirement for good cause.

(c) *Assurance.* If the court waives or modifies a bond requirement, then the court shall consider the necessity and means of periodic demonstration of continued good cause.

Explanatory Comment: Pursuant to 20 Pa.C.S. § 5515, the provisions of Sections 5121—5123 of Title 20 relating to bonding requirements are incorporated by reference into Chapter 55 proceedings. When property is held by the incapacitated person as fiduciary, see 20 Pa.C.S. § 5516. "Good cause" may include, but is not limited to, an estate of nominal value, fluctuation in the size of the estate, adequate insurance maintained by the guardian against risk of loss to the estate, the credit worthiness of the guardian, and assets of the guardian relative to the value of the estate.

Rule 14.6. Determination of Incapacity, Selection of Guardian.

(a) *Determination of Incapacity.* The procedure for determining incapacity and for appointment of a guardian shall meet all requirements set forth at 20 Pa.C.S. §§ 5511, 5512, and 5512.1. In addition, the petitioner shall present the citation and proof of service at the hearing.

(b) *Selection of Guardian.* If guardianship services are needed, then the court shall appoint the person nominated as such in a power of attorney, except for good cause shown or disqualification. Otherwise, the court shall consider the eligibility of one or more persons to serve as guardian in the following order:

(1) *Guardian of the Person:*

- (i) The guardian of the estate;
- (ii) The spouse, unless estranged or an action for divorce is pending;
- (iii) An adult child;
- (iv) A parent;
- (v) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (vi) An adult sibling;
- (vii) An adult grandchild;
- (viii) Other adult family member;
- (ix) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to, religious and moral beliefs, and would be able to assess how the alleged incapacitated person would make decisions; or
- (x) Other qualified proposed guardian, including a professional guardian.

(2) *Guardian of the Estate.* When the estate of the incapacitated person consists of minimal assets or where the proposed guardian possesses the skills and experience necessary to manage the finances of the estate:

- (i) The guardian of the person;
- (ii) The spouse unless estranged or an action for divorce is pending;
- (iii) An adult child;
- (iv) A parent;
- (v) The nominee of a deceased or living parent of an unmarried alleged incapacitated person;
- (vi) An adult sibling;
- (vii) An adult grandchild;
- (viii) Other adult family member; or
- (ix) An adult who has knowledge of the alleged incapacitated person's preferences and values, including, but not limited to, religious and moral beliefs, and would be able to assess how the alleged incapacitated person would make decisions.

Where no individual listed in subparagraphs (i)—(ix) of paragraph (b)(2) possesses the skills and experience necessary to manage the finances of the estate, the guardian of the estate may be any qualified proposed guardian, including a professional guardian or corporate fiduciary.

Note: See *In re Peery*, 727 A.2d 539 (Pa. 1999) (holding a person does not require a guardian if there is no need for guardianship services). See also 20 Pa.C.S. § 5511(f) (who may be appointed guardian).

Rule 14.7. Order and Certificate.

(a) *Order Adjudicating Incapacity and Appointing Guardian.*

(1) An order adjudicating incapacity and appointing a guardian shall address:

- (i) the type of guardianship being ordered and any limits, if applicable;
- (ii) the continued effectiveness of any previously executed powers of attorney and the authority of the agent;
- (iii) the necessity of filing reports pursuant to Rule 14.8(a); and
- (iv) person or persons entitled to receive a notice of filing pursuant to Rule 14.8(b).

(2) An order adjudicating incapacity and appointing a guardian shall contain a provision substantially in the following form:

[Incapacitated person] is hereby notified of the right to seek reconsideration of this Order pursuant to Rule 8.2 and the right to appeal this Order within thirty (30) days from the date of this Order by filing a Notice of Appeal with the Clerk of the Orphans' Court. [Incapacitated person] may also petition the court at any time to review, modify, or terminate the guardianship due to a change in circumstances. [Incapacitated person] has a right to be represented by an attorney to file an appeal or to seek modification or termination of this guardianship. If the assistance of counsel is needed and [Incapacitated person] cannot afford an attorney, an attorney will be appointed to represent [Incapacitated person] free of charge.

(b) *Order Adjudicating Incapacity and Appointing Guardian of Estate.*

(1) In addition to the requirements set forth in paragraph (a)(1), an order adjudicating incapacity and appointing a guardian of the estate shall address:

- (i) whether a bond is required and when the bond is to be filed; and
- (ii) whether the guardian can spend principal without prior court approval.

(2) In addition to the requirement set forth in paragraph (a)(2), an order adjudicating incapacity and appointing a guardian of the estate shall contain a provision substantially in the following form:

All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages to grant access to the guardian of the incapacitated person's estate to any and all assets, records, accounts maintained for the benefit of the incapacitated person, and the guardian of the incapacitated person's estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all said assets. The failure of any financial institution to honor this order may lead to contempt proceedings and the imposition of sanctions.

(c) *Certificate of Guardianship of Estate.* Upon the request of the guardian of the estate, the clerk shall issue a certificate substantially in the following form:

(Caption)

I CERTIFY that on _____, after giving full consideration to the factors set forth in Chapter 55 of the Probate, Estate, and Fiduciaries Code, 20 Pa.C.S. § 5501, *et seq.*, in the above-captioned matter, the Court adjudged _____ an incapacitated person and appointed _____ as plenary guardian of the estate.

FURTHER, I CERTIFY the Court, *inter alia*, ordered:

All financial institutions, including without limitation, banks, savings and loans, credit unions, and brokerages to grant access to the guardian of [incapacitated person]'s estate to any and all assets, records, accounts maintained for the benefit of [incapacitated person], and the guardian of [incapacitated person]'s estate shall be entitled to transfer, retitle, withdraw, or otherwise exercise dominion and control over any and all said assets. The failure of any financial institution to honor this order may lead to contempt proceedings and the imposition of sanctions.

Witness my hand and seal of said Court this ___ day of _____, ____.

[seal]

CLERK OF ORPHANS' COURT

Explanatory Comment: The requirements of paragraph (a) are intended to apply to all final guardianship orders. The items addressed and contained in the order, as set forth in paragraphs (a) and (b), are not exhaustive. The court may fashion a guardianship of a person order to inform health care providers of the guardian's authority, including the authority to give informed consent to proposed treatment, to share information, and to make decisions for the incapacitated person. *See also In re DHL*, 2 A.3d 505 (Pa. 2010) (discussing whether guardian has authority concerning life-preserving care); 20 Pa.C.S. § 5460(a) (requiring the court to determine the extent of agent's authority under a health care power of attorney); 20 Pa.C.S. § 5604(c)(3) (requiring the court to determine the extent of agent's authority under a durable power of attorney).

Rule 14.8. Guardianship Reporting, Monitoring, Review, and Compliance.

(a) *Reporting.* A guardian shall file the following reports with the clerk:

- (1) An inventory by the guardian of the estate within 90 days of such guardian's appointment;
- (2) An annual report by the guardian of the estate one year after appointment and annually thereafter;
- (3) An annual report by the guardian of the person one year after appointment and annually thereafter;
- (4) A final report by the guardian of the person and the guardian of the estate within 60 days of the death of the incapacitated person, an adjudication of capacity, a change of guardian, or the expiration of an order where no permanent order is entered; and
- (5) A final report from the guardian of the person and the guardian of the estate upon receipt of the provisional order from another state's court accepting transfer of a guardianship.

(b) *Notice of Filing.* If the order appointing the guardian identifies the person or persons entitled to receive notice of the filing of any report set forth in paragraph (a) pursuant to Rule 14.7(a)(1)(iv), the guardian shall serve a notice of filing within ten days of filing a report using the

form provided in the Appendix to these rules. Service shall be in accordance with Rule 4.3.

(c) *Design of Forms.* The Court Administrator of Pennsylvania, in consultation with the Orphans' Court Procedural Rules Committee and the Office of Elder Justice in the Courts, shall design and publish forms necessary for the reporting requirements set forth in paragraph (a).

(d) *Monitoring.* The clerk or the court's designee shall monitor the guardianship docket to confirm the guardian's compliance with the reporting requirements set forth in paragraph (a).

(e) *Review.* The court or its designee shall review the filed reports.

(f) *Compliance.* To ensure compliance with these reporting requirements:

(1) If any report is deemed incomplete or is more than 20 days delinquent, then the clerk or the court's designee shall serve notice on the guardian directing compliance within 20 days, with a copy of the notice sent to the court and the guardian's counsel, if represented.

(2) If the guardian fails to comply with the reporting requirements within 20 days of service of the notice, then the clerk or the court's designee shall file and transmit a notice of deficiency to the adjudicating judge and serve a notice of deficiency on those persons named in the court's order pursuant to Rule 14.7(a)(1)(iv) as entitled to receive a notice of filing.

(3) The court may thereafter take such enforcement procedures as are necessary to ensure compliance.

Explanatory Comment: The reporting forms are available at TBD. This Rule is silent as to the manner of proceeding when reports are deficient or warrant further investigation, or when the guardian is recalcitrant after being given notice by the clerk or the court's designee. In its discretion, the court may order further documentation, conduct a review hearing, or take further action as may be deemed necessary, including, but not limited to, removal of the guardian or contempt proceedings.

Rule 14.9. Review Hearing.

(a) *Initiation.* A review hearing may be requested by petition or ordered by the court.

(b) *Petition.* A petition for a review hearing shall set forth:

- (1) the name, age, address, and mailing address, if different, of the petitioner and the petitioner's relationship to the incapacitated person;
- (2) the date of the adjudication of incapacity;
- (3) the names and addresses of all guardians;
- (4) if the incapacitated person has been a patient in a mental health facility, the name of such facility, the date of admission, and the date of discharge;
- (5) the present address of the incapacitated person, and the name of the person with whom the incapacitated person is living;
- (6) the names and addresses of the presumptive adult intestate heirs of the incapacitated person; and
- (7) an averment that:
 - (A) there has been significant change in the incapacitated person's capacity and the nature of that change;
 - (B) there has been a change in the need for guardianship services and the nature of that change; or

(C) the guardian has failed to perform duties in accordance with the law or act in the best interest of the incapacitated person, and details as to the duties that the guardian has failed to perform or has performed but are allegedly not in the best interests of the incapacitated person.

(c) *Service.* The petition shall be served in accordance with Rule 4.3 upon the incapacitated person and those entitled to notice pursuant to Rule 14.2(f)(2).

(d) *Hearing.* The review hearing shall be conducted promptly after the filing of the petition with notice of the hearing served upon those served with the petition pursuant to paragraph (c).

Explanatory Comment: Nothing in this rule is intended to preclude the court from scheduling a review hearing upon its own initiative or in the order adjudicating incapacity and appointing a guardian. For the court's disposition of a petition for a review hearing and evidentiary burden of proof, see 20 Pa.C.S. § 5512.2.

Rule 14.10. Proceedings Relating to Real Estate.

(a) *Applicable Rules.* A petition for the public or private sale, exchange, lease, or mortgage of real estate of an incapacitated person or the grant of an option for the sale, exchange, or lease of the same shall conform as far as practicable to the requirements of these Rules for personal representatives, trustees and guardians of minors in a transaction of similar type.

(b) *Objection.* The guardian shall include in the petition an averment as to whether the guardian knows or has reason to know of any objection of the incapacitated person to the proposed transaction. The nature and circumstances of any such objection, including whether expressed before or after the adjudication of incapacity, shall be set forth in the petition.

Explanatory Comment: See Pa. O.C. Rule 5.10, 5.11, and 5.12.

Rule 14.11. Transfer of Guardianship of the Person to Another State.

(a) *Petition.* A petition filed by a guardian appointed in Pennsylvania to transfer the guardianship of the person to another state must plead sufficient facts to demonstrate:

(1) the incapacitated person is physically present in or is reasonably expected to move permanently to the other state;

(2) plans for care and services for the incapacitated person in the other state are reasonable and sufficient;

(3) the court to which the guardianship will be transferred; and

(4) the guardianship will likely be accepted by the other state's court.

(b) *Service.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 upon the incapacitated person and those entitled to service pursuant to Rule 14.2(f)(2).

(c) *Objections.* Any person entitled to service of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

(1) issue an order provisionally granting the petition to transfer the guardianship and directing the guardian to petition for acceptance of the guardianship in the other state; and

(2) issue a final order confirming the transfer and relinquishing jurisdiction upon receipt of the provisional order from the other state's court accepting the transfer and the filing of the final report of the guardian.

Explanatory Comment: See Subchapter C of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. §§ 5921-5922. This petition may also include a request to transfer the guardianship of the estate to another state as provided in Rule 14.12. The likelihood that the guardianship may be accepted by the other state's court may be established by evidence of the state having procedures similar to Rule 14.13.

Rule 14.12. Transfer of Guardianship of the Estate to Another State.

(a) *Petition.* A petition filed by a guardian appointed in Pennsylvania to transfer the guardianship of the estate must plead sufficient facts to demonstrate:

(1) the incapacitated person is:

(A) physically present in the other state;

(B) reasonably expected to move permanently to the other state; or

(C) significantly connected to the other state.

(2) adequate arrangements will be made for the management of the incapacitated person's estate;

(3) the court to which the guardianship will be transferred; and

(4) the guardianship will likely be accepted by the other state's court.

(b) *Service.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 upon the incapacitated person and those entitled to service pursuant to Rule 14.2(f)(2).

(c) *Objections.* Any person entitled to service of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

(1) issue an order provisionally granting the petition to transfer the guardianship and directing the guardian to petition for acceptance of the guardianship in the other state; and

(2) issue a final order confirming the transfer and relinquishing jurisdiction upon receipt of the provisional order from the other state's court accepting the transfer and the filing of the final report of the guardian.

Explanatory Comment: See Subchapter C of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. §§ 5921-5922. For factors used to determine the significance of the incapacitated person's

connection with the other state, see 20 Pa.C.S. § 5911(b). This petition may also include a request to transfer the guardianship of the person to another state as provided in Rule 14.11. The likelihood that the guardianship may be accepted by the other state's court may be established by evidence of the state having procedures similar to Rule 14.13.

Rule 14.13. Acceptance of a Guardianship Transferred from Another State.

(a) A petition to confirm the transfer of a guardianship from another state to Pennsylvania shall:

- (1) plead sufficient facts to demonstrate:
 - (i) the eligibility of the guardian for appointment in Pennsylvania;
 - (ii) the proceeding in the other state approving the transfer was conducted in a manner similar to Rules 14.11 or 14.12 (concerning transfer of guardianship);

(2) include a certified copy of the other state's provisional order approving the transfer; and

(3) include a certified copy of the petition and order determining initial incapacity in the other state.

(b) *Service.* The guardian shall serve a copy of the petition in accordance with Rule 4.3 with notice in accordance with Rule 3.5(b) upon the incapacitated person and those entitled to service pursuant to Rule 14.2(f)(2).

(c) *Objections.* Any person entitled to notice of the petition may file an answer with the clerk raising objections alleging that the transfer would be contrary to the interests of the incapacitated person.

(d) *Hearing.* If needed, the court shall conduct an evidentiary hearing on the petition.

(e) *Orders.* Upon finding that the allegations contained in the petition have been substantiated and the objections, if any, have not been substantiated, the court shall:

- (1) issue an order provisionally granting the petition to confirm transfer of the guardianship; and
- (2) upon receiving a final order from the court transferring the guardianship, the court shall issue a final order accepting the guardianship, appointing the guardian appointed previously by the court of the other state as the guardian in Pennsylvania, and directing the guardian to comply with the reporting requirements of Rule 14.8.

Explanatory Comment: See Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act, 20 Pa.C.S. § 5922(f) (court's consideration of a modification of guardianship).

Rule 14.14. Forms.

The following forms located in the Appendix shall be used exclusively:

- (a) Important Notice—Citation with Notice (G-01);
- (b) Report of Guardian of the Estate (G-02);
- (c) Report of Guardian of the Person (G-03);
- (d) Guardian's Inventory (G-04);
- (e) Guardianship of Incapacitated Person: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4 (OC-03);
- (f) Guardianship of Minor: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4 (OC-04);
- (g) Written Deposition (G-05); and
- (h) Notice of Filing (G-06).

Explanatory Comment: In accordance with Rule 1.8, these forms must be used exclusively and cannot be replaced or supplanted by a local form.

INDEX TO APPENDIX

ORPHANS' COURT AND REGISTER OF WILLS FORMS ADOPTED BY SUPREME COURT PURSUANT TO Pa. O.C. Rule 1.8

Available as Fill-in Forms on Website of Administrative Office of Pennsylvania Courts
<http://www.pacourts.us/Forms/OrphansCourtForms.htm>
 Orphans' Court and Administration Forms

* * * * *

B. Guardianship Forms

- 1. Important Notice—Citation with Notice (Pa. O.C. Rule [14.5] 14.2) G-01
- 2. [**Annual Report—**] **Report of Guardian of Estate** G-02
- 3. [**Annual Report—**] **Report of Guardian of Person** G-03
- 4. **Guardian's Inventory** G-04
- 5. **Guardianship of Incapacitated Person: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.** 4 OC-03*
- 6. **Guardianship of Minor: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4.** OC-04**
- 7. **Written Deposition** **G-05**
- 8. **Notice of Filing** **G-06**

C. Abortion Control Act Forms

* * * * *

*Form OC-3 is not reprinted here and is located under Audit and Administration Forms at No. 3.

**Form OC-4 is not reprinted here and is located under Audit and Administration Forms at No. 4.

COURT OF COMMON PLEAS OF
ORPHANS' COURT DIVISION

To _____ :

**IMPORTANT NOTICE
CITATION WITH NOTICE**

A Petition has been filed with this Court to have you declared an Incapacitated Person. If the Court finds you to be an Incapacitated Person, your rights will be affected, including your right to manage money and property and to make decisions. A copy of the Petition which has been filed by is attached.

You are hereby ordered to appear at a hearing to be held in Courtroom No. _____, _____, Pennsylvania on _____, 20____ at _____ .m. to tell the Court why it should not find you to be an Incapacitated Person and appoint a Guardian to act on your behalf.

To be an Incapacitated Person means that you are not able to receive and effectively evaluate information and communicate decisions and that you are unable to manage your money and/or other property, or to make necessary decisions about where you will live, what medical care you will get, or how your money will be spent.

At the hearing, you have the right to appear, to be represented by an attorney, and to request a jury trial. If you do not have an attorney, you have the right to request the Court to appoint an attorney to represent you and to have the attorney's fees paid for you if you cannot afford to pay them yourself. You also have the right to request that the Court order that an independent evaluation be conducted as to your alleged incapacity.

If the Court decides that you are an Incapacitated Person, the Court may appoint a Guardian for you, based on the nature of any condition or disability and your capacity to make and communicate decisions. The Guardian will be of your person and/or your money and other property and will have either limited or full powers to act for you.

To: _____:

If the Court finds you are totally incapacitated, your legal rights will be affected and you will not be able to make a contract or gift of your money or other property. If the Court finds that you are partially incapacitated, your legal rights will also be limited as directed by the Court.

If you do not appear at the hearing (either in person or by an attorney representing you) the Court will still hold the hearing in your absence and may appoint the Guardian requested.

By: _____
Orphans' Court Clerk

THE COURTS

COURT OF COMMON PLEAS OF

ORPHANS' COURT DIVISION

NOTICE OF FILING

ESTATE/GUARDIANSHIP OF _____,
AN INCAPACITATED PERSON

_____, GUARDIAN

No. _____

I certify that on _____ I filed the following documents:

- Inventory Amended Inventory
- Annual Report - Guardian of the Person Annual Report - Guardian of the Estate
- Final Report

A copy of this Notice of Filing is being served on the following person(s) designated by court order and in the following manner:

1. _____

- By mail By fax By personal delivery By e-mail if requested

2. _____

- By mail By fax By personal delivery By e-mail if requested

3. _____

- By mail By fax By personal delivery By e-mail if requested

4. _____

- By mail By fax By personal delivery By e-mail if requested

Submitted by:

Date

Signature

Name (print or type)

Address

City, State, Zip

Telephone

Email

Instructions for Document Access

If you are one of the individuals noted above to who this notice of filing was sent, you may access and view the documents filed by presenting this notice of filing along with proper identification to the Clerk of the Orphans' Court in the county listed on the previous page.

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Rule of Judicial Administration WJ507—Raw
Notes. Transcripts; No. 3 of 2017

Administrative Order of Court

And Now, this 31st day of July, 2017, *It Is Hereby Ordered* that Westmoreland County Rule of Judicial Administration WJ507 is hereby repealed. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD E. McCORMICK, Jr.,
President Judge

[Pa.B. Doc. No. 17-1372. Filed for public inspection August 18, 2017, 9:00 a.m.]

SUPREME COURT

Rescission of Order Filed at No. 46 Judicial Administration Doc. No. 1; No. 486 Judicial Administration Doc.

Order

Per Curiam

And Now, this 7th day of August, 2017, it is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the Order filed December 6, 1983 at No. 46 Judicial Administration Docket No. 1, amended January 4, 1984 (204 Pa. Code § 29.10) (relating to Supreme Court review of first-degree murder cases pursuant to 42 Pa.C.S. § 9711(h)(3)(iii) (repealed)), is hereby *Rescinded*.

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

(Editor's Note: Under this Supreme Court order, the text of 204 Pa. Code § 29.10 will be deleted.)

[Pa.B. Doc. No. 17-1373. Filed for public inspection August 18, 2017, 9:00 a.m.]

RULES AND REGULATIONS

Title 55—HUMAN SERVICES

DEPARTMENT OF HUMAN SERVICES

[55 PA. CODE CHS. 51, 2380, 2390, 6100, 6200,
6400 AND 6500]

Home and Community-Based Supports and Licensing; Fee Schedule Rates; Advance Notice of Final Rulemaking

The Department of Human Services (Department) is soliciting comments on changes it is recommending to § 6100.571 (relating to fee schedule rates) as included in the proposed rulemaking published at 46 Pa.B. 7061 (November 5, 2016).

The primary goal of this rulemaking is to support individuals with an intellectual disability or autism to live in and participate in their communities and to achieve greater independence. The purpose of this advance notice of final rulemaking is to seek additional input regarding fee schedule rates to ensure that the rates are consistent with efficiency, economy and quality of care, and are sufficient to enlist enough providers so that care and services are available to individuals with an intellectual disability or autism who receive home and community-based services (HCBS). The regulations are designed to strengthen the process by which the Department establishes fee schedule rates by: providing additional detail in the factors for establishing rates; requiring the use of the listed factors in the rate setting process; and publishing the methodology in the *Pennsylvania Bulletin*, including data and data sources used, and how the factors were examined and used to establish the fee schedule rates.

This rulemaking is needed to continue the Commonwealth's eligibility for Federal financial participation in the HCBS waiver programs. See 42 CFR Part 441 (relating to services: requirements and limits applicable to specific services). This rulemaking also protects the health, safety and well-being of the individuals receiving services in individual-directed, family-based, community residential and day programs funded through the HCBS waivers, the Commonwealth's Title XIX State Plan and State-funds-only allocations.

A. Summary of the Advance Notice of Final Rulemaking Changes

The Department has continually supported and managed an active and open community participation process throughout the development of the proposed rulemaking and in its efforts to proceed to the final-form rulemaking. In particular, a regulation work group comprised of 45 persons representing a broad range of interests, experiences and ideas, including individuals, families, advocates, universities, county programs, providers and provider organizations, met for 12 days in 2015 and 2016 to advise the Department of their collective and individual concerns and suggestions in moving forward with the HCBS and licensing regulations. Additionally, during the course of the ongoing development of the final rulemaking, more than 40 meetings were held with Statewide and regional self-advocacy, advocacy, family, provider and county organizations to review and discuss specific areas of the rulemaking, including the fee schedule rate provisions. The Department values the constructive advice and the unique perspectives provided during these meetings.

The proposed rulemaking was also the subject of a 45-day comment period with a total of 345 letters received during the process. Following the close of the public comment period, meetings were convened to discuss the public comments regarding the regulatory areas that were of most concern to the public commentators. The advice of the regulation work group and the public comments received in response to the proposed rulemaking were analyzed and considered as the Department prepares the final-form rulemaking. The Department, however, seeks additional input on the provisions regarding fee schedule rates.

The draft final rulemaking regarding fee schedule rates represents the Department's revisions based on the review and consideration of comments and regulation work group discussions. The draft final rulemaking regarding fee schedule rates contains changes in several areas. These changes include the following:

Subsection (a) is revised to align with section 1902(a)(30)(A) of the Social Security Act (42 U.S.C.A. § 1396a(a)(30)(A)) and clarifies that the Department will establish fee schedule rates that are consistent with efficiency, economy and quality of care.

Subsection (b) is revised to delete "refresh" as it is not a commonly understood term for the purposes of rate setting. This subsection now clarifies that the Department will examine and use the data sources in subsection (a) to establish fee schedule rates at least every 3 years.

Subsection (c) is revised to require the Department to "examine and use" the specified factors in establishing the fee schedule rates instead of "review and consider." In subsection (c), the Department follows the Centers for Medicare & Medicaid Services' (CMS) guidance on establishing fee schedules provided in *Rate Methodology in a FFS HCBS Structure*. See <https://www.medicaid.gov/medicaid/hcbs/downloads/rate-setting-methodology.pdf>. In accordance with this CMS guidance, the calculations of the staff wages factor in educational and professional experience and licensure and certification requirements. In subsection (c)(3), staff-related expenses are expanded to specifically include benefits, training, recruitment and supervision. In subsection (c)(6) "program expenses" is deleted and clarified by replacing the term with "direct and indirect program and administration-related expenses." Subsection (c)(7) regarding geographic region is revised to require the factor to apply to the geographic location of where the HCBS is provided. In subsection (c)(8) and (9), the language reflecting a review of factors is replaced with language to clarify that the Department will examine and use factors related to the necessary costs related to the delivery of each HCBS, including parameters within the Federally-approved service definitions and other applicable Federal, State and local laws, regulations and ordinances.

Subsection (d) of the draft final rulemaking provides that the Department will publish a summary of its rate setting methodology used in subsection (a) as a notice in the *Pennsylvania Bulletin* for public review and comment. Under the draft final rulemaking, the summary will include: the data and data sources used; an explanation of the use of the factors under subsection (c) to establish the fee schedule rates; and the fee schedule rates.

Subsection (e) is deleted as unnecessary.

B. Contact Persons

For further information or to request a copy of the draft final rulemaking regarding fee schedule rates, contact Julie Mochon, Policy Director, Office of Developmental Programs, Room 502, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

C. Public Comments

While there is not a legal requirement to provide an opportunity to comment upon the Department's recommendations for final rulemaking, the Department believes comments on the draft final rulemaking regarding fee schedule rates would serve the public interest in this instance. The Department requests that commentators focus their comments on the fee schedule rates language that is changed from the proposed § 6100.571 only.

Written or electronic comments will be accepted. Electronic comments may be submitted to RA-odpcomment@pa.gov.

Written comments should be sent to Julie Mochon, Policy Director, Office of Developmental Programs, Room 502, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

Comments must be received within 30 calendar days after the date of publication of this advance notice of final rulemaking. A subject heading of the rulemaking and a return name and address must be included in each letter or transmission. Comments will not be accepted by facsimile or voice mail.

THEODORE DALLAS,
Secretary

Annex A

TITLE 55. HUMAN SERVICES

PART VIII. INTELLECTUAL DISABILITY AND AUTISM MANUAL

Subpart C. ADMINISTRATION AND FISCAL MANAGEMENT

CHAPTER 6100. SUPPORT FOR INDIVIDUALS WITH AN INTELLECTUAL DISABILITY OR AUTISM

FEE SCHEDULE

§ 6100.571. Fee schedule rates.

(a) [Fee schedule rates will be established by the Department using a market-based approach based on current data and independent data sources.] The Department will establish fee schedule rates using a market-based approach so that payments are consistent with efficiency, economy, and quality of care and are sufficient to enlist enough provid-

ers so that services are available at least to the extent that such services are available to the general population in the geographic area.

(b) The Department will [refresh the market-based data used] examine and use the data sources set forth in subsection (a) to establish fee schedule rates at least every 3 years.

(c) [The market-based approach specified in subsection (a) will review and consider] In establishing the fee schedule rates in subsection (a) the Department will examine and use the following factors:

- (1) The [support] service needs of the individuals.
- (2) Staff wages including educational and professional experience and licensure and certification requirements.
- (3) Staff-related expenses including benefits, training, recruitment and supervision.
- (4) Productivity.
- (5) Occupancy.
- (6) [Program expenses] Direct and indirect program and administration-related expenses.
- (7) Geographic costs based on the location where the HCBS is provided.
- (8) [A review of] Federally-approved HCBS definitions in the waiver and determinations made about cost components that reflect necessary costs [necessary and] related to the delivery of each HCBS.

(9) [A review of the] The cost of implementing Federal, State and local [statutes] laws, regulations and ordinances.

(10) Other [criteria] factors that impact costs.

(d) The Department will publish [as a notice in the *Pennsylvania Bulletin* the factors in subsection (c) used to establish the rates and the fee schedule rates] a summary of its rate setting methodology used in subsection (a) as a notice in the *Pennsylvania Bulletin* for public review and comment. The summary shall include: the data and data sources used; an explanation of the use of the factors under subsection (c) to establish the fee schedule rates; and the fee schedule rates.

[(e) The Department will pay for fee schedule supports at the fee schedule rate determined by the Department.]

[Pa.B. Doc. No. 17-1374. Filed for public inspection August 18, 2017, 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 8, 2017.

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 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

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-4-2017	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County Application for approval to acquire 100% of Royal Bancshares of Pennsylvania, Inc., Narberth, and thereby indirectly acquire 100% of Royal Bank America, Narberth.	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-4-2017	The Bryn Mawr Trust Company Bryn Mawr Montgomery County Application for approval to merge Royal Bank America, Narberth, with and into The Bryn Mawr Trust Company, Bryn Mawr.	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
7-28-2017	Peoples Security Bank and Trust Company Scranton Lackawana County	3920 Tilghman Street Allentown Lehigh County	Opened
8-3-2017	Somerset Trust Company Somerset Somerset County	117 South Walnut Street Ligonier Westmoreland County	Approved

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
8-3-2017	Butler Armco Employees Credit Union Butler Butler County Amendment to Article 1 of the institution's Articles of Incorporation provides for change in corporate title to Armco Credit Union. Article 8 amended and restated in its entirety.	Filed

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 2017

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, 2017, is 5%.

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

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.51 to which was added 2.50 percentage points for a total of 5.12 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-1376. Filed for public inspection August 18, 2017, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218162 (Sewage)	Creekside System 602 Kolter Drive Indiana, PA 15701-3570	Indiana County Washington Township	Crooked Creek (17-E)	Yes
PA0094404 (Sewage)	Antiochian Village Camp & Conference Center STP 140 Church Camp Trail Bolivar, PA 15923-2512	Westmoreland County Fairfield Township	Unnamed Tributary of Hendricks Creek (18-D)	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 No.)</i>	<i>EPA Waived Y/N?</i>
PA0051993 (Sewage)	Albeth Realty LLC WWTP 1030 N. West End Blvd. Quakertown, PA 18951	Bucks County Richland Township	Unnamed Tributary to Tohickon Creek (2-D)	Yes
PA0043966 (Sewage)	Valley Forge Crossing MHP WWTP 1311 Catfish Lane Norristown, PA 19403	Montgomery County Lower Providence Township	Unnamed Tributary to Schuylkill River (3-F)	Yes
PA0057878 (Sewage)	Piccone SRSTP 52 Hafler Road Sellersville, PA 18960-1022	Bucks County West Rockhill Township	Unnamed Tributary to Ridge Valley Creek (3-E)	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>
PA0113069 (Sewage)	Greenwood Township Municipal Authority Sewer System 90 Shed Road Millville, PA 17846-9148	Columbia County Greenwood Township	Unnamed Tributary to Green Creek (5-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>
PA0240052 (Sewage)	Renea Bailey SFTF 22980 Old Plank Road Venango, PA 16440	Crawford County Venango Township	French Creek (16-A)	Yes
PA0239984 (Sewage)	Laurie Mandel SRSTP 268 Shades Beach Road Erie, PA 16511-1553	Erie County Harborcreek Township	Unnamed Tributary to Twelvemile Creek (15-A)	Yes
PA0209783 (Sewage)	Jerry Novosel SRSTP 41 Gearhart Road Pulaski, PA 16143	Mercer County Shenango Township	Unnamed Tributary to the Buchanan Run (20-A)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062260 (Sewage)	Brookmont Health Care Center 510 Brookmont Drive Effort, PA 18330	Monroe County Chestnuthill Township	Pohopoco Creek (2-B)	Yes
PA0064131 (Sewage)	Raceway Truck Stop 10 Molleystown Road Pine Grove, PA 17963	Schuylkill County Tremont Township	Swatara Creek (07-D)	Yes

NPDES Permit No. PA0060135, Sewage, **Shickshinny Borough Sewer Authority Luzerne County**, PO Box 62, Shickshinny, PA 18655-0062, Shickshinny Borough, **Luzerne County**.

The following notice reflects changes to the notice published in the March 11, 2017, *Pennsylvania Bulletin*:

New Schedule of Compliance (Dissolved Oxygen); Change to BOD₅ Influent monitoring; Changes in hydraulic and organic design capacities to reflect completed upgrade construction; minor clarifications on reporting requirements for fecal coliform, total iron, total manganese; and correction to Chesapeake Bay table regarding mass units and footnotes.

NPDES Permit No. PA0070301, Sewage, **SPG Inc. (Whispering Hollow MHP North STP, PA Route 248)**, 139 Country Club Road, Northampton, PA 18067-3028, Moore Township, **Northampton County**.

The following notice reflects changes to the notice published in the April 22, 2017, *Pennsylvania Bulletin*:

Addition of Total Dissolved Solids (TDS) and Influent CBOD₅ monitoring.

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

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

PA0000469, Industrial, SIC Codes 3353, 8731, and 8734, **Arconic Inc.**, 100 Technical Drive, New Kensington, PA 15068. Facility Name: Arconic Technical Center. This existing facility is located in Upper Burrell Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for existing discharges of treated industrial waste, treated sewage, non-contact cooling water, and storm water.

The receiving streams, unnamed tributaries of Pine Run, are located in State Water Plan watershed 18-B and are classified for Warm Water Fishes, aquatic life, water supply, and recreation. The discharges are not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	58.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	56.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	55.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	59.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	65.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	69.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	80.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	86.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	90.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	90.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	86.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	80.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	74.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	68.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	65.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	59.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	59.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.018 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Temperature (°F)					Max	
Jan 1 - 31	XXX	XXX	XXX	XXX	50.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	49.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	56.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	61.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	67.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	70.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	82.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	87.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	91.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	91.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	90.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	87.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	81.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	75.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	70.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	65.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	61.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	54.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.028 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Temperature (°F)					Max	

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<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	57.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	53.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	56.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	58.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	62.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	66.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	76.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	83.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	87.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	89.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	88.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	88.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	85.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	79.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	75.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	75.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	65.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	65.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	61.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.060 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	0.060	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25.0	XXX	50.0
Total Suspended Solids	XXX	XXX	XXX	30.0	XXX	60.0
Fecal Coliform (No./100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	3.9	XXX	7.8
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.021	XXX	0.068
Ultraviolet light transmittance (%)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	XXX	Report
Total Phosphorus	XXX	XXX	XXX	XXX	XXX	Report
Aluminum, Total	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.055 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Total Suspended Solids	XXX	XXX	XXX	19.5	41.0	XXX
Oil and Grease	XXX	XXX	XXX	12	20.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.5	1.0	XXX
Cadmium, Total (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chromium, Hexavalent	XXX	XXX	XXX	0.01	0.02	XXX
Copper, Total	XXX	XXX	XXX	0.1	0.2	XXX
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total	XXX	XXX	XXX	0.022	0.044	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Nickel, Total	XXX	XXX	XXX	0.6	1.2	XXX
Thallium, Total (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	0.17	0.34	XXX
4,6-dinitro-o-cresol (µg/L)	XXX	XXX	XXX	Report	Report	XXX
3,3-Dichlorobenzidine (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Pentachlorophenol (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Acrolein (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Acrylonitrile (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,3-Dichloropropylene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobenzene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Benzene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Benzidine (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(a)Anthracene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(a)Pyrene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Benzo(k)Fluoranthene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
3,4-Benzofluoranthene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Bromoform (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Carbon Tetrachloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chlorodibromomethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,1,2-Trichloroethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,2-Dichloroethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Dichlorobromomethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
1,1,2,2-Tetrachloroethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Chloroethyl)Ether (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Bis(2-Ethylhexyl)Phthalate (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Chrysene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Dibenzo(a,h)Anthracene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorobutadiene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachlorocyclopentadiene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Hexachloroethane (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Indeno(1,2,3-cd)Pyrene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Methylene Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodimethylamine (µg/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodi-N-Propylamine (µg/L)	XXX	XXX	XXX	Report	Report	XXX
N-Nitrosodiphenylamine (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Phenanthrene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Tetrachloroethylene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Trichloroethylene (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Vinyl Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 005 are based on a design flow of 0.055 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
					Max	
Total Suspended Solids	XXX	XXX	XXX	19.5	41.0	XXX
Oil and Grease	XXX	XXX	XXX	12	20.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.5	1.0	XXX
Cadmium, Total (µg/L)	XXX	XXX	XXX	0.295	0.460	XXX
Chromium, Hexavalent (µg/L)	XXX	XXX	XXX	6.5	13	XXX
Copper, Total	XXX	XXX	XXX	0.1	0.2	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Iron, Total	XXX	XXX	XXX	1.5	3.0	XXX
Lead, Total	XXX	XXX	XXX	0.022	0.044	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX
Nickel, Total	XXX	XXX	XXX	0.6	1.2	XXX
Thallium, Total (µg/L)	XXX	XXX	XXX	0.261	0.408	XXX
Zinc, Total	XXX	XXX	XXX	0.17	0.34	XXX
4,6-dinitro-o-cresol (µg/L)	XXX	XXX	XXX	14.2	22.1	XXX
3,3-Dichlorobenzidine (µg/L)	XXX	XXX	XXX	0.047	0.073	XXX
Pentachlorophenol (µg/L)	XXX	XXX	XXX	0.6	0.936	XXX
Acrolein (µg/L)	XXX	XXX	XXX	3.0	3.0	XXX
Acrylonitrile (µg/L)	XXX	XXX	XXX	0.113	0.177	XXX
1,3-Dichloropropylene (µg/L)	XXX	XXX	XXX	0.755	1.18	XXX
Hexachlorobenzene (µg/L)	XXX	XXX	XXX	0.000622	0.000971	XXX
Benzene (µg/L)	XXX	XXX	XXX	2.67	4.16	XXX
Benzidine (µg/L)	XXX	XXX	XXX	0.000191	0.000298	XXX
Benzo(a)Anthracene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Benzo(a)Pyrene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Benzo(k)Fluoranthene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
3,4-Benzofluoranthene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Bromoform (µg/L)	XXX	XXX	XXX	9.55	14.9	XXX
Carbon Tetrachloride (µg/L)	XXX	XXX	XXX	0.511	0.797	XXX
Chlorodibromomethane (µg/L)	XXX	XXX	XXX	0.889	1.39	XXX
1,1,2-Trichloroethane (µg/L)	XXX	XXX	XXX	1.31	2.05	XXX
1,2-Dichloroethane (µg/L)	XXX	XXX	XXX	0.844	1.32	XXX
Dichlorobromomethane (µg/L)	XXX	XXX	XXX	1.22	1.91	XXX
1,1,2,2-Tetrachloroethane (µg/L)	XXX	XXX	XXX	0.378	0.589	XXX
Bis(2-Chloroethyl)Ether (µg/L)	XXX	XXX	XXX	0.067	0.104	XXX
Bis(2-Ethylhexyl)Phthalate (µg/L)	XXX	XXX	XXX	2.67	4.16	XXX
Chrysene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Dibenzo(a,h)Anthracene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Hexachlorobutadiene (µg/L)	XXX	XXX	XXX	0.978	1.53	XXX
Hexachlorocyclopentadiene (µg/L)	XXX	XXX	XXX	1.09	1.70	XXX
Hexachloroethane (µg/L)	XXX	XXX	XXX	3.11	4.85	XXX
Indeno(1,2,3-cd)Pyrene (µg/L)	XXX	XXX	XXX	0.008	0.013	XXX
Methylene Chloride (µg/L)	XXX	XXX	XXX	10.2	15.9	XXX
N-Nitrosodimethylamine (µg/L)	XXX	XXX	XXX	0.002	0.002	XXX
N-Nitrosodi-N-Propylamine (µg/L)	XXX	XXX	XXX	0.011	0.017	XXX
N-Nitrosodiphenylamine (µg/L)	XXX	XXX	XXX	7.33	11.4	XXX
Phenanthrene (µg/L)	XXX	XXX	XXX	1.09	1.70	XXX
Tetrachloroethylene (µg/L)	XXX	XXX	XXX	1.53	2.39	XXX
Trichloroethylene (µg/L)	XXX	XXX	XXX	5.55	8.67	XXX
Vinyl Chloride (µg/L)	XXX	XXX	XXX	0.056	0.087	XXX

The proposed effluent limits for Outfall 006 are based on a design flow of 0.018 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	59.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	49.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	55.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	59.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	65.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	69.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	80.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	86.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	90.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	90.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Sep 1 - 15	XXX	XXX	XXX	XXX	86.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	80.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	75.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	70.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	64.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	61.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	53.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 008 are based on a design flow of 0.025 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	51.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	49.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	55.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	60.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	66.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	69.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	81.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	87.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	91.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	91.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	90.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	90.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	87.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	81.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	75.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	69.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	61.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	59.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	56.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 009 are based on a design flow of 0.078 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Temperature (°F)						
Jan 1 - 31	XXX	XXX	XXX	XXX	63.0	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	61.0	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	63.0	XXX
Apr 1 - 15	XXX	XXX	XXX	XXX	66.0	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	66.0	XXX
May 1 - 15	XXX	XXX	XXX	XXX	67.0	XXX
May 16 - 31	XXX	XXX	XXX	XXX	77.0	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	84.0	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	88.0	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	89.0	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	89.0	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	89.0	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	85.0	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	79.0	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	78.0	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	75.0	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	72.0	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	72.0	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	66.0	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX
Aluminum, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	0.75	0.75	XXX
Iron, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.5	3.0	XXX
Manganese, Total						
(Interim)	XXX	XXX	XXX	Report	Report	XXX
(Final)	XXX	XXX	XXX	1.0	2.0	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfalls 501 through 509, 511, 512, and 514 through 520 are for storm water discharges.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Aluminum, Total	XXX	XXX	XXX	XXX	Report	XXX
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX
Lead, Total	XXX	XXX	XXX	XXX	Report	XXX
Manganese, Total	XXX	XXX	XXX	XXX	Report	XXX
Zinc, Total	XXX	XXX	XXX	XXX	Report	XXX

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

- Requirements for storm water discharges, schedules of compliance for TMDL limits at multiple outfalls and water quality limits at Outfall 005, requirements for implementing Section 316(a) of the Clean Water Act regarding alternative temperature limits, and requirements applicable to chemical additives. The permittee has the option of resampling Outfall 005 and submitting analytical results during the comment period. If supported by the new analytical results, the parameters subject to interim reporting and final water quality limits at Outfall 005 will be removed from the final permit.

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

The EPA Waiver is not in effect.

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

PA0276014, Pesticides, SIC Code 0782, 7900, **Lake Naomi Club**, Rte 423 PO Box T, Pocono Pines, PA 18350.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge associated with the application of pesticides in Tobyhanna Township, **Monroe County**.

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

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

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

The EPA waiver is not in effect.

PA0046272, Sewage, SIC Code 4952, **Porter-Tower Joint Municipal Authority**, 860 West Grand Avenue, Tower City, PA 17980. Facility Name: Porter-Tower WWTP. This existing facility is located in Porter Township, **Schuylkill 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, Wiconisco Creek, is located in State Water Plan watershed 06C and is classified for Warm Water Fishes, Migratory Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.722 MGD.

Parameter	Effluent Limitations					
	Mass Units (lbs/day) ⁽¹⁾		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	150	241	XXX	25	40	50
Biochemical Oxygen Demand (BOD ₅) Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	Report	XXX
Total Suspended Solids	181	271	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Residual Chlorine	XXX	XXX	XXX	XXX	XXX	1.6
Aluminum, Total	XXX	XXX	XXX	Report	XXX	XXX
Iron, Dissolved	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Avg Qrtly Report	XXX	XXX

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

Effluent Limitations

<i>Parameter</i>	<i>Mass Units (lbs)⁽¹⁾</i>		<i>Concentrations (mg/L)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly</i>	
				<i>Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrite-Nitrate as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	9,922	XXX	XXX	XXX
Net Total Phosphorus	Report	1,321	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 Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570.826.5472.

The EPA Waiver is not in effect.

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

PA0266515, Sewage, SIC Code 4952, **Lorin L Stough**, PO Box 429, Dillsburg, PA 17019. Facility Name: Lorin Stough Properties SFTF. This proposed facility is located in Franklin Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to North Branch Bermudian Creek, is located in State Water Plan watershed and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0006 MGD.—Limits.

<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 (GPD)	Report	XXX	XXX	XXX	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 (No./100 ml)	XXX	XXX	XXX	200 Geo Mean		

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

The EPA Waiver is in effect.

PA0266523, Sewage, SIC Code 4952, **Lorin L Stough**, PO Box 429, Dillsburg, PA 17019. Facility Name: Lorin Stough Residence SRSTP. This proposed facility is located in Franklin Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to North Branch Bermudian Creek, is located in State Water Plan watershed 7-F and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<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 (GPD)	Report	XXX	XXX	XXX	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 (No./100 ml)	XXX	XXX	XXX	200 Geo Mean		

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

The EPA Waiver is in effect.

PA0266345, Industrial, SIC Code 2015, Keystone Protein Co., 154 W Main Street, Fredericksburg, PA 17026-9510. Facility Name: Keystone Protein Fredericksburg. This proposed facility is located in Bethel Township, **Lebanon County**.

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

The receiving stream(s), Elizabeth Run, unnamed tributary to Beach Run and Little Swatara Creek, is located in State Water Plan watershed 7-D and is classified for Migratory Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	10.0	20.0	25
Total Suspended Solids	Report	Report	XXX	20.0	40.0	50
Total Dissolved Solids	Report	XXX	XXX	Report	Report	XXX
Oil and Grease	Report	Report	XXX	8.0	14.0	16
Fecal Coliform (No./100 ml)						
Nov 1 - Apr 30	XXX	XXX	XXX	400 Geo Mean	400	XXX
May 1 - Oct 31	XXX	XXX	XXX	200 Geo Mean	400	XXX
Ultraviolet light transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	Report	XXX	4.0	8.0	10
May 1 - Oct 31	26	53	XXX	3.0	6.0	7.5
Total Phosphorus	18	35	XXX	2.0	4.0	5
Sulfate, Total	Report	XXX	XXX	Report	XXX	XXX
Chloride	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Stormwater Outfalls 002 and 003 are based on a design flow of 0 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

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	19,786	XXX	XXX	XXX	XXX
Net Total Phosphorus	Report	380.5	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 Requirements
- Approval Contingencies,
- Chlorine Minimization
- Collected screenings, slurries, sludges, and other solids management,
- Conditions to implement Best Management Practices

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.

PA0021695, Sewage, SIC Code 4952, **Orbisonia & Rockhill Borough Joint Municipal Authority**, PO Box 346, Orbisonia, PA 17243-0346. Facility Name: Orbisonia Rockhill STP. This existing facility is located in Orbisonia Borough, **Huntingdon 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), Blacklog Creek, is located in State Water Plan watershed 12-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.183 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	38.0	61.0	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	45.0	65.0	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen	19	XXX	XXX	12.0	XXX	25
Copper, Total	XXX	XXX	XXX	Report	Report	XXX

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

Effluent Limitations

Parameter	Mass Units (lbs)		Concentrations (mg/L)		
	Monthly	Annual	Monthly Average	Maximum	Instant. Maximum
Ammonia—N	Report	Report	Report	XXX	XXX
Kjeldahl—N	Total Qrtly Report	XXX	Avg. Qrtly Report	XXX	XXX
Nitrate-Nitrite as N	Total Qrtly Report	XXX	Avg. Qrtly Report	XXX	XXX
Total Nitrogen	Report	Report	Report	XXX	XXX
Total Phosphorus	Total Qrtly Report	Report	Avg. Qrtly Report	XXX	XXX

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

- Permit re-opener clause for Total Copper
- Stormwater prohibition
- Notification of the designation of responsible operator
- Hauled-in waste restriction
- Chlorine minimization

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

The EPA Waiver is in effect.

Application No. PA0088897, Concentrated Animal Feeding Operation (CAFO), **Hissong Farmstead Inc. (Hissong Dairy Farm)**, 7651 Lemar Road, Mercersburg, PA 17236.

Hissong Farmstead Inc. has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Hissong Dairy Farm, located in Montgomery Township, **Franklin County**.

The CAFO is situated near Unnamed Tributary to West Branch Conococheague Creek in Watershed 13-C, which is classified for Migratory Fishes and Trout Stocking. The CAFO is designed to maintain an animal population of approximately 1,896.25 animal equivalent units (AEUs) consisting of 900 milking cows, 145 dry cows, 410 heifers, and 450 calves. Manure is stored in a two-stage lagoon system. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

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

Application No. PA0266442, Concentrated Animal Feeding Operation (CAFO), **Bower Logan M (Pleasant View Farms Perry County CAFO)**, 2675 Conococheague Road, Blain, PA 17006.

Bower Logan M has submitted an application for an Individual NPDES permit for a new CAFO known as Pleasant View Farms Perry County CAFO, located in Jackson Township, **Perry County**.

The CAFO is situated near Bowers Run in Watershed 7-A, which is classified for High Quality—Cold Water and Migratory Fish. The CAFO will be designed to maintain an animal population of approximately 1,229.53 animal equivalent units (AEUs) consisting of 648 mature dairy cows and 677 replacement heifers and calves. Manure will be stored in a 1.2 MG lagoon. The operation is proposing to expand to a 4.9 MG lagoon by 2019. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue an NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit.

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

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

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

PA0232947, Sewage, SIC Code 4952, **Middlebury Center DPP, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027-5242. Facility Name: Dollar General Retail Store. This proposed facility is located in Middlebury Township, **Tioga County**.

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

The receiving stream(s), Unnamed Tributary to Norris Brook, is located in State Water Plan watershed 4-A 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 0.0004 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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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.

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

PA0265047, Sewage, SIC Code 4952, 8800, **Brandi Kimball**, 1069 Barden Brook Road, Eldred, PA 16731. Facility Name: Brandi Kimball 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 sewage.

The receiving stream is an un-named tributary to Barden Brook, located in State Water Plan watershed 16-C and classified for Cold 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 0.0005 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
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20.0
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
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. 2681405E T-1, Sewage, **Nazimek Regina**, PO Box 168, Connellsville, PA 15425-0168.

This existing facility is located in Upper Tyrone Township, **Fayette County**.

Description of Proposed Action/Activity: Transfer of WQM Part 2 Permit to Regina Nazimek.

WQM Permit No. 6569435 T-3, Sewage, **UMH Properties Inc.**, PO Box 2192, Malvern, PA 19355-0816.

This existing facility is located in Lower Burrell City, **Westmoreland County**.

Description of Proposed Action/Activity: Transfer of WQM Part 2 Permit to UMH PA Hillcrest Crossing LLC.

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

WQM Permit No. 3603202 Amendment No. 1, Industrial Waste, **Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555-9505.

This proposed facility is located in Caernarvon Township, **Lancaster County** and Honey Brook Township, **Chester County**.

Description of Proposed Action/Activity: Replace existing UF and RO units with new equipment.

WQM Permit No. 3617407, Sewerage, **Mechanicsburg Borough**, 842 West Church Road, Mechanicsburg, PA 17055.

This proposed facility is located in Mechanicsburg Borough, **Cumberland County**.

Description of Proposed Action/Activity: Construction of on-site sanitary sewer collection system and pump station.

WQM Permit No. 0604412, Amendment No. 1, **Tulpehocken Township**, 22 Rehrersburg Road, PO Box 272 Rehrersburg, PA 19550.

This property is located in Tulpehocken Township, **Berks County**.

Description of Proposed Action/Activity: Calculations to adjust gpm capacity at Mount Aetna North Pump Station.

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

WQM Permit No. 4217401 A-4, Sewage, **Bradford Sanitary Authority McKean County**, 28 Kennedy Street, Bradford, PA 16701-2006.

This existing facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: Wastewater treatment plant upgrades.

WQM Permit No. 2517408, Sewage, **Mary Ann Urbaniak**, 410 Joshua Drive, Erie, PA 16511.

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

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

WQM Permit No. 6117402, Sewage, **William McClintock**, 4528 State Route 417, Cooperstown, PA 16317.

This proposed facility is located in Cherrytree Township, **Venango County**.

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

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

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

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD390035	CKS Glenlivet, LLC 16515 Pottsville Pike Suite A Hamburg, PA 19526	Lehigh	Upper Macungie Township	Little Lehigh Creek (HQ-CWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown, PA 18708.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD400008	Presidential Land Company, LTD Frank Pedriani P.O. Box 157 Mountain Top, PA 18707	Luzerne	Rice Township	Big Wapwallopen Creek (HQ-CWF, MF)

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>
PAD450027	PennDOT Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Monroe	Tunkhannock Township	Tunkhannock Creek (HQ-CWF, MF) Keiper Run Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0321-08-006R	Parkview at Boiling Springs, LP 2020 Good Hope Road Enola, PA 17025	Dauphin County	South Middleton Township	Yellow Breeches Creek (HQ-CWF) UNT Yellow Breeches Creek (HQ-CWF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

NPDES Permit No. PAG123629, CAFO, **King Farms LLC**, 3382b Newport Road # B, Ronks, PA 17572.

This existing facility is located in Tulpehocken Township, **Berks County**.

Description of size and scope of existing operation/activity: Poultry (Layers): 2,914 AEU's.

The receiving stream, Mill Creek, is in watershed 3-C and classified for: Cold Water Fishes and Migratory Fishes.

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.

MS4 PAG-13 Notices of Intent Received

Northwest Regional Office: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone: 814.332.6942.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG138320	PA State University Penn State Shenango Sharon, PA 16146	Sharon City, Mercer County	Y	N

STATE CONSERVATION COMMISSION

PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Pleasant View Farms, Inc. 261 Pleasant View Farms Lane Martinsburg, PA 16662	Blair/Bedford	3,129.6	3,125.55	Dairy	Clover Creek-HQ, Piney Creek-HQ, Yellow Creek-HQ, Plum Creek-HQ	Renewal
Carsonville Farms, LP 2716 Powells Valley Rd. Halifax, PA 17032	Dauphin	1	572	Swine, Poultry	NA	Renewal
Brubaker Farms LLC Mike Brubaker 493 Musser Rd Mount Joy, PA 17552	Lancaster	2,027.8	2,501.33	Dairy/Broiler	HQ	R

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New</i>
Steven R. Hershey 2024 Donegal Springs Rd. Mount Joy, PA 17552	Lancaster	184.3	598.99	Pullet/Beef	HQ	R
M&E Farm 710 Poutz Valley Rd. Millerstown, PA 17062	Perry	6.2	805.48	Swine	NA	Renewal
Trout Bros. Farm LLC 508 Red Rock Rd Loysville, PA 17047	Perry	542	1,222.75	Dairy	Shermans Creek HQ	New
Milton Rotz 592 Pine Stump Road Chambersburg, PA 17202	Franklin	806.3	1,579.50	Dairy	NA	Renewal
North Mountain Gobbler # 1 Melvin Bricker 6429 Fort McCord Road Chambersburg, PA 17202	Franklin	6.0	636.04	Turkeys	NA	Renewal
Jason S Zimmerman 260 Golden Rule Dr. New Enterprise, PA 16664	Bedford	39	499	Swine Beef	Yellow Creek (HQ)	Renewal

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 1517511, Public Water Supply.
 Applicant **Turkey Hill, L.P.**
 257 Centerville Road
 Lancaster, PA 17603
 Township West Caln
 County **Chester**
 Responsible Official Scott Ream
 257 Centerville Road
 Lancaster, PA 17603
 Type of Facility PWS
 Consulting Engineer James Cinelli
 Liberty Environmental, Inc.
 50 North 5th Street, 5th Floor
 Reading, PA 19601
 Application Received Date May 3, 2017
 Description of Action Installation of Nitrate removal system Turkey Hill Store No. 118.

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

Permit No. 0617513 MA, Minor Amendment, Public Water Supply.
 Applicant **Wernersville Municipal Authority**
 Municipality Wernersville Borough
 County **Berks**

Responsible Official Rick L. Unger, Plant Supervisor
250 North Elm Street
Wernersville, PA 19565

Type of Facility Public Water Supply

Consulting Engineer Eric D. McCracken, P.E.
Great Valley Consultants
75 Commerce Drive
Wyomissing, PA 19610-1038

Application Received: 7/17/2017

Description of Action Wernersville Municipal Authority has submitted a minor permit application to replace the existing water softening system at the Well No. 8 site. The proposed system to be installed is a Culligan Modified CSM-450-2 150 PSI ASME vessel with a CSM Heavy Duty Commercial Series brine tank.

Permit No. 0617514, Public Water Supply.

Applicant **PA American Water Company**

Municipality Spring Township

County **Berks**

Responsible Official David R. Kauffman,
Vice-President—Engineering
800 West Hershey Park Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Peter J. Keenan, P.E.
American Water Works Service
Company Inc
1025 Laurel Oak Road
Voorhees, NJ 08043

Application Received: 7/17/2017

Description of Action Pennsylvania-Amreican Water Company has submitted an application to modify the infrastructure of existing Wyomissing Well No. 21. Modifications include a new well pump, variable frequency drive, and a custom inflatable packer.

Permit No. 2817506 MA, Minor Amendment, Public Water Supply.

Applicant **Chambersburg Borough**

Municipality Greene Township

County **Franklin**

Responsible Official Lance D. Anderson, Water Superintendent
100 South Second Street
Chambersburg, PA 17201

Type of Facility Public Water Supply

Consulting Engineer Peter Lusardi, P.E.
GHD, Inc.
1240 N. Mountain Rd.
Harrisburg, PA 17112

Application Received: 8/1/2017

Description of Action Trial of a Polyaluminum chloride, polymer blend for primary coagulation at the Chambersburg Water Treatment Plant.

Permit No. 5017502 MA, Minor Amendment, Public Water Supply.

Applicant **Duncannon Borough**

Municipality Duncannon Borough

County **Perry**

Responsible Official Chris Courogen, Borough Manager
428 High Street
Duncannon, PA 17020

Type of Facility Public Water Supply

Consulting Engineer Greg Rogalski, P.E.
Pennoni
1215 Manor Drive
Mechanicsburg, PA 17055

Application Received: 8/1/2017

Description of Action Upgrades to Well No. 1 including: installation of a new submersible well pump; raising the casing to 18" above grade; installation of a new pitless adapter and discharge piping; and installation of a new well cap and transducer probe tube.

Permit No. 3617510 MA, Minor Amendment, Public Water Supply.

Applicant **Paradise Meadows, LLC**

Municipality Leacock Township

County **Lancaster**

Responsible Official John Wenger, Manager
3333 Lincoln Highway East
Paradise, PA 187562

Type of Facility Public Water Supply

Consulting Engineer John D. Brady, P.E.
Entech Engineering Inc.
201 Penn Street
Reading, PA 19601

Application Received: 7/5/2017

Description of Action A new community water system consisting of a GUDI well to be rated at 10 gpm, sodium hypochlorite disinfection, coagulation, pressure filtration, 4-log treatment of viruses, softening, finished water storage and booster pump station.

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

Permit No. 6514510-A1, Public Water Supply.

Applicant **Municipal Authority of Washington Township**
1390 Fayette Avenue
Belle Vernon, PA 15012

[Township or Borough] Hempfield Township

Responsible Official Ken Klanchar, Chairman
Municipal Authority of Washington Township
1390 Fayette Avenue
Belle Vernon, PA 15012

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, 2017

Description of Action Amendment to the construction permit for the Wegley pump station.

Permit No. 0217535, Public Water Supply.

Applicant **West View Water Authority**
210 Perry Highway
Pittsburgh, PA 15229

[Township or Borough] Ross Township

Responsible Official Robert J. Christian, Executive Director
West View Water Authority
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date August 2, 2017

Description of Action Installation of a mixing system and power vents at the Ross water storage reservoir.

Permit No. 0217536, Public Water Supply.

Applicant **West View Water Authority**
210 Perry Highway
Pittsburgh, PA 15229

[Township or Borough] Pine Township

Responsible Official Robert J. Christian, Executive Director
West View Water Authority
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date August 2, 2017

Description of Action Installation of a mixing system and power vents at the Pine water storage reservoir.

Permit No. 0217537, Public Water Supply.

Applicant **West View Water Authority**
210 Perry Highway
Pittsburgh, PA 15229

[Township or Borough] Franklin Park Borough

Responsible Official Robert J. Christian, Executive Director
West View Water Authority
210 Perry Highway
Pittsburgh, PA 15229

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.
267 Blue Run Road
Suite 200
Cheswick, PA 15024

Application Received Date August 2, 2017

Description of Action Installation of a mixing system and power vents at the Franklin Park water storage reservoir.

Permit No. 5617505, Public Water Supply.

Applicant **Lincoln Township Municipal Authority**
PO Box 162
Sipesville, PA 15561

[Township or Borough] Jenner Township

Responsible Official Allan Hay, Authority Chairman
Lincoln Township Municipal Authority
PO Box 162
Sipesville, PA 15561

Type of Facility Water system

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Application Received Date August 2, 2017

Description of Action Installation of approximately 3,000 feet of waterline and a booster pump station to serve Corsa Coal Corporation along Twin Hills Road.

Permit No. 0217538, Public Water Supply.

Applicant **Wilksburg-Penn Joint Water Authority**
2200 Robinson Boulevard
Pittsburgh, PA 15221

[Township or Borough] Penn Hills Township

Responsible Official Nick Bianchi, Executive Director
Wilksburg-Penn Joint Water Authority
2200 Robinson Boulevard
Pittsburgh, PA 15221

Type of Facility Water system

Consulting Engineer Hatch Chester
1600 West Carson Street
Pittsburgh, PA 15219

Application Received August 7, 2017
Date

Description of Action Replacement of dry potassium permanganate with liquid sodium permanganate for the reduction of disinfection by-products at the Nadine Pump Station.

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

Permit No. 2417501, Public Water Supply.

Applicant **Ridgway Borough**

Township or Borough Ridgway Borough

County **Elk**

Responsible Official Paul McCurdy

Type of Facility Water Treatment Plant

Consulting Engineer August Maas
Greenman-Pedersen
8 Gibson Street
North East, PA 16428

Application Received July 26, 2017
Date

Description of Action Permitting of existing booster stations

Applicant **Aqua PA**

Township or Borough Conneaut Lake Borough

County **Crawford**

Responsible Official James Willard

Type of Facility Lakeside Well Station

Consulting Engineer Robert Horvat
Entech Engineering Inc.
400 Rouser Road, Bldg 2 Ste 200
Pittsburgh, PA 15108

Application Received July 28, 2017
Date

Description of Action Adding phosphate to Lakeside Well for corrosion control

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. 0417505GWR, Minor Amendment.

Applicant **Lakeview Personal Care Home**
498 Lisbon Road
Darlington, PA 16115

[Township or Borough] South Beaver Township

Responsible Official Eric Trehar, Administrator
Lakeview Personal Care Home
498 Lisbon Road
Darlington, PA 16115

Type of Facility Water system

Consulting Engineer

Application Received July 27, 2017
Date

Description of Action Demonstration of 4-log treatment of viruses for groundwater sources.

Application No. 6517527GWR, Minor Amendment.

Applicant **Hillview Estates**
135 Bailey Road
Greensburg, PA 15601

[Township or Borough] Salem Township

Responsible Official Daniel Musgrove
Hillview Estates
135 Bailey Road
Greensburg, PA 15601

Type of Facility Water system

Consulting Engineer

Application Received August 2, 2017
Date

Description of Action Demonstration of 4-log treatment of viruses for groundwater sources.

Application No. 5617504MA, Minor Amendment.

Applicant **Somerset County General Authority**
300 North Center Avenue
Suite 500
Somerset, PA 15501

[Township or Borough] Somerset Township

Responsible Official Lladel Lichty, Chairperson
Somerset County General Authority
300 North Center Avenue
Suite 500
Somerset, PA 15501

Type of Facility Water system

Consulting Engineer Somerset Planning & Engineering Services, LLC
222 West Main Street
Suite 100
Somerset, PA 15501

Application Received July 31, 2017
Date

Description of Action Installation of the Rayanne Lane meter vault to provide a connection between the Authority and Somerset Township Municipal Authority.

Application No. 0285507-T1, Minor Amendment.

Applicant **Hampton Shaler Water Authority**
PO Box 66
3101 McCully Road
Allison Park, PA 15101

[Township or Borough] Sharpsburg Borough

Responsible Official	Samuel Scarfone, Executive Director Hampton Shaler Water Authority PO Box 66 3101 McCully Road Allison Park, PA 15101
Type of Facility	Water system
Consulting Engineer	
Application Received Date	July 27, 2017
Description of Action	Transfer of the Sharpsburg water system to Hampton Shaler Water Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

660 Nutt Road Site, 660 Nutt Road, Phoenixville Borough, **Chester County**. Richard S. Werner, Environmental Consulting, Inc., 200 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Alex DeSimone, Phoenixville Enterprise, LLC, f/k/a Phoenixville Investors, LP, 14 Balligomingo Road, Conshohocken, PA 19428 submitted a Notice of Intent to Remediate. Localized area of gasoline-impacted soil encountered during construction of storm water basin. The Notice of Intent to Remediate was published in the *Phoenix* on June 18, 2017.

1801-1807 North 19th Street & 1857 West Montgomery Avenue, 1801-1807 North 19th Street & 1857 West Montgomery Avenue, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Frank Monaghan, Habitat for Humanity Philadelphia, 1829 North 19th Street, Philadelphia, PA 19121 submitted a Notice of Intent to Remediate. Subsurface investigation has identified impacts of volatile organic compounds and metals to the soil and groundwater on the property that are attributed to former underground storage tanks. The future use of the subject property is intended to be residential. The Notice of Intent to Remediate was published in the *Philly Weekly* on August 15, 2017.

Hale Products Industries Inc., Facility, 720 Spring Mill Avenue and 701 Jones Street, Borough of Conshohocken, **Montgomery County**. Jon Rutledge, Arcadis, U.S. Inc., 10 Friends Lane, Suite 200, Newtown, PA 18940 on behalf of Mark Frick, Hurst Jaws of Life, Inc., (f/k/a Hale Products Inc., 1925 West Field Court, Suite 200, Lake Forest, IL 60045-4824 submitted a Notice of Intent to Remediate. Solvents, polycyclic aromatic hydrocarbon and metals have been detected in soil and/or groundwater at the site. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Times Herald* on April 10, 2017.

Spring Garden School, 843-847 North 12th Street, 1115 Parrish Street, City of Philadelphia, **Philadelphia County**. Sara Szymanski, REPSG, Inc., 6901 Kingsessing Avenue, Second Floor, Philadelphia, PA 19142 on behalf of David Cleghorn, HELP PA V LP, 5115 East 13th Street, New York, NY 10003 submitted a Notice of Intent to Remediate. Subsurface soil investigations identified the presence of polycyclic aromatic hydrocarbons and vanadium at concentrations above the applicable PADEP Medium Specific Concentrations. The site is being redeveloped for residential use. The Notice of Intent to Remediate was published in the *Daily Local News* on June 8, 2017.

Manor Park Landfill, 35 East Cleveland Avenue, Morrisville Borough, **Bucks County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, The Redevelopment Authority of the County of Bucks, 216 Pond Street, Bristol, PA 19007 submitted a Notice of Intent to Remediate. Site Characterization activities have identified semi-volatile organic compounds, metals, and dieldrin in soil, and SVOCs and metals in groundwater. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on July 6, 2017.

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Former Mack Truck Assembly Plant 5A, South 12th Street, City of Allentown, **Lehigh County**. Brinkerhoff Environmental Services Inc., 1805 Atlantic Avenue, Manasquan, NJ 08736, on behalf of Volvo Group North America, 7900 National Service Road, Greensboro, NC 27409, submitted a Notice of Intent to Remediate. Metals, primarily lead and arsenic were discovered in the soil due to historical use at the site. The proposed future use of the property is for non-residential purposes. The Notice of Intent to Remediate was published in *The Morning Call* on May 12, 2017.

Former Bridges Market, 582 Route 183, Wayne Township, **Schuylkill County**. United Environmental Services Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Mr. Herman Clauser, 105 Schuylkill Mountain Road, Schuylkill Haven, PA 17972, submitted a Notice of Intent to Remediate. The site had a Number 2 Fuel Oil release from an unregulated underground storage tank in January 2003. The proposed future use of the property is for residential purposes. The Notice of Intent to Remediate was published in *The Republican Herald* on July 18, 2017.

RESIDUAL WASTE GENERAL PERMITS

Application Withdrawn under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

General Permit Renewal Application No. WMGR028SC006A. On February 2, 2017, the Department received a general permit renewal application from EJB Paving Materials Company for its facility, previously permitted as WMGR028D003A, located at the intersection of Rtes. 61 and 73, Leesport, PA 19533 in Ontelaunee Township, **Berks County**. General Permit No. WMGR028 authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. On February 10, 2017, New Enterprise Stone & Limestone Company acquired EJB Paving Materials Company. The renewal application was withdrawn on August 4, 2017 by request of New Enterprise Stone & Limestone Company.

Persons with questions may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral

Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No. 100265. Grand Central Sanitary Landfill, Inc., 910 W. Pennsylvania Avenue, Pen Argyl, PA 18072. An application for permit renewal for the continued operation of this municipal waste landfill located in Plainfield Township, **Northampton County**. The application was received by the Regional Office on July 31, 2017 and deemed administratively complete on August 4, 2017.

Comments concerning the application should be directed to Roger Bellas, Environmental Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

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

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.

07-03063A: Sorge Funeral Home, Inc. (422 North Juniata Street, Hollidaysburg, PA 16648) to install a new human crematory at the facility in the Borough of Hollidaysburg, **Blair County**. Estimated potential emissions are 1.91 ton of carbon monoxide, 2.29 tons of nitrogen oxide, 1.62 ton of particulate matter, 0.72 ton of sulfur dioxide and 0.16 ton of volatile organic compounds. The facility is a State only operating permit facility. The Plan Approval will include emission restrictions, work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 123.13 for process Particulate

Matter. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval may be incorporated into a State-Only Operating Permit pursuant to the provisions of 25 Pa. Code Chapter 127.

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

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

59-00032B: Niles Valley Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) for the construction of five (5) 6,023 bhp GE Jenbacher model J624 GS-H01, 4 stroke, lean burn, natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Charleston Township, **Tioga County**. The facility will also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions. On January 13, 2016, the Department issued Plan Approval 59-00032A for sources at this electric generating station. In that application, three (3) 9,708 bhp Rolls Royce Bergen natural gas-fired engine/generator sets were approved. Plan Approval 59-00032B will authorize Niles Valley Energy, LLC to construct either the GE Jenbacher engines or the Rolls Royce Bergen engines but not both.

The Department of Environmental Protection's (Department) review of the information submitted by Niles Valley Energy, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580—63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230—60.4248, the Mandatory Greenhouse Gas Reporting Rule, 40 CFR Part 98, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from each proposed engine included in this project will not exceed the following limits: 0.058 g/bhp-hr and 3.37 TPY NO_x, 0.114 g/bhp-hr and 6.63 TPY CO, 0.037 g/bhp-hr and 2.15 TPY VOCs, 0.0006 lbs/MMBtu and 0.083 TPY SO_x, 0.024 g/bhp-hr and 1.40 TPY PM₁₀/PM_{2.5}, 0.009 g/bhp-hr and 0.52 TPY formaldehyde, 10 ppmvd at 15% O₂ ammonia; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: performance testing requirement for all engines to verify compliance with the emissions limitations; establish a facility-wide leak detection and repair (LDAR) program to account for fugitive emissions from high pressure connections; restrict the engines to natural gas firing only; in

addition to performance testing, establish follow-up portable analyzer testing for NO_x and CO for all engines every 2,500 hours of operation.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 59-00032B, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

08-00054B: Wolf Run Energy, LLC (N. Shore Place I, 358 N. Shore Dr., Ste. 201, Pittsburgh, PA 15212) for the construction of five (5) 6,023 bhp GE Jenbacher model J624 GS-H01, 4 stroke, lean burn, natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Wilmot Township, **Bradford County**. The facility will also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions. On January 13, 2016, the Department issued Plan Approval 08-00054A for sources at this electric generating station. In that application, three (3) 9,708 bhp Rolls Royce Bergen natural gas-fired engine/generator sets were approved. Plan Approval 08-00054B will authorize Wolf Run Energy, LLC to construct either the GE Jenbacher engines or the Rolls Royce Bergen engines but not both.

The Department of Environmental Protection's (Department) review of the information submitted by Wolf Run Energy, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 63.6580—63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 60.4230—60.4248, the Mandatory Greenhouse Gas Reporting Rule, 40 CFR Part 98, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from each proposed engine included in this project will not exceed the following limits: 0.058 g/bhp-hr and 3.37 TPY NO_x, 0.114 g/bhp-hr and 6.63 TPY CO, 0.037 g/bhp-hr and 2.15 TPY VOCs, 0.0006 lbs/MMBtu and 0.083 TPY SO_x, 0.024 g/bhp-hr and 1.40 TPY PM₁₀/PM_{2.5}, 0.009 g/bhp-hr and 0.52 TPY formaldehyde, 10 ppmvd at 15% O₂ ammonia; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: performance testing requirement for all engines to verify compliance with the emissions limitations; establish a facility-wide leak detection and repair (LDAR) program to account for fugitive emissions from high pressure connec-

tions; restrict the engines to natural gas firing only; in addition to performance testing, establish follow-up portable analyzer testing for NO_x and CO for all engines every 2,500 hours of operation.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-00054B, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

43-182D: John Maneely Company—Wheatland Tube Division (One Council Ave., Wheatland, PA 16161) for the installation of a wet scrubber at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Pennsylvania Department of Environmental Protection (DEP) intends to issue Plan Approval 43-182D to John Maneely Company—Wheatland Tube Division for the installation of a wet scrubber at the company's facility located at One Council Avenue, Wheatland Borough, Mercer County. The facility currently has a Title V permit No. 43-00182. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-182D is for the installation of a wet scrubber to control particulate emissions from the existing # 2 Galvanizing Kettle (Source ID # 103). Based on the information provided by the applicant and DEP's own analysis, emissions from the subject source will not exceed 0.45 ton of particulate matter per year. The subject Plan Approval will not result in an increase in emissions over previously permitted levels.

The permittee will be required to monitor and maintain records of scrubber pressure drop, liquid pressure, flow rate, and pH. The Plan Approval will contain additional monitoring, recordkeeping and work practice requirements 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 are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 43-182D and a concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Eric Gustafson, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut St., Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00001: Avery Dennison Corporation, Fasson Roll Division (35 Penn Am Drive, Quakertown, PA 18951) for renewal of a Title V Operating Permit in Richland Township, **Bucks County**. Avery Dennison Corp. manufactures pressure sensitive adhesive label stock. Sources at the facility include an adhesive coating line, an emergency electric generator, a diesel fire pump engine, wash tanks, and maintenance and cleaning operations. The facility is categorized as a major source for volatile organic compounds (VOC) with a potential to emit greater than 25 tons per year. The facility is not a major source of HAP emissions. No changes have occurred at this facility since the permit was last renewed on March 14, 2012. The operating permit includes monitoring, record keeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

36-05136: Granger Energy of Honeybrook, LLC (481 South Churchtown Road, Narvon, PA 17555) for operation of two (2) Landfill gas-fired reciprocating internal combustion engines at the Lanchester Landfill in Caernarvon Township, **Lancaster County**. This is a renewal of the facility's Title V operating permit issued in 2012, that will also incorporate the requirements from plan approval 36-05136D. The facility's reported actual air emissions for 2016 were 95.1 tons of CO, 16.4 tons of NO_x, 13.7 tons of SO_x, 3.9 tons of PM₁₀, 18.2 tons of VOCs, and 12.9 tons of Formaldehyde. The Title V 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 applicability to the RICE requirements of 40 CFR Part 60, Subpart JJJJ, and 40 CFR Part 63, Subpart ZZZZ.

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

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

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

21-05039: Land O Lakes, Inc. (405 Park Drive, Carlisle, PA 17013) for the operation of a dry, condensed, and evaporated dairy products manufacturing facility at the Holly Milk Division located in South Middleton Township, **Cumberland County**. The facility has the potential to emit (PTE) air emissions of 13.9 tpy of PM, 13.9 tpy of PM₁₀, 13.9 tpy of PM_{2.5}, 0.7 tpy of SO_x, 72.3 tpy of CO, 45.4 tpy of NO_x, 4.8 tpy of VOC, 4.34E-04 tpy of Pb, 1.5 tpy of individual HAP (Hexane) and 1.6 tpy of total combined HAPs. 2015 reported actual air emissions were 32.4 tpy of CO, 0.0002 tpy of Pb, 12.9 tpy of NO_x, 8.4 tpy of PM₁₀, 0.2 tpy of SO_x, and 1.4 tpy of VOC. The Synthetic Minor Operating Permit will include visible emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility has sources that are subject to 40 CFR Part 60 NSPS Dc regulations and 40 CFR Part 63 NESHAP/MACT ZZZZ regulations.

36-05149: Burle Business Park, LP (1004 New Holland Avenue, Lancaster, PA 17601) for operation of a commercial and industrial park facility in Lancaster City, **Lancaster County**. The facility 2016 emissions were 3.64 tons of CO, 4.33 tons of NO_x, 0.33 ton of PM, 0.03 ton of SO_x, 0.24 ton of VOC, and 0.08 ton of HAPs. 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 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

18-00013: Clinton Hospital Corp (24 Cree Drive, Lock Haven, PA 17745-2639) to issue a renewal State Only operating permit for their Lock Haven Hospital located in the City of Lock Haven, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00013. The facility's main sources include three # 2 fuel oil/natural gas-fired boilers and four # 2 fuel oil-fired emergency generators.

The facility has potential/actual emissions of 43.0 tons per year (TPY) of sulfur oxides, 23.6 TPY of nitrogen oxides, 8.9 TPY of carbon monoxide, 2.8 TPY of particulate matter, 2.8 TPY of volatile organic compounds, and 15,946 TPY of greenhouse gases (carbon dioxide equivalents). No changes to equipment or emissions are being proposed as part of this operating permit renewal. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60 and Part 63.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

26-00545: Brownsville Marine Products, LLC (1800 Paul Thomas Blvd., Brownsville, PA 15417) In accordance with 25 Pa. Code §§ 127.424 and 127.425, notice is hereby given that the Pennsylvania Department of Environmental Protection (DEP) intends to issue an Air Quality State Only Operating Permit (SOOP) Modification to Brownsville Marine Products located in Brownsville Boro., **Fayette County**. This Modification is to include requirements from the Control Techniques Guidelines (CTG) for Shipbuilding and Ship Repair Operations (Surface Coating) in the existing State Only Operating Permit.

Operations at this facility include steel preparation, fabrication and surface coating. The emission sources at this facility are paint building, unpaved roadways, shot blast units, submerged arc, welding machines and the control units include paint building filter, dust collectors and water truck. The SOOP renewal Modification contains emission restriction, testing, monitoring, recordkeeping, reporting and work practice standards derived from the applicable requirements of 25 Pa. Code Chapters 121—145.

A person may oppose the proposed State Only Operating Permit Modification by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed State Only Operating Permit (26-00545) and a concise statement of the objections to the Operating Permit Modification issuance and the relevant facts upon which the objections are based.

Brownsville Marine Products' State Only Operating Permit Modification application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit Modification for this facility are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the Brownsville Marine Products' State Only Operating Permit 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 Operating Permit Modification for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

All comments must be received prior to the close of business 30 days after the date of this publication.

56-00145: Berlin Brothersvalley School District (1025 E Main Street, Berlin, PA 15530-1498), In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal State Only Operating Permit (SOOP-56-00145) to Berlin Brothersvalley School District ("BBSD") to authorize the

continued operation of two (2) Tri-Fuel Boilers and four (4) Fulton Boilers located at Elementary/Secondary Schools in Berlin Borough, **Somerset County**.

The facility's air contamination sources consist of two (2) Tri-Fuel boilers each rated at 4.3 MMBtu/hr, three (3) natural gas-fired Fulton Boilers each rated at 3.0 MMBtu/hr, one (1) natural gas-fired Fulton Boiler rated at 2.0 MMBtu/hr, and two (2) emergency generators. The tri-fuel boilers are equipped with underfeed stokers, over fire air systems, and opacity monitoring devices with alarms to control excess air flow if opacity is exceeded. Potential emissions from the facility are based on a limit of burning 2,000 tons of coal per consecutive 12-month period and are estimated to be 75.0 tons SO_x, 18.0 tons CO, 19.0 tons NO_x, 2.0 tons VOC, and 16.0 tons particulate matter (PM).

This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The boilers are subject to the new applicable requirements of 40 CFR Part 63 Subpart JJJJJJ. Proposed SOOP renewal includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements. The emergency generator is subject to the applicable requirement of 40 CFR Part 63 Subpart ZZZZ.

SOOP renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality SOOP for this project are available for review by any interested party at the PADEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of SOOP 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 SOOP for this project, a person may contact Thomas Kaminski at tkaminski@pa.gov or 412.442.4097.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 56-00145) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 (jparihar@pa.gov, Phone 412.442.4030).

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-00298: ESM Group Inc. (955 Saxonburg Blvd., Saxonburg, PA 16056-2317), the Department intends to issue the renewal of the Natural Minor Permit of a magnesium-lime powder manufacturing facility located in Saxonburg Borough, **Butler County**. Permitted sources at the facility include grinding, mixing, loading, and surface coating operations, an emergency generator, and degreasers. Starting with this renewal, the surface coating operation at the facility is subject to a VOC elective restriction of 2.7 tons per 12-month rolling period to escape 25 Pa. Code § 129.52d, which pertains to Control of VOC emissions from miscellaneous metal parts surface coating processes, miscellaneous plastic parts surface coating processes and pleasure craft surface coatings. Three sources previously permitted are also removed from the operating permit.

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

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

The City of Philadelphia, Air Management Services (AMS) intends to issue a Minor State Only Operating Permit for the following facility:

OP17-000004: Girard Medical Center (North Philadelphia Health Systems), (at 8th Street and Girard Avenue, Philadelphia, PA 19122) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two 5 MMBtu/hr boilers firing No. 2 Oil, seven less than or equal to 1.6 MMBtu/hr natural gas firing boilers, two less than 1.3 MMBtu/hr natural gas firing water heater, one 250 kW emergency generator firing No. 2 Oil, one 175 kW emergency generator firing No. 2 Oil, and one 120 kW emergency generator firing No. 2 Oil.

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

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

OP16-000038: Convent of the Sisters of St. Joseph & Chestnut Hill College (9601 Germantown Ave, Philadelphia, PA 19118) for the operation of a healthcare center in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include One

(1) 300 Horsepower (HP)/10 MMBtu/hr boiler firing natural gas, two (2) 600 HP/20 MMBtu/hr boilers firing natural gas, four (4) Emergency Generators less than 400 kW firing natural gas or diesel.

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

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 4.1. No additional discharges. The application was considered administratively complete on August 4, 2017. Application received May 26, 2017.

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

Permit No. 56070102. Wilson Creek Energy, LLC, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Lincoln Township, **Somerset County** affecting 24.8 acres. Receiving stream: Quemahoning Creek, classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Greater Johnstown Water Authority. Application received: July 31, 2017.

Permit No. 56120102 and NPDES No. PA0263419. Rosebud Mining Co., 301 Market Street, Kittanning, PA 16201, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 114.7 acres. Receiving streams: unnamed tributaries to Coal Run and unnamed tributaries to Pickings Run classified for the following uses: cold water fishes and high quality cold water fishes. The first downstream potable water supply intake from the point of discharge is Lincoln Municipal Authority—intake on North Branch of Quemahoning Creek. Application received: July 27, 2017.

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

37170301. Slippery Rock Materials, Inc. (704 Golf Course Road, Volant, PA 16156) Commencement, operation and restoration of a large industrial minerals mine in Plain Grove Township, **Lawrence County**, affecting 75.0 acres. Receiving streams: Three unnamed tributaries to Taylor Run and Taylor Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application includes a request for a post-mining land use change from unmanaged natural habitat, forestland, and cropland to unmanaged natural habitat, wildlife habitat, unmanaged water impoundment, and wetlands on the property of Joseph Venasco; and a post-mining land use change from pastureland or land occasionally cut for hay, unmanaged natural habitat, cropland, residential, and forestland to cropland on the Kurt and Mary Ann Miller property. Application received: July 20, 2017.

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

17860135 and NPDES No PA0115622. Strishock, LLC (220 Hillcrest Drive, DuBois, PA 15801). Modifica-

tion to the permit adding acres to be bonded and NPDES for a water treatment facility for a proposed coal preparation plant located in Sandy, Brady and Union Townships, **Clearfield County** affecting 367.6 acres. Receiving stream(s): Stony Run, Laborde Branch, and Sugar Camp Run classified for the following use(s): CWF. Application received: July 17, 2017.

17050104 and NPDES No. PA0256200. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Permit boundary revision to add 2.9 acres on the eastern section and remove 2.9 acres from the southeast corner a bituminous surface and auger mine in Chest Township, **Clearfield County** affecting 295.9 acres. The revision also includes a stream variance. Receiving streams: North Camp Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 19, 2017.

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

3473SM8 and NPDES Permit No. PA0200590. North Cambria Fuel Company (174 McKnight Road, Blairsville, PA 15717). Renewal application for continued treatment of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 15.5 acres. Receiving streams: Unnamed tributaries to Loyalhanna Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: July 28, 2017.

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

Permit No. 35970201R4. APHC II, Inc., (148 Adams Avenue, Scranton, PA 18503), renewal of an existing anthracite coal refuse reprocessing operation in the City of Scranton, **Lackawanna County** affecting 26.8 acres, receiving stream: Lackawanna River, classified for the following uses: cold water and migratory fishes. Application received: June 12, 2017.

Coal Applications Withdrawn

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

Permit No. 54150201 and PAM115001. Rausch Creek Land, LP, (978 Gap Street, Valley View, PA 17983), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Hegins Township, **Schuylkill County** affecting 34.22 acres, receiving streams: East and West Branch Rausch Creek. Application received: January 2, 2015. Application withdrawn: August 2, 2017.

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. 28110301 and NPDES Permit No. PA0263176, David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of NPDES permit, Antrim Township, **Franklin County**. Receiving stream: unnamed tributaries to East Branch of the Conococheague Creek classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 26, 2017.

Permit No. 28172801, David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17202, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Hamilton Township, **Franklin County**, affecting 5.0 acres, receiving streams: unnamed tributary to Back Creek and Rocky Spring Branch. Application received: July 28, 2017.

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

Permit No. 48170301 and NPDES Permit No. PA0225746. Lehigh Hanson ECC, Inc., (7660 Imperial Way, Allentown, PA 18195), commence, operation and restoration of a quarry operation in Nazareth Borough and Upper Nazareth Township, **Northampton County** (replacing SMP Nos. 7475SM5 and 7475SM10), affecting 277.4 acres, receiving streams: unnamed tributary to East Branch Monocacy Creek, classified for the following uses: HQ—cold water and migratory fishes and unnamed tributary to Schooneck Creek, classified for the following uses: warm water and migratory fishes. Application received: July 17, 2017.

Permit No. 5276SM5C12 and NPDES No. PA0595217. Eureka Stone Quarry, Inc., (P.O. Box 249, Chalfont, PA 18914), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dingman Township, **Pike County** affecting 202.3 acres, receiving stream: unnamed tributary to Sawkill Creek, classified for the following uses: EV—migratory fishes. Application received: July 18, 2017.

Permit No. 67070301C2 and NPDES No. PA0224600. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County** affecting 70.6 acres, receiving stream: Fox Run, classified for the following uses: trout stocking fishes and migratory fishes. Application received: July 20, 2017.

Permit No. 64170802 and NPDES No. PA0225720. Medved Quarry, LLC, (501 Pleasant Mount Drive, Forest City, PA 18421), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in Mount Pleasant Township, **Wayne County** affecting 5.0 acres, receiving stream: West Branch Lackawaxen River, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: July 24, 2017

Permit No. 58172510 and NPDES No. PA0225738. Rock Lake, Inc., (3230 Creamton Drive, Lake Como, PA 18437), commencement, operation and restoration of a bluestone quarry operation and NPDES permit for discharge of treated mine drainage in New Milford Township, **Susquehanna County** affecting 5.79 acres, receiving stream: Wellmans Creek to Meylert Creek, classified for the following uses: HQ—cold water fishes and migratory fishes. Application received: July 24, 2017.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0262404 (Mining Permit No. 32070104), P&N Coal Company, Inc., 240 West Mahoning Street, P.O. Box 332, Punxsutawney, PA 15767, renewal of an NPDES permit for reclamation only activities with a degraded (manganese) Subchapter F sample point in Banks Township, **Indiana County**, affecting 140.0 acres. Receiving streams: unnamed tributaries to South Branch Bear Run; unnamed tributary to Cush Creek, and unnamed tributary to Brady Run, classified for the following use: Cold Water Fishes. This receiving stream is included in the Bear Run TMDL report. Application received: June 23, 2017.

The outfall listed below discharges to unnamed tributary to South Branch Bear Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
MP-1-Subchapter F sample point	N

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

Table C1: Critical Values

<i>Monitoring Point or Hydrologic Unit</i>	<i>Net acidity Lbs/day</i>	<i>Iron Lbs/day</i>	<i>Manganese Lbs/day</i>	<i>Aluminum Lbs/day</i>
MP1	214.43	14.59	*	*

* Under the provision of 25 Pa. Code § 87.207(b), the permittee has elected to comply with the effluent limits established in 25 Pa. Code § 87.102(a) Group A instead of a loading limit. The effluent limits in 25 Pa. Code § 87.102(a) shall apply at all times for this particular parameter.

The critical values in Table C1 represent the 95% tolerance limit of the baseline pollution load calculated as part of Module 26.5(C).

Noncoal NPDES Draft Permits

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

NPDES No. PA0263176 (Mining Permit No. 28110801), David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of an NPDES permit for a noncoal surface operation in Antrim Township, **Franklin County**, affecting 116.0 acres. Receiving streams: unnamed tributaries to Conococheague Creek, classified for the following use: warm water fishes. Application received: July 26, 2017.

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

The outfalls listed below discharge to unnamed tributaries to Conococheague Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
7001—Sediment Pond	N
7002—Sediment Pond	N
7003—Sediment Pond	N
7004—Sediment Pond	N
7005—Sediment Pond	N
7006—Sediment Pond	N
7007—Sediment Pond	N
7008—Sediment Pond	N

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

NPDES No. PA0200042 (Mining Permit No. 26840301), Norman Thomson, P.O. Box 10, Lemont Furnace, PA 15456, Revised NPDES permit for a noncoal surface mine in North Union, **Fayette County**, affecting 50.2 acres. Receiving stream(s): Cove Run classified for the following use(s): WWF. Application received: May 26, 2015.

The treated wastewater outfall(s) listed below discharge to Cove Run:

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

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

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90

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

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

NPDES Permit No. PA0595161 on Surface Mining Permit No. 7274SM1. Lehigh Asphalt Paving & Construction Co., (P.O. Box 549, Tamaqua, PA 18252), renewal of an NPDES Permit for a sandstone quarry operation in West Penn Township, **Schuylkill County**, affecting 97.0 acres. Receiving stream: unnamed tributary to Lizard Creek, classified for the following use: trout stock fishes. Application received: May 15, 2013.

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

The outfalls listed below discharge to unnamed tributary to Lizard Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	MDT/Groundwater Pit Sump
002	No	Stormwater E&S
003	No	Stormwater E&S
004	No	Stormwater E&S
005	No	Stormwater E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0009407 on Surface Mining Permit No. 7174SM1. Hempt Brothers, Inc. (205 Creek Road, Camp Hill, PA 17011), renewal of an NPDES Permit for a limestone quarry operation in Steelton Borough and Swatara Township, **Dauphin County**, affecting 213.3 acres. Receiving stream: Susquehanna River, classified for the following uses: warm water and migratory fishes. Application received: October 17, 2014.

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

The outfall listed below discharge to Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	MDT/Groundwater Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0223646 on Surface Mining Permit No. 38950301. H & K Group, Inc., (P.O. Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a limestone quarry operation in Cornwall Borough, **Lebanon County**, affecting 175.5 acres. Receiving stream: unnamed tributary to Snitz Creek, classified for the following use: trout stocking fishes. Application received: March 7, 2016.

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

The outfall listed below discharge to unnamed tributary to Snitz Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0123544 on Surface Mining Permit No. 4874SM2. Pennsy Supply, Inc., (d/b/a Oldcastle Industrial Minerals, 550 South Biesecker Road, Thomasville, PA 17364), renewal of an NPDES Permit for a limestone quarry operation in Jackson Township, **York County**, affecting 214.8 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stocking fishes. Application received: July 22, 2016.

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

The outfall listed below discharge to Little Conewago Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	MDT/Groundwater-Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0224065 on Surface Mining Permit No. 67000301. Pennsy Supply, Inc., (d/b/a Oldcastle Industrial Minerals, 550 South Biesecker Road, Thomasville, PA 17364), renewal of an NPDES Permit for a limestone quarry operation in Jackson Township, **York County**, affecting 288.75 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stocking fishes. Application received: August 18, 2016.

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

The outfall listed below discharge to Little Conewago Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
002	No	MDT-Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0595543 on Surface Mining Permit No. 38870301. Pennsy Supply, Inc., (P.O. Box 3331, Harrisburg, PA 17105), renewal of an NPDES Permit for a limestone quarry operation in Annville Borough; North Londonderry, North Annville and South Annville Townships, **Lebanon County**, affecting 1,064.5 acres. Receiving streams: Killinger and Quittapahilla Creeks, classified for the following use: trout stocking fishes. Application received: September 23, 2016.

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

The outfalls listed below discharge to Killinger and Quittapahilla.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	MDT/Groundwater Pit Sumps
002	No	MDT/Groundwater Pit Sumps
003	No	MDT/Groundwater Pit Sumps
004	No	MDT/Groundwater Pit Sumps
005	No	Stormwater
006	No	Stormwater/MDT Groundwater Pit Sump
007	No	Stormwater/MDT Groundwater Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0612049 on Surface Mining Permit No. 5475SM4. Glasgow, Inc., (P.O. Box 1089, Glenside, PA 19038), renewal of an NPDES Permit for an argillite quarry operation in Montgomery Township, **Montgomery County**, affecting 23.7 acres. Receiving stream: unnamed tributary to Little Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: March 27, 2017.

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

The outfall listed below discharge to unnamed tributary to Neshaminy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Pit Sump/Stormwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		10.01	20.03	25.73
Discharge (MGD)			0.195	0.35

¹ The parameter is applicable 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

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E15-883. Eastern Shore Natural Gas Company, 1110 Forrest Avenue, Suite 201, Dover, DE 19904, 2017 Expansion Project, in West Sadsbury Township, Highland Township, Londonderry Township, Penn Township, New London Township, and Franklin Township, **Chester County**, ACOE Philadelphia District/ACOE Baltimore District.

The proposed project consists of the installation of appurtenant structures and approximately 4.5 miles of 16-inch pipeline (Parkesburg Loop) beginning at Cemetery Road in Parkesburg, PA Quadrangle N: 39° 57' 46.23", W: 75° 56' 25.77" and ending at Limestone Road in Parkesburg, PA Quadrangle N: 39° 54' 9.81", W: 75° 54' 41.49"; approximately 7.3 miles of 24-inch pipeline (Jennersville Loop) beginning at Street Road in Oxford, PA Quadrangle N: 39° 51' 34.60", W: 75° 53' 24.37" and ending at Hess Mill Road in West Grove, PA Quadrangle N: 39° 46' 15.09", W: 75° 50' 46.74"; and approximately 1.7 mile of 24-inch pipeline (Fair Hill Loop) beginning at Walker Road in Newark West, DE-MD-PA Quadrangle N: 39° 44' 32.78", W: 75° 49' 51.66" and extending in to Maryland south of Elbow Lane in Newark West, DE-MD-PA Quadrangle N: 39° 43' 19.78", W: 75° 49' 1.61". The proposed project impacts in Chester County include temporary impacts to 75 linear feet of Valley Creek (CWF; MF), 166 linear feet of 1 unnamed tributary to Valley Creek (CWF; MF), 100 linear feet of Knight Run (TSF; MF), 374 linear feet of 5 unnamed tributaries to Knight Run (TSF; MF), 890 linear feet of 8 unnamed tributaries to East Branch Big Elk Creek (TSF, MF), 85 linear feet of West Branch White Clay Creek (TSF, MF), 502 linear feet of 8 unnamed tributaries to West Branch White Clay Creek (TSF, MF), and 104 linear feet of 2 unnamed tributaries to Big Elk Creek (HQ-TSF; MF); permanent impacts to 9 linear feet of Valley Creek (CWF; MF), 28 linear feet of 1 unnamed tributary to Valley Run (CWF; MF), 10 linear feet of Knight Run (TSF; MF), 23 linear feet of 3 unnamed tributaries to Knight Run (TSF; MF), 99 linear feet of 7 unnamed tributaries to East Branch Big Elk Creek (TSF, MF), 13 linear feet of West Branch White Clay Creek (TSF, MF), 34 linear feet of 7 unnamed tributaries to West Branch White Clay Creek, and 10 linear feet of 2 unnamed tributaries to Big Elk Creek (HQ-TSF; MF); 6.69 acres of temporary floodway impacts; 0.35 acre of permanent floodway impacts; 1.56 acre of temporary impacts to Palustrine Emergent (PEM), 0.02 acre of temporary impacts Palustrine Scrub-Shrub (PSS), 0.02 acre of temporary impacts to Palustrine Forested (PFO) wetlands; 0.14 acre of permanent impacts

to PEM and 0.0001 acre permanent impacts to PFO wetlands. No Compensation is being proposed by the applicant for the proposed permanent project impacts in Chester County. The proposed project impacts in this permit application are associated with proposed project of 7 buried natural gas pipeline segments totaling approximately 40 miles in Chester County, PA; Cecil County, MD; and New Castle and Sussex Counties, Delaware.

E09-1012—Pennsylvania Department of Transportation, 7000 Geerdes Blvd. King of Prussia, PA 19406, Norristown Borough, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the SR 0001 Section RC1 Improvement Project. Specific water obstruction and encroachment are:

1. To place fill associated with road widening and stream relocation within UNT to Poquessing Creek (WUS-25) (WWF-MF)

2 To conduct grading work within the floodway in the Street Road intersection area for road widening and stream (WUS-25) relocation.

3 To place fill associated within UNT to Neshaminy Creek (WUS M1 and M2) for the stream relocation and construction of the offsite stream and wetland mitigation.

4 To encroach upon wetlands (WET M1 and M3) for the stream relocation and construction of the offsite stream and wetland mitigation.

The project will permanently impact approximately 515 linear feet (4,248 sq. ft.) and temporarily impact 788 linear feet (6,079 sq. ft.) of watercourses associated with the road project and temporarily impact 1,398 linear feet (15,242 sq. ft.) of watercourses and permanently impact 0.307 acre (13,437 sq. ft.) of wetlands for offsite stream mitigation.

The project extends from the S.R. 2037 (Old Lincoln Highway) signalized intersection north to the area just south of the S.R. 2044 (Rockhill Drive) interchange, and also includes the replacement of the Bristol Road overpass over S.R. 0001. Section RC1 includes the S.R. 0132 (Street Road) and PA Turnpike interchanges in Bensalem Township, Bucks County (Langhorne USGS Quadrangle, Latitude 40.128071; Longitude -74.964826).

EA15-017—Eastern Shore Natural Gas Company, 1110 Forrest Avenue, Suite 201, Dover, DE 19904, 2017 Expansion Project, in West Sadsbury, Highland, Londonderry, Penn, New London, and Franklin Townships, **Chester County**, ACOE Philadelphia District/ACOE Baltimore District.

The proposed project consists of three sections referred to as the Parkesburg Loop, the Jennersville Loop and the Fair Hill Loop.

The Parkesburg Loop starts at Parkesburg, PA Quadrangle N: 39° 57' 46.23", W: 75° 56' 25.77" and ends at Parkesburg, PA Quadrangle N: 39° 54' 9.81", W: 75° 54' 41.49". The Parkesburg Loop includes approximately 4.5 miles of 16" pipeline from an existing metering & regulator station along Cemetery Road southeast to tie-in to an existing pipeline east of Limestone Road (PA-10). The proposed Parkesburg Loop includes approximately 74.67 acres of earth disturbance; and impacts to 278 linear feet of Valley Creek and its unnamed tributaries, listed as Cold Water Fishery (CWF), 507 linear feet of Knight Run and its unnamed tributaries, listed as Trout Stocking Fishery (TSF), 2.07 acres of floodway, 0.09 acre of tempo-

rary Palustrine Emergent (PEM) wetland impacts, and 0.02 acre of permanent PEM wetland impacts.

The Jennersville Loop starts at Oxford, PA Quadrangle N: 39° 51' 34.60", W: 75° 53' 24.37" and ends at West Grove, PA Quadrangle N: 39° 46' 15.09", W: 75° 50' 46.74". The Jennersville Loop includes approximately 7.3 miles of 24" pipeline from the existing Daleville Compressor Station southeast to tie-in to existing pipeline near the intersection of Hess Mill Road and Windgate Road. Work also includes upgrades to the existing Daleville Compressor Station. The proposed Jennersville Loop and upgrades to the existing Daleville Compressor Station includes approximately 93.44 acres of earth disturbance; and impacts to 989 linear feet of unnamed tributaries of East Branch Big Elk Creek, listed as TSF, 634 linear feet of West Branch White Clay Creek and its unnamed tributaries, listed as TSF, 4.58 acres of floodway, 1.30 acre of temporary PEM wetland impacts, 0.02 acre of temporary Palustrine Forested (PFO) wetland impacts, 0.02 acre of temporary Palustrine Scrub-Shrub (PSS) wetland impacts, 0.11 acre of permanent PEM wetland impacts, and 0.0001 acre of permanent PFO wetland impacts.

The Fair Hill Loop starts at Newark West, DE-MD-PA Quadrangle N: 39° 44' 32.78", W: 75° 49' 51.66" and ends at Newark West, DE-MD-PA Quadrangle N: 39° 43' 19.78", W: 75° 49' 1.61". The Fair Hill Loop includes approximately 1.7 mile of 24" pipeline from an existing valve cluster near Walker Road and continues south to the Maryland State Border. The proposed Fair Hill Loop includes approximately 21.93 acres of earth disturbance; and impacts to 114 linear feet of unnamed tributaries of Big Elk Creek, listed High Quality Trout Stocking Fishery (HQ-TSF), 0.39 acre of floodway, 0.17 acre of temporary PEM wetland impacts, and 0.01 acre of permanent PEM wetland impacts.

The proposed project will result in temporary impacts to 2,804 linear feet of streams, permanent impacts to 228 linear feet of streams, temporary impacts to 1.60 acre of nontidal wetlands, and permanent impacts to 0.14 acre of nontidal wetlands.

The applicant is requesting a State water quality certification as required by Section 401 of the Clean Water Act in support of its Federal application to the Federal Energy Regulatory Commission to install and maintain the aforementioned pipeline for the purpose of transporting natural gas.

Any State water quality certification issued by DEP will include conditions requiring the applicant prior to construction to obtain all State permits and authorizations and to implement any other measures appropriate to ensure compliance with State water quality standards and the antidegradation requirements in Chapter 93.

For more detailed information regarding the request for State water quality certification related to this proposed project, which is available in the DEP regional office, please contact the Southeast Regional Office Records Management Department at 484-250-5910 to request a file review.

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

E04-366. JoPa Development, LLC d/b/a River Harbour Marina, 501 Steel Street, Aliquippa, PA 15001, in Bridgewater Borough, **Beaver County**, U.S. Army Corps of Engineers, Pittsburgh District.

To construct and maintain a 300-foot-long by 8-foot-wide metal framed dock and access ramp which will be

supported by 4 piles driven into the bed of the Beaver River. The project will also include the removal of an existing dock that was previously authorized under a General Permit. The project is located approximately 330 feet east of intersection of Wolf Lane and Market Street along the Beaver River (WWF; N) (Beaver, PA Quadrangle, Latitude: 40°41'55.55"; Longitude: -80°17'26.14").

E02-1739. Independence Excavating, Inc., 3826 Saxonburg Boulevard, Cheswick, PA 15024, in Indiana Township, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

To maintain fill in 0.09 acre of (PEM) wetlands for constructing a new office building and associated parking area within the Deer Creek Watershed (CWF). The permittee is required to construct 10,000 sq feet (0.22 acre) of replacement wetlands. The project is located approximately 1,775 feet east of the Pennsylvania Turnpike (76) along Saxonburg Road within the Deer Creek Watershed (CWF) (Glenshaw & New Kensington, PA Quadrangle, Latitude: 40°35'15"; Longitude: -79°52'22").

E02-1315-A1. Millvale Borough, 501 Lincoln Avenue, Millvale, PA 15209, in Millvale Borough, **Allegheny County**, U.S. Army Corps of Engineers, Pittsburgh District.

To amend Permit No. E02-1315 to upgrade and replace the existing dock with a new dock and supporting structure. The new dock will be 10 feet wide and approximately 247 feet long, requiring 10, 12-inch-diameter, 40-foot-long steel piles driven into the riverbed to anchor the dock in place. The new dock will have a 20-foot-long by 40-foot-wide aluminum framed access ramp equipped with marine-grade polyethylene plastic flotation and decking. The new ramp will be anchored to the existing steel hinges and concrete structure on shore. The project is located approximately 2,150 feet upstream of the 31st Street Bridge along the back channel of Herrs Island of the Allegheny River (WWF; N) (Pittsburgh East, PA Quadrangle, Latitude: 40°28'9.35"; Longitude: -79°58'29.22").

E66-165. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Lemon Township, **Wyoming County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 31.6-foot wide, single-span prestressed concrete spread box beam bridge across Meshoppen Creek having a 67.4-foot span and a 13-foot approximate underclearance.

The project is located at S.R. 1009, Segment 0120, Offset 1484, (Springville, PA Quadrangle, Latitude: 41° 38' 24.71" N; Longitude: -75° 56' 10.58"W) in Lemon Township, Wyoming County.

E40-799. Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, Butler Township, **Luzerne County**, Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a 33.2-foot wide, single-span prestressed concrete spread box beam bridge across Little Nescopeck Creek having a 30-foot span and a 7-foot approximate underclearance.

The project is located at S.R. 3021, Segment 0030, Offset 2871, (Freeland, PA Quadrangle, Latitude: 41° 00' 25.71" N; Longitude: -75° 59' 58.74"W) in Butler Township, Luzerne County.

F40-028. City of Pittston, 35 Broad Street, Pittston, PA 18640, in City of Pittston, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in the City of Pittston, Luzerne County.

1. 100 Benedict Street (Pittston, PA Quadrangle Latitude: 41.326539°; Longitude: -75.795528°).

F40-029. Conyngham Township, 10 Pond Hill Road, Mocanaqua, PA 18655, in Conyngham Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Conyngham Township, Luzerne County.

1. 2 Main Street (Shickshinny, PA Quadrangle Latitude: 41.147675°; Longitude: -76.144883°)

2. 64 Main Street (Shickshinny, PA Quadrangle Latitude: 41.144806°; Longitude: -76.143347°)

3. 58 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140772°; Longitude: -76.141328°)

4. 56 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140772°; Longitude: -76.141328°)

5. 27 Railroad Street (Shickshinny, PA Quadrangle Latitude: 41.143933°; Longitude: -76.143567°)

6. 25 Railroad Street (Shickshinny, PA Quadrangle Latitude: 41.143933°; Longitude: -76.143567°)

7. 2 Park Street (Shickshinny, PA Quadrangle Latitude: 41.137664°; Longitude: -76.1398°)

8. 21-23 Railroad Street (Shickshinny, PA Quadrangle Latitude: 41.144233°; Longitude: -76.143761°)

9. 104 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.138914°; Longitude: -76.140489°)

10. 11 Main Street (Shickshinny, PA Quadrangle Latitude: 41.146656°; Longitude: -76.1449°)

11. 12 Main Street (Shickshinny, PA Quadrangle Latitude: 41.146656°; Longitude: -76.1449°)

12. River Street (Shickshinny, PA Quadrangle Latitude: 41.139483°; Longitude: -76.1419°)

13. 35-37 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.141242°; Longitude: -76.142119°)

14. 100-102 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139053°; Longitude: -76.140528°)

15. 39-41 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.141108°; Longitude: -76.142039°)

16. 96-98 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139169°; Longitude: -76.140622°)

17. 137 1/2 River Street (Shickshinny, PA Quadrangle Latitude: 41.139994°; Longitude: -76.142086°)

18. 139 1/2 River Street (Shickshinny, PA Quadrangle Latitude: 41.140067°; Longitude: -76.142153°)

19. 138 1/2 River Street (Shickshinny, PA Quadrangle Latitude: 41.139875°; Longitude: -76.142247°)

20. 95-97 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139069°; Longitude: -76.141006°)

21. 106 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.138731°; Longitude: -76.140314°)

22. 119 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.137972°; Longitude: -76.14°)

F40-030. City of Pittston, 35 Broad Street, Pittston, PA 18640, in City of Pittston, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in the City of Pittston, Luzerne County.

1. 101 Towpath Court (Pittston, PA Quadrangle Latitude: 41.334933°; Longitude: -75.787453°).

F40-031. Nescopeck Borough, 501 Raber Avenue, Nescopeck, PA 18635, in Nescopeck Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in Nescopeck Borough, Luzerne County.

1. 331 Cooper Street (Berwick, PA Quadrangle Latitude: 41.050981°; Longitude: -76.226125°).

F40-032. Shickshinny Borough, 35 West Union Street, Shickshinny, PA 18655, in Shickshinny Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Shickshinny Borough, Luzerne County.

1. 53 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.15475°; Longitude: -76.148608°)

2. 10 South Main Street (Shickshinny, PA Quadrangle Latitude: 41.152878°; Longitude: -76.150447°)

3. 43 West Union Street (Shickshinny, PA Quadrangle Latitude: 41.153553°; Longitude: -76.151978°)

4. 66 Susquehanna Avenue (Shickshinny, PA Quadrangle Latitude: 41.154869°; Longitude: -76.1478°)

5. 42 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.154592°; Longitude: -76.149394°)

6. 106 Susquehanna Avenue (Shickshinny, PA Quadrangle Latitude: 41.155947°; Longitude: -76.147006°)

7. 179 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.158992°; Longitude: -76.144825°)

8. 15 East Union Street (Shickshinny, PA Quadrangle Latitude: 41.152775°; Longitude: -76.1497°)

9. 22 West Union Street (Shickshinny, PA Quadrangle Latitude: 41.153556°; Longitude: -76.150944°)

F40-033. West Pittston Borough, 555 Exeter Avenue, West Pittston, PA 18643, in West Pittston Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in West Pittston Borough, Luzerne County.

1. 1300 Susquehanna Avenue (Pittston, PA Quadrangle Latitude: 41.322656°; Longitude: -75.800761°)

2. 16 Atlantic Avenue (Pittston, PA Quadrangle Latitude: 41.323197°; Longitude: -75.800183°)

3. 19 Philadelphia Avenue (Pittston, PA Quadrangle Latitude: 41.323608°; Longitude: -75.800289°)

4. 35 Laco Street (Pittston, PA Quadrangle Latitude: 41.328096°; Longitude: -75.793284°)

5. 18 Montgomery Street (Pittston, PA Quadrangle Latitude: 41.325511°; Longitude: -75.797194°)

F40-034. Nescopeck Township, P.O. Box 314, Nescopeck, PA 18635, in Nescopeck Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Nescopeck Township, Luzerne County.

1. 574 River Road (Berwick, PA Quadrangle Latitude: 41.062280°; Longitude: -76.154982°)

2. River Road (Berwick, PA Quadrangle Latitude: 41.06415°; Longitude: -76.148372°)

F40-035. Plymouth Township, 925 Main Street, Plymouth, PA 18651, in Plymouth Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in Plymouth Township, Luzerne County.

1. 1084-1086 West Main Street (Wilkes-Barre West, PA Quadrangle Latitude: 41.228633°; Longitude: -75.971869°)

F40-036. Jenkins Township, 46 1/2 Main Road, Jenkins Township, PA 18640, in Jenkins Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Jenkins Township, Luzerne County.

1. 1633 River Road (Pittston, PA Quadrangle Latitude: 41.303647°; Longitude: -75.827717°)

2. 1495 River Road (Pittston, PA Quadrangle Latitude: 41.306578°; Longitude: -75.823056°)

3. 1485 River Road (Pittston, PA Quadrangle Latitude: 41.307144°; Longitude: -75.821928°)

4. 1657 River Road (Pittston, PA Quadrangle Latitude: 41.302919°; Longitude: -75.828928°)

5. 15 Turner Street (Pittston, PA Quadrangle Latitude: 41.302647°; Longitude: -75.828053°)

F40-037. Plains Township, 126 North Main Street, Plains, PA 18705, in Plains Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in Plains Township, Luzerne County.

1. 171 Courtright Street (Pittston, PA Quadrangle Latitude: 41.290269°; Longitude: -75.848864°)

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

E21-462: Rider Musser Development, LLC, 5 Kacey Court, Suite 203, Mechanicsburg, Pennsylvania, 17055 in Upper Allen Township, **Adams County**, U.S. Army Corps of Engineers Baltimore District.

To install and maintain: 1) a 78 foot long, 72 inch diameter, High Density Polyethylene Pipe, depressed 6 inches, with concrete endwalls and riprap scour protection, 2) 110 lineal feet of 2 inch diameter Polyvinyl

Chloride Electrical Conduit, 3) 110 lineal feet of 2 inch diameter Polyvinyl Chloride Cable Conduit, 4) 110 lineal feet of 2 inch diameter Polyvinyl Chloride Telephone Conduit, 110 lineal feet of 2 inch diameter Polyvinyl Chloride Electrical Conduit, 5) 110 lineal feet of 6 inch diameter ductile iron water pipe, 6) 135 lineal feet of 8 inch diameter High Density Polyethylene Storm Sewer Pipe, 7) Two, 15-inch diameter outfalls with concrete endwall and riprap scour protection. All the impacts listed are in the floodway or under an unnamed tributary to the Yellow Breeches Creek (CWF, MF) (Latitude: 40.1674, Longitude: -76.9924). No wetland impacts are proposed.

E22-637: Hershey Entertainment & Resorts Company, 300 Park Boulevard, Hershey, PA 17033 in Derry Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

1) To install and maintain approximately 1,418 square feet of queue line relocated and replaced adjacent to the existing 1,368 square foot queue line of the Sooper Dooper Looper attraction; and 2) to install and maintain an approximately 30 square foot chair lift structure adjacent to the Trailblazer attraction in the floodway and floodplain of Spring Creek (WWF, MF) (Latitude: 40°17'11", Longitude: -76°39'11") for the purpose of improving guest accessibility. No wetlands will be impacted by this project.

E67-934: Southern York County School District, 3280 Fissels Church Road, P.O. Box 128, Glen Rock, PA 17327 in Shrewsbury Township, **York County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1.) replace an existing culvert and install 75 feet of 24-inch HDPE pipe and associated end walls permanently impacting approximately 380 square feet of an unnamed tributary to Centerville Creek and its floodway, 2.) remove approximately 200 feet of failed culvert and convert to a natural open channel, 3.) install approximately 150 feet of bypass channel around an existing pond impacting 2,990 square feet of wetland, 4.) install 30 feet of 24-inch pipe beneath an existing driveway impacting 46 square feet of wetland, 5.) install 60 feet of 24-inch pipe which outlets into the existing pond for the purpose of remediating storm water issues from school district improvements (Latitude: 40°20'12.7224" N; Longitude: 77°35'57.1634"). Total wetland impacts are approximately 0.18 of an acre.

E05-391: Hopewell Township, 2759 Raystown Road, Hopewell, PA 16650 in Hopewell Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain 1) a 330-foot long, 8-inch PVC gravity main pipe, thru an Exceptional Value (EV) Palustrine Emergent (PEM) wetland and an unnamed tributary to Yellow Creek (HQ-CWF, MF), permanently impacting 0.030 acre of the PEM wetland, and permanently impacting 20-foot of stream and 80-foot of floodway; 2) a 316-foot long, 3-inch PVC pressure sewer main pipe, thru an EV PEM wetland and an unnamed tributary to Yellow Creek (HQ-CWF, MF), permanently impacting 0.030 acre of the PEM wetland, and permanently impacting 12-foot of stream and 48-foot of floodway; The project is located at the intersection of SR 0026 and SR 0036 in the village of Cottles Corner; (Latitude: 40°08'18", Longitude: -78°20'26") in Hopewell Township, Bedford County. The permanent wetland impacts are not proposed to lose wetland acreage and no wetland replacement is proposed. The purpose of the

project is to maintain and continue to operate wastewater collection systems in areas of Yellow Creek, Tatesville and Sunnyside.

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

E6629-026: Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, Eaton Township, **Wyoming County**, ACOE Baltimore District.

To construct, operate and maintain the Bowman Creek at Masters Surface Water Withdrawal, which consists of two (2) floating intake suction strainers that will impact 600 square feet of Bowman Creek (HQ-CWF) (Tunkhannock, PA Quadrangle, Latitude: N41°31'02.92", Longitude: W75°57'28.67") for Marcellus shale development

E5929-072: HEP Tioga Gathering, LLC, 16211 La Cantera Parkway, Suite 202, San Antonio, TX 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 54 linear feet of an unnamed tributary to Little Fall Creek (EV) (Liberty, PA Quadrangle 41°35'48"N, 77°11'53"W);

2) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 602 square feet of an exceptional value palustrine emergent (EV-PEM) (Liberty, PA Quadrangle 41°35'54"N, 77°11'43"W);

3) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 450 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (CWF) (Liberty, PA Quadrangle 41°36'24"N, 77°11'20"W).

The project will result in 54 linear feet of temporary stream impacts and 1,052 square feet (0.02 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

EROSION AND SEDIMENT CONTROL PERMITS

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

Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department proposes to issue a permit to discharge, subject to certain limitations in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

A person wishing to comment on a proposed permit are invited to submit a statement to the appropriate Department regional office listed before the application within 30 days of this public notice.

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

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

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

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

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

Southwest Region: Oil and Gas Management Program Manager 400 Waterfront Drive, Pittsburgh PA, 15222.

E65-07-009: Apex Energy LLC, 6041 Wallace Road Extension, Suite 100 Wexford, PA 15090-7383, Salem Township, **Westmoreland County**, ACOE Pittsburgh District.

The project is located within the Slickville USGS 7 1/2 Minute Quadrangle Map.

Apex Energy LLC is proposing to install the Faulk Well Pad—State Mine Road Entrance Project which includes the widening of the existing entrance to State Mine Road to provide access to a new natural gas well pad. The widening of the entrance is required to enable construction vehicles to enter State Mine Road without crossing the opposite lane of traffic. The work will include widening the entrance of State Mine Road from Trees Mill Road, which will require installation of a new section of culvert within UNT 1 to Beaver Run (40° 25' 57.702" N, 79° 32' 42.243" W) under State Mine Road.

The new section of culvert will connect two existing culvert. A 78-foot, 30 inch diameter corrugated plastic culvert will be placed within UNT 1 to Beaver Run. The project is a Joint Permit Application due to the new culvert connecting the existing culverts to create a stream enclosure.

All the following stream will be impacted by the culvert mentioned above:

<i>Stream Crossings</i>	<i>Latitude/Longitude</i>	<i>Area of Impact</i>	
Intermittent Stream 1 UNT 1 to Beaver Run (HQ-CWF)	40.4296N, -79.5457W	Temporary:	4,501. (0.103 ac)
		Permanent:	4,561 ln. ft. (0.104 ac)

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>
PA0217271 (Sewage)	Kilbuck Run STP 1719 Roosevelt Road Pittsburgh, PA 15237	Allegheny County Ohio Township	Kilbuck Run (20-G)	Yes
PA0218391 (Sewage)	Georges Creek Municipal Authority STP PO Box 338 Smithfield, PA 15478-0338	Fayette County Georges Township	Georges Creek (19-G)	Yes
PA0217654 (Sewage)	Sugar Run STP PO Box 494 Seward, PA 15954-0494	Westmoreland County Saint Clair Township	Unnamed Tributary to Conemaugh River and Conemaugh River (18-D)	Yes
PA0097390 (Sewage)	Vekaplast Plant 485 Hartzell School Road Fombell, PA 16123-1303	Beaver County Marion Township	Connoquenessing Creek (20-C)	Yes

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0217131 (Sewage)	Rossiter STP 602 Kolter Drive Indiana, PA 15701	Indiana County Canoe Township	Unnamed Tributary to Canoe Creek (17-D)	Yes
PA0218821 (Sewage)	Penn Run STP 602 Kolter Drive Indiana, PA 15701	Indiana County Cherryhill Township	Penn Run (18-D)	Yes
PA0217115 (Sewage)	Jacksonville STP 602 Kolter Road Indiana, PA 15701	Indiana County Black Lick Township	Reeds Run (18-D)	Yes
PA0091201 (Sewage)	Indiana Medical Condominiums 1177 S 6th Street Indiana, PA 15701-3759	Indiana County White Township	Unnamed Tributary to Two Lick Creek (18-D)	Yes
PA0215872-A1 (Sewage)	Luciana SR STP 1989 Drennen Road New Kensington, PA 15068	Allegheny County Plum Borough	Pucketa Creek (18-A)	Yes
PA0098523 (Sewage)	Glen Meadow MHP STP 305 Oberdick Drive McKeesport, PA 15135	Washington County Amwell Township	Little Tenmile Creek (19-B)	Yes
PA0030457 (Sewage)	Thorn Run Rd STP 100 Forbes Trail Drive Export, PA 15632-2000	Westmoreland County Salem Township	Unnamed Tributary to Thorn Run (18-B)	Yes

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>
PA0051632 (Industrial)	Easton Water Treatment Plant 701 N Delaware Drive Easton, PA 18043-3819	Northampton County Easton City	Delaware River (1-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0026263 SEW	York City Sewer Authority 345 E Market Street York, PA 17403-5614	Manchester Township York County	Codorus Creek in Watershed(s) 7-H	N
PA0023442 SEW	Wrightsville Borough Municipal Authority 601 Water Street Wrightsville, PA 17368-1646	Wrightsville Borough York County	Susquehanna River in Watershed(s) 7-I	N

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>
PA0043893 (Sewage)	Western Clinton County Municipal Authority Sewer System STP PO Box 363 Renovo, PA 17764-0363	Clinton County Renovo Borough	West Branch Susquehanna River (9-B)	No

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>
PA0101907 (Sewage)	Mariasville STP 762 W Lancaster Avenue Bryn Mawr, PA 19010-3402	Clarion County Salem Township	Richey Run (16-G)	Yes
PA0238546 (Industrial)	Ellwood City Forge PO Box 31 Ellwood City, PA 16117-0031	Lawrence County Ellwood City Borough	Slippery Rock Creek (20-C)	Yes
PA0222933 (Industrial)	Sharon Tube Church St Plant 700 S Dock Street Sharon, PA 16146-1836	Mercer County Wheatland Borough	Shenango River (20-A)	Yes

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

Warren County Conservation District, 4000 Conewango Avenue, Warren, PA 16365.

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012317002A	National Fuel Gas Supply Corporation Glenn McCrea 1100 State Street Erie, PA 16501	Warren	Deerfield & Pittsfield Townships	McGuire Run & Rattlesnake Run CWF/CWF

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

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

NPDES Permit No. PA0233846 A-1, CAFO, SIC Codes 0211, 0213, **Drew E. Remley**, 1170 Salt Spring Road, Roaring Branch, PA 17765-8824.

This existing facility is located in Liberty Township, **Tioga County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for the expansion of an existing facility.

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

NPDES Permit No. PA0265055, Sewage, SIC Code 4952, 8800, **Bruce C Ireland**, 131 North Branch Road, Eldred, PA 16731-3903.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated Sewage.

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

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

WQM Permit No. 3516405, Sewage, SIC Code 4952, **Pennsylvania-American Water Company Lackawanna County**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity:

A phase of an EPA-issued Consent Order. Project is an upgrade to an existing pump station that will include construction of a new below-grade pump station chamber structure adjacent to the existing pump station (to be demolished), in order to provide additional pumping capacity and reduce CSO overflows from the existing wet well and into Roaring Brook.

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

WQM Permit No. WQG02361701, Sewerage, **West Earl Sewer Authority**, 157 W Metzler Road, PO Box 787, Brownstown, PA 17508-5096.

This proposed facility is located in West Earl Township, **Lancaster County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of: 1 Sewer Extension.

WQM Permit No 2817201, CAFO, **Herbruck Poultry Ranch Inc.**, 6425 West Grand River Avenue, Saranac, MI 48881.

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

Description of Proposed Action/Activity:

This permit approves the construction and operation of manure storage facilities consisting of:

A 70 ft × 40 ft egg wash water storage building which will house 2-12,000 gallon fiberglass reinforced plastic (FRP) storage tanks to collect and store egg wash water. Tankers trucks will also be loaded inside this building. In the event of a leak, the tanks will be surrounded by a concrete dike compound to provide secondary containment equal to the volume of one of the tanks. In the event of a spill during loading of tankers, there will be a floor drain that will tie into the secondary containment structure associated with the tanks. Egg washwater will be stored and then hauled off site every 1—3 days to a local approved waste water treatment facility.

WQM Permit No.0617402, Sewerage, **Birdsboro Municipal Authority**, 202 E Main Street, Birdsboro, PA 19508-2025.

This proposed facility is located in Birdsboro, **Berks County**.

Description of Proposed Action/Activity:

This amendment approves the modification of sewage facilities consisting of:

The replacement of the existing sewage pumping station with pumps rated for 52 gpm at 41 ft. TDH. The permittee has indicated that it is possible that equipment other than the pumps described in the permit application will be installed. DEP has informed the permittee that alternate equipment may be installed if they notify the DEP at the time of the submission of the Construction Completion Form of the alternate equipment. If the installed equipment differs greatly from the approved equipment, a permit amendment will need to be filed by the permittee.

WQM Permit No. 2817401, Sewerage, **Chambersburg Borough**, 100 S 2nd Street, Chambersburg, PA 17201-2515.

This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

- Replacement of 2,200 LF of the East Conococheague Interceptor.
- Abandonment of the portion of the ECI between Manhole No. 1320 to 1325.

Flow Diversion from the East Conococheague Interceptor (Manhole No. 1325) to the West Conococheague Interceptor (Manhole No. 689).

WQM Permit No. 3617404, Sewerage, **West Cocalico Township Reinholds STP**, P.O. Box 95, Reinholds, PA 17569-0095.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of Proposed Action/Activity:

This permit approves the construction/operation of sewage facilities consisting of:

- Conversion of existing low pressure sanitary sewer (LPSS) lateral into a LPSS main, through the installation of shut-off valves and a cleanout assembly.
- Extension of this LPSS main approximately 40' to serve a proposed new dwelling unit, which will be equipped with a grinder pump, shut-off valve and cleanout assembly.

WQM Permit No. 3601405, Sewerage, **Black Rock Retreat Camp**, 1345 Kirkwood Pike, Quarryville, PA 17566-9539.

This proposed facility is located in Colerain Township, **Lancaster County**.

Description of Proposed Action/Activity:

This amendment approves the construction of sewage facilities consisting of:

- Two (2) 5,200 gallon septic tanks
- One (1) 3,000 gallon equalization tank, with two (2) 62 gallon per minute (gpm) pumps
- Two (2) 3,000 gallon recirculation tanks, with two (2) 70 gpm pumps
- One (1) 20' x 80' x 4' recirculating sand filter (RSF) bed
- One (1) 750 gallon wetland dose tank, with two (2) 66 gpm pumps
- One (1) 20' x 30' x 4' subsurface flow constructed wetland
- One (1) 750 gallon final effluent pump tank, with two (2) 30 gpm pumps

WQM Permit No. WQG02211701, Sewerage, **South Middleton Township**, 345 Lear Lane, PO Box 8, Boiling Springs, PA 17007-0008.

This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity:

This General Permit approves the construction and operation of:

- Sewer Extension—1 Pump Station.

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. 5993201 A-4, Industrial, SIC Code 2023, **Dairy Farmers of American Inc.**, PO Box 102, Middlebury Center, PA 16935-0102.

This existing facility is located in Middlebury Township, **Tioga County**.

Description of Proposed Action/Activity: Replacement of an existing equalization tank with a new equalization with jet aeration system and pH adjustment.

WQM Permit No. 1489412 A-4, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8401.

This existing facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: Enhanced Nutrient Removal Upgrade and Advanced Water Treatment System Expansion.

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

WQM Permit No. 4217402, Sewage, **Bruce C Ireland**, 131 North Branch Road, Eldred, PA 16731.

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

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

WQM Permit No. WQG01251702, Sewage, **Kevin VanHonk**, 10853 State Highway 18, Apt 1, Conneaut Lake, PA 16316-3229.

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

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

WQM Permit No. WQG01251701, Sewage, **Daniel Marsh**, 9690 Fillinger Road, Cranesville, PA 16410.

This proposed facility is located in Elk Creek 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>
PAD510009	Sugar Mill Development Associates, LP 817 North 3rd Street Philadelphia, PA 19123	Philadelphia	City of Philadelphia	Delaware River WWF-MF
PAI011515017	The Phelps School 583 Sugartown Road Malvern, PA 19355	Chester	Willistown Township	East Branch of Crum Creek HQ-CWF-MF
PAD150029	Edward W. and Lisa Donnon 783 North Reeds Road Downingtown, PA 19335	Chester	West Bradford Township	Unnamed Tributary to Broad Run EV-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450028	E.R. Linde Construction Corp. 9 Collan Park Honesdale, PA 18431	Monroe	Paradise Township	Swiftwater Creek (HQ-CWF, MF)
PAD390032	PPL Electric Utilities Corporation 2 North 9th Street Allentown, PA 18101	Lehigh	Upper Macungie Township	Cedar Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613004(4) Issued	Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608	Lancaster	Mount Joy Township	UNT Donegal Creek (CWF, MF) EV Wetlands

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager; 412-442-4000.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD020003	Pittsburgh Field Club 121 Field Club Road Pittsburgh, PA 15238	Allegheny County	Fox Chapel Borough	Squaw Run (HQ-WWF)

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD630008	Team Rahal of Canonsburg, Inc. 2610 Washington Road Canonsburg, PA 15317	Washington County	North Strabane Township	UNT to Chartiers Creek (HQ-WWF)

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Elk County Conservation District, 850 Washington Street, St. Marys, PA 15857.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD240001	Brockway Area Sewage Authority 501 Main Street Brockway, PA 15824	Elk County	Horton Township	Whetstone Branch

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>
Ridley Township Delaware County	PAC230032	Hampshire Venture Partners, LLC 22 Maple Avenue Morristown, NJ 07960	Ridley Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bethel Township Delaware County	PAC230029	Armando Molina 116 Franklin Street Verona, NJ 07044	Spring Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Frederick Township Montgomery County	PAC460041	Lower Frederick Township P.O. Box 253 Zieglerville, PA 19492	Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<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>
Whitpain Township Montgomery County	PAC460045	Korman Communities 220 West Germantown Pike Suite 250 Plymouth Meeting, PA 19462	Stony Creek and Sawmill Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAC460100	PPL Electric Utilities Corporation Two North Ninth Street GENN 4 Allentown, PA 18101	East Branch Perkiomen Creek Plus Others TSF-MF/WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAC460103	Daniel and Marlene Coachi 209 Stenton Avenue Blue Bell, PA 19422	Unnamed Tributary to Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511405-4	Philadelphia Energy Solutions Refining & Marketing, LLC 3144 West Passyunk Avenue Philadelphia, PA 19145-5299	Lower Tidal Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAC510029	7727 Algon, LLC 6913 Caster Avenue Philadelphia, PA 19149	City of Philadelphia Public Sewer to Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franklin Township Chester County	ESG 00 029 17 0001	Eastern Shore Natural Gas Company 1110 Forrest Avenue Suite 201 Dover, DE 19904-2788	Big Elk Creek/ Christina River/ Chesapeake Bay HQ-EV-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Atglen Borough West Sadsbury Township Chester County	PAG02001516042	Chetty Builders, Inc. 511 School House Road Suite 100 Kennett Square, PA 19348	Officers Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Tredyffrin Township Chester County	PAC150014	IPIX Bay Colony Investors 3535 West Chester Pike Newtown Square, PA 19073-4128	Unnamed Tributary to Trout Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Caln Township Chester County	PAC150025	Robert J. Peppelman 12 Downing Avenue Downingtown, PA 19335	Tributary to Beaver Creek CWF-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>
Borough of Catasauqua Lehigh County	PAC390023	Borough of Catasauqua 116 Bridge Street Catasauqua, PA 18032	Lehigh River (TWF, MF)	Lehigh County Conservation District 610-391-9583
Forty Fort and Wyoming Boroughs Luzerne County	PAC400029	Luzerne County Larry Plesh 65 Reichard Street Wilkes-Barre, PA 18701	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Kingston Township Luzerne County	PAC400011 Joseph Lombardo 16 Broad Street Pittston, PA 18640	UNT to Trout Brook (CWF, MF)	Luzerne Conservation District 570-674-7991
City of Bethlehem Northampton County	PAC480009 John Noble NIP Wilbur, LLC 1800 Old Mill Road Bethlehem, PA 18015	Lehigh River (WWF, MF)	Northampton County Conservation District 610-746-1971

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

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Pennsboro Township Cumberland County	PAC210039 Senate Plaza Bar, LP 415 Fallowfield Road Suite 301 Camp Hill, PA 17011	UNT Susquehanna River (WWF)	Cumberland
Lower Swatara Township Dauphin County	PAC220029 SYB Property Group, LLC 1401 Airport Drive # 200 Middletown, PA 17057	UNT Laurel Run (WWF)	Dauphin
North Lebanon Township Lebanon County	PAC380030 Anthony Skicki & Kelly Grube 2800 Pottsville Pike PO Box 16001 Reading, PA 19612	UNT Little Swatara Creek (WWF/MF)	Lebanon
Union Township Lebanon County	PAC380026 Lamar S. Sensenig 114 Huckleberry Road Jonestown, PA 17038	UNT Swatara Creek, Swatara Creek (WWF)	Lebanon

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.

*Facility Location and
Municipality*

<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Burrell Township	PAC320012 Burrell Township Sewer Authority 49 Willow Street Black Lick, PA 15716	Blacklick Creek (TSF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Black Lick Township	PAC320013 Plum Contracting, Inc. 864 Croft Road Greensburg, PA 15601	UNT to Greys Run (CWF)	Indiana County Conservation District 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Somerset Township	PAC560009 Bergstresser and Brown, LLC 2005 North Center Avenue Somerset, PA 15501	UNT to the East Branch of Coxes Creek (WWF)	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 (814) 445-4652

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

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Jackson Township Butler County	PAC100020 PPDA LP Donald Rodgers 215 Executive Drive Suite 300 Cranberry, PA 16066	UNT to Glade Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

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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>
Jackson Township Butler County	PAC100046	Jackson Township 140 Magil Road Zelienople, PA 16063	UNT to Glade Run and Glade Run	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Penn Township Butler County	PAC100037	Succop Nature Park Audubon Society of Western Pennsylvania 185 West Airport Road Butler, PA 16002	UNT to Thorn Creek CWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Lake City Borough Erie County	PAC250025	Lake City Sewer Authority 2350 Main Street Lake City, PA 16423	Elk Creek WWF, MF	Erie County Conservation District 1927 Wager Road Erie, PA 16509 814-825-6403
Pulaski Township Lawrence County	PAC370012	R.G. Steel Corporation David Price 8301 Mercer Street Pulaski, PA 16143	Buchanan Run WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
City of New Castle Shenango & Taylor Townships Lawrence County	PAC370015	American Transmission System Inc. Kristin Susick 800 Cabin Hill Drive Greensburg, PA 15601	Shenango River WWF, UNT to Shenango River WWF, UNT to Big Run WWF, McKee Run WWF, UNTs to McKee Run WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Foster Township McKean County	PAC420006	Bradford Sanitary Authority 28 Kennedy Street Bradford, PA 16701	Tunungwant WWF	McKean County Conservation District 17137 Route 6 Smethport, PA 16749 814-887-4001
City of Farrell Mercer County	PAC430015	NLMK Pennsylvania Corp 15 Roemer Boulevard Farrell, PA 16121	Shenango River WWF	Mercer County Conservation District 747 Greenville Road Mercer, PA 16137 724-662-2242

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Pittsburgh City Allegheny County	PAR216130	43rd Street Concrete 1 43rd Street Pittsburgh, PA 15201-3109	Allegheny River	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Waynesburg Borough Greene County	PAG036175	FMC Surface Integrated Service Inc. 1100 Evergreene Drive Waynesburg, PA 15370-6008	South Fork Tenmile Creek—19-B	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Springfield Township Erie County	PAG041221	Kevin VanHonk 10853 State Highway 18 Apt 1 Conneaut Lake, PA 16316-3229	Unnamed Stream—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Elk Creek Township Erie County	PAG041220	Daniel Marsh 9690 Fillingier Road Cranesville, PA 16410	Halls Run—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-12

<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>
Montgomery Township Franklin County	PAG123849	Herbruck Poultry Ranch Inc. 6425 West Grand River Ave Saranac, MI 48881	Watershed 13-C	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Fannett Township Franklin County	PAG123848	Drew Johnson Farm 20522 Hammond Road Spring Run, PA 17262	Watershed 13-C	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Meadow Lane Dairy LLC Geoffrey Rohrer 3392 Blue Rock Rd. Lancaster, PA 17603	Lancaster	934.2	1,147.8	Dairy/Broiler	NA	A

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Daniel & Dwight Forry 1015 Prospect Rd. Columbia, PA 17512	Lancaster	348.5	661.39	Swine/ Dairy/Sheep	NA	A
Chick Valley Farm Joel Frey 1170 Breneman Rd Conestoga, PA 17516	Lancaster	74	204.66	Pullets	NA	A
Ridge View Farms David Sweigart 189 Ridge View Rd. South Elizabethtown, PA 17022	Lancaster	419.4	1,820.34	Dairy/Swine	NA	A
J. Kevin Rohrer 2115 Rohrer Rd. Manheim, PA 17545	Lancaster	265	999.06	Swine & Beef	NA	A
Jay Deiter 2040 River Rd Bainbridge, PA 17502	Lancaster	223	593.5	Swine/Beef	NA	A
Star Rock Dairy Robert Barley 175 Chestnut Grove Rd Conestoga, PA 17516	Lancaster	311	2,331.1	Dairy	NA	A
Keister Family Farms, LLC 105 Keister Farm Lane Middleburg, PA 17842	Snyder	116.63	442.01	25,000 Turkeys 8 Steers 1 Pony 1 Donkey	NA	Approved
Creek Bottom Farms Michael Snook 1510 White Church Rd. Middleburg, PA 17842	Snyder	303.5	590.69	3,000 Fin. Swine 220 Heifers 105 Calves 4 Bulls	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit # 1517512 issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033, [(PWSID)] West Caln Township, **Chester County** on August 3, 2017 for the operation of Additional Sodium Hypochlorite Feed Pump at the Route 340 Booster Station facilities approved under construction permit # 1517512.

Operations Permit # 4616511 issued to: **Merck Sharp & Dohme Corp**, P.O. Box 4, WP 20-205, West Point, PA 19486, [(PWSID)] Upper Gwynedd Township, **Montgomery County** on August 1, 2017 for the operation of Merck 2.8 MG Finished Water Storage Tank Repainting after repainting and rehabilitation approved under construction permit # 4616511.

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

Permit No. 2400423, Operations Permit, Public Water Supply.

Applicant **Misericordia University
Facilities Department**
301 Lake Street
Dallas, PA 18612

[Borough or Township] Dallas Township

County **Luzerne**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued 7/19/2017

Permit No. 4017502, Public Water Supply.

Applicant **3 Springs Water Company, Inc.**
1800 Pine Run Road
Laurel Run, PA 18702

[Borough or Township] Laurel Run Borough

County **Luzerne**

Type of Facility BVRB

Consulting Engineer Mr Thomas Pullar PE
Earthres Group Inc
PO Box 468
Pipersville, PA 18947

Permit to Construct Issued 7/25/2017

Permit No. 6617502, Public Water Supply.

Applicant **Mehoopany Township
Municipal Authority**
P.O. Box 61
Mehoopany, PA 18629

[Borough or Township] Mehoopany Township

County **Wyoming**

Type of Facility PWS

Consulting Engineer Ms Michele A Auckerman PE
Uni-Tec Consulting Engineers
Inc
2007 Cato Ave
State College, PA 16801

Permit to Construct Issued 7/18/2017

Permit No. 2359014, Operation Permit, Public Water Supply.

Applicant **Pennsylvania-American
Water Company**
(Forest City Water System)
800 West Hershey Park Drive
Hershey, PA 17033

Municipality Forest City Borough

County **Susquehanna**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued July 31, 2017

Permit No. 2450034, Operation Permit, Public Water Supply.

Applicant **Brodhead Creek Regional
Authority**
410 Mill Creek Road
East Stroudsburg, PA 18301

Municipality Smithfield and Stroud Townships

County **Monroe**

Type of Facility PWS

Consulting Engineer Russell D. Scott IV, P.E.
RKR Hess, A Division of UTRS,
Inc.
112 North Courtland Street
East Stroudsburg, PA 18301

Permit to Operate Issued August 7, 2017

Permit No. 5217505, Public Water Supply.

Applicant **Pennsylvania American
Water Company**
(All Seasons Water System)
800 West Hershey Park Drive
Hershey, PA 17033

Municipality Delaware Township

County **Pike**

Type of Facility PWS

Consulting Engineer Peter J. Keenan, P.E.
American Water Service
Company
1025 Laurel Oak Road
Voorhees, NJ 08043

Permit to Construct Issued August 7, 2017

Permit No. 2450093, Transfer of Operation Permit, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Attention: Anthony Fernandes,
P.E.
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Municipality Polk Township

County **Monroe**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued 07/31/2017

Permit No. 2640042, Transfer of Operation Permit, Public Water Supply.

Applicant **Bissett Holdings, Inc.**
Attention: James Bissett
510 Barley Lane
Patchogue NY 11772

Municipality Texas Township

County **Wayne**

Type of Facility PWS

Consulting Engineer N/A

Permit to Operate Issued 07/31/2017

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

Permit No. 2217503, Public Water Supply.

Applicant **Capital Region Water**
Municipality City of Harrisburg & Susquehanna Township
County **Dauphin**
Responsible Official Michael McFadden, Water System Superintendent
100 Pine Drive
Harrisburg, PA 17101
Type of Facility Replacement of the existing tube settlers, effluent troughs and slide gates with packaged plate settlers in the sedimentation basins; along with the installation of a chlorine gas scrubber system and the removal of the existing chlorine dioxide equipment and an ammonia storage tank.
Consulting Engineer Michael J. Mehaffey, P.E.
Gannett Fleming, Inc.
PO Box 67100
Harrisburg, PA 17106-7100
Permit to Construct Issued 7/25/2017

Permit No. 2217507 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania-American Water Company**
Municipality Londonderry Township
County **Dauphin**
Responsible Official David R. Kauffman,
Vice-President - Engineering
800 West Hershey Park Drive
Hershey, PA 17033
Type of Facility Demolition of the Meyer's and Londonderry storage tanks.
Consulting Engineer Bruce A. Brubaker, P.E.
Pennsylvania-American Water Company
852 Wesley Drive
Mechanicsburg, PA 17055
Permit to Construct Issued 8/2/2017

Permit No. 3817504 MA, Minor Amendment, Public Water Supply.

Applicant **City of Lebanon Authority**
Municipality Swatara Township
County **Lebanon**
Responsible Official Jonathan R. Beers, Executive Director
2311 Ridgeview Road
Lebanon, PA 17042
Type of Facility Repainting of Clarifier Nos. 3 & 4.

Consulting Engineer Jonathan R.. Beers PE
City of Lebanon Authority
2311 Ridgeview Road
Lebanon, PA 17042
Permit to Construct Issued 7/25/2017

Permit No. 3617511 MA, Minor Amendment, Public Water Supply.

Applicant **Charles N Groff**
Municipality Mount Joy Township
County **Lancaster**
Responsible Official Charles N. Groff, Owner
650 Pinkerton Road
Mount Joy, PA 17552
Type of Facility Installation of facilities for providing 4-log treatment of viruses.
Consulting Engineer Charles A. Kehew II, P.E.
James R. Holley & Associates, Inc.
18 South George Street
York, PA 17401
Permit to Construct Issued 7/25/2017

Comprehensive Operation Permit No. 7010023 issued to: **New Oxford MHC, LLC (PWS ID No. 7010023)**, Mt. Pleasant Township, **Adams County** on 7/19/2017 for the operation of facilities at New Oxford Manor MHP approved under Construction Permit No. 0116504.

Comprehensive Operation Permit No. 7010022 issued to: **Littlestown Borough Authority (PWS ID No. 7010022)**, Littlestown Borough, **Adams County** on 7/19/2017 for the operation of facilities approved under Construction Permit No. 0116501 MA.

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

Permit Nos. 1416505—Construction—Public Water Supply.

Applicant **Spring Township Water Authority**
Township/Borough Spring Township
County **Centre**
Responsible Official Doug Weikel
1309 Blanchard Street
Bellefonte, PA 16823-8625
Type of Facility Public Water Supply
Consulting Engineer Andrew H. Johnson P.E.
Gwin, Dobson & Foreman
3121 Fairway Dr.
Altoona, PA 16602
Permit Issued August 4, 2017
Description of Action Authorizes development of PW-2 (formerly Cerro Well) as an additional source of supply, including gas chlorine disinfection and 4-log inactivation of viruses.

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

Operations Permit issued to: **Borough of Sewickley Water Authority**, 601 Thorn Street, Sewickley, PA 15143, (PWSID # 5020050) Sewickley Heights Borough, **Allegheny County** on August 1, 2017 for the operation of facilities approved under Construction Permit # 0213510MA.

Operations Permit issued to: **Borough of Sewickley Water Authority**, 601 Thorn Street, Sewickley, PA 15143, (PWSID # 5020050) Sewickley Heights Borough, **Allegheny County** on August 1, 2017 for the operation of facilities approved under Construction Permit # 0213511MA.

Operations Permit issued to: **Borough of Sewickley Water Authority**, 601 Thorn Street, Sewickley, PA 15143, (PWSID # 5020050) Sewickley Heights Borough, **Allegheny County** on August 1, 2017 for the operation of facilities approved under Construction Permit # 0213509MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID # 5300017) Wayne Township, **Greene County** on August 1, 2017 for the operation of facilities approved under Construction Permit # 3014517MA.

Operations Permit issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, Jefferson, PA 15344, (PWSID # 5300017) Center Township, **Greene County** on August 1, 2017 for the operation of facilities approved under Construction Permit # 3017501.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID # 5260036) Hempfield Township, **Westmoreland County** on August 2, 2017 for the operation of facilities approved under Construction Permit # 2611501.

Operations Permit issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID # 5260036) South Huntingdon Township, **Westmoreland County** on August 3, 2017 for the operation of facilities approved under Construction Permit # 2617516MA.

Operations Permit issued to: **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001, (PWSID # 5040007) Potter Township, **Beaver County** on August 3, 2017 for the operation of facilities approved under Construction Permit # 0415501-A1.

Permit No. 0217515MA, Minor Amendment. Public Water Supply.

Applicant	Wilkesburg-Penn Joint Water Authority 2200 Robinson Boulevard Pittsburgh, PA 15221
[Borough or Township]	Penn Hills Township
County	Allegheny
Type of Facility	Long Vue water storage tank
Consulting Engineer	Chester Engineers 501 McKean Avenue Third Floor Charleroi, PA 15022
Permit to Construct Issued	August 1, 2017

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

Operation Permit issued to **Pennsylvania American Water Company**, PWSID No. 5100012, Summit Township, **Butler County**. Permit Number 1069502-T1-MA11-Interim 1 issued August 2, 2017 for the interim operation of service to Summit Elementary School.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.

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

WA63-673, Water Allocations. **Marianna Borough Water Works**, PO Box 368, Marianna, PA 15345, Marianna Borough, **Washington County**. Rescission of the water allocation permit for the right to withdraw 425,000 gallons of water from the North Branch Tenmile Creek.

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:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Northeast Building Products Corporation, 327 East Chew Avenue, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 1 Bacton Hill Road, North Building, Suite 107, Frazer, PA 19355 on behalf of Alan Levin, Northeast Building Products, 4280 Aramingo Avenue, Philadelphia, PA 19124 submitted a Background Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standard.

Brewerytown Apartments, LLC, 31st and Master Street, City of Philadelphia, **Philadelphia County**. James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Dana Spain, Brewerytown Apartments, LLC, 1311 South Juniper Street, Philadelphia, PA 19147 submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with tetrachloroethylene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

844 North Keim Street, 844 North Keim Street, Lower Pottstown Township, **Montgomery County**. David B. Farrington, Brickhouse Environmental, 551 South Franklin Street, West Chester, PA 19382 on behalf of Keith Montone, Foundation for Catholic Education, 1373 Enterprise Drive, West Chester, PA 19380 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.

600 Nutt Road Site, 600 Nutt Road, Phoenixville Borough, **Chester County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Alex DeSimone, Phoenixville Enterprise, LLC f/k/a Phoenixville Investors, LP, 14 Balligomingo Road, Conshohocken, PA 19428 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.

1801-1807 North 19th Street & 1857 West Montgomery Avenue, 1801-1807 North 19th Street & 1857 West Montgomery Avenue, City of Philadelphia, **Philadelphia County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Frank Monogha, Habitat for Humanity Philadelphia, 1829 North 19th Street, Philadelphia, PA 19121 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with volatile organic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Sunoco Darby Creek Tank Farm, Calcon Hook Road, Darby Township, **Delaware County**. Michael V. Malone, Stantec Consulting Services, Inc., 1060 Andrew Drive, Suite 140, West Chester, PA 19380 on behalf of Fiona Livingston Sr., Philadelphia Refinery Operations a series of Evergreen Resources Group. LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 submitted a Risk Assessment/Final Report concerning remediation of site soil contaminated with crude oil, arsenic, antimony, cadmium, chromium, cobalt, lead, manganese and vana-

dium. The report is intended to document remediation of the site to meet the Site-Specific Standard.

McHugh Residence, 226 Tinicum Church Road, Tinicum Township, **Bucks County**. Greg Van Hook, INTEX Environmental Group, Inc., 6907A Easton Road, Pipersville, PA 18947 on behalf of Michael J. McHugh, 226 Upper Tinicum Church Road, Upper Black Eddy, PA 18972 submitted a Final Report concerning remediation of site soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Pier 60, 1499, 1505 & 1533 Christopher Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Tina Roberts, Sugarmill Development Associates, LP, 817 North 3rd Street, Philadelphia, PA 19123 submitted a Final Report concerning remediation of site soil and groundwater contaminated with heavy metals and naphthalene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Jakes Fireworks, 1901 Chichester Avenue, Upper Chichester Township, **Delaware County**. Joseph Diamadi, Jr. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426 on behalf of Eric Easter, Jake's Fireworks, 1500 East 27th Terrace, Pittsburg, KS 66762 submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sarver Residence, 96 Village Lane, Falls Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Rick Sheets, State Farm Insurance Company, PA Fire Claims, P.O. Box 106169, Atlanta, GA 30348-6169, submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Sunoco Inc. (R&M) Philadelphia Refinery AO1-2, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Charles Barksdale Jr., Philadelphia Energy Solution Refining and Marketing, LLC, 3144 Passyunk Avenue, Philadelphia, PA 19145, on behalf of Tiffanie Doerr, Evergreen Resources Management Operations, 2 Right Parkway, Suite 200 Wilmington, DE 19803 submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with lead and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Former Bridges Market, 582 Route 183, Wayne Township, **Schuylkill County**. United Environmental Services Inc., P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of Mr. Herman Clauser, 105 Schuylkill Mountain Road, Schuylkill Haven, PA 17972, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Naphthalene, Ethylbenzene, and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Former Mack Truck Assembly Plant 5A, South 12th Street, City of Allentown, **Lehigh County**. Brinkerhoff Environmental Services Inc., 1805 Atlantic Avenue,

Manasquan, NJ 08736, on behalf of Volvo Group North America, 7900 National Service Road, Greensboro, NC 27409, submitted a Site-Specific Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated due to historic use at the site. The predominant metal contaminants identified are lead and arsenic. 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.

Former Quaker Oats Facility, 485 Saint John's Church Road, Shiremanstown, PA 17011, Hampden Township, **Cumberland County**. HRG, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of QB Limited Partnership, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and inorganics. The Final Report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site-Specific Standards.

Rebecca Kichman Property, 1900 Lower Bailey Road, Newport, PA 17074, Miller Township, **Perry County**. Environmental Products & Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Rebecca Kichman, 1900 Lower Bailey Drive, Newport, PA 17074, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to

achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.

Rohm and Haas Chemicals, LLC Philadelphia Plant, 500 Richmond Street, City of Philadelphia, **Philadelphia County**. Robert M. Byer, AECOM, 625 West Ridge Pike, Suite E-100, Conshohocken, PA 19428 on behalf of Carl Coker, The Dow Chemical Company, 310 George Patterson Boulevard, Suite 100, Bristol, PA 19007 submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Report was disapproved by the Department on July 28, 2017.

Coatesville Gateway Redevelopment, 107-117, 119, 123, 127 and 131 East Lincoln Highway and 105-107 East Diamond Street, City of Coatesville, **Chester County**. James Connor, P. G., Compliance Management International, 1350 Welsh Road, Suite 200, North Wales, PA 19454 on behalf of James Depetries, DEPG Coatesville Associates, L.P., Plymouth Woods Office Center, 521 Plymouth Road, Suite 118, Plymouth Meeting, PA 19462 submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with VOCs, SVOCs, and metals. The Report was approved by the Department on July 12, 2017.

Broad Street Property Holdings, L.P., 1300 Fairmount Avenue, City of Philadelphia, **Philadelphia County**. Peter Morris, The Vertex Companies, Inc., 20 Gibson Place, Freehold, NJ 07728 on behalf of Spencer Levine, Broad Street Property Holdings, L.P., 434 Broadway, 5th Floor, New York, NY 10013 submitted a Final Report concerning the remediation of site soil contaminated with gasoline. The Report was approved by the Department on July 19, 2017.

Philadelphia Hosing Authority-Norman Blumberg Apartments, 2311 West Jefferson Street, City of Philadelphia, Philadelphia, **Philadelphia County**. Laura Eosso, REPGS, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Thomas Kuhar, Philadelphia Housing Authority, 3100 Penrose Ferry Road, Philadelphia, PA 19145 submitted a Final Report concerning the remediation of site soil contaminated with heating oil compounds and benzo(a)pyrene. The Report was approved by the Department on July 24, 2017.

Flint Property, 730 Wheatland Street, Borough of Phoenixville, **Chester County**. Alexander Ulmer, Barry & Associates, 1003 Egypt Road, Phoenixville, PA 19460 on behalf of Steve Kambic, Petra Community Housing, 201 Main Street, Spring City, PA 19475 submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with other organics. The Report was approved by the Department on July 24, 2017.

Easton Road Site, 5707 Easton Road, Plumstead Township, **Bucks County**. Randy Shick Sr., BL Companies, 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011 on behalf of Larry Harder, DCTN3, 448 Plumsteadville, PA LLC, 24 Market Street, Ridgefield, PA 06877 submitted a Final Report concerning the remediation of site soil contaminated with no. 2 heating oil. The Report was approved by the Department on July 10, 2017.

Northeast Region: Eric Supey, Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Donaldson Residence, 1897 Meadows Road, Lower Saucon Township, **Northampton County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of Laurena, LLC, 4440 Pond View Court, Bethlehem, PA 18020, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and MTBE. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 14, 2017.

325 Realty Property, Rear 258 Race Street, aka 325 Union Street, Catasauqua Borough, **Lehigh County**. J. Rockwood & Associates, Inc., Post Office Box 1006, Easton, PA 18044, on behalf of 325 Realty, LLC, 700 Savage Road, Suite 7, Northampton, PA 18067, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and tert-Butyl-Methyl-Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 12, 2017.

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

First Stop Shop, 1818 Union Avenue, Altoona, PA 16602, Altoona City, **Blair County**. Keystone Environmental Health and Safety, 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648, on behalf of First Stop Shop, 1815 Union Avenue, Altoona, PA 06602, submitted a Final Report concerning remediation of site groundwater contaminated with VOCs, chlorinated solvents and PAHs. The Final Report demonstrated attainment of the Non-Residential Statewide Health Standard, and was approved by the Department on July 27, 2017.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Marathon New Castle Site (MPC No. 3670), 718 East Washington Street, City of New Castle, **Lawrence County**. ARCADIS U.S., Inc., 6041 Wallace Road Extension, Suite 300, Wexford, PA 15090, on behalf of Marathon Petroleum Company, LP, 539 South Main Street, Findlay, OH 45840, submitted a Risk Assessment Report concerning the remediation of site soils and site groundwater contaminated with benzene, toluene, ethylbenzene, xylenes, cumene, naphthalene, 1-methylnaphthalene,

2-methylnaphthalene, 1,2,4-trimethylbenzene (TMB), 1,3,5-TMB, 1,2-dibromoethane, 1,2-dichloroethane, anthracene, acenaphthene, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, acenaphthylene, fluoranthene, fluorene, phenanthrene, pyrene, and lead. The Report was approved by the Department on August 3, 2017.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

First Piedmont Hauling, Inc., PO Box 1069, Chatham, VA 24531. License No. PA-AH S212. Effective Aug 07, 2017.

Renewal Applications Received

First Piedmont Hauling, Inc., PO Box 1069, Chatham, VA 24531. License No. PA-AH S212. Effective Aug 03, 2017.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

Bio-Haz Solutions, Inc., 23 Tonoli Rd, Nesquehoning, PA 18240. License No. PA-HC 0191. Effective Aug 07, 2017.

Renewal Applications Received

Bio-Haz Solutions, Inc., 23 Tonoli Rd, Nesquehoning, PA 18240. License No. PA-HC 0191. Effective Aug 07, 2017.

RESIDUAL WASTE GENERAL PERMITS

Permit(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 Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Application No. WMGR028-NE002. Leeward Asphalt, LLC, 9 Collan Park, Honesdale, PA 18431. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Leeward Asphalt Plant located in

Palmyra Township, **Wayne County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE003. H&K Group, Inc., 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Pikes Creek Asphalt Plant located in Lehman Township, **Luzerne County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE003A. H&K Group, Inc., 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Locust Ridge Quarry/Asphalt Plant located in Tobyhanna Township, **Monroe County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE003B. H&K Group, Inc., 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the A.B.E Materials (Easton) Plant located in Lower Mount Bethel Township, **Northampton County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE003C. H&K Group, Inc., 2052 Lucon Road, P.O. Box 196, Skippack, PA 19474. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Dunmore Materials Asphalt Plant located in Dunmore Borough, **Lackawanna County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE004. Wayco, Inc., 198 O'Connell Road, Waymart, PA 18472. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Wayco, Inc. Asphalt Plant located in Palmyra Township, **Wayne County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE009B. Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Lake Ariel Hot-Mix Asphalt Plant located in Lake Township, **Wayne County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE009A. Hanson Aggregates Pennsylvania LLC, 7660 Imperial Way, Allentown, PA 18195. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Stroudsburg Hot-Mix Asphalt Plant located in Hamilton Township, **Monroe County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE005. Eureka Stone Quarry, Inc., P.O. Box 249, Lower State Road and Pickertown Road, Chalfont, PA 18914. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Milford Asphalt Plant located in Dingman Township, **Pike County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE006. Poppel Construction, Inc., 215 E. Saylor Avenue, Laflin, PA 18702. A permit renewal for continued coverage

under General Permit WMGR028 for the beneficial use of baghouse fines from the Valley Asphalt Plant located in Plains Township, **Luzerne County**. The renewal was approved by the Regional Office on August 1, 2017.

General Permit Application No. WMGR028-NE007. Eureka Stone Quarry, Inc., P.O. Box 249, Lower State Road and Pickertown Road, Chalfont, PA 18914. A permit renewal for continued coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Hamilton Township Asphalt Plant located in Hamilton Township, **Monroe County**. The renewal was approved by the Regional Office on August 1, 2017.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

General Permit No. WMGR028SE006. H & K Group Inc, 394 South Sanatoga Road, Pottstown, PA 19464. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE006 for the beneficial use of hot-mix asphalt plant baghouse fines at the Sanatoga Blacktop Facility located at 394 Sanatoga Road in Lower Pottsgrove Township, **Montgomery County**. The application for determination of applicability was issued by the Southeast Regional Office on August 1, 2017.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

General Permit No. WMGR028SE007. H & K Group Inc, 300 Skunk Hollow Road, Chalfont, PA 18914. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE007 for the beneficial use of hot-mix asphalt plant baghouse fines at the H&K Materials Asphalt Plant located at 300 Skunk Hollow Road in Hilltown Township, **Bucks County**. The application for determination of applicability was issued by the Southeast Regional Office on August 1, 2017.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection ("DEP") Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

General Permit No. WMGR028SE005. Hanson Aggregates Pennsylvania, LLC, 533 Forge Road, Glen Mills, PA 19342. This application is for the determination

of applicability (DOA) under General Permit No. WMGR028SE005 for the beneficial use of hot-mix asphalt plant baghouse fines at the Glen Mills Hot-Mix Asphalt Plant located at 533 Forge Road in Middletown Township, **Bucks County**. The application for determination of applicability was issued by the Southeast Regional Office on August 1, 2017.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

General Permit No. WMGR028SE002A. Naceville Materials JV, 887 Mill Creek Road, Rushland Pennsylvania 18956-0461. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE002A for the beneficial use of hot-mix asphalt plant baghouse fines at the Naceville Materials Rushland Quarry Plant located at 887 Mill Creek Road in Wrightstown Township, **Bucks County**. The application for determination of applicability was issued by the Southeast Regional Office on August 1, 2017.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

General Permit No. WMGR028SE001C. Allan Myers L.P., 460 Indian Creek Road, Coatesville, PA 19320-4294. This application is for the determination of applicability (DOA) under General Permit No. WMGR028SE001C for the beneficial use of hot-mix asphalt plant baghouse fines at the Harleysville Asphalt Plant located at 460 Indian Creek Road in Lower Salford Township, **Montgomery County**. The application for determination of applicability was issued by the Southeast Regional Office on August 1, 2017.

Persons interested in reviewing the general permit may contact the Pennsylvania Department of Environmental Protection (“DEP”) Waste Management Program Manager, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401-4915, or by telephone at 484.250.5960. TDD users may contact the DEP through the Pennsylvania AT&T Relay Service, (800) 654.5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Northwest Region: Christina S. Wilhelm, Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No.301368. Carlton Residual Waste Transfer Station, 1369 Cochranon Road, Carlton, PA 16311; French Creek Township; **Mercer County**. A new residual waste transfer station permit was issued to Range Resources—Appalachia, LLC on July 12, 2017. The permit is intended to facilitate the collection and transportation of Oil and Gas production waste from Range Resources many well locations in the area. A

capacity of 17,000 gallons per day as an average daily volume and maximum daily volume of 53,000 gallons per day was included in the permit. The maximum daily weight of oily solid wastes to be received is 10 tons. The maximum daily weight of batteries to be received is 500 pounds. Range Resources plans to operate the facility between 8 am and 4 pm Monday through Friday, but has requested to be able to operate 24 hours per day and 7 days a week if needed.

The application was submitted to the Department on August 28, 2015 and accepted as complete on December 15, 2015 when the Local Municipal Involvement Process meeting was conducted. The Environmental Assessment Report for the project was completed in January 2017.

Permit Application No.300995. Sonneborn Petrolia Landfill, 100 Sonneborn Lane, Petrolia, PA 16050; Fairview Township; **Butler County**. A permit re-issuance was approved for this landfill on July 11, 2017. The re-issuance was required based on the company’s official name change from Sonneborn, Inc. to Sonneborn, LLC. The terms and conditions of the permit remain the same as the previous permit. The expiration date is still set for April 30, 2018. The application was submitted and accepted as complete by the Northwest Regional Office on January 3, 2017.

Permit Application No.300013. Carbon Graphite Group Landfill, East Eschbach Road, City of Saint Marys, PA 15857; **Elk County**. On July 12, 2017 The Department issued a Final Closure Certification for the Carbon Graphite Group Landfill to Montage Partners II, LLC. Disposal of waste at this landfill ceased in the mid-1990s. The property went through a bankruptcy and was purchased by Montage Partners II, LLC. On January 15, 2016 Montage Partners II, LLC submitted a request for the Final Closure Certification under 25 Pa. Code § 287.342.

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: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

GP5-58-033A: SWN Production Company LLC (PO Box 12359, Spring, TX 77391-2359) on August 1, 2017 for the modification and operation of a compressor engine and dehy/reboilers at the Katie Compressor Station site located in Rush Twp., **Susquehanna County**.

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

Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648.

GP3-41-733B: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on July 14, 2017, 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**.

GP3-08-331C: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on July 11, 2017, 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 Wysox quarry in Townada Township, **Bradford County**.

GP9-08-331C: FS Lopke Contracting, Inc. (3430 State Route 434, Apalachin, NY 13732-1232) on July 11, 2017, to operate two (2) diesel engines to power a portable mineral processing 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 Wysox Quarry located in Towanda Township, **Bradford County**.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

GP4-63-00964A: Washington Rotating Control Heads Inc. (63 Springfield Ave, Washington, PA 15301) on August 4, 2017, to allow the continued operation of a burn off oven at Washington Rotating's facility in Washington Township, **Washington County**.

GP5-03-00267A: Snyder Brothers, Inc. (90 Glade Drive, Kittanning, PA 16201) on August 3, 2017, to allow the installation and operation of four (4) 1,380 bhp and four (4) 2,370 bhp natural gas-fired compressor engines equipped with oxidation catalysts, two (2) tri-ethylene glycol dehydrators equipped with natural gas-fired 1.5 MMBtu/hr reboilers, eight (8) 4,200 gallon produced fluids tanks, sixteen (16) 500 gallon engine lube oil tanks, and eight (8) 275 gallon compressor lube oil tanks at the Ensign Compressor Station located in South Buffalo Township, **Armstrong County**. Additional sources include pigging operations and fugitive emissions.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

36-05015H: Dart Container Corporation of PA (60 East Main Street, Leola, PA 17540) on July 17, 2017, for the construction of new extrusion and thermoforming lines and construction of new equipment for the recycling of consumer EPS scrap at the facility located in Upper Leacock Township, **Lancaster County**.

06-05002O: Lehigh Cement Company, LLC (537 Evansville Road, Fleetwood, PA 19522-8541) on August 1, 2017, for the replacement of the existing fuel burner pipes at their facility in Maiden creek Township, **Berks County**. Plan Approval No. 06-05002O is for the replacement of the existing fuel burner pipes in each of the two (2) long, dry Portland cement kilns (Source IDs 121 & 122) with a consolidated multi-fuel burner pipe system.

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

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

18-00030C: First Quality Tissue, LLC (904 Woods Avenue, Castanea Township, PA 17745-3348) on July 27, 2017 for the construction of a paper towel and tissue machine and a 68 million Btu per hour, natural gas-fired boiler at their facility located in Castanea Township, **Clinton 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.

09-0142D: ML 35 LLC (35 Runway Drive, Levittown, PA 19057-4700) On August 4, 2017 for an extension of a plan approval to re-designate all engines as non-emergency engines, to revise the applicable Federal requirements to apply to non-emergency engines, and to retrofit engines for oxidation catalysts and crankcase emission controls in Bristol Township, **Bucks County**.

09-0024J: Waste Management of PA Inc. (1000 New Ford Mill Road, Morrisville, PA 19067-6702) On August 4, 2017 for an extension for constructing with interim and permanent landfill gas collection and treatment systems for the sale and onsite use in Tullytown Borough, **Bucks County**.

NOSCO ODSC, Inc. (1504 Grundy Lane, Units 4—8, Bristol, PA 19007-1521) On July 31, 2017 for an extension to install of a 7-color HP Indigo 30000 digital printing press in Bristol 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.

36-03137B: New Enterprise Stone & Lime Co., Inc. (PO Box 550, Blue Ball, PA 17506-0550) on August 1, 2017, for the modification of the existing tertiary plant which entails relocation of the operation to a lower level of the quarry while reusing the existing tertiary crusher, one new screen, one existing screen, two (2) new conveyors, eleven (11) "like-for-like" conveyors, one (1) new bin, one (1) washed sand screw, one (1) new 40,000 cfm baghouse and wet suppression system to control the particulate emissions. The modified tertiary source will be located at the Burkholder Quarry in Earl Township, **Lancaster County**. The plan approval was extended.

36-03199A: Doodad Printing LLC (72 Industrial Circle, Lancaster, PA 17601) on August 1, 2017, for construction of a printing operation at a new facility to be located in East Lampeter Township, **Lancaster County**. The operation will consist of four heatset presses controlled by a regenerative thermal oxidizer, one coldest press, and parts washers. The plan approval was extended.

06-05154A: Birdsboro Power LLC (1 Armorcast Road, Birdsboro, PA 19508) on August 1, 2017, for the construction of a natural gas-fired combined cycle electric generation facility located in Birdsboro Borough, **Berks County**. The facility is designed to generate up to 450 MW nominal using a combustion turbine generator and a heat recovery steam generator that will provide steam to drive a steam turbine generator. The heat recovery steam generator will be equipped with a natural gas-fired duct burner to supplement power output. The turbine is rated at 2,944 MMBtu/hr and the duct burner is rated at 500 MMBtu/hr. A selective catalytic reduction (SCR) system and oxidation catalyst in series will control NO_x, CO and VOC. The proposed project will also include a diesel emergency generator, a diesel emergency fire pump and an evaporative cooling tower. The plan approval was extended.

06-05069Z: East Penn Manufacturing Co., Inc. (PO Box 147, Lyon Station, PA 19536) on August 2, 2017, for the installation in the Industrial Building of six formation (battery charging) systems controlled by mist eliminators and the installation of four battery finishing lines, to support battery production in the A-3 Building, at the lead-acid battery manufacturing facility in Richmond Township, **Berks County**. The plan approval was extended.

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

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

08-00049B: Alpaca Energy, LLC (North Shore Place I, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) on July 24, 2017, to extend the plan approval expiration date to February 11, 2018, to allow continued operation of three natural gas-fired reciprocating engines at their electric generating facility in Canton Township, **Bradford County**.

08-00047B: Milan Energy, LLC (North Shore Place I, 358 North Shore Drive, Suite 201, Pittsburgh, PA 15212) on July 24, 2017, to extend the plan approval expiration date to February 3, 2018, to allow continued operation of three natural gas-fired reciprocating engines at their electric generating facility in Smithfield Township, **Bradford County**.

41-00084A: Panda Patriot, LLC (50 Patriot Lane, Montgomery, PA 17752) on July 31, 2017, to extend the authorization for the construction of the natural gas-fired power plant at their Panda Patriot Generation Plant facility located in Clinton Township, **Lycoming County** to January 31, 2018. The plan approval has been extended.

41-00084B: Panda Patriot, LLC (50 Patriot Lane, Montgomery, PA 17752) on July 31, 2017, to extend the authorization for the construction of the natural gas-fired power plant at their Panda Patriot Generation Plant facility located in Clinton Township, **Lycoming County** to January 31, 2018. The plan approval has been extended.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

65-00990D: Tenaska Pennsylvania Partners, LLC (14302 FNB Parkway, Omaha, NE 68154) on August 8, 2017, for the transfer and use of the remainder of the required NO_x and VOC emission reduction credits at the

Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**.

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

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

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

46-00221: Upper Moreland—Hatboro Joint Sewer Authority, (2875 Terwood Road, Willow Grove, PA 19090) on August 1, 2017 for issuance of an initial Title V Operating Permit to operate a sewage sludge incinerator, subject to 40 CFR Part 62 Subpart LLL. This facility is located in Upper Moreland Township, **Montgomery County**.

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

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

08-00002: E.I. DuPont de Nemours and Company (192 Patterson Blvd., Towanda, PA 18848) on July 31, 2017, for renewal of the Title V operating permit for their Towanda Plant located in North Towanda Township, **Bradford County**. The facility's sources include four (4) natural gas-fired boilers, seven (7) surface coating operations, three (3) fire pumps, one (1) thermal fluid heater and one (1) parts washer. The Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

46-00267: GlaxoSmithKline, LLC (1000 Black Rock Road, Collegeville, PA 19426) July 27, 2017 for renewal of the State Only Operating Permit for eight generator engines at its Data Centre located in Upper Providence Township, **Montgomery County**.

46-00014: Knoll, Inc. (1235 Water Street, East Greenville, PA 18041), On August 3 2017, for the issuance of an initial Synthetic Minor Operating Permit to replace the Title V Operating Permit. This facility is located in Upper Hanover Township, **Montgomery County**.

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

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

36-03160: GSM Industrial, Inc. (3249 Hempland Road, Lancaster, PA 17601-6913) on August 1, 2017, for the fabricated structural metal manufacturing facility located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

36-03042: H & K Group, Inc. (2052 Lucon Road, Skippack, PA 19474) on July 31, 2017, for the stone

crushing plant at the Rock Springs Quarry located in Fulton Township, **Lancaster 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.

14-00026: Novolex-Hilex Poly Co., LLC (PO Box 258, Milesburg, PA 16853), on July 21, 2017, for their Milesburg facility located in Boggs Township, **Centre County**. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping, reporting, and work practice conditions to assure compliance with the applicable requirements have been included in the renewal NMOP 14-00026.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

10-00335: Penn United Technologies Inc., Carbide Division (196 Alwine Road, Saxonburg, PA 16056), on July 25, 2017, the Department issued the renewal of the Synthetic Minor Permit of a facility, located in Jefferson Township, **Butler County**, that manufactures cemented tungsten carbide-based and silicon carbide-based materials. To be Synthetic Minor, the facility has an elective restriction to maintain its VOC emissions below 46 TPY, which is achieved through collection and recovery of heptane emitted from the tungsten carbide process and other VOC emission reduction efforts. In this renewal, two emergency generators are incorporated into the operating permit with one subject to 40 CFR 63 Subpart ZZZZ, which pertains to National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, and the other to 40 CFR 60 Subpart JJJJ, which pertains to New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines.

24-00160: North Star Aggregates, Inc., (PO Box R, Ridgway, PA 15853). On August 3, 2017, the Department issued the renewal of the State Only Operating Permit for the Oyster Run Mine located in Horton Township, **Elk County**. The facility is a Natural Minor. Estimated annual emissions are as follows: 3.5 tpy PM_{10} ; 12.02 tpy $NMHC+NO_x$; 2.26 tpy CO; & 0.49 tpy SO_x . The primary sources at the facility are sandstone processing plants, sandstone stockpiles, and associated diesel engines to power the processing plants. The facility is subject to the following Federal regulations: 40 CFR Part 60 Subpart OOO, NSPS for Non-metallic Mineral Processing Plants; 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary RICE; and Part 60 Subpart IIII, NSPS for Stationary CI ICE. The permit includes requirements from the previously issued plan approvals and operating permits and contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00045: Saint Vincent Health Center (232 West 25th Street, Erie, PA 16544). On August 3, 2017, the Department issued a renewal of the State Only Operating Permit for the health center located in the City of Erie, **Erie County**. The sources at the facility include 3 natural gas-fired boilers, a histology lab, and 4 diesel-fired emergency generators. This facility is a Synthetic Minor. The facility has taken an elective restriction of 500 hours per year of operation for each diesel engine generator. And the histology lab is restricted to a VOC emission

limit of 3.25 tpy. Based on these restrictions, the potential emissions for this facility are 73.32 tpy NO_x ; 0.974 tpy SO_2 ; 56.01 tpy CO; 5.52 tpy PM; 7.58 tpy VOCs; and less than 1 tpy total combined HAPs. The facility is subject to 40 CFR Part 60 Subpart IIII, the Standards of Performance for CI ICE; 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE; and 40 CFR Part 63 Subpart WWWW, the NESHAP for Hospital Ethylene Oxide Sterilizers. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00326: FXI Holdings, Inc. (466 Shady Ave, Cory, PA 16407). On July 25, 2017, the Department issued a renewal State Only Natural Minor Operating Permit for the facility located in the City of Corry, **Erie County**. The primary sources at the facility include nine (9) natural gas-fueled heating units, a Maxfoam machine, a gluing station, four (4) TDI (Toluene Diisocyanate) 10,000-gallon storage tanks, and ten (10) 10,000-gallon resin storage tanks. Potential as follows: 10.07 TPY NO_x , 8.46 TPY CO, 0.98 TPY VOC, 0.19 TPY PM_{10} , and 0.06 TPY SO_x . This facility was previously a Title V Facility but reduced emissions to below the major source thresholds by eliminating the use of Methylene Chloride as an Auxiliary Blowing Agent. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

25-00886: Cross Paving, LLC (11620 Lake Pleasant Rd, Union City, PA 16438). On July 25, 2017, the Department issued a renewal State Only Synthetic Minor Operating Permit for the facility located in Venango Township, **Erie County**. The facility's primary sources of emissions are a hot mix asphalt batch plant and the associated equipment. The only pollutant with potential emissions above the major source level is Carbon Monoxide (CO). Particulate matter is the pollutant with the next greatest potential for emissions which are no greater than 30 tons per year. In order to maintain status as a minor source, asphalt production is limited to no more than 440,000 tons per year. This production rate will limit CO emissions to no more than 90 tons per year. The renewal permit contains emission restrictions, recordkeeping, work practices, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

S15-014: Episcopal Hospital (at 100 East Lehigh Avenue, Philadelphia, PA 19125) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 475 HP boilers firing No. 6 Fuel Oil and natural gas, two (2) 500 kW emergency generators firing diesel, one 200 kW emergency generator firing diesel, one 160 kW emergency generator firing diesel, and one 19 kW generator firing natural gas.

OP16-000028: 401 North Broad Lessee, LLC (401 N. Broad St, Philadelphia, PA, 19108) for the operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) diesel-fired 4,000 kW diesel emergency generators equipped with selective catalytic reduction (SCR).

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.

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.

67-03166: C & S Wholesale Grocers, Inc. (4875 North Susquehanna Trail, York, PA 17406-8498) on July 28, 2017, for the warehouse facility located in Conewago Township, **York County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 67-03166B.

31-05019: Texas Eastern Transmission LP (PO Box 1642, Houston, TX 77251-1642) on August 1, 2017, for the Entriken natural gas compression station located in Todd Township, **Huntingdon County**. The Title V permit underwent a minor modification in order to impose a 50 tpy VOC cap at the facility.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

20-00302: ITU Absorb Tech, Inc., Titusville Plant (2700 S. 160th Street, New Berlin, WI 53151-3602) on July 31, 2017 the Department issued an administrative amendment to the State Operating Permit to incorporate the requirements of Plan Approval 20-302B. The facility is located at 818 West Spring Street in the City of Titusville, **Crawford County**.

25-00029: Erie Coke Corporation (925 East Bay Drive, Erie, PA 16507) on August 1, 2017 issued an administrative amendment to the Title V Operating Permit for the facility located in Erie City, **Erie County**. The amendment incorporates the requirements of plan approval 25-029D.

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.

17031301 and NPDES No. PA0235571. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Cherry Tree Mine in Burnside Township, **Clearfield County** and Montgomery Township, Cherry Tree Borough, **Indiana County**. No additional discharges. The application was considered administratively complete on May 14, 2014. Application received November 27, 2013. CMAP Permit issued August 2, 2017.

17941601 and NPDES No. PA0215708. Forcey Coal, Inc., (475 Banion Road, Madera, PA 16661). To renew and revise the permit for the Tipple Operation in Bigler Township, **Clearfield County** to change the post mining land use on 8.6 acres from “forest” land to “industrial/commercial.” No additional discharges. The application was considered administratively complete on October 30, 2015. Application received October 30, 2015. CMAP Permit issued August 1, 2017.

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

Permit No. 56140101 and NPDES No. PA PA0269441. Elk Resources, Inc., 30 Pounds Road, West Lebanon, PA 15783, transfer of an existing bituminous surface and auger mine from Sherpa Mining Contractors, Inc., 337 Benny Road, Hooversville, PA 15936, located in Shade Township, **Somerset County**, affecting 165.0 acres. Receiving streams: unnamed tributaries to/and Miller Run to Dark Shade Creek to the Stonycreek River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: January 4, 2017. Permit issued: August 3, 2017.

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

16060102. Terra Works, Inc. (49 South Sheridan Road, Clarion, PA 16214) Renewal of an existing bituminous surface mine in Beaver & Licking Townships, **Clarion County**, affecting 29.0 acres. Receiving streams: Unnamed tributaries to the Clarion River. This renewal is issued for reclamation only. Application received: May 24 2017. Permit Issued: July 26, 2017.

33070104. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201) Renewal of an existing bituminous surface mine in Young and McCalmont Townships, **Jefferson County**, affecting 26.5 acres. Receiving streams: Unnamed tributary to Elk Run. This renewal is issued for reclamation only. Application received: May 8, 2017. Permit Issued: July 31, 2017.

16140109. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous surface mine to add 12.0 acres in Washington Township, **Clarion County**, affecting 70.0 acres. Receiving streams: Unnamed tributaries to East Sandy Creek. Application received: April 20, 2017. Permit Issued: July 31, 2017.

10150101 and NPDES Permit No. PA0259675. Ben Hal Mining, Inc. (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface mine and associated NPDES permit in Marion Township, **Butler County**, affecting 48.0 acres. Receiving streams: Unnamed tributaries to Blacks Creek. Application received: June 6, 2016. Permit Issued: July 31, 2017.

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

17090104 and NPDES PA0257141. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Transfer of an existing bituminous surface and auger mine from RES Coal LLC located in Woodward Township, **Clearfield County** affecting 221.0 acres. Receiving stream(s): Moshannon Creek and Whiteside Run classified for the following use(s): TSF and CWF, respectively. There are no potable water supply intakes within 10 miles downstream. Application received: February 1, 2017. Permit issued: July 25, 2017.

14110101. Larry D. Baumgardner Coal Company, Inc. (P.O. Box 186, Lanse, PA 16849). Permit renewal for reclamation only of a bituminous surface coal mine located in Snow Shoe Township, **Centre County** affecting 33.6 acres. Receiving stream(s): Unnamed Tributary of North Fork of Beech Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: July 17, 2017. Permit issued: July 26, 2017.

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

02080102 and NPDES Permit No. PA0251500. Cherep's Excavating LLC (9742 Saltsburg Road, Pittsburgh, PA 15239). Permit renewal issued for continued operation and restoration of an existing bituminous surface mine, located in North Fayette and Collier Townships, **Allegheny County**, affecting 138.2 acres. Receiving streams: Unnamed tributaries to Robinson Run and Pinkertons Run. Application received: July 3, 2014. Permit renewal issued: July 31, 2017.

63120104 and NPDES Permit No. PA0252255. Neiswonger Construction, Inc. (17592 Route 322, Strattanville, PA 16258). Permit revised for the relocation of discharge from SP5 to TP3 at an existing bituminous surface mine located in Deemston Borough, **Washington County**, affecting 212.5 acres. Receiving streams: unnamed tributaries to Fishpot Run and Black Dog Run, classified for the following use: WWF. The potable water supply intake within 10 miles downstream from the point of discharge: PA American Water/Brownsville Borough. Application received: November 17, 2016. Permit revision issued: August 8, 2017.

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

Permit No. 49091301R. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), renewal of an existing anthracite underground mine operation in Zerbe Township, **Northumberland County** affecting 50.0 acres, receiving stream: unnamed tributary to Zerbe Run. Application received: March 16, 2017. Renewal issued: August 2, 2017.

Permit No. PAM112003R. Robert Shingara, (311 Shingara Lane, Sunbury, PA 17801), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 49091301 in Zerbe Township, **Northumberland County**, receiving stream: unnamed tributary to Zerbe Run. Application received: March 16, 2017. Permit issued-Renewed issued: August 2, 2017.

Permit No. 49170101. Big Mountain Anthracite, (P.O. Box 64, Spring Glen, PA 17978), commencement, operation and restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 73.0 acres, receiving stream: Zerbe Run. Application received: January 3, 2017. Permit issued: August 3, 2017.

Permit No. PAM117005. Big Mountain Anthracite, (P.O. Box 64, Spring Glen, PA 17978), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49170101 in Zerbe Township, **Northumberland County**, receiving stream: Zerbe Run. Application received: January 3, 2017. Permit issued: August 3, 2017.

Noncoal Permits Issued

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

25172801. Safford Sand & Gravel, Incorporated (P.O. Box 321, Northeast, PA 16428) Commencement, operation and restoration of a small industrial minerals surface mine in Venango Township, **Erie County** affecting 5.0 acres. Receiving streams: Balley Brook. Application received: May 8, 2017. Permit Issued: July 26, 2017.

PAM617005. Safford Sand & Gravel, Incorporated (P.O. Box 321, Northeast, PA 16428) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25172801 in Venango Township, **Erie County**. Receiving streams: Balley Brook. Application received: May 8, 2017. Permit Issued: July 26, 2017.

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

08100302 and NPDES PA0257389. Johnson Quarries, Inc. (P.O. Box 136, LeRaysville, PA 18829). Renewal for an existing NPDES on a large noncoal surface mining site located in Stevens Township, **Bradford County** affecting 127.9 acres. Receiving stream(s): Rockwell Creek and Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF, MF. Application received: March 1, 2017. Permit issued: July 28, 2017.

08110301 and NPDES PA0257532. Bishop Brothers Construction Company, Inc. (P.O. Box 289, Ulster, PA 18850). Renewal for an existing NPDES on a large noncoal surface mining site located in Wyalusing Township, **Bradford County** affecting 16.9 acres. Receiving stream(s): Unnamed Tributary to Wyalusing Creek classified for the following use(s): WWF, MF. Application received: May 9, 2017. Permit issued: July 28, 2017.

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

Permit No. 6278031A2C13 and NPDES Permit No. PA0225657. Pennsylvania Granite Corp., (375 Trythall Road, Elverson, PA 19520), correction to an existing quarry operation to include an NPDES Permit for discharge of treated mine drainage in Warwick Township, **Chester County** affecting 46.3 acres, receiving stream: unnamed tributary to French Creek. Application received: January 18, 2017. Permit issued: August 2, 2017.

Permit No. 58170803. Paguay Stone, LLC, (P.O. Box 624, Hallstead, PA 18822), commencement, operation and restoration of a quarry operation in Dimock Township, **Susquehanna County** affecting 5.0 acres, receiving stream: White Creek to Meshoppen Creek Watershed. Application received: March 24, 2017. Permit issued: August 7, 2017.

Permit No. PAM117010. Paguay Stone, LLC, (P.O. Box 624, Hallstead, PA 18822), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58170803 in Dimock Township, **Susquehanna County**,

receiving stream: White Creek to Meshoppen Creek Watershed. Application received: March 24, 2017. Permit issued: August 7, 2017.

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.

33174001. P. and N. Coal Company, Inc. (P.O. Box 322, Punxsutawney, PA 15767) Blasting activity permit for blasting on GFCC No. 33-13-17 in Rose & Clover Townships, **Jefferson County**. This blasting activity permit expires July 15, 2018. Permit Issued: July 26, 2017.

24174001. Geokinetics, Inc. (1500 City West Blvd., Houston, TX 77042) Blasting activity permit for seismic blasting in Jones Township, **Elk County**. This blasting activity permit expires July 1, 2018. Permit Issued: July 26, 2017.

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

59174105. Maine Drilling & Blasting, Inc. (P.O. Box 1140, Gardiner, ME 04345-1140). Blasting for quarry reclamation in Bloss Township, **Tioga County** with an expiration date of July 25, 2018. Permit issued: August 2, 2017.

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

Permit No. 46174113. Schlouch, Inc., (P.O. Box 69, Blandon, PA 19510), construction blasting for Morgan Tract in Upper Providence Township, **Montgomery County** with an expiration date of May 4, 2018. Permit issued: August 2, 2017.

Permit No. 67174113. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for High Point at Rojen Farms in West Manheim Township, **York County** with an expiration date of July 20, 2018. Permit issued: August 2, 2017.

Permit No. 36174134. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Willow Valley Crossing in West Lampeter Township, **Lancaster County** with an expiration date of August 30, 2017. Permit issued: August 4, 2017.

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 sec-

tions 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

Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.

E46-1140. Towamencin Township, 253 Troxel Road, P.O. Box 303, Kulpsville, PA 19438, Towamencin Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a Timber Pedestrian Bridge situated across the Towamencin Creek (TSF, MF) having an approximate waterway opening of 10 feet wide by 10.4 feet high and measuring approximately 51 feet in length associated with the Kriebel Road Bike Trail system in the township. The project also includes the trail partially within the floodway/floodplain and crossing two existing culverts to connect the existing trails.

The trail is located between Valley View Lane to existing trail at the Trumbauer Road intersection with Kriebel Road (Lansdale, PA USGS Quadrangle, Latitude: 40.217667; Longitude: -75.340006).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

E1829-003: Dominion Transmission, Inc, 925 White Oaks Boulevard, Bridgeport, WV 26330, Leidy Township, **Clinton County**, ACOE Baltimore District.

To construct, operate and maintain the LW-600/628 Access Road Project, which consists of the following impacts:

1. Conversion of an existing ford crossing of a Painter Hollow (EV) via the installation of two 48" diameter corrugated metal drainage pipes, resulting in 45.0 linear feet of permanent channel impacts and 51.0 linear feet of temporary channel impacts, (Tamarack, PA Quadrangle, Latitude: N41°26'46.54", Longitude: W77°51'32.30").

The project will result in 45.0 linear feet of permanent stream impacts 51.0 linear feet of temporary stream impacts, all for the purpose of installing an access roadway for Marcellus shale development.

E5929-063: HEP Tioga Gathering, LLC, 17806 IH-10 West, Suite 210, San Antonio, TX 78227, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,622 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'46"N, 77°08'28"W);

2) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline via horizontal directional drill impacting 50 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'36"N, 77°08'36"W);

3) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 14,028 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'29"N, 77°08'33"W);

4) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 659 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°34'16"N, 77°08'33"W);

5) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,082 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 2,631 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°34'07"N, 77°08'32"W);

6) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 536 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°34'02"N, 77°08'30"W);

7) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 319 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'58"N, 77°08'28"W);

8) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diam-

eter waterline impacting 5,285 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'56"N, 77°08'28"W);

9) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 7,298 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'53"N, 77°08'29"W);

10) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,347 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'49"N, 77°08'29"W);

11) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,323 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°33'47"N, 77°08'34"W).

The project will result in 34,549 square feet (0.79 acre) of temporary wetland impacts and 2,631 square feet (0.06 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.12 acre of compensatory mitigation for forested wetland impacts at an off-site location (Tiadaghton, PA Quadrangle 41°41'25"N, 77°25'11"W) in Shippen Township, Tioga County.

E5929-066: HEP Tioga Gathering, LLC, 16211 La Cantera Parkway, Suite 202, San Antonio, TX 78256, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 6,878 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 55 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41°35'42"N, 77°05'56"W);

2) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 17,368 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, 6,825 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 55 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41°35'35"N, 77°05'56"W);

3) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 278 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°35'15"N, 77°05'57"W);

4) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 5,493 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Liberty, PA Quadrangle 41°35'02"N, 77°05'56"W);

5) A temporary road crossing using timber mats and a 16 inch diameter natural gas pipeline and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41°34'54"N, 77°05'59"W).

The project will result in 160 linear feet of temporary stream impacts, 19,474 square feet (0.45 acre) of permanent wetland impacts, and 17,368 square feet (0.40 acre) of temporary wetland impacts all for the purpose of

installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.9 acre of compensatory mitigation for forested wetland impacts on-site and at an off-site location (Tiadaghton, PA Quadrangle 41°41'26"N, 77°25'12"W) in Shippen Township, Tioga County.

E5929-065: HEP Tioga Gathering, LLC, 17806 IH-10 West, Suite 210, San Antonio, TX 78227, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats and a 20 inch diameter natural gas pipeline impacting 4,915 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°33'37"N, 77°08'40"W);

2) A temporary road crossing using timber mats and a 20 inch diameter natural gas pipeline impacting 5,129 square feet of an exceptional value palustrine emergent (EV-PEM) wetland 58 linear feet of Blacks Creek (CWF) (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'06"W);

3) A temporary road crossing using timber mats and a 20 inch diameter natural gas pipeline impacting 2,524 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'03"W);

4) A temporary road crossing using timber mats and a 20 inch diameter natural gas pipeline impacting 1,085 square feet of an exceptional value palustrine emergent (EV-PEM) (Nauvoo, PA Quadrangle 41°33'25"N, 77°08'01"W).

The project will result in 58 linear feet of temporary stream impacts, and 13,653 square feet (0.31 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga 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.

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX13-059-0025 Renewal
Applicant Name EQT Production Company, LLC
Contact Person Todd Klaner

Address 2400 Ansys Drive, Suite 200
City, State, Zip Canonsburg, PA 15317
County Greene

Township(s) Center

Receiving Stream(s) and Classification(s) UNTs to South Fork Ten Mile Creek (HQ-WWF), South Fork Ten Mile Creek (HQ-WWF)

Secondary—South Fork Ten Mile Creek (HQ-WWF)

ESCGP-2 # ESX11-059-0043 Renewal

Applicant Name Rice Drilling B LLC

Contact Person Robert Hawkins

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Gilmore

Receiving Stream(s) and Classification(s) UNTs to Pennsylvania Fork Dunkard Creek (WWF), UNTs to Garrison Fork (WWF), and Six Run (WWF)

Secondary—Pennsylvania Fork Dunkard Creek (WWF) and Garrison Fork (WWF)

ESCGP-2 # ESX13-059-0002 Major Modification

Applicant Name CNX Gas Company, LLC

Contact Person Carol Phillips

Address 1000 Consol Energy Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Gray and Richhill

Receiving Stream(s) and Classification(s) Enlow Fork (WWF), UNTs to Grays Fork (HQ-WWF)

Secondary—Wheeling Creek and South Fork Tenmile Creek

ESCGP-2 # ESX11-059-0077 Renewal

Applicant Name EQT Production Company, LLC

Contact Person Todd Klaner

Address 2400 Ansys Drive, Suite 200

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Morgan

Receiving Stream(s) and Classification(s) UNTs to South Fork Ten Mile Creek (WWF)

ESCGP-2 # ESX14-059-0074 Renewal

Applicant Name Rice Drilling B LLC

Contact Person Robert Hawkins

Address 2200 Rice Drive

City, State, Zip Canonsburg, PA 15317

County Greene

Township(s) Aleppo

Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Fork (TSF), UNTs to Mudlick Fork (TSF), and Mudlick Fork (TSF)

Secondary—Wheeling Creek (TSF)

ESCGP-2 # ESX12-125-0079 Renewal

Applicant Name Range Resources Appalachia, LLC

Contact Person Karl Matz

Address 3000 Town Center Blvd

City, State, Zip Canonsburg, PA 15317

County Washington County

Township(s) Smith Township

Receiving Stream(s) and Classification(s) UNTs to

Burgetts Fork (WWF), Burgetts Fork (WWF)

ESCGP-2 # ESX11-059-0068 Renewal
 Applicant Name EQT Production Company
 Contact Person Todd Klaner
 Address 2400 Ansys Drive, Suite 200
 City, State, Zip Canonsburg, PA 15317

County Greene County
 Township(s) Morgan Township
 Receiving Stream(s) and Classification(s) UNTs to South
 Fork Tenmile Creek (WWF)

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Michael Forbeck, Acting Waterways and Wetlands Program Manager, 412-442-4000.

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG00007170002	ETC Northeast Pipeline, LLC 6051 Wallace Run Extension Third Floor Wexford, PA 15090	Beaver County	Jackson Township (Butler County); New Sewickley Township, Center Township, Raccoon Township, Independence Township, and Conway Borough (Beaver County); Findley Township (Allegheny County); Robinson Township, Smith Township (Washington County)	Brush Creek (WWF); Crows Run (WWF); Pine Run (WWF); Moon Run (WWF); Elkhorn Run (WWF); Shafers Run (WWF); Logtown Creek (WWF); Raccoon Creek (WWF); Frames Run (WWF); Service Creek (WWF); Obney Run (WWF); Potato Garden Run (WWF)

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

ESCGP-2 # ESG16-019-0024—Summit Compressor Station
 Applicant Mountain Gathering, LLC
 Contact Dewey Chalos
 Address 810 Houston Street
 City Fort Worth State TX Zip Code 76102
 County Butler Township(s) Summit
 Receiving Stream(s) and Classification(s) UNT to Coal Run & Coal Run WWF, Connoquenessing Creek Watershed (Wild Trout Waters—Natural Reproduction) Wetlands in Flookplains considered Exceptional Value

ESCGP-2 # ESG15-019-0059A—Project Entropy Major Modification
 Applicant Clarion Midstream, LLC
 Contact Joel Hoffman
 Address 61 McMurray Road, Suite 300
 City Pittsburgh State PA Zip Code 15241
 County Butler, Clarion, & Armstrong Township(s) Parker Township, City of Parker and Perry Townships
 Receiving Stream(s) and Classification(s) UNT to N Branch Bear Creek, N Branch Bear Creek, UNT to Bear Creek, Bear Creek, UNT to Allegheny River, Allegheny River, Dunlap Creek UNT to Dunlap Creek

ESCGP-2 # ESX17-019-0010—PAW Vault to Lesney TWL
 Applicant XTO Energy, Inc.
 Contact Ms. Melissa Breitenbach
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Connoquenessing
 Receiving Stream(s) and Classification(s) Mulligan Run, UNT to Semiconon Run, UNT to Little Connoquenessing Creek, UNT to Mulligan Run

ESCGP-2 # ESX12-019-0117A—Thompson Donald 11750 Well Site—Major Modification
 Applicant Range Resources—Appalachia, LLC
 Contact Mr. Karl Matz
 Address 3000 Town Center Boulevard
 City Canonsburg State PA Zip Code 15317

County Butler Township(s) Buffalo
 Receiving Stream(s) and Classification(s) Unnamed Tributary to Lardintown Run and an Unnamed Tributary to McDowell Run

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX12-115-0021(01)
 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) Lathrop
 Receiving Stream(s) and Classification(s) UNTs to Hortons Ck (CWF-MF)

ESCGP-2 # ESX29-033-17-0001
 Applicant Name LPR Energy LLC
 Contact Person Clayton Hill
 Address 2 E Market St, Suite 1
 City, State, Zip Clearfield, PA 16830
 County Clearfield
 Township(s) Chest
 Receiving Stream(s) and Classification(s) UNTs to Wilson Run (CWF)
 Secondary—Wilson Run (CWF)

ESCGP-2 # ESG29-081-17-0021
 Applicant Name ARD Operating LLC
 Contact Person Stephen Barondeau
 Address 33 W Third St, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming
 Township(s) Cummings
 Receiving Stream(s) and Classification(s) Lower Pine Bottom Run (HQ-CWF); Bull Run (HQ-CWF); Gorman Draft (HQ-CWF); Gamble Run (HQ-CWF)
 Secondary—Pine Ck (EV)

ESCGP-2 # ESG29-105-17-0008
 Applicant Name JKLM Energy LLC
 Contact Person Scott Blauvelt

Address 2200 Georgetown Dr, Suite 500
 City, State, Zip Sewickley, PA 15143
 County Potter
 Township(s) Sweden
 Receiving Stream(s) and Classification(s) UNT to Big Fill
 Hollow (HQ-CWF)
 Secondary—Big Fill Hollow (HQ-CWF)

ESCGP-2 # ESX29-117-17-0026
 Applicant Name SWEPI LP
 Contact Person Jason Shoemaker
 Address 150 N Dairy Ashford, E1296-E
 City, State, Zip Houston, TX 77079
 County Tioga
 Township(s) Sullivan
 Receiving Stream(s) and Classification(s) Elk Run (TSF);
 Corey Ck (CWF)

ESCGP-2 # ESG29-117-17-0032
 Applicant Name HEP Tioga Gathering LLC
 Contact Person Kevin Williams
 Address 16211 La Cantera Pkwy, Suite 202
 City, State, Zip San Antonio, TX 78256
 County Tioga
 Township(s) Liberty
 Receiving Stream(s) and Classification(s) Zimmerman Ck
 (HQ-CWF)

ESCGP-2 # ESG29-117-17-0033
 Applicant Name HEP Tioga Gathering LLC
 Contact Person Kevin Williams
 Address 16211 La Cantera Pkwy, Suite 202
 City, State, Zip San Antonio, TX 78256
 County Tioga
 Township(s) Liberty
 Receiving Stream(s) and Classification(s) Little Fall Ck
 (EV); Long Run (EV)

STORAGE TANKS
SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
17-21-011	Shaffer Trucking, Inc. 400 NW 56th Street Lincoln, NE 68528 Attn: Paul Marsh	Cumberland	Silver Spring Township	1 AST storing diesel fuel	30,000 gallons

SPECIAL NOTICES

Proposed State Water Quality Certification Required by Section 401 of the Clean Water Act for the Northeast Supply Enhancement Project

Southcentral Region: Waterways and Wetlands Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.

DEP File No.: WQ03-001. Transcontinental Gas Pipeline, LLC Inc. (“Transco” or “Applicant”), 2800 Post Oak Boulevard (77056), P.O. Box 1396, Houston, Texas, 77251-1396. Northeast Supply Enhancement Project, Eden, Drumore and East Drumore Townships, **Lancaster County** and East Whiteland Township, **Chester County** (Holtwood, Wakefield and Quarryville, PA Quadrangles, Lat: 39° 51’ 43”; Long: -76° 11’ 58”).

On March 27, 2017, Transco filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Northeast Supply Enhancement Project (FERC Docket No. CP-17-100).

On June 16, 2017, Transco requested a State water quality certification from the Department of Environmental Protection (Department), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Northeast Supply Enhancement Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The proposed project consists of the installation of approximately 10.17 miles of new 42.0-inch diameter natural gas pipeline which will begin at milepost 1681 on Transco’s existing Mainline pipeline and will cross 11 streams and 11 wetlands. Four permanent access roads, cathodic protection near milepost 1684.21 and the addition of one 21,902 horsepower motor-driven compressor at the existing Compressor Station 200 are also proposed. The pipeline is being proposed to provide 400,000 Dekatherms per day of incremental capacity to National Grid at Transco’s existing Rockaway Delivery Point in Queens Borough, New York.

The proposed Northeast Supply Enhancement Project will require approximately 198 acres of earth disturbance, permanent impacts to 222 linear feet and temporary impacts to 180 linear feet of streams including Wissler Run (HQ-WWF, MF), an unnamed tributary (UNT) to Wissler Run (HQ-CWF, MF), Fishing Creek (HQ-CWF, MF), a UNT to Fishing Creek (HQ-CWF), Conowingo Creek (HQ-CWF, MF), three UNT’s to the Conowingo Creek (HQ-CWF, MF), two UNT’s to Stewart Run (HQ-CWF-MF), a UNT to Bowery Run (HQ-CWF, MF); 0.33 acre of temporary impacts to floodway, 0.37 acre of permanent impacts to floodway; 0.006 acre of temporary impacts to other waterbodies, 0.004 acre of permanent impacts to other waterbodies; 0.49 acre of temporary wetland impacts, and 0.53 acre of permanent wetland impacts that are associated with permanent right-of-way maintenance.

The Department anticipates issuing a State water quality certification to Applicant for the Northeast Supply Enhancement Project that will require compliance with

the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Northeast Supply Enhancement Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the Northeast Supply Enhancement Project pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a) if such discharges are proposed.

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the Northeast Supply Enhancement Project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Submerged Lands License Agreement*—Applicant shall obtain and comply with a Pennsylvania Submerged Lands License Agreement, pursuant to the Pennsylvania Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.28) and all applicable implementing regulations (25 Pa. Code Chapter 105).

5. *Susquehanna River Basin Commission*—Applicant shall obtain and comply with any and all Susquehanna River Basin Commission's (SRBC) approvals that may be granted for the Northeast Supply Enhancement Project.

6. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

7. *Operation*—Applicant shall at all times properly operate and maintain all Northeast Supply Enhancement Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

8. *Inspection*—The Northeast Supply Enhancement Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department, or an

authorized representative thereof, during such inspections of the Northeast Supply Enhancement Project.

9. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Northeast Supply Enhancement Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

10. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Southcentral Regional Office, Program Manager, Waterways and Wetlands, 909 Elmerton Avenue, Harrisburg, PA 17110.

11. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

12. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

13. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Written comments should be submitted by email to EP, WW-SCRO@pa.gov or by mail at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) and should be directed to Program Manager, Waterways and Wetlands Program. Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

**Proposed State Water Quality Certification
Required by Section 401 of the Clean Water Act for
the Equitrans, L.P. H-150 Bare Pipe Replacement
Project**

*Southwest Region: Waterways & Wetlands Program, 400
Waterfront Drive, Pittsburgh, PA 15222, Dana Drake,
412-442-4000.*

WQ05-015, Equitrans, L.P. (Applicant), 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114. H-150 Bare Pipe Replacement Project (Project), in Center and Franklin Townships, **Greene County**, in the ACOE Pittsburgh District. The Project starts approximately 0.5 mile southeast of Rogersville, PA, Center Township, Greene County (Rogersville, PA Quadrangle Latitude: 39.877139'; Longitude: -80.267023') and ends at the Orn-

dorff Interconnect, approximately 0.1 mile south of the intersection of Smith Creek Road and Kirby Road, Franklin Township, Greene County (Oak Forest, PA Quadrangle Latitude: 39.828867'; Longitude: -80.206432').

On January 30, 1988, Equitrans, L.P. received an Order Issuing Certificate from the Federal Energy Regulatory Commission (FERC) authorizing Equitrans to abandon, construct and operate certain facilities as part of the H-150 Pipeline Project in Greene County, Pennsylvania (FERC Docket No. CP89-676). The activities described in this request are covered under Equitrans' automatic blanket certificate authority and reported on yearly.

On July 13, 2017, Applicant requested a State water quality certification from the Department, as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

To allow for the modernization of the H-150 pipeline for integrity assessment through the use of in-line inspection, Equitrans proposes to replace approximately 5 miles of 12-inch diameter bare natural gas pipe with coated, 12-inch diameter natural gas pipe within the existing right-of-way. The Project is part of Equitrans' compliance program and is required to maintain the integrity of the operating system. The use of lift and lay construction for this project means that the replacement pipeline will be located in the same trench as the existing line. The existing 12-inch pipeline will be taken out of service, purged, and removed. The new pipeline will utilize the same permanent right-of-way as the existing line during construction; there are no deviations anticipated. This Project includes one cathodic protection ground bed that will be installed along the proposed pipeline. The project will utilize traditional open cut or conventional bore construction techniques for all twenty-three stream and wetland crossing locations. The twenty-three stream and wetland crossings occur within the following receiving waters: South Fork Tenmile Creek, Woods Run, Pursley Creek, Stewart Run, Smith Creek.

There are eight temporary access roads planned for the Project. Four of the proposed temporary access roads will utilize existing unpaved roads or driveways; one will require an extension. The remaining four proposed temporary access roads will be constructed to support this project and returned to preexisting conditions upon completion. The pipeline will be installed using a typical 100-foot wide limit of disturbance (LOD) for pipeline construction with areas of temporary work space adjacent to the LOD, and a typical 40-foot LOD for the access roads to allow access to the pipeline corridor. The construction ROW will be reduced to a 50-foot-width at streams and wetlands. The permanent ROW width will be 50 feet centered on the pipeline. There is no anticipated permanent increase in impervious area or in stormwater runoff due to the construction of the pipeline.

The Project, as proposed, includes the replacement of an approximately 5 mile long section of 12-inch pipeline for the purpose of transporting natural gas from a compressor station, located approximately 0.5 mile southeast of Rogersville, PA, Center Township, Greene County to the Orndorff Interconnect, approximately 0.1 mile south of the intersection of Smith Creek Road and Kirby Road, Franklin Township, Greene County. The Project, as proposed, will require approximately 72 acres of earth disturbance, and impacts to 520 linear feet of Unnamed

Tributaries of South Fork of Ten Mile Creek (HQ-WWF), Unnamed Tributaries to Woods Run (HQ-WWF), Woods Run (HQ-WWF), Pursley Creek (HQ-WWF), Unnamed Tributary of Pursley Creek (HQ-WWF), and Unnamed Tributary of Stewart Run (HQ-WWF), 1.33 acre of floodway, 2.01 acres of temporary PEM wetland impacts, and 0.04 acre of PEM permanent impacts.

The Department is proposing to issue a State water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a Department National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with the Department's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a Department Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—The Department retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of the Department to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the Department during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Appli-

cant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the Department Regional Office of such intent. Notice to the Department shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to the Department concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Dana Drake, Program Manager, Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—The Department may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. The Department may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final State water quality certification, the Department will consider all relevant and timely comments, suggestions or objections submitted to the Department within 30 days of this notice. Comments should be directed to Dana Drake, Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

General NPDES Permit for Stormwater Discharges Associated with Construction Activities

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

PAG-02-27-11-17-001, Ridge Energy Company, Inc., 265 Swamp Road, Clymer, PA 15728. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC Permit No. 11-16-01 in Gallitzin Township and Gallitzin Borough, **Cambria County**. Receiving streams: Unnamed Tributary to Bradley Run to Clearfield Creek, classified for the following uses: cold water fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: April 4, 2017. Coverage Approved August 4, 2017.

[Pa.B. Doc. No. 17-1377. Filed for public inspection August 18, 2017, 9:00 a.m.]

Agricultural Advisory Board Meeting Cancellation

The Agricultural Advisory Board meeting scheduled for August 24, 2017, has been cancelled. The next meeting is scheduled for October 26, 2017, at 9 a.m. in Susquehanna Room B, Department of Environmental Protection, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110.

The agenda and materials for the October 26, 2017, will be available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Agricultural Advisory Board"). Questions concerning the October 26, 2017, meeting should be directed to Jay Braund, Bureau of Clean Water at (717) 772-5636 or jbraund@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5636 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 17-1378. Filed for public inspection August 18, 2017, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

New Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its establishment of a new class of disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals to promote access to acute care services for MA eligible persons in less urban areas of this Commonwealth. The Department also is providing final notice of its Fiscal Year (FY) 2016-2017 funding allocation for this additional class of DSH payments.

The Department published notice of its intent to establish this new class of DSH payments and to allocate funding for these payments at 47 Pa.B. 2159 (April 8, 2017). The Department received no comments during the 30-day comment period and will implement the qualifying criteria and payment methodology for these payments as described in its notice of intent.

Fiscal Impact

The FY 2016-2017 impact, as a result of the funding allocation for these payments, is \$0.622 million (\$0.300 million in State general funds and \$0.322 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1171. (1) General Fund; (2) Implementing Year 2016-17 is \$300,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22

are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1379. Filed for public inspection August 18, 2017, 9:00 a.m.]

New Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its establishment of a new class of disproportionate share hospital (DSH) payments for qualifying Medical Assistance (MA) enrolled acute care general hospitals that promote access to comprehensive inpatient services for MA eligible persons by providing an adequate supply of health care professionals who have been trained in high volume MA enrolled hospital settings. The Department also is providing final notice of its Fiscal Year (FY) 2016-2017 funding allocation for this additional class of DSH payments.

The Department published notice of its intent to establish this new class of DSH payments and to allocate funding for these payments at 47 Pa.B. 2159 (April 8, 2017). The Department received no comments during the 30-day comment period and will implement the qualifying criteria and payment methodology for these payments as described in its notice of intent.

Fiscal Impact

The FY 2016-2017 impact, as a result of the funding allocation for these payments, is \$24.745 million (\$11.930 million in State general funds and \$12.815 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1173. (1) General Fund;

(7) MA—Academic Medical Centers; (2) Implementing Year 2016-17 is \$500,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$17,431,000; 2014-15 Program—\$17,431,000; 2013-14 Program—\$16,831,000;

(7) MA—Fee-for-Service; (2) Implementing Year 2016-17 is \$9,930,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000;

(7) MA—Physician Practice Plans; (2) Implementing Year 2016-17 is \$1,500,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$9,571,000; 2014-15 Program—\$9,071,000; 2013-14 Program—\$9,071,000;

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

[Pa.B. Doc. No. 17-1380. Filed for public inspection August 18, 2017, 9:00 a.m.]

Proposed Fee Schedule Rates and Department-Established Fees for Consolidated and Person/Family Directed Support Waivers Services, Targeted Service Management and the Community Intellectual Disability Base-Funded Program

The purpose of this notice is to announce the Department of Human Services (Department) proposed Fee Schedule Rates for Targeted Service Management and select services funded through the Consolidated and Person/Family Directed Support (P/FDS) waivers and Department-established fees for residential ineligible services effective July 1, 2017, as well as new services the Department will be placing on the Medical Assistance (MA) program fee schedule beginning January 1, 2018, and services that will no longer be available effective January 1, 2018.

The proposed Fee Schedule Rates in this notice also serve as the Department-established fees under 55 Pa. Code § 4300.115(a) (relating to Department established fees) for base-funded services managed through county programs for individuals with an intellectual disability under the Mental Health and Intellectual Disability Act of 1966 (50 P.S. §§ 4104—4704), 55 Pa. Code Chapter 4300 (relating to county mental health and intellectual disability fiscal manual) and 55 Pa. Code Chapter 51 (relating to Office of Developmental Programs home and community-based services).

Fee Schedule Rates

The Fee Schedule Rates are developed using a market-based approach. This process includes a review of the service definitions and a determination of allowable cost components which reflect costs that are reasonable, necessary and related to the delivery of the service, as defined in the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards (OMB Circular Uniform Guidance, December 26, 2014). The Department establishes the Fee Schedule Rates to fund services at a level sufficient to ensure access and encourage provider participation, while at the same time ensuring cost effectiveness and fiscal accountability. The Fee Schedule Rates represent the maximum rates that the Department will pay for each service. In developing the proposed Fee Schedule Rates for each service, the following occurs:

The Department evaluates and uses various independent data sources such as a Pennsylvania-specific compensation study and expense data from prior approved cost reports, as applicable, to ensure the rates reflect the expected expenses for the delivery of services under the waivers for the major allowable cost categories listed as follows:

- The support needs of the individual.
- Staff wages.
- Staff-related expenses.
- Productivity.
- Occupancy.
- Program expenses and administration-related expenses.
- A review of approved service definitions in the waivers and determinations made about allowable cost components that reflect expenses necessary and related to the delivery of each service.

- A review of the cost of implementing Federal, State and local statutes, regulations and ordinances.

One Fee Schedule Rate is developed for each service, and the Fee Schedule Rates are identified under the following categories: Community-Based Services; Agency with Choice/Financial Management Services (AWC/FMS), including benefit allowance and excluding benefit allowance; and licensed and unlicensed Residential Habilitation and Life Sharing.

Effective July 1, 2017, Community-Based Services include behavioral support, companion, in-home and community supports, homemaker/chore, therapy (physical, occupational, speech and language, and orientation, mobility and vision), shift nursing, older adult daily living centers, residential enhanced staffing (supplemental habilitation and additional individualized staffing), supported employment, supports broker, supports coordination, targeted services management, small group employment, supported living, advanced supported employment, community participation support, music therapy, art therapy, equine assisted therapy, benefits counseling, communication specialist, consultative nutritional services, housing transition and tenancy sustaining, family caregiver support counseling (excluding training registration and fees) and all waiver-funded respite care services, excluding respite camp. The Office of Developmental Programs (ODP) reimburses the training and registration fees associated with the family/caregiver support counseling service and respite camp services as outcome-based services. The amount of reimbursement for an outcome-based service is based on the cost charged to the general public for the good or service.

Effective January 1, 2018, rates for the following services, which were being reimbursed using a cost-based methodology, will transition to the MA program fee schedule: the eligible fees for unlicensed and licensed residential habilitation and life sharing. Effective January 1, 2018, additional individualized staffing will no longer be an available service.

AWC/FMS (including and excluding benefit allowance) include agency with choice administration, in-home and community support, companion services, in-home respite and unlicensed out-of-home respite, supported employment, supports broker and homemaker/chore services. There are two separate tables for AWC/FMS; one provides the Fee Schedule Rate including a benefit allowance and the other provides the Fee Schedule Rate excluding a benefit allowance. The benefit allowance is provided as an option to include consideration for benefits such as disability insurance, life insurance, retirement savings and paid time off.

The ODP will be using the proposed Fee Schedule Rates to support claims processing in the Provider Reimbursement and Operations Management Information System in electronic format (PROMISE™). A notice will be published announcing the final Fee Schedule Rates after the public comment period.

Enhanced Communication Services

Effective July 1, 2017, the Enhanced Communication Services modifier, U1, is available for the following Consolidated and P/FDS Waiver fee schedule services: behavioral support, companion, in-home and community supports, therapy (physical, occupational, speech and language, and orientation, mobility and vision), shift nursing, older adult daily living centers, residential enhanced staffing (supplemental habilitation and additional individualized staffing), supported employment, supports broker, supports coordination, targeted service management, small group employment, supported living, advanced supported employment, community participation support, music therapy, art therapy, equine assisted therapy, benefits counseling, communication specialist, consultative nutritional services, housing transition and tenancy sustaining, family caregiver support counseling (excluding training registration and fees) and all waiver-funded respite care services, excluding respite camp. Effective January 1, 2018, the Enhanced Communication Services modifier will also be available for life sharing and residential habilitation services when provided through the Consolidated Waiver.

The modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated or P/FDS Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeaf Services@pa.gov.

Department-Established Fees

The Department-established fees, residential habilitation ineligible fees, effective July 1, 2017, represent a per-person, per-day net fee based on the size of the home (such as a one-individual home or two-individual home) and type of home (defined as licensed or unlicensed residential habilitation). Effective January 1, 2018, the residential habilitation ineligible procedure codes will change, but the rates will remain the same.

Department-established fees were not developed for the waiver-funded life sharing and supported living services. The fee does not include consideration for room and board payment by the participant, as it is the provider's responsibility to collect that portion of payment from the participant.

The ODP will be using the proposed Department-established fees to support claims processing in PROMISE™. A notice will be published announcing the final Department-established fees after the public comment period.

Fee Schedule Rates for Community-Based Services Effective July 1, 2017

The Supports Coordination fee identified as follows is also applicable to base-funded supports coordination.

Modifier SE is used to identify the amount of units that are being billed when the individual spent time in the community during the provision of Community Participation Support services.

Modifier SE is used when billing for Benefits Counseling to identify that it is an ODP service.

Modifier SE is used when billing for Music Therapy.

Modifier SE is used when billing for Consultative Nutritional Services to identify that it is an ODP service.

Modifier SE is used when billing for Family Caregiver Support Counseling to identify that it is an ODP service.

Modifier TD is used to identify services rendered by a Registered Nurse (RN).

Modifier TE is used to identify services rendered by a Licensed Practical Nurse (LPN).

Modifiers U5, U6, U7 and U8 are Support Intensity Scale (SIS) Needs Group Modifiers.

Modifier UD is used when billing for Advanced Supported Employment.

Modifier GP is used to identify services rendered by a Physical Therapist.

Modifier GO is used to identify services rendered by an Occupational Therapist.

Modifier GN is used to identify services rendered by a Speech and Language Therapist.

Modifier UN is used to identify shift nursing at the 1:2 ratio.

Modifier UA is used to identify the Homemaker/Chore service when it is authorized as a temporary service.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15-minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Companion Services	1:3	W1724			\$2.64	\$3.03
	1:2	W1725			\$3.67	\$4.25
	1:1	W1726			\$6.33	\$7.43
Homemaker/Chore	1:1	W7283			\$16.73 (per hour)	N/A
	1:1 (temporary)	W7283	UA		\$16.73 (per hour)	N/A
In-Home and Community Supports	1:3	W7058			\$3.17	\$3.67
	1:2	W7059			\$4.52	\$5.27
	1:1	W7060			\$8.08	\$9.48
	1:1 enhanced	W7061	TD and TE		\$11.44	\$13.74
	2:1	W7068			\$15.72	\$18.52
	2:1 enhanced	W7069	TD and TE		\$19.07	\$22.77
Older Adult Daily Living Centers	N/A	W7094			\$2.73	\$3.08

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (CPS)	<25% Community 1:2 or 1:3 and >75% Facility 1:11 to 1:15	W5945	SE		\$2.45	\$2.75
	<25% Community 1:2 or 1:3 and >75% Facility 1:7 to 1:10	W5946	SE		\$2.75	\$3.10
	<25% Community 1:2 or 1:3 and >75% Facility 1:2 to 1:6	W5947	SE		\$4.45	\$5.10
	<25% Community 1:1 and >75% Facility 1:7 to 1:15	W5948	SE		\$3.70	\$4.23
	<25% Community 1:1 and >75% Facility 1:2 to 1:6	W5950	SE		\$5.58	\$6.44
	<25% Community 1:1 and >75% Facility 1:1	W5951	SE		\$9.55	\$11.17
	<25% Community 1:1 Enhanced and >75% Facility 1:1 Enhanced	W5952	SE	TD and TE	\$13.28	\$15.91
	<25% Community 2:1 and >75% Facility 2:1 to 1:1	W5943	SE		\$18.32	\$21.55
	<25% Community 2:1 Enhanced and >75% Facility 2:1 Enhanced	W5944	SE	TD and TE	\$22.05	\$26.29
	<25% Community 2:3 and >75% Facility 1:11 to 1:15	W5940	SE		\$3.14	\$3.57
	<25% Community 2:3 and >75% Facility 1:7 to 1:10	W5941	SE		\$3.43	\$3.92
	<25% Community 2:3 and >75% Facility 1:2 to 1:6	W5942	SE		\$5.14	\$5.92
	25% Community 1:2 or 1:3 and 75% Facility 1:11 to 1:15	W5958	SE		\$2.93	\$3.32
	25% Community 1:2 or 1:3 and 75% Facility 1:7 to 1:10	W5959	SE		\$3.17	\$3.60
	25% Community 1:2 or 1:3 and 75% Facility 1:2 to 1:6	W5960	SE		\$4.57	\$5.25
	25% Community 1:1 and 75% Facility 1:7 to 1:15	W5961	SE		\$4.79	\$5.53
	25% Community 1:1 and 75% Facility 1:2 to 1:6	W5962	SE		\$6.33	\$7.35
	25% Community 1:1 and 75% Facility 1:1	W5963	SE		\$9.60	\$11.23

NOTICES

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<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (CPS) (Continued)	25% Community 1:1 Enhanced and 75% Facility 1:1 Enhanced	W5964	SE	TD and TE	\$13.36	\$16.00
	25% Community 2:1 and 75% Facility 2:1	W5956	SE		\$18.43	\$21.68
	25% Community 2:1 Enhanced and 75% Facility 2:1 Enhanced	W5957	SE	TD and TE	\$22.18	\$26.45
	25% Community 2:3 and 75% Facility 1:11 to 1:15	W5953	SE		\$4.00	\$4.60
	25% Community 2:3 and 75% Facility 1:7 to 1:10	W5954	SE		\$4.25	\$4.88
	25% Community 2:3 and 75% Facility 1:2 to 1:6	W5955	SE		\$5.65	\$6.53
	50% Community 1:2 or 1:3 and 50% Facility 1:11 to 1:15	W5970	SE		\$3.81	\$4.36
	50% Community 1:2 or 1:3 and 50% Facility 1:7 to 1:10	W5971	SE		\$3.96	\$4.53
	50% Community 1:2 or 1:3 and 50% Facility 1:2 to 1:6	W5972	SE		\$4.80	\$5.52
	50% Community 1:1 and 50% Facility 1:7 to 1:15	W5973	SE		\$6.81	\$7.92
	50% Community 1:1 and 50% Facility 1:2 to 1:6	W5974	SE		\$7.74	\$9.02
	50% Community 1:1 and 50% Facility 1:1	W5975	SE		\$9.70	\$11.35
	50% Community 1:1 Enhanced and 50% Facility 1:1 Enhanced	W5976	SE	TD and TE	\$13.49	\$16.16
	50% Community 2:1 and 50% Facility 2:1	W5968	SE		\$18.63	\$21.93
	50% Community 2:1 Enhanced and 50% Facility 2:1 Enhanced	W5969	SE	TD and TE	\$22.42	\$26.74
	50% Community 2:3 and 50% Facility 1:11 to 1:15	W5965	SE		\$5.61	\$6.50
	50% Community 2:3 and 50% Facility 1:7 to 1:10	W5966	SE		\$5.75	\$6.67
	50% Community 2:3 and 50% Facility 1:2 to 1:6	W5967	SE		\$5.59	\$7.66

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Community Participation Support (CPS) (Continued)	75% Community 1:2 or 1:3 and 25% Facility 1:11 to 1:15	W5982	SE		\$4.70	\$5.41
	75% Community 1:2 or 1:3 and 25% Facility 1:7 to 1:10	W5983	SE		\$4.75	\$5.46
	75% Community 1:2 or 1:3 and 25% Facility 1:2 to 1:6	W5984	SE		\$5.03	\$5.79
	75% Community 1:1 and 25% Facility 1:7 to 1:15	W5985	SE		\$8.83	\$10.32
	75% Community 1:1 and 25% Facility 1:2 to 1:6	W5990	SE		\$9.14	\$10.69
	75% Community 1:1 and 25% Facility 1:1	W5991	SE		\$9.79	\$11.46
	75% Community 1:1 Enhanced and 25% Facility 1:1 Enhanced	W5992	SE	TD and TE	\$13.62	\$16.32
	75% Community 2:1 and 25% Facility 2:1	W5980	SE		\$18.84	\$22.18
	75% Community 2:1 Enhanced and 25% Facility 2:1 Enhanced	W5981	SE	TD and TE	\$22.66	\$27.03
	75% Community 2:3 and 25% Facility 1:11 to 1:15	W5977	SE		\$7.21	\$8.40
	75% Community 2:3 and 25% Facility 1:7 to 1:10	W5978	SE		\$7.26	\$8.46
	75% Community 2:3 and 25% Facility 1:2 to 1:6	W5979	SE		\$7.54	\$8.79
	100% Community 1:2 or 1:3	W5995			\$5.14	\$5.93
	100% Community 2:3	H2015			\$8.01	\$9.35
	100% Community 1:1	W5996			\$9.84	\$11.52
	100% Community 1:1 Enhanced	W5997	TD and TE		\$13.68	\$16.40
	100% Community 2:1	W5993			\$18.94	\$22.30
	100% Community 2:1 Enhanced	W5994	TD and TE		\$22.78	\$27.18

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
Small Group Employment	1:10 to 1:6	W7237			\$2.21	\$2.65
	< 1:6 to 1:3.5	W7239			\$3.40	\$4.09
	< 1:3.5 to > 1:1	W7241			\$6.60	\$7.95
	1:1	W7245			\$12.05	\$14.53
Benefits Counseling	1:1	W1740	SE		\$11.40	\$13.57
Supported Employment— Career Assessment	1:1	W7235			\$17.75	\$21.12
Supported Employment—Job Finding and Development	1:1	H2023			\$17.75	\$21.12
Supported Employment— Job Coaching and Support	1:2	H2025			\$10.45	\$12.40
	1:1	W9794			\$17.75	\$21.12
Advanced Supported Employment	1:1 (Discovery Profile Outcome)	W7235	UD		\$3,810.00	\$4,594.00
Advanced Supported Employment	1:1 (Job Acquisition Outcome)	H2023	UD		\$3,810.00	\$4,594.00
Advanced Supported Employment	1:1 (Job Retention Outcome)	H2025	UD		\$9,144.00	\$11,025.60
Shift Nursing—RN	1:2	T2025	TD	UN	\$8.06	\$9.90
	1:1	T2025	TD		\$15.78	\$19.46
Shift Nursing—LPN	1:2	T2025	TE	UN	\$5.88	\$7.13
	1:1	T2025	TE		\$11.41	\$13.92
Therapies—Physical	1:1	T2025	GP		\$21.29	\$26.46
Therapies—Occupational	1:1	T2025	GO		\$19.71	\$24.45
Therapies—Speech/Language	1:1	T2025	GN		\$19.12	\$23.71
Therapies—Orientation, Mobility and Vision	1:1	W7246			\$18.16	\$22.48
Music Therapy	1:1	G0176	SE		\$15.34	\$18.93
Art Therapy	1:1	G0176			\$15.34	\$18.93
Equine Assisted Therapy	1:1	S8940			\$10.36	\$12.30
Behavioral Supports—Level 1	1:1	W7095			\$21.12	\$25.44
Behavioral Supports—Level 2	1:1	W8996			\$21.39	\$26.42
Communication Specialist	1:1	T1013			\$15.32	\$18.90
Consultative Nutritional Services	1:1	S9470	SE		\$12.36	\$15.15
Family Caregiver Support Counseling	1:1 without participant present	90846	SE		\$12.12	N/A
	1:1 with participant present	90847	SE		\$12.12	\$14.85

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
24 Hour Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4	W9795			\$69.86 (per day)	\$83.12 (per day)
	1:3	W9796			\$93.09 (per day)	\$110.78 (per day)
	1:2	W9797			\$139.56 (per day)	\$166.10 (per day)
	1:1	W9798			\$245.13 (per day)	\$291.75 (per day)
	1:1 Enhanced	W9799			\$416.93 (per day)	\$509.93 (per day)
	2:1	W9800			\$490.11 (per day)	\$583.34 (per day)
	2:1 Enhanced	W9801			\$661.90 (per day)	\$801.53 (per day)
15 Minute Respite (In-Home Respite and Unlicensed Out-of-Home Respite Services)	1:4	W8096			\$1.75	\$2.08
	1:3	W9860			\$2.33	\$2.77
	1:2	W9861			\$3.49	\$4.15
	1:1	W9862			\$6.13	\$7.29
	1:1 Enhanced	W9863			\$10.42	\$12.75
	2:1	W9864			\$12.25	\$14.58
	2:1 Enhanced	W8095			\$16.55	\$20.04
24 Hour Respite (Licensed Respite Group Homes)	Needs Group 1-2 Person	W9791	U5		\$456.17 (per day)	\$543.52 (per day)
	Needs Group 1-3 Person	W9792	U5		\$331.94 (per day)	\$395.06 (per day)
	Needs Group 1-4 Person	W9793	U5		\$263.76 (per day)	\$313.54 (per day)
	Needs Group 2-2 Person	W9791	U6		\$538.09 (per day)	\$643.36 (per day)
	Needs Group 2-3 Person	W9792	U6		\$365.87 (per day)	\$436.50 (per day)
	Needs Group 2-4 Person	W9793	U6		\$292.42 (per day)	\$348.59 (per day)
	Needs Group 3-1 Person	W9790	U7		\$787.76 (per day)	\$940.81 (per day)
	Needs Group 3-2 Person	W9791	U7		\$644.77 (per day)	\$774.54 (per day)
	Needs Group 3-3 Person	W9792	U7		\$457.38 (per day)	\$548.81 (per day)
	Needs Group 3-4 Person	W9793	U7		\$360.12 (per day)	\$431.68 (per day)
	Needs Group 4-1 Person	W9790	U8		\$861.70 (per day)	\$1,034.28 (per day)
	Needs Group 4-2 Person	W9791	U8		\$702.24 (per day)	\$847.32 (per day)
	Needs Group 4-3 Person	W9792	U8		\$499.39 (per day)	\$601.96 (per day)
	Needs Group 4-4 Person	W9793	U8		\$393.36 (per day)	\$473.69 (per day)

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee (U1 modifier)</i>
24 Hour Respite (Respite Only Home)	Needs Group 1-2 Person	W9865	U5		\$520.58 (per day)	\$620.26 (per day)
	Needs Group 1-3 Person	W9866	U5		\$378.80 (per day)	\$450.83 (per day)
	Needs Group 1-4 Person	W9871	U5		\$300.98 (per day)	\$357.79 (per day)
	Needs Group 2-2 Person	W9865	U6		\$614.06 (per day)	\$734.20 (per day)
	Needs Group 2-3 Person	W9866	U6		\$417.52 (per day)	\$498.13 (per day)
	Needs Group 2-4 Person	W9871	U6		\$333.70 (per day)	\$397.80 (per day)
	Needs Group 3-2 Person	W9865	U7		\$735.80 (per day)	\$883.89 (per day)
	Needs Group 3-3 Person	W9866	U7		\$521.94 (per day)	\$626.29 (per day)
	Needs Group 3-4 Person	W9871	U7		\$410.95 (per day)	\$492.62 (per day)
	Needs Group 4-2 Person	W9865	U8		\$801.39 (per day)	\$966.95 (per day)
	Needs Group 4-3 Person	W9866	U8		\$569.89 (per day)	\$686.95 (per day)
	Needs Group 4-4 Person	W9871	U8		\$448.88 (per day)	\$540.56 (per day)
Supports Broker Services	1:1	W7096			\$16.88	\$19.66
Supports Coordination	1:1	W7210			\$23.62	\$27.39
Targeted Services Management	1:1	T1017			\$23.62	\$27.39
Housing Transition and Tenancy Sustaining	1:1	H0043			\$10.48	\$12.50
Supplemental Habilitation	1:1	W7070			\$5.46	\$6.67
	2:1	W7084			\$10.93	\$13.32
Additional Individualized Staffing (effective July 1, 2017, through December 31, 2017)	1:1	W7085			\$5.46	\$6.67
	2:1	W7086			\$10.93	\$13.32

<i>Service Group</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Approved Program Capacity or Staffing Level</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Supported Living	Needs Group 1	W9872	U5		1 Person	\$133.10	\$156.12
		W9873	U5		2 People	\$93.17	\$109.29
		W9874	U5		3 People	\$66.55	\$78.06
	Needs Group 2	W9872	U6		1 Person	\$208.26	\$244.33
		W9873	U6		2 People	\$166.61	\$195.47
		W9874	U6		3 People	\$110.79	\$129.97
	Needs Group 3	W9872	U7		1 Person	\$341.36	\$400.46
		W9873	U7		2 People	\$286.40	\$335.98
		W9874	U7		3 People	\$198.17	\$232.47
	Needs Group 4	W9872	U8		1 Person	\$428.58	\$502.87
		W9873	U8		2 People	\$428.58	\$502.87
		W9874	U8		3 People	\$299.32	\$351.20

Department-Established Fees Effective July 1, 2017, through December 31, 2017

All rates in the table are per day.

<i>Service</i>	<i>Procedure Code</i>	<i>Modifier</i>	<i>Unit</i>	<i>Statewide Fee</i>
Licensed Community Homes—Ineligible	W6091		Day	\$84.15
	W6093			\$45.88
	W6095			\$30.59
	W6097			\$23.03
	W6099			\$16.82
Licensed Child Residential Services—Ineligible	W7011		Day	\$84.15
	W7013			\$45.88
	W7015			\$30.59
	W7017			\$23.03
	W7019			\$16.82
Licensed Community Residential Rehabilitation Services—Ineligible	W7021		Day	\$84.15
	W7023			\$45.88
	W7025			\$30.59
	W7027			\$23.03
	W7029			\$16.82
Unlicensed Residential Services—Ineligible	W7079		Day	\$20.57
	W7081			\$12.39
	W7083			\$6.36

Agency with Choice Financial Management Services, Including Benefit Allowance Effective July 1, 2017**

**No modifier is needed to indicate the benefit allowance is included.

Modifier TD is used to identify services rendered by a RN.

Modifier TE is used to identify services rendered by a LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15 minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
In-Home and Community supports	1:1	W7060			\$5.53	\$6.76
	2:1	W7068			\$11.04	\$13.51
In-Home and Community supports—Enhanced	1:1 (Enhanced)	W7061	TD and TE		\$7.55	\$9.34
	2:1 (Enhanced)	W7069	TD and TE		\$11.31	\$13.86
Companion Services	1:1	W1726			\$4.54	\$5.51
In-Home Respite and Unlicensed Out-of-Home Respite Services	1:1	W9862			\$3.49	\$4.18
	2:1	W9864			\$6.97	\$8.34
	1:1	W9798			\$264.75 (per day)	\$317.07 (per day)
	2:1	W9800			529.51 (per day)	\$634.14 (per day)
In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced	1:1	W9863			\$7.50	\$9.28
	2:1	W8095			\$10.99	\$13.45
	1:1	W9799			\$570.23 (per day)	\$705.01 (per day)
	2:1	W9801			\$834.98 (per day)	\$1,022.08 (per day)
Supported Employment—Career Assessment	1:1	W7235			\$6.96	\$7.67
Supported Employment—Job Finding and Development	1:1	H2023			\$6.96	\$7.67
Supported Employment—Job Coaching and Support	1:1	W9794			\$6.96	\$7.67
Supports Broker	1:1	W7096			\$5.42	\$6.63
Homemaker/Chore	1:1	W7283			\$13.78 (per hour)	N/A
AWC/FMS Monthly Administrative Fee	Per Person Per Month	W7319			\$231.21	N/A

Agency with Choice Financial Management Services, Excluding Benefit Allowance Effective July 1, 2017

**Modifier U4 must be used with all procedure codes when billing for services excluding benefit allowance.

Modifier TD is used to identify services rendered by a RN.

Modifier TE is used to identify services rendered by a LPN.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per 15 minute unit unless otherwise noted.

<i>Service Name</i>	<i>Staffing Level</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
In-Home and Community supports	1:1	W7060	U4		\$4.91	\$6.14
	2:1	W7068	U4		\$9.80	\$12.27
Companion Services	1:1	W1726	U4		\$3.92	\$4.89
In-Home Respite and Unlicensed Out-of-Home Respite Services	1:1	W9862	U4		\$3.11	\$3.86
	2:1	W9864	U4		\$5.73	\$7.10
	1:1	W9798	U4		\$217.58 (per day)	\$269.90 (per day)
	2:1	W9800	U4		\$435.17 (per day)	\$539.80 (per day)
In-Home and Community supports—Enhanced	1:1	W7061	U4	TD and TE	\$6.93	\$8.72
	2:1	W7069	U4	TD and TE	\$10.07	\$12.61
In-Home Respite and Unlicensed Out-of-Home Respite Services—Enhanced	1:1	W9863	U4		\$6.88	\$8.66
	2:1	W8095	U4		\$9.75	\$12.21
	1:1	W9799	U4		\$523.05 (per day)	\$657.84 (per day)
	2:1	W9801	U4		\$740.63 (per day)	\$927.74 (per day)
Supported Employment—Career Assessment	1:1	W7235	U4		\$6.34	\$7.04
Supported Employment—Job Finding and Development	1:1	H2023	U4		\$6.34	\$7.04
Supported Employment—Job Coaching and Support	1:1	W9794	U4		\$6.34	\$7.04
Supports Broker	1:1	W7096	U4		\$4.80	\$6.00
Homemaker/Chore	1:1	W7283	U4		\$11.29 (per hour)	N/A
AWC/FMS Monthly Administrative Fee	Per Person Per Month	W7319			\$231.21	N/A

Fee Schedule Rates Effective January 1, 2018

The modifier HI is used when the individual is not receiving Waiver-funded service during the day.

The modifier SE is used when the Life Sharing Service is being provided by a family member.

Modifier TD is used to identify services rendered by a RN.

Modifier TE is used to identify services rendered by a LPN.

Modifiers U5, U6, U7 and U8 are Needs Group Modifiers.

Modifier U1 is utilized with the appropriate procedure code to allow providers, who are approved by the Department, to receive the Enhanced Communication Services Rate.

All rates in the table are per day.

<i>Service Group</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Approved Program Capacity or Staffing Level</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Licensed Residential Habilitation with Day	Needs Group 1	W9000	U5		1 Person	\$392.42	\$479.77
		W9029	U5		2 People	\$392.42	\$479.77
		W9045	U5		3 People	\$283.48	\$346.60
		W9047	U5		4 People	\$222.86	\$272.64
		W9064	U5		5—8 People	\$204.55	\$250.24
	Needs Group 2	W9000	U6		1 Person	\$474.34	\$579.61
		W9029	U6		2 People	\$474.34	\$579.61
		W9045	U6		3 People	\$317.41	\$388.94
		W9047	U6		4 People	\$251.52	\$307.69
		W9064	U6		5—8 People	\$226.72	\$277.25
	Needs Group 3	W9000	U7		1 Person	\$685.74	\$838.79
		W9029	U7		2 People	\$581.02	\$710.79
		W9045	U7		3 People	\$408.92	\$500.35
		W9047	U7		4 People	\$319.22	\$390.78
		W9064	U7		5—8 People	\$285.32	\$349.20
	Needs Group 4	W9000	U8		1 Person	\$759.68	\$932.26
		W9029	U8		2 People	\$638.49	\$783.57
		W9045	U8		3 People	\$450.93	\$553.50
		W9047	U8		4 People	\$352.46	\$432.79
		W9064	U8		5—8 People	\$309.17	\$379.49
Licensed Residential Habilitation without Day	Needs Group 1	W9000	U5	HI	1 Person	\$488.16	\$596.00
		W9029	U5	HI	2 People	\$488.16	\$596.00
		W9045	U5	HI	3 People	\$362.28	\$442.29
		W9047	U5	HI	4 People	\$283.94	\$346.82
		W9064	U5	HI	5—8 People	\$250.13	\$305.55
	Needs Group 2	W9000	U6	HI	1 Person	\$548.26	\$669.42
		W9029	U6	HI	2 People	\$548.26	\$669.42
		W9045	U6	HI	3 People	\$399.23	\$487.46
		W9047	U6	HI	4 People	\$313.60	\$383.05
		W9064	U6	HI	5—8 People	\$282.01	\$344.58
	Needs Group 3	W9000	U7	HI	1 Person	\$838.54	\$1,025.06
		W9029	U7	HI	2 People	\$621.80	\$760.35
		W9045	U7	HI	3 People	\$466.30	\$570.16
		W9047	U7	HI	4 People	\$364.15	\$445.40
		W9064	U7	HI	5—8 People	\$326.81	\$399.83
	Needs Group 4	W9000	U8	HI	1 Person	\$1,021.19	\$1,252.44
		W9029	U8	HI	2 People	\$748.70	\$918.39
		W9045	U8	HI	3 People	\$570.30	\$699.55
		W9047	U8	HI	4 People	\$439.74	\$539.52
		W9064	U8	HI	5—8 People	\$391.70	\$480.60
Unlicensed Residential Habilitation	N/A	W7078	TD and TE		1 Person	\$120.05	\$147.27
		W7080	TD and TE		2 People	\$75.40	\$92.33
		W7082	TD and TE		3 People	\$54.46	\$66.62

<i>Service Group</i>	<i>Needs Group</i>	<i>Procedure Code</i>	<i>Modifier 1</i>	<i>Modifier 2</i>	<i>Approved Program Capacity or Staffing Level</i>	<i>Statewide Fee</i>	<i>Enhanced Communication Statewide Fee</i>
Life Sharing—over 30 hours per week on average	Needs Group 1	W8593	U5	SE (provided by relative)	1 Person	\$144.22	\$180.99
		W8595	U5	SE (provided by relative)	2 People	\$102.45	\$128.80
	Needs Group 2	W8593	U6	SE (provided by relative)	1 Person	\$171.82	\$215.60
		W8595	U6	SE (provided by relative)	2 People	\$122.88	\$154.54
	Needs Group 3	W8593	U7	SE (provided by relative)	1 Person	\$262.95	\$328.60
		W8595	U7	SE (provided by relative)	2 People	\$184.93	\$231.69
	Needs Group 4	W8593	U8	SE (provided by relative)	1 Person	\$321.74	\$401.75
		W8595	U8	SE (provided by relative)	2 People	\$220.57	\$276.14
Life Sharing—under 30 hours per week on average	N/A	W7037	SE (provided by relative)	TD and TE	1 Person	\$142.23	\$178.45
		W7039	SE (provided by relative)	TD and TE	2 People	\$100.72	\$126.60

Department-Established Fees Effective January 1, 2018

All rates in the table are per day.

<i>Service Name</i>	<i>Procedure Code</i>	<i>Approved Program Capacity</i>	<i>Statewide Fee</i>
Licensed—Residential Habilitation Ineligible Needs Groups 1—4	W9001	1 Person	\$84.15
	W9030	2 People	\$45.88
	W9046	3 People	\$30.59
	W9048	4 People	\$23.03
	W9065	5—8 People	\$16.82
Unlicensed Residential Habilitation Ineligible Needs Groups 1—4	W7079	1 Person	\$20.57
	W7081	2 People	\$12.39
	W7083	3 People	\$6.36

Fiscal Impact

It is estimated that there will be additional cost to the Commonwealth of \$361.394 million (\$174.183 million in State funds) in Fiscal Year 2017-2018 and \$475.732 million (\$229.380 million in State funds) in Fiscal Year 2018-2019 and subsequent years.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County

Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

• *Central Region:* P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105, (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional ODP.

Interested persons are invited to submit written comments regarding the proposed Fee Schedule Rates, Department-established fees, new services the Department will be placing on the MA program fee schedule and services that will no longer be available to the Department to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@pa.gov. Use subject header "PN Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1174. (1) General Fund;

(7) ID—Community Waiver Program; (2) Implementing Year 2017-18 is \$173,886,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$228,786,000; (4) 2016-17 Program—\$1,349,000,000; 2015-16 Program—\$1,202,000,000; 2014-15 Program—\$1,074,000,000;

(7) ID—Community Base Program; (2) Implementing Year 2017-18 is \$297,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$594,000; (4) 2016-17 Program—\$149,950,000; 2015-16 Program—\$148,229,000; 2014-15 Program—\$149,681,000;

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

[Pa.B. Doc. No. 17-1381. Filed for public inspection August 18, 2017, 9:00 a.m.]

Rate-Setting Methodology for Consolidated and Person/Family Directed Support Waiver-Funded and Base-Funded Services for Individuals Participating in the Office of Developmental Programs Service System

The purpose of this notice is to announce the proposed payment methodology used to develop rates, effective July 1, 2017, for residential habilitation eligible, life sharing eligible and transportation trip services funded through the Consolidated and Person/Family Directed Support (P/FDS) waivers and for the same service that is provided with base funding in a waiver-funded service location.

Rate-Setting Methodology for Residential Eligible and Transportation (per Trip) Services

Rates for the following services delivered between July 1, 2017, and December 31, 2017, were developed utilizing a standardized cost-based methodology: Unlicensed Resi-

dential Habilitation in Community Homes; Licensed Residential Habilitation in Community Homes; Child Residential Services; Community Residential Rehabilitation Services; Unlicensed Life Sharing; and Licensed Life Sharing.

Rates for Transportation (per trip) services delivered on or after July 1, 2017, were also developed utilizing a standardized cost-based methodology. Transportation (per trip) providers are both private and local government agency providers.

Effective January 1, 2018, the rates for residential habilitation eligible and life sharing eligible services will be on the Medical Assistance (MA) fee schedule. Also effective January 1, 2018, Transportation (per trip) will be the only service remaining that utilizes the cost-based methodology.

The cost-based methodology requires providers to use a standardized cost report and follow instructions provided by the Department of Human Services (Department). Cost reports undergo a desk review in which the reported data is analyzed by the Department or its designee for completeness and accuracy based on cost report instructions and standardized review procedures. The Department uses only costs allowable for Federal financial participation from the cost report to develop the eligible rates.

Cost report data is adjusted to reflect changes in the service definitions, if necessary, to account for differences in service definitions between the historical reporting period and the period in which the rates will be in effect.

The proposed rates for the residential habilitation eligible and life sharing eligible services effective July 1, 2017, to December 31, 2017, were developed from expenses reported in the approved Year 9 cost reports (based on the Fiscal Year (FY) 2015-2016 Historical Expense Period) and authorizations included in the Home and Community Services Information System (HCSIS) as of December 31, 2016.

The residential habilitation eligible and life sharing eligible rates are subject to the adjustments described as follows, and are assigned at the Master Provider Index (MPI)—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Residential Outlier Review Process

The "total unit cost" for a provider and service is defined as the total expenses reported in the approved cost report for that provider and service divided by the total authorized units for that provider and service, including any applicable utilization adjustments. The total expenses are equal to Schedule A, Line 18 of the cost report. The total authorized units are equal to Schedule A, Line 19 (HCSIS Units Authorized) of the cost report, including any applicable utilization adjustments based on a review of the available HCSIS and Provider Reimbursement and Operations Management Information System (PROMISe) data, where available.

For all providers, the Department identified and adjusted for outliers at the total unit cost level for each of the providers' residential habilitation eligible and life sharing eligible services submitted in the Year 9 approved cost reports, as applicable. For all residential habilitation eligible and life sharing eligible services with 20 or more unique unit costs (unit costs by provider and service from separate, approved Year 9 cost reports), the Department applied the following process for each service:

- The average and standard deviation values were calculated, excluding extreme outliers, based on the total unit costs for all providers from the Year 9 cost report data.

- Total unit costs that were greater than the average plus one standard deviation or that were less than the average minus two standard deviations were flagged as outliers.

- Total unit costs that were flagged as outliers underwent a review, as described as follows.

Total Unit Cost Review

For all providers of residential habilitation and life sharing services, the Department performed a standardized review of all total unit cost outliers to ensure consistency across this Commonwealth. The review consisted of an evaluation of the Individual Support Plans (ISP) for waiver participants receiving services at the service locations impacted by the outlier unit cost. The review allowed the Department to determine whether the outlier unit cost was justified (such as an individual with complex needs) and the following was applied:

Total unit cost outliers that were supported by the ISP reviews were not adjusted.

Total unit cost outliers that were greater than the average unit cost plus one standard deviation and were not supported by the ISP reviews were adjusted to the maximum unit cost from an approved Year 9 cost report below the average plus one standard deviation for that service.

Total unit cost outliers that were less than the average minus two standard deviations and that were not supported by the ISP reviews were adjusted to the minimum unit cost from an approved Year 9 cost report above the average minus two standard deviations for that service.

For all residential habilitation eligible and life sharing eligible services with fewer than 20 unique unit costs, the Department did not perform the standardized outlier review on the total unit costs since there were not enough data points available to produce statistically valid ranges. However, the Department did perform a review of the unit costs for these services in an effort to standardize payment rates across services. The review consisted of a comparison of the following:

- Other unit costs for that service, as applicable.
- The average unit cost and range of unit costs for similar services with 20 or more unit costs.
- The FY 2016-2017 Statewide average unit cost for that service based on FY 2016-2017 approved cost report data and any utilization adjustment made.

If a unit cost appeared unreasonably high or low based on this review, the Department reviewed the ISP for the individual receiving services at the service location impacted by the high/low unit cost to determine if the unit cost was justified. Based on these reviews, no adjustments were made.

Retention Factor

For the period July 1, 2017, through December 31, 2017, the Department will allow for a retention factor. The retention factor is a percentage addition to the provider's calculated FY 2017-2018 cost-based residential habilitation eligible and life sharing eligible rates. The retention factor can be up to a maximum of 2% of the difference between FY 2017-2018 unit cost and FY 2016-2017 unit costs, if the total unit cost for a service

decreased from the provider's FY 2016-2017 unit cost. The application of the retention factor cannot cause the provider's FY 2017-2018 rate to exceed the provider's prior year's PROMISE paid rate.

Vacancy Factor

An adjusted vacancy factor was incorporated into the FY 2016-2017 proposed rates to recognize that residential habilitation and life sharing providers may not deliver services at full capacity. The vacancy factor adjusts the full capacity rate to account for days when the residential habilitation or life sharing provider cannot bill due to a participant not receiving services. The provider cannot bill for days when a participant is not receiving services, but rather is paid a higher rate for days when the participant is receiving services.

After the unit costs for each residential habilitation eligible and life sharing eligible service were adjusted through the outlier review process a vacancy factor of 96% was applied to provider's payment rates to reflect payment to providers for an average number of vacant days. For example, a unit cost of \$100 (after the outlier review) would be adjusted to a unit cost of \$104.17 ($\$100/0.96$) after the vacancy factor was applied.

Enhanced Communication Services

The Enhanced Communication Services modifier, U1, is available for residential habilitation eligible and life sharing eligible services. Enhanced Communication Services can be provided to individuals who meet all of the following:

- Enrolled in the Consolidated or P/FDS Waiver.
- Deaf.
- Determined to need services that are provided by staff who are proficient in sign language.

Providers who wish to receive the Enhanced Communication Services Rate must be approved to do so by the Department. Requests for enhanced rates should be directed to the Deaf Services Coordinator at RA-ODPDeafServices@pa.gov.

Transportation Trip Services

The FY 2017-2018 proposed rates for transportation trip services were developed from expenses and utilization data reported in approved Year 9 transportation cost reports that are based on the FY 2015-2016 historical expense period, when the procedure codes submitted by providers are the same as those entered in the services and supports directory. The FY 2017-2018 transportation trip proposed rates will be effective for services delivered July 1, 2017, through June 30, 2018, are subject to the adjustments described as follows, and are assigned at the MPI—Service Location Code—Procedure Code/Modifier level based on the methodology outlined as follows.

Transportation Trip Outlier Review Process

The "total unit cost" for a provider and transportation trip service is defined as total expenses reported in the approved transportation cost report for that provider and service divided by the total utilization reported in the approved transportation cost report for that provider and service. The total expenses are equal to Schedule A, Line 12 (total net expenses). The total utilization is equal to Schedule A, Line 13. These proposed rates reflect consideration for trips with and without aides (as reported by the provider), which means each provider will be paid one payment rate for each trip service (that is, there will not be separate rates for trips with an aide versus without an aide).

The Department reviewed the development of each transportation trip unit cost submitted in approved transportation cost reports for accuracy, reasonableness, and to ensure compliance with the Department's allowable cost policies. To support the Department's efforts to continue to standardize rates for similar services, the Department performed a more detailed review of unit costs that were at the upper or lower end of the range of unit costs for each transportation trip service.

Cost of Living Adjustment (COLA)

After the unit costs for each residential habilitation eligible, life sharing eligible and transportation trip service were adjusted as previously described, a total COLA of 0.00% was applied to establish each provider's proposed rates for FY 2017-2018.

Rate Assignment Process

For the FY 2017-2018 residential habilitation eligible, life sharing eligible and transportation trip services, the Department assigned proposed payment rates to providers with approved Year 9 cost reports and Year 9 transportation cost reports using the following methodology:

The provider's cost-based payment rate for existing services and service locations submitted in the cost reports, based on the methodology previously described.

The average of the provider's cost-based payment rates for an existing service at a new service location if the provider submitted cost report data for that service at other service locations.

The average payment rate calculated based on all approved cost reports for a new service for which the provider did not deliver at any service location in FY 2015-2016.

The Department assigned payment rates to existing providers who do not have approved Year 9 cost reports based on the following methodology:

The lowest payment rates calculated based on all approved cost reports for providers using the methodology previously described for an existing service which the provider delivered at any service location in FY 2015-2016.

The average payment rate calculated based on all approved cost reports for providers using the methodology previously described for a new service which the provider did not deliver at any service location in FY 2015-2016.

The Department assigned to new providers who did not provide any services in FY 2015-2016 the average payment rate calculated based on all approved cost reports for providers using the methodology previously described.

The proposed payment rates should be used to process claims submitted to PROMISE in electronic format for services provided. A notice will be published announcing the final rates after the public comment period.

Fiscal Impact

It is estimated that there will be an additional \$21.297 million (\$10.407 million in State funds) cost to the Commonwealth for FY 2017-2018.

Public Comment

Copies of this notice may be obtained at the local Mental Health/Intellectual Disability (MH/ID) County Program, Administrative Entity (AE) or regional Office of Developmental Programs in the corresponding regions:

- *Western Region:* Piatt Place, Room 4900, 301 5th Avenue, Pittsburgh, PA 15222, (412) 565-5144

- *Northeast Region:* Room 315, Scranton State Office Building, 100 Lackawanna Avenue, Scranton, PA 18503, (570) 963-4749

- *Southeast Region:* 801 Market Street, Suite 5071, Philadelphia, PA 19107, (215) 560-2242 or (215) 560-2245

- *Central Region:* P.O. Box 2675, DGS Annex Complex, Harrisburg, PA 17105 (717) 772-6507

Contact information for the local MH/ID County Program or AE may be found at <https://www.hcsis.state.pa.us/hcsis-ssd/pgm/asp/PRCNT.ASP> or contact the previously referenced regional Office of Developmental Programs.

Interested persons are invited to submit written comments regarding the proposed payment methodology to the Department of Human Services, Office of Developmental Programs, Division of Provider Assistance and Rate Setting, 4th Floor, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Comments can also be sent to ra-ratesetting@pa.gov, use subject header "PN Fee Schedule."

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service by dialing 711 or by using one of the toll free numbers: (800) 654-5984 (TDD users), (800) 654-5988 (voice users), (844) 308-9292 (Speech-to-Speech) or (844) 308-9291 (Spanish).

Comments received within 30 days of publication of this notice will be reviewed and considered for revisions to the proposed payment methodology.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1172. (1) General Fund;

(7) ID—Community Waiver Program; (2) Implementing Year 2017-18 is \$10,110,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$1,349,000,000; 2015-16 Program—\$1,202,000,000; 2014-15 Program—\$1,074,000,000;

(7) ID—Community Base Program; (2) Implementing Year 2017-18 is \$297,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$149,950,000; 2015-16 Program—\$148,229,000; 2014-15 Program—\$149,681,000;

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

[Pa.B. Doc. No. 17-1382. Filed for public inspection August 18, 2017, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on July 27, 2017, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
 - (X) 102" wide 53' long trailer.
2. (X) 102" wide 48' long trailer.
3. (X) 102" wide twin trailers (28 1/2' feet maximum length—each).
4. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
SR 1035 and SR 3011	From SR 222 to 337 Chestnut Street	Berks/Lehigh	2.70

The Counties of Berks and Lehigh approved the access route within their respective jurisdictions.

Questions should be directed to George Harpster at (717) 783-6473.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 17-1383. Filed for public inspection August 18, 2017, 9:00 a.m.]

Bureau of Maintenance and Operations; Access Route Approval

Under 75 Pa.C.S. § 4908 (relating to operation of certain combinations on interstate and certain other highways), the Department of Transportation approved on July 27, 2017, the following access route for use by the types of truck combinations as indicated:

1. (X) 96" wide twin trailers (28 1/2' maximum length of each trailer).
2. (X) 102" wide 53' long trailer.
3. (X) 102" wide 48' long trailer.
4. (X) 102" wide twin trailers (28 1/2' feet maximum length—each).
5. (X) 102" wide maxi-cube.

<i>Route Identification</i>	<i>Route Description</i>	<i>County</i>	<i>Length Miles</i>
North 15th Avenue (Local Road)	From US 422 to 1415 Weavertown Road	Lebanon	0.07

The County of Lebanon approved the access route within its respective jurisdiction.

Questions should be directed to George Harpster at (717) 783-6473.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 17-1384. Filed for public inspection August 18, 2017, 9:00 a.m.]

GOVERNOR'S OFFICE

Regulatory Agenda

Executive Order 1996-1 requires all agencies under the jurisdiction of the Governor to submit for publication semi-annually an agenda of regulations under development or consideration.

The agendas are compiled to provide members of the regulated community advanced notice of regulatory activity. It is the intention of the Administration that these agendas will serve to increase public participation in the regulatory process.

Agency contacts should be contacted for more information regarding the regulation and the procedure for submitting comments.

This Agenda represents the Administration's present intentions regarding future regulations. The nature and complexity of an individual regulation obviously will determine whether and when any particular regulation listed (as well as any considered subsequent to publication of this Agenda) is published.

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Office of Administration (OA)			
No regulations being developed or considered at this time.			
Department of Aging			
Older Adult Daily Living Centers 6 Pa. Code Chapter 11	Fall 2017, as Proposed	The purpose of 6 Pa. Code Chapter 11 is to protect the health, safety and well-being of persons with functional impairments for the licensure and operation of Older Adult Daily Living Centers (OADLC). These regulations—the statutory authority for which is found in Act 118 of 1990 and in 62 P.S., Chapter 2 § 1511—were adopted on July 2, 1993 and effective October 12, 1993. The Pennsylvania Department of Aging is responsible for the enforcement of these regulations. OADLC services provide a structured program of services to clients who require the service along with valuable respite to caregivers. The proposed rulemaking would update the existing regulatory language to address changes in other statutes, regulations, codes, ordinances, and other professional standards and practices, along with addressing the increasing frailty of clients served in OADLC.	Barb Valaw (717) 787-4522
Pennsylvania Community Adult Respite Services Program Act 166 of 2014	Fall 2017, as Proposed	Act 166 of 2014 (P.L. 2615, Oct. 22, 2014, No. 166) created a new program called the Pennsylvania Community Adult Respite Services Program (CARP), authorizing the Department of Aging to license and inspect community adult respite services programs that serve participants with minor functional impairments. The purpose of the proposed rulemaking is to provide guidance to persons wishing to provide community adult respite services to eligible persons for part of a 24 hour day, filling a niche between senior centers and older adult daily living centers, as required by Act 166 of 2014.	Barb Valaw (717) 787-4522

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Agriculture</i>			
Agriculture Conservation Easement Purchase Program Regulations 7 Pa. Code Chapter 138e	September 2017, as Proposed	This regulation will address statutory changes made by Act 61 of 2005 and Act 46 of 2006, and will otherwise update the current regulations.	Douglas Wolfgang (717) 783-3167
Pennsylvania Preferred Program Regulations 7 Pa. Code Chapter 107	September 2017, as Proposed	This regulation will establish standards required under the Pennsylvania Preferred Act (3 Pa.C.S. §§ 4601—4611).	Laura England (717) 783-8462
Pennsylvania Vegetable Marketing Program 7 Pa. Code Chapter 104	August 2017, as Proposed	This regulation will update and simplify the process by which the Pennsylvania Vegetable Marketing Program collects “producer charges” to fund its marketing and research efforts from participating Pennsylvania vegetable producers.	William Troxell (717) 694-3596
Rabies Prevention and Control 7 Pa. Code Chapter 16	October 2017, as Proposed	The regulation will update current regulations to reflect statutory changes and otherwise update the current regulations.	Nanette Hanshaw, DVM (717) 783-6677
Commercial Kennel Canine Health Regulations 7 Pa. Code Chapter 28a	August 2017, as Proposed	The regulation will rescind a provision that Commonwealth Court has determined is not authorized by the underlying statute and is contradictory to the legislative intent.	Kristen Donmoyer (717) 705-8896
Weights, Measures and Standards 7 Pa. Code Chapter 9	August 2017, as Proposed	The regulation will rescind outdated paperwork requirements relating to the issuance of weighmaster certificates.	Walt Remmert (717) 787-6772
<i>Department of Banking and Securities (DOBS)</i>			
Merger-related amendatory regulations under the Pennsylvania Securities Act of 1972 10 Pa. Code §§ 1.1, 102.021—1001.010	Fall 2017, as Final	The rulemaking amends various sections of the Securities Regulation to: replace obsolete terminology; correct formatting and word choice issues; delete multiple statements of policy; reduce compliance requirements; permit electronic format submissions as well as electronic filing; and align the language of the regulation with NASAA model rules and SEC rules and regulations. (Required pursuant to 70 P.S. § 1-609.)	Leo Pandeladis (717) 787-1471
Modernization of banking regulations under the Banking Code of 1965	Fall/Winter 2017, as Proposed	The Banking Code of 1965 underwent substantial modernization in 2014 and there is a need for the regulations to reflect recent legislative changes. (Act of November 30, 1965, P.L. 847, No. 356, as amended.)	Leo Pandeladis (717) 787-1471

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Community and Economic Development (DCED)</i>			
Local Earned Income Tax (Act 32 of 2008 Regulations) 12 Pa. Code Chapter 151 (# 4-97)	Winter 2017, as Final	The proposed regulation interprets and makes specific the provisions of the Local Tax Enabling Act, as provided in Chapter 5 of the act (53 P.S. §§ 6924.501 et seq.). The proposed regulation establishes procedures to supplement the implementation of the act which will facilitate consolidated collection of local income taxes in this Commonwealth. The proposed regulations were approved by the Office of General Counsel on May 17, 2016 and are currently under review with the Office of Attorney General.	Lori Irwin (717) 720-7311
<i>Department of Conservation and Natural Resources (DCNR)</i>			
Conservation of Pennsylvania Native Wild Plants 17 Pa. Code Chapter 45	October 2017, as Proposed	The purpose of the rulemaking is to update the department's listing of Pennsylvania's classified plant species. The legal basis for the rulemaking is: Section 7 of the Wild Resource Conservation Act (32 P.S. § 5307); as well as Sections 305 and 313 of the Conservation and Natural Resources Act (71 P.S. § 1340.305 and § 1340.313).	Ellen Shultzabarger (717) 214-3818 Stephen Ekema-Agbaw, Esq. (717) 772-4171
Snowmobile and All-Terrain Vehicle Grants 17 Pa. Code Chapter 53	September 2017, as Proposed	The purpose of this rulemaking is to comply with the Act of July 20, 2016, P.L. 837, No. 97, codified in 75 Pa.C.S. § 7706(b.1) of the Vehicle Code, which mandates this rulemaking. The Act instructs the Department to promulgate regulations implementing a grant program using funds from the snowmobile and ATV management restricted accounts, created by the Act.	Alex MacDonald (717) 772-4586 Stephen Ekema-Agbaw, Esq. (717) 772-4171
<i>Department of Corrections (DOC)</i>			
Reception and Discharge of Inmates 37 Pa. Code § 91.3	Fall 2017, as Proposed	The county reception regulations are being revised to be consistent with statutory law mandating that certain documentation be presented by the counties before inmate reception can occur.	Tracey Tubbs (717) 728-7763
Inmate Correspondence 37 Pa. Code § 93.2	Fall 2017, as Proposed	The inmate correspondence regulations are being revised for clarification and to more accurately comport with current standards.	Tracey Tubbs (717) 728-7763

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Drug and Alcohol Programs (DDAP)</i>			
Standards for Licensure of Treatment Facilities 28 Pa. Code Chapter 709 (# 74-3)	Winter 2017, as Proposed	The regulation will be revised to enlarge the amount of time between inspections for the free standing drug and alcohol facilities that, for the last two years, have not had any citations in four critical areas (conduct or omissions that jeopardized the safety of any persons, compromised the quality of treatment provided, violated a client's confidentiality rights or resulted in treatment being provided without informed consent) and have reasonably and timely taken any remedial measure requested by the Department. Act 50 of 2010 authorizes DDAP to modify existing drug and alcohol regulations.	Tawny Mummah (717) 736-7448
<i>Department of Education (PDE)</i>			
Regulations of the State Board of Private Academic Schools 22 Pa. Code Chapters 51, 53, 55, 57, 59, 61 and 63	Fall 2017, as Proposed	These regulations define the requirements for obtaining licensure as a Private Academic School. The Board is currently in the process of updating the regulations, which were promulgated in 1988. The regulations are promulgated under the authority of the Private Academic Schools Act (24 P.S. §§ 6701 et. seq.).	Matthew Stem (717) 787-2127
Standards for Approved Private Schools 22 Pa. Code Chapter 171, Subchapters A and C	Summer 2017, as Proposed	These standards define the elements of Approved Private Schools and the Chartered Schools (schools for the deaf and blind). This subchapter contains general provisions, which the Department seeks to update to conform to intervening changes in applicable law. The standards are promulgated under the authority of sections 1376 and 1376.1 of the Public School Code of 1949, 24 P.S. §§ 13-1376 and 1376.1.	Alaina Koltash (717) 787-5500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Professional Standards and Practices Commission 22 Pa. Code Chapter 235	Spring 2018, as Proposed	This chapter sets forth the standards for professional practice and conduct applicable to educators. The Commission plans to update this chapter to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. §§ 2070.1a et seq.) and to expound the obligations educators owe to students, colleagues and the profession, with an emphasis on appropriate student-teacher boundaries, electronic communications with students and role model responsibilities. The regulation is promulgated under the authority of sections 5(a)(10) and 5(a)(14) of the Educator Discipline Act (24 P.S. § 2070.5(a)(10) and § 2070.5(a)(14)).	Shane Crosby (717) 787-6576
Professional Standards and Practices Commission 22 Pa. Code Chapter 237, Subchapter A	Spring 2018, as Final-Omitted	This subchapter contains definitions of statutory terms, which the Commission plans to update to conform to the 2014 amendments to the Educator Discipline Act (24 P.S. §§ 2070.1a et seq.). The regulation is promulgated under the authority of sections 5(a)(14) and 9c(b) of the Educator Discipline Act (24 P.S. § 2070.5(a)(14) and § 2070.9c(b)).	Shane Crosby (717) 787-6576
Department of Education	Summer 2017, as Proposed	These regulations will address the possession and use of medical marijuana by students and employees on the grounds of a preschool, primary school and a secondary school. These regulations are promulgated under authority of the Medical Marijuana Act (2016 Pa. Laws 16).	Wallace Rejrat (717) 787-5500

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Environmental Hearing Board (EHB)</i>			
Practice and Procedure 25 Pa. Code Chapter 1021 (# 106-12)	Summer 2017, as Final	<p>The Environmental Hearing Board proposed revisions to its rules which were published in the December 9, 2015 issue of the <i>Pennsylvania Bulletin</i>. Comments were received from IRRC and the public. Final rulemaking was approved by IRRC at its public meeting on June 15, 2017. The Board is awaiting final approval by the Attorney General's Office. It is expected that final rulemaking will be published in the <i>Pennsylvania Bulletin</i> in late July or August 2017. The proposed revisions to the Environmental Hearing Board Rules of Practice and Procedure that will go into effect as final rulemaking are as follows: (1) amend sec. 1021.21 to correct an omission in the prior rule and recognize that an appeal can be instituted by the filing of a notice of appeal or a complaint depending on the statute at issue; (2) add a comment to sec. 2010.21 to notify out of state attorneys that they are not subject to the IOLTA fee when they appear pro hac vice in a Board proceeding; (3) clarify rules in sec. 1021.32 pertaining to electronic filing registration to conform to the registration form that is provided on the Board's electronic filing site; (4) clarify language in sec. 1021.33 pertaining to service by the Board; (5) amend sec. 1021.34 to explain that the Board will only serve copies of orders by mail to parties who have been excused from electronic filing; (6) clarify language in sec. 1021.39 to clarify when the date and time of filing will appear by the electronic filing provider; (7) amend 1021.51 to explain what appellant must attach with its notice of appeal; (8) correct a typographical error in sec. 1021.52(b); (9) amend the title of sec. 1021.103 to include notices to attend and notices to produce; (10) amend comment to sec. 1021.141 to clarify that the Board makes the determination of a dismissal with or without prejudice on a case-by-case basis; (11) add sec. 1021.153 to explain the procedure for filing an application for interlocutory appeal; and (12) amend sec. 1021.21 to correspond to appellate rules on filing petitions for review with the Commonwealth Court.</p>	Maryanne Wesdock, Senior Assistant Counsel (412) 565-5245

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Environmental Protection (DEP)</i>			
Underground Coal Mine Safety Sensitive Ground Fault 25 Pa. Code Chapter 208	Quarter 3, 2017, BCMS Consideration, as Final	This rulemaking includes revisions to Chapter 208 in order to enhance the safety of electrical cables in underground mines through the use of more sensitive ground fault protection. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Underground Coal Mine Safety Proximity Detection Systems 25 Pa. Code Chapter 208	Quarter 4, 2017, BCMS Consideration, as Final	This rulemaking adds regulatory provisions relating to proximity detection systems. Currently in Pennsylvania, safety requirements involving the use of proximity detection systems on continuous mining machines at underground bituminous coal mines are implemented pursuant to recently published Federal Mine Safety and Health Administration regulations. This rulemaking makes those Federal regulations independently enforceable by the Commonwealth. These requirements ensure that continuous mining machines at underground bituminous coal mines are safely operated and maintained in order to reduce the risk of accidents and injuries. (Bituminous Coal Mine Safety Act)	Colvin "Craig" Carson (724) 404-3154 cocarson@pa.gov
Handling and Use of Explosives 25 Pa. Code Chapters 210 and 211	Quarter 4, 2017, EQB Consideration, as Final	This rulemaking revises current explosives regulations to address blasting activities relating to seismic exploration. The rulemaking also updates explosives use requirements, enforcement authority and eliminates outdated requirements. (Explosives Acts of 1937 and 1957; Surface Mining Conservation and Reclamation Act; and Noncoal Surface Mining Conservation and Reclamation Act)	Rick Lamkie (814) 472-1885 rlamkie@pa.gov
Federal Office of Surface Mining (OSM) Program Consistency Updates 25 Pa. Code Chapters 86, 89 and 90	Quarter 4, 2017, EQB Consideration, as Proposed	This rulemaking proposes to amend Chapter 86 in order to comply with Federal regulatory requirements; to revise (Chapter 89) effluent limits for passive treatment systems to comply with Federal regulations, and to update (Chapter 90) coal refuse site selection regulations to comply with the revised Coal Refuse Disposal Control Act. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Noncoal Mining Program Fee Amendments 25 Pa. Code Chapter 77	Quarter 3, 2017, EQB Consideration, as Proposed	This rulemaking proposes to increase fees in order to provide the funding for the Noncoal Mining Program, which implements the Noncoal Surface Mining and Conservation and Reclamation Act (NSMCRA). The rulemaking proposes to provide more revenue in order to implement the NSMCRA, which requires operators to apply for and maintain active permits and licenses to mine noncoal minerals in Pennsylvania. In administering the noncoal mining program, DEP reviews and issues permits and conducts inspections to assure compliance with the permits and performance standards. (Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law)	Bill Allen (717) 783-9580 wallen@pa.gov
Water Supply Replacement 25 Pa. Code Chapters 87 and 88	Quarter 3, 2018, EQB Consideration, as Proposed	This rulemaking includes revisions to Chapters 87 and 88, which will clarify what is necessary to meet the coal mine operator's obligation to permanently pay the operation and maintenance costs for replacement water supplies. (Surface Mining Conservation and Reclamation Act)	Bill Allen (717) 783-9580 wallen@pa.gov
Oil and Gas Program Fee 25 Pa. Code Chapter 78a	Quarter 4, 2017, EQB Consideration, as Proposed	This rulemaking amends the fees paid by operators of unconventional wells. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase to provide for the administration of the oil and gas program. (2012 Oil and Gas Act, Clean Streams Law)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov
Environmental Protection Performance Standards for Conventional Oil and Gas Operators 25 Pa. Code Chapter 78	Quarter 3, 2018, EQB Consideration, as Proposed	This rulemaking proposes to amend the Oil and Gas regulations applicable to conventional operators (Chapter 78) to update the environmental protection performance standards related to oil and gas activities. (2012 Oil and Gas Act, Clean Streams Law, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014)	Kurt Klapkowski (717) 772-2199 kklapkowski@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Disinfection Requirements Rule 25 Pa. Code Chapter 109	Quarter 4, 2017, EQB Consideration, as Final	This rulemaking amends Chapter 109 to revise the minimum disinfectant residual level maintained in public water distribution systems and the related monitoring and reporting requirements. This rulemaking also clarifies other existing provisions to obtain primacy for the Federal Long Term 2 Enhanced Surface Water Treatment Rule, Short-term Revisions to the Lead and Copper Rule, and the Stage 2 Disinfection Byproducts Rule. (Pennsylvania Safe Drinking Water Act)	Dawn Hissner (717) 772-4018 dhissner@pa.gov
Safe Drinking Water General Update and Fee Amendments 25 Pa. Code Chapter 109	Quarter 1, 2018, EQB Consideration, as Final	This rulemaking proposes to strengthen turbidity standards for surface water filtration plants, update and clarify permitting requirements for new sources, and clarify source water protection requirements and other sections of Chapter 109. This rulemaking also proposes to establish new annual fees and increase permit fees to supplement State costs for administering the Safe Drinking Water Program. (Pennsylvania Safe Drinking Water Act)	Ed Chescatti (717) 772-2184 echescatti@pa.gov
Water Quality Standards— Class A Stream Redesignations 25 Pa. Code Chapter 93	Quarter 3, 2017, IRRC Consideration	The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). In this rulemaking, redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins. (Section 303(c)(1) of the Federal Clean Water Act)	Steve Taglang (717) 787-5017 staglang@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Water Quality Standards— Sobers Run et al., Stream Redesignations 25 Pa. Code Chapter 93	Quarter 3, 2017, EQB Consideration, as Final	This rulemaking contains waterbodies that are candidates for redesignation. Stream evaluations were conducted by DEP to determine the appropriate designated use of the candidate waterbodies. The streams included in this rulemaking were evaluated in response to four petitions. Section 303(c)(1) of the Federal Clean Water Act requires states to periodically review and revise, as necessary, water quality standards. (Pennsylvania Clean Streams Law)	Steve Taglang (717) 787-5017 staglang@pa.gov
Triennial Review of Water Quality Standards and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16	Quarter 2, 2018, EQB Consideration, as Final	This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and to update the Chapter 16 Statement of Policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act. (40 CFR Section 131.20)	Tom Barron (717) 787-9637 tbarron@pa.gov
Water Quality Management Fee Amendments and NPDES Program Fee Amendments 25 Pa. Code Chapters 91 and 92a	Quarter 4, 2017, EQB Consideration, as Proposed	This rulemaking proposes to amend fees related to water quality management permitting (Chapter 91) and proposes to amend the fee schedule for NPDES permit applications (Chapter 92a). Chapter 91 establishes, among other things, a water quality management (WQM) permitting program for the construction of sewage and industrial waste treatment facilities and for land application of sewage and industrial wastes. DEP began its Chapter 92a annual invoicing and fee collection program in December 2010.	Sean Furjanic (717) 787-2137 sefurjanic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
		Chapter 92a updated the fee schedule for NPDES permit applications for persons to discharge pollutants from point sources into surface waters. In addition, Chapter 92a introduced an annual fee for certain facilities authorized to discharge pollutants by individual NPDES permits. A fee analysis that DEP presented to the EQB in 2014 highlighted that, despite the fee increase in 2010, revenue continues to fall short of expenses, impeding the work of Programs to carry out necessary tasks for protecting water resources in the Commonwealth. (Pennsylvania Clean Streams Law)	
Administration of Sewage Facilities Planning and Permitting Programs and Standards for Onlot Sewage Treatment Facilities 25 Pa. Code Chapters 71, 72 and 73	Quarter 2, 2018, EQB Consideration, as Proposed	This rulemaking proposes to create 25 Pa. Code Chapters 71a, 72a and 73a, replacing the current Chapters 71, 72 and 73. The proposed amendments would provide necessary updates and clarity to the regulations to address environmental and public health and safety issues. (Pennsylvania Sewage Facilities Act, Clean Streams Law)	Lee McDonnell (717) 787-5017 lmcdonnell@pa.gov
Environmental Laboratory Accreditation 25 Pa. Code Chapter 252	Quarter 3, 2017, Publication as Final	This rulemaking establishes appropriate standards for laboratories performing DEP compliance testing of environmental samples. The rulemaking outlines the minimum requirements to which laboratories must adhere when producing environmental data. The regulation also includes changes to the qualifications for laboratory supervisors, clarifications to recordkeeping requirements, and changes to the application fees and out-of-state travel expense reimbursement rate. The Environmental Laboratory Accreditation Act requires that the accreditation fees cover the cost of the operation of the laboratory accreditation program. (Environmental Laboratory Accreditation Act)	Aaren Alger (717) 346-8212 aaalger@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Administration of the Storage Tank and Spill Prevention Program 25 Pa. Code Chapter 245	Quarter 3, 2017, EQB Consideration, as Proposed	This rulemaking proposes to amend Chapter 245 to strengthen the underground storage tank (UST) requirements by increasing the emphasis on properly operating and maintaining equipment. Currently, UST owners and operators are required to have spill prevention, overfill prevention, and release detection equipment in place, but are not required to periodically verify the functionality of some of that equipment. The proposed changes are expected to result in improvements in the routine operation, maintenance and monitoring of underground storage tanks. This will help to further reduce the number of releases from underground storage tanks and, in turn, protect public health and the environment. (Storage Tank and Spill Prevention Act)	Kris Shiffer (717) 772-5806 kshiffer@pa.gov
Administration of the Land Recycling Program 25 Pa. Code Chapter 250	Quarter 4, 2017, EQB Consideration as Final-Omitted	This rulemaking corrects three errors in medium-specific concentration (MSC) values discovered since the latest Chapter 250 (Administration of the Land Recycling Program) rulemaking became effective. (Land Recycling and Environmental Remediation Standards Act)	Troy Conrad (717) 783-9480 tconrad@pa.gov
Radiation Protection Program Fees 25 Pa. Code Chapters 218 and 240	Quarter 3, 2017, IRRC Consideration	This rulemaking amends Chapters 218 and 240 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase in two program areas. The Radioactive Materials and Decommissioning Program and the Radon Program fee revenue for these program areas is insufficient to cover program costs. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Radiological Health 25 Pa. Code Chapters 215—240	Quarter 1, 2018, EQB Consideration, as Final	This rulemaking proposes to amend Chapters 215—240 to update Computed Tomography and Fluoroscopic regulations; to address new X-ray technology that is not addressed in current regulations; and to include comprehensive updates to the radon regulations to incorporate procedures and protocols that are not addressed in the current regulations. Additional items of clarification are 45-day reporting and application requirements, specifying the number of mitigation firm employees, and numerous changes and additions to the definitions section. (Radiation Protection Act and Radon Certification Act)	Joseph Melnic (717) 783-9730 jmelnic@pa.gov
Gasoline Volatility Requirements 25 Pa. Code Chapters 121 and 126	Quarter 4, 2017, EQB Consideration, as Final	This rulemaking amends §§ 126.301—126.303 to add § 126.301(d). Section 126.301(d) adds language to render §§ 126.301—126.303 no longer effective upon the approval by the EPA of the removal, suspension, or replacement of these requirements as part of the Commonwealth's State Implementation Plan (SIP). This rulemaking is in response to Act 50 of 2014 (P.L. 674, May 14, 2014), which directs the EQB to promulgate regulations to repeal the requirements for low Reid Vapor Pressure gasoline upon approval by the EPA of a SIP demonstration of continued compliance with the National Ambient Air Quality Standards (NAAQS) through the use of commensurate emission reductions from other air pollution control measures. DEP plans to develop and submit a Non-Interference Demonstration (NID) SIP Revision to the EPA to demonstrate continued compliance with the NAAQS. This NID SIP revision will include a request for the EPA to remove §§ 126.301—126.303 from the Commonwealth's Federally-approved SIP. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOC Emissions from Industrial Cleaning Solvents; General Provisions; Aerospace Manufacturing and Rework; and Additional RACT Requirements for Major Sources of NO _x and VOCs 25 Pa. Code Chapter 129	Quarter 1, 2018, EQB Consideration, as Final	This rulemaking amends Chapter 129 to adopt requirements to reduce the emissions of volatile organic compounds from industrial cleaning solvents not regulated elsewhere in Chapter 129 or Chapter 130 to meet the Clean Air Act requirements to implement “reasonably available control measures,” including implementation of “reasonably available control technology” (RACT) requirements, for ozone nonattainment areas. The emission limitations and work practice standards will be consistent with the recommendations of the EPA included in the Control Techniques Guidelines for industrial cleaning solvents. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Air Quality Fee Schedule Amendments 25 Pa. Code Chapters 127 and 139	Quarter 4, 2017, EQB Consideration, as Proposed	This rulemaking proposes to revise existing requirements and fee schedules codified in Chapter 127, Subchapter I to ensure that fees collected are sufficient to cover the costs of administering the air program as required under Section 6.3(a) of the Air Pollution Control Act (35 P.S. § 4006.3(a)). Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a revision to the State Implementation Plan or the Title V Program Approval, as appropriate. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Control of VOCs from Gasoline Dispensing Facilities (Stage II) 25 Pa. Code §§ 121.1, 129.61 and 129.82	Quarter 2, 2018, EQB Consideration, as Proposed	This rulemaking proposes to amend the requirements for installing new Stage II vapor recovery systems under § 129.82. The rulemaking proposes to establish procedures for the decommissioning of existing Stage II systems and to require Stage II systems that are not decommissioned to still comply with existing regulatory maintenance requirements. The rulemaking also proposes to amend § 129.61 to establish requirements for the installation and monitoring of Stage I enhanced vapor recovery systems and amend § 121.1 to add terms to support the amendments to §§ 129.61 and 129.82. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
Control of Emissions from the Oil and Natural Gas Industry 25 Pa. Code Chapter 129	Quarter 2, 2018, EQB Consideration, as Proposed	This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT) recommendations of the Control Technique Guidelines for the Oil and Natural Gas Industry finalized by the EPA on October 27, 2016. The proposed rulemaking would establish RACT requirements for volatile organic compounds (VOC) and other pollutants from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision. (Air Pollution Control Act)	Susan Hoyle (717) 772-2329 shoyle@pa.gov
<i>Department of General Services (DGS)</i>			
Committee on Construction Contract Documents 4 Pa. Code Chapter 62 (# 8-21)	2017, as Final-Omitted	The Procurement Code repealed the legislation creating this committee, which no longer exists.	Mary Fox (717) 787-6789 Ed Olivieri (717) 783-3280
Selections Committee 4 Pa. Code Chapter 64 (# 8-22)	2017, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Mary Fox (717) 787-6789 Ed Olivieri (717) 783-3280

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Emergency Construction Repairs 4 Pa. Code Chapter 67 (# 8-23)	2017, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Mary Fox (717) 787-6789 Ed Olivieri (717) 783-3280
Contract Compliance— Prequalification of Vendors and Nonconstruction Contractors 4 Pa. Code Chapter 68, Subchapter A (# 8-24)	2017, as Final-Omitted	These regulations should be rescinded since the subject matter of these rules is now covered by the directives management system.	Mary Fox (717) 787-6789 Ed Olivieri (717) 783-3280
Methods of Awarding Contracts 4 Pa. Code Chapter 69 (# 8-25)	2017, as Final-Omitted	These regulations should be rescinded since they have been superseded by the Commonwealth Procurement Code.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789 Pamela Cross (717) 214-7739
Surplus State Property 4 Pa. Code Chapters 41, 43, 45 and 47 (# 8-26)	2017, as Final-Omitted	These regulations should be rescinded since they are outdated and have been superseded by new Commonwealth procedures as well as the Commonwealth Procurement Code.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789 Pamela Cross (717) 214-7739
State Metrology Laboratory fee schedule, 70 Pa. Code Chapter 110 (# 8-27)	Withdrawn by DGS for additional edits on July 7, 2017. DGS will resubmit as proposed in 2017.	These regulations will increase the fees charged by the State Metrology Laboratory, provide for an automatic yearly increase, and update the description fields to accurately reflect the Metrology Lab's measurement parameters and ranges.	Ken Hess (717) 787-4352 Mary Fox (717) 787-6789
Commonwealth Buildings 4 Pa. Code Chapters 85, 86 and 87 (# 8-28)	2017, as Proposed	These regulations (Chapters 85 and 87) and statement of policy (Chapter 86) will be amended to update the procedures for the public to request use of the public areas of the Capitol Complex and the Forum auditorium.	Matthew Bembenick (717) 787-5996 Shawn E. Smith (717) 787-5599 Mary Fox (717) 787-6789
<i>Department of Health (DOH)</i>			
Photo Identification Tag Regulations 28 Pa. Code Chapters 54 and 55	November 2017, as Proposed	The Health Care Facilities Act (35 P.S. §§ 448.101 et seq.) was amended by the passage of Act 2010-110 on November 23, 2010. This new section of the Act (35 P.S. § 448.809.2) requires persons working in health care facilities and physician practices to wear photo identification badges that also contain other information including the person's name, title and name of the health care facility.	Karin Simpson (717) 783-2500 Susan Coble (717) 783-8665

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Health Facilities and Hospitals 28 Pa. Code Chapters 51 and 101—158	November 2017, as Proposed	The Secretary of Health created a task force of hospital industry representatives to review the current hospital regulations and provide recommendations to improve the quality of care in hospitals across the state. The hospital regulations will be updated to reflect those recommendations.	Tanya Leshko (717) 783-2500 Ann Chronister (717) 787-8015
Long Term Care Facilities 28 Pa. Code Chapters 201—211	January 2018, as Proposed	Pennsylvania's long-term care facility licensure regulations were last updated in 1999. Since that time, the clinical complexity of nursing home residents has changed substantially. The Nursing Home Quality Improvement Task Force was commissioned by the Secretary of Health to make recommendations for revisions to the regulations. The long-term care facility regulations will be updated to reflect those recommendations.	Karin Simpson (717) 783-2500 Ann Chronister (717) 787-8015
Medical Marijuana	Temporary regulations will be published periodically through the end of 2017.	The newly enacted medical marijuana program, Act 16, was signed into law on April 17, 2016 and became effective on May 17, 2016. As of the end of July, 2017, the Department released temporary regulations for safe harbor letters, grower/processors, dispensaries, approved laboratories, and practitioners. During the last six months of 2017, the Department anticipates proposing temporary regulations for patients and caregivers, and academic clinical research centers.	Wendy Carson (717) 783-2500 Lawrence Clark (717) 547-3058
Emergency Medical Services 28 Pa. Code Chapters 1001—1033	December 2017, as Proposed	The amendments to existing regulations will add Community Paramedic as a class of Emergency Medical Services Provider pursuant to the Emergency Medical Services Act 35 Pa.C.S. §§ 8101 et seq.	Doug Snyder (717) 783-2500 Raphael Barishansky (717) 783-8804
<i>Department of Human Services (DHS)</i>			
Outpatient Psychiatric Services and Psychiatric Outpatient Clinics 55 Pa. Code Chapters 1153 and 5200	August 2017, as Proposed	These amendments will update the current regulations to align outpatient psychiatric services with current industry standards and parity requirements and will include provisions for mobile mental health treatment.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Psychiatric Rehabilitation Services 55 Pa. Code Chapter 5231	November 2017, as Proposed	This regulation will be amended to govern psychiatric rehabilitation services for individuals 14 years of age and older with serious mental health conditions to support the transition to adulthood, implement an initiative to improve coordination between the child and adult mental health care systems, and amend outdated language throughout.	Jen DeBell (717) 772-4141
Intensive Behavioral Health Services 55 Pa. Code Chapter 5270	October 2017, as Proposed	This regulation will govern the provision of the array of in-home and community-based behavioral health rehabilitation services for children, including services for children with autism spectrum disorder.	Jen DeBell (717) 772-4141
Mental Health Targeted Case Management 55 Pa. Code Chapters 5220 and 5221	December 2017, as Proposed	This regulation will rescind Chapter 5221 and replace it with a new Chapter 5220 which will govern the provision of mental health case management services, including resource coordination, intensive case management and blended case management.	Jen DeBell (717) 772-4141
Subsidized Child Care Eligibility 55 Pa. Code Chapter 3041	November 2017, as Proposed	This regulation will be updated to add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments to requirements regarding redetermination, continuation of subsidy during job loss, reporting and verification, financial eligibility, and prioritized groups.	Jen DeBell (717) 772-4141
Child Day Care Centers, Group Child Care Day Care Homes, Family Child Day Care Homes 55 Pa. Code Chapters 3270, 3280 and 3290	November 2017, as Proposed	This regulation will add new requirements imposed by the 2014 Federal Reauthorization of the Child Care Development Block Grant. This regulation will include amendments regarding employment, background checks and training requirements. In addition, additional proposed amendments include water safety training and equipment requirements.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Home and Community-Based Supports and Licensing 55 Pa. Code Chapters 51, 2380, 2390, 6100, 6200, 6400 and 6500	December 2017, as Final	This regulation will rescind Chapter 51 and replace it with a new Chapter 6100, which will govern the program, operational and fiscal components of the Office of Developmental Programs' home and community-based waiver programs, State plan services, block grant and base-funded programs and licensing requirements.	Jen DeBell (717) 772-4141
Adult Protective Services 55 Pa. Code Chapter 15	September 2017, as Proposed	This regulation will govern the investigation of allegations of abuse, neglect, exploitation or abandonment of adults between the ages of 18 and 59 years, and the provision of protective services as indicated by the results of those investigations. The authority for the regulation and resulting services are under Act 70 of 2010, the Adult Protective Services Act.	Jen DeBell (717) 772-4141
Medical Assistance Disqualifications and Hearing Requirements 55 Pa. Code Chapters 255 and 275	December 2017, as Proposed	This regulation will add disqualification penalties for individuals who were prosecuted for Medical Assistance fraud. These amendments will mirror Federal law at 42 U.S.C. § 1320a-7b to provide for a 1-year disqualification based on a court conviction for a crime against the Medical Assistance program. These amendments will update current regulations with client overpayments, referrals, noticing and collections, and ADH processes.	Jen DeBell (717) 772-4141
Definitions and Requirements 55 Pa. Code Chapters 123 and 133	December 2017, as Proposed	This regulation will expand the types of interviews that must be undertaken for Temporary Assistance to Needy Families (TANF) applicants and recipients by eligibility workers.	Jen DeBell (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapter 1121	September 2017, as Proposed	These regulations implement changes mandated by the Affordable Care Act to address Medicaid drug reimbursement in the Fee-for-Service delivery system, including reimbursement based on actual acquisition cost.	Jen DeBell (717) 772-4141
Medical Assistance Manual 55 Pa. Code Chapter 1101	December 2017, as Proposed	This amendment rescinds the outdated "shared space" regulation at § 1101.51(b)(3) to allow for a more integrated approach to the provision of health care by multi-disciplinary and co-location arrangements.	Jen DeBell (717) 772-4141

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Medical Assistance Manual 55 Pa. Code Chapter 1101	December 2017, as Proposed	These regulations will align current Medical Assistance (MA) Program regulations related to General Provisions and MA Program Payment Policies, to the HealthChoices Expansion reforms which provide the same level of MA benefits to all MA adult beneficiaries. These amendments also update terminology, incorporate Statements of Policy and rescind or revise outdated requirement.	Jen DeBell (717) 772-4141
Outpatient Drug and Alcohol Clinic Services 55 Pa. Code Chapter 1223	December 2017, as Proposed	The amendments will update the current regulations to align outpatient drug and alcohol clinic services with current industry standards and parity requirements.	Jen DeBell (717) 772-4141
Miscellaneous Changes for Nonpublic and County Nursing Facilities including payment provisions 55 Pa. Code Chapters 1187 and 1189	January 1, 2018 for Amendments related to supplemental payments with implementation of Community HealthChoices (CHC); upon publication in the <i>Pennsylvania Bulletin</i> for other amendments, both as Proposed	The proposed regulation will amend Chapters 1187 and 1189 to prepare for the implementation of CHC by phasing out two supplemental payments from the fee-for-service system in conjunction with the phase in of CHC. In addition, the proposed regulation will establish the requirement for nursing facilities to subscribe to and monitor the Department's automated notification system; to align Chapter 1187, Subchapter B with the new adult benefit package for individuals 21 years of age and older; and standardize language between the Medicare and Medicaid programs.	Jen DeBell (717) 772-4141
<i>Pennsylvania Insurance Department (PID)</i>			
Medicare Supplement (NAIC Model Regulation update)	Fall 2017, as Proposed	Amendments to Chapter 89 based upon NAIC Model amendments.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Health Insurance Reserves (NAIC Model Regulation)	Winter 2018, as Proposed	Amendments to Chapter 84a based upon NAIC Model amendments.	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Transportation Network Company Endorsements	Fall 2017, as Proposed	Amendments to Chapter 113 regarding "Cancellation or Nonrenewal of Policies Containing Transportation Network Company Endorsements."	Bridget E. Burke Regulatory Coordinator (717) 787-2567
Privacy and Opt Out Notices for Financial Information (NAIC Model Regulation update)	Fall 2017, as Proposed	Amendments to Chapter 146a in accordance with NAIC model regulation # 672 regarding requirements for annual privacy policy notices.	Bridget E. Burke Regulatory Coordinator (717) 787-2567

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Department of Labor and Industry (L&I)</i>			
Boiler and Unfired Pressure Vessel Regulations Title 34, Part I, Chapter 3a Bureau of Occupational and Industrial Safety	Winter 2017, as Proposed	Update regulations based on Act 104 of 2013 and adopt certification standards for third party inspection agencies.	Jennifer Berrier (717) 783-6304
Flammable and Combustible Liquids Title 34, Part I, Chapters 14 and 14a Bureau of Occupational and Industrial Safety	Winter 2017, as Proposed	Update regulations based on Act 144 of 2012 and adopt requirements for storage and dispensing of compressed natural gas as vehicular fuel.	Jennifer Berrier (717) 783-6304
Propane and Liquefied Petroleum Gas Regulations Title 34, Part I, Chapter 13 Bureau of Occupational and Industrial Safety	Spring 2018, as Proposed	Update regulations for cylinder exchange cabinet requirements.	Jennifer Berrier (717) 783-6304
Unemployment Compensation Title 34, Chapter 101 Board of Review	Winter 2018, as Proposed	Update regulation to reflect statutory and operational changes.	Marsha Sajer (717) 787-4186
Employment of Minors Title 34, Part 1, Chapter 11 Bureau of Labor Law Compliance	Winter 2017, as Proposed	Revise/update current regulations in light of the new Child Labor Act, Act 151 of 2012.	Terry Peck (717) 787-3681
Services for the Blind and Visually Impaired Currently Title 55, Part IV, Adult Services Manual, Sub-part D Non-residential Agencies/Facilities/ Services, Chapter 2430 to be moved to Title 34	Winter 2017, as Proposed	Deletion of current regulations and creation of new regulations for the Business Enterprise Program to reflect operational changes, based on the transfer of the program from the Department of Human Services to L&I, Act 15 of 1999.	Joe Strechay (717) 787-7312
Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeal Board, Title 34, Part VII, Chapter 111, Workers' Compensation Appeal Board	Spring 2018, as Proposed	Modernize regulations to reflect judicial best practices in scheduling of oral argument after the parties file briefs and where the appellate issues so warrant.	Steven Loux (717) 783-4890
<i>Department of Military and Veterans Affairs (DMVA)</i>			
Veterans' Homes Regulations 43 Pa. Code Chapter 7	Fall 2017, as Proposed	The Department wishes to promulgate a comprehensive update to its regulations on State Veterans' Homes. The statutory authority for these regulations is section 902(10) of the Military and Veterans Code (51 Pa.C.S. § 903(10)). These regulations are out-of-date. They were last updated in 1986. The purpose of the changes to these regulations is to bring them in line with best practices in the long-term care arena.	Michael Barrett (717) 861-8503

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Municipal Police Officers' Education and Training Commission (MPOETC)</i>			
Administration of the Municipal Police Officers' Education and Training Program 37 Pa. Code Chapter 203	Fall 2017, as Proposed	Title 53 Pa.C.S. § 2164(14) conveys powers and duties to the Municipal Police Officers' Education and Training Commission to make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers. Omnibus revisions to Chapter 203, which pertains to the certification and training of the Commonwealth's municipal police officers, are necessary to modernize these regulations, as they have not undergone a major revision since 1996. The amendments that will be proposed are the product of an extensive review project that included key stakeholders of the regulated community.	Sergeant Robert L. Bailey (717) 705-1749
<i>Pennsylvania Board of Probation and Parole (PBPP)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Commission on Crime and Delinquency (PCCD)</i>			
Sheriffs' and Deputy Sheriffs' Education and Training Program 37 Pa. Code Chapter 421	Winter 2017, as Proposed	The Deputy Sheriffs' Education and Training Board (Board), an advisory board within the Commission on Crime and Delinquency, plans to amend the regulations at 37 Pa. Code Chapter 421 (relating to Deputy Sheriffs' Education and Training Board) due to statutory changes in Act 114 of 2014 (Act of Jul. 9, 2014, P.L. 1006, No. 114).	Derin Myers (717) 265-8466 Debra Sandifer (717) 265-8517
Preliminary Provisions and Administrative Proceedings of the Commission on Crime and Delinquency 37 Pa. Code Chapters 401 and 407	Winter 2017, as Proposed	The Commission on Crime and Delinquency plans to amend the regulations at 37 Pa. Code Chapter 401 (relating to Preliminary Provisions) and 407 (relating to Administrative Proceedings) pursuant to Section 3(12) of the Act of Nov. 22, 1978 (P.L. 1166, No. 274).	Derin Myers (717) 265-8466 Debra Sandifer (717) 265-8517

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Emergency Management Agency (PEMA)</i>			
Act 187 of 2014	Fall 2017, as Proposed	Act 187 of 2014 established the Public Disaster Assistance Grant Program within the Pennsylvania Emergency Management Agency provide grants to political subdivisions and municipal authorities for assistance with repair of disaster-related damage in a disaster emergency area when the damages to public facilities are beyond the financial capabilities of the political subdivision or authority. The Pennsylvania Emergency Management Agency is directed to Promulgate any regulations necessary to implement and administer the program which include: (i) Development of additional procedures or requirements for the submission of grant applications; (ii) Development of procedures to verify adjusted loss; (iii) Development of criteria for the determination of the amount of assistance to be given to a political subdivision or municipal authority; and (iv) Development of a methodology to prioritize projects based on the potential impact to the health and safety of the citizens of the affected community.	Stephen Bekanich (717) 651-2146 Westburn Majors (717) 651-2728
<i>Pennsylvania Higher Education Assistance Agency (PHEAA)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania Housing Finance Agency (PHFA)</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Infrastructure Investment Authority (PENNVEST)</i>			
Pennsylvania Infrastructure Investment Authority (PENNVEST) Assistance and Clean Water State Revolving Fund 25 Pa. Code §§ 963.1—963.20, including inter alia: 963.12(a)(7) 963.13(c) 963.15(a) 963(15)(c) 963(16) 963.18(c) (# 101-08; # 101-09)	Fall 2017, as Proposed	Revisions under consideration include, inter alia: Amendments to 25 Pa. Code §§ 963.1—963.20 to be consistent with statutory revisions imposed by P.L. 51, No. 16, enacted June 19, 2013 and guidance revisions implemented by the Department of Environmental Protection and to incorporate any provisions necessary to accommodate for the deletion of 25 Pa. Code § 965 in its entirety, including, but not limited to the following: (1) Delete 25 Pa. Code § 963.12(a)(7) thereby allowing PENNVEST to provide financial assistance (loan and grant) for costs associated with the extraction for profit of minerals or other resources from wastewater or sludge whether the project is sponsored by a public or private actor. (2) Amend 25 Pa. Code § 963.13(c) by revising the section to provide for an amortization of advance funding loans with a term of 59 months of interest only and repayment on principal and interest on the 60th month. (3) Amend 25 Pa. Code § 963.15(a) by revising the first sentence to provide for a change in the normal loan term to allow 3 years of interest only prior to principal amortization. (4) Amend 25 Pa. Code § 963.15(c)(5) to provide that maximum interest rates on loans shall be determined based upon the unemployment rate for the applicable county in the most recent calendar year for which data has been finalized as of the application cutoff date. (5) Amend 25 Pa. Code § 963.15(c)(6) by revising the sentence to define “bond interest rate” to mean the rate of interest paid by the Commonwealth in its issuance of general obligation bonds immediately preceding the date of the approval of the loan. (6) Amend 25 Pa. Code § 963.16 to provide the parameters of a loan or bond guarantee program to be provided by PENNVEST. Delete 25 Pa. Code § 963.18(c)(2)(iii) to eliminate the requirement for prior written approval of change orders that exceed \$25,000 or 2 percent of the amount of the project’s construction cost, or an aggregate of all change orders that exceed 10 percent of the project’s construction cost.	Shawn W. Weis (717) 783-6776

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>Pennsylvania Municipal Retirement System (PMRS)</i>			
No regulations being developed or considered at this time.			
<i>Pennsylvania State Police (PSP)</i>			
Procedures and Specifications for Firearm Record Forms Under the Uniform Firearms Act 37 Pa. Code Chapter 33	Fall 2017, as Proposed	A revision to 37 Pa. Code Chapter 33, § 33013(e) is being proposed to enhance public safety and close a current loophole. This specific subsection addresses mental health records information received or maintained by the PSP. Currently, this information can only be used to verify if a person has a firearms prohibition for the purposes of purchasing or transferring a firearm, as well as for issuing a License to Carry a Firearm.	Sergeant Robert L. Bailey (717) 705-1749
Training and Minimum Standards Under the Wiretapping and Electronic Surveillance Control Act 37 Pa. Code Chapter 51	Fall 2017, as Proposed	Title 18 Pa.C.S. § 5724 requires the Commissioner of the Pennsylvania State Police (PSP) and the Attorney General to establish a training course for certification related to conducting wiretapping and electronic surveillance. Revisions to Chapter 51 as it relates to officer certification/recertification and authorization to engage in the conduct of communications interception will be proposed to adjust the training to current technology and operational needs.	Sergeant Robert L. Bailey (717) 705-1749
<i>Pennsylvania State System of Higher Education (PASSHE)</i>			
No regulations being developed or considered at this time.			
<i>Public School Employees' Retirement System (PSERS)</i>			
No regulations being developed or considered at this time.			
<i>Department of Revenue (DOR)</i>			
Amendments to Local Option Small Games of Chance (SGOC) 61 Pa. Code Chapter 901a	September 2017, as Proposed	The Department is proposing to replace Chapter 901 with a new Chapter 901a as a result of the amendments to the SGOC law. The proposed rulemaking will reorganize and clarify the SGOC regulations as well as incorporate necessary changes to implement Acts 2 and 184 of 2012 and Acts 90 and 92 of 2013.	John Brenner (717) 705-3906

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Amendments to Chapter 113, Withholding of Tax (PIT) 61 Pa. Code § 113.4	August 2017, as Proposed	Amendments to Chapter 113 are proposed to reduce the threshold from “250” to “10 or more” for employers’ electronic submission of the Annual Withholding Reconciliation Statements. Additionally, outdated language is being removed from the regulation.	John Brenner 717-705-3906
Amendments to Realty Transfer Tax (RTT) Regulations 61 Pa. Code Chapter 91	October 2017, as Proposed	Amendments to the RTT regulations are being proposed to improve the clarity and effectiveness of the regulations. Additionally, the proposed amendments will be consistent with Department policy and the language in the RTT statute.	John Brenner (717) 705-3906
<i>Department of State (DOS)</i>			
<i>State Board of Accountancy</i>			
General Revisions (Act 73 and Act 15 Amendment) 49 Pa. Code Chapter 11 (# 16A-5513)	Fall 2017, as Final	This final rulemaking implements the amendments to the CPA Law made by the act of July 9, 2008 (P.L. 954, No. 73) (Act 73), and the act of June 19, 2013 (P.L. 46, No. 15) (Act 15). Act 73 provided for practice in this Commonwealth under substantial equivalence by persons licensed in other states and provided new education and experience standards for licensure. Act 15 eliminated the requirement that applicants for licensure demonstrate 400 hours of experience in attest activity as a condition of licensure.	Sara Fox (717) 783-1404
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-5514)	Fall 2017, as Final	This final rulemaking amends the schedule of civil penalties for certain violations of the CPA Law (63 P.S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board) to comport with amendments made by the Board to its substantive regulations relating to continuing education violations.	Sara Fox (717) 783-1404
<i>State Athletic Commission</i>			
Prohibited Drug Testing 58 Pa. Code, Part I, Subpart A, Chapter 15 (# 16-58)	Fall 2017, as Proposed	The proposed rulemaking would revise existing regulations on drug testing for boxers, mixed martial arts participants and kick boxers, as authorized under the Boxing Act.	Martha Brown (717) 787-6802

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Architects Licensure Board</i>			
Electronic Seals and Signing 49 Pa. Code Chapter 9 (# 16A-4110)	Fall 2017, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Amanda Li (717) 783-3397
<i>State Board of Chiropractic</i>			
Chiropractic Specialties 49 Pa. Code Chapter 5 (# 16A-4312)	Fall 2017, as Proposed	The Chiropractic Practice Act prohibits licensees from holding themselves out as specialists unless they possess a post-graduate certification in that specialty. The proposed rulemaking would prohibit a chiropractor from advertising that the chiropractor holds certification or otherwise is a specialist in a chiropractic specialty unless the chiropractor holds certification or diplomate status from a specialty board recognized by the American Board of Chiropractic Specialties. This proposal protects consumers of chiropractic services who can be misled by advertising of "certifications" that do not truly reflect advanced knowledge, training or skill.	Michelle Roberts (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Government Employee Liability Coverage 49 Pa. Code §§ 5.17(f) and 5.41 (# 16A-4325)	Fall 2017, as Proposed	The Chiropractic Practice Act requires chiropractors to maintain professional liability insurance, including self-insurance. This regulation would permit a licensee who practices exclusively on behalf of the government to meet this requirement by reliance upon the coverage provided under the Federal Tort Claims Act or the Sovereign Immunity Act as administered by the Commonwealth's Employee Liability Self-insurance Program.	Michelle Roberts (717) 783-7155
<i>Bureau of Commissions, Elections and Legislation</i>			
Notaries Public 4 Pa. Code, Part VIII, Subpart C (# 16-59)	Fall 2017, as Proposed	The proposed rulemaking would implement the act of October 9, 2013 (P.L. 609, No. 73), which adopted the Revised Uniform Law on Notarial Acts (RULONA).	Martha Brown (717) 787-6802
<i>Bureau of Corporations and Charitable Organizations</i>			
Names (including Symbols and Characters) 19 Pa. Code Chapter 17 (number not yet assigned)	Fall 2017, as Proposed	Section 133(a)(vi) of the Association Transactions Act authorizes the Department to specify the symbols or characters which do not make a name distinguishable on the records of the Department or may be used in the name of an entity. This rulemaking will revise the chapter on Names and add provisions on symbols and characters.	Martha Brown (717) 787-6802
UCC Revised Article 9 (# 16-35)	Winter 2017-2018, as Proposed	This proposed rulemaking would adopt, with some revisions, the Model rules promulgated by the International Association of Corporate Administrators, which call for the delivery of filings by electronic means and acceptance of credit card payments.	Martha Brown (717) 787-6802
<i>State Board of Crane Operators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b (# 16A-7103)	Fall 2017, as Proposed	The proposed regulation would create a schedule of civil penalties for violations of the Crane Operator Licensure Act and regulations of the State Board of Crane Operators.	Amanda Li (717) 783-1404

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Dentistry			
Anesthesia Update 49 Pa. Code, Subchapter E, §§ 33.331—33.342 (# 16A-4621)	Fall 2017, as Proposed	This proposed rulemaking would update the standards for the administration of general anesthesia, deep sedation, moderate sedation, minimal sedation and nitrous oxide/oxygen analgesia in dental offices to conform to and adopt the current standards used by the dental profession.	Lisa Burns (717) 783-7162
Child Abuse Reporting Requirements 49 Pa. Code § 33.250 (# 16A-4626)	Fall 2017, as Proposed	This proposed regulation would update the Board's existing regulations relating to mandatory reporting of suspected child abuse under the Child Protective Services Law (CPSL) to conform to recent amendments to the CPSL, including the requirement that all applicants and licensees of the State Board of Dentistry obtain required training in child abuse recognition and reporting.	Lisa Burns (717) 783-7162
General Revisions 49 Pa. Code Chapter 33 (# 16A-4628)	Fall 2017, as Proposed	The State Board of Dentistry has undertaken a review of existing regulations with the goal of updating the regulations and eliminating outdated and obsolete provisions. This proposed rulemaking would generally amend, update and clarify the regulations relating to fictitious names, biennial renewal, inactive status, reactivation, licensure by criteria approval, acceptable proof of professional liability insurance, use of titles, advertising, unprofessional conduct, multi-disciplinary professional corporations, exclusion of auxiliary personnel from performing radiological procedures and continuing dental education.	Lisa Burns (717) 783-7162
Schedule of Civil Penalties 49 Pa. Code § 43b.14a (# 16A-4630)	Fall 2017, as Proposed	The State Board of Dentistry has participated in the Act 48 citation program since 2001 and has not increased the amounts in the schedule of civil penalties for lapsed license/certificate violations since they were originally promulgated. The Board believes that it is necessary to increase the civil penalties to improve their deterrent effect. In addition, the proposal would add a schedule of civil penalties for continuing education violations.	Lisa Burns (717) 783-7162

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Temporary Volunteer Dental Licenses 49 Pa. Code § 33.118 (# 16A-4631)	Fall 2017, as Proposed	This proposed regulation would implement the act of February 4, 2014 (P.L. 19, No. 7) (Act 7) to set forth the procedures to apply for a temporary volunteer dental license. The purpose of Act 7 of 2014 was to allow out-of-state dentists to volunteer their services in this Commonwealth and to participate in volunteer events/activities sponsored by the American Dental Association (ADA) and other National associations that may take place within the Commonwealth. This rulemaking effectuates Act 7.	Lisa Burns (717) 783-7162
Restricted Faculty Licenses 49 Pa. Code Chapter 33 (# 16A-4632)	Fall 2017, as Proposed	The act of July 2, 2014 (P.L. 828, No. 89) (Act 89) amended the Dental Law to provide for restricted faculty licenses. A restricted faculty license is granted to an individual for the limited purpose of teaching in a dental school or advanced dental education program as a faculty member at an accredited dental school in this Commonwealth. This rulemaking effectuates Act 89.	Lisa Burns (717) 783-7162
<i>State Registration Board for Professional Engineers, Land Surveyors and Geologists</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 37 (# 16A-4712)	Fall 2017, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Robin Shearer (717) 783-7049

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Renewal Fees 49 Pa. Code § 37.17 (# 16A-4713)	Fall 2017, as Final	Under section 9(a) of the Professional Engineer, Land Surveyor and Geologist Registration Law (63 P.S. § 156(a)) (act), the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board shall increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The current fee structure is inadequate to support the operations of the Board. This proposed rulemaking seeks to increase the biennial renewal fee for licensees from \$50 to \$100 so that revenues are sufficient to cover projected expenditures as required by the act.	Robin Shearer (717) 783-7049
<i>State Board of Funeral Directors</i>			
Names 49 Pa. Code Chapter 13 (# 16A-4827)	Fall 2017, as Proposed	In a recent Federal lawsuit, the Third Circuit Court of Appeals held that certain provisions in the Funeral Director Law that prohibited the use of trade names are an unconstitutional violation of free commercial speech under the First Amendment to the U.S. Constitution. This rulemaking proposes to set standards for the use of names by a funeral entity and eliminate restrictions previously established under those provisions of the Funeral Director Law that have been determined to be unconstitutional.	Heidi Weirich (717) 783-3397

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Landscape Architects</i>			
Electronic Seals and Signatures 49 Pa. Code Chapter 15 (# 16A-6112)	Fall 2017, as Proposed	In addition to updating their current regulations on seals, the three boards that regulate design professionals in this Commonwealth (including the State Architects Licensure Board, the State Registration Board for Engineers, Land Surveyors and Geologists, and the State Board of Landscape Architects) are proposing new regulations setting forth standard requirements for electronic seals and electronic signing of design documents. The goal of these proposals is to provide all design professionals with regulations that are as consistent as possible with respect to both traditional seals and electronic seals to benefit both the design professionals and their clients.	Terrie Kocher (717) 772-8528
<i>State Board of Massage Therapy</i>			
Fees 49 Pa. Code § 20.3 (# 16A-724)	Fall 2017, as Proposed	Under section 11 of the Massage Therapy Act (63 P.S. § 627.11) the State Board of Massage Therapy is required to support its operations by the revenue it generates from fees, fines and civil penalties. In addition, it provides that the Board shall increase fees if revenue is not sufficient to meet projected expenditures. Under the current fee structure, the Board cannot produce enough revenue to meet projected expenditures. This proposal would increase biennial renewal fees for massage therapists, application fees, and fees for temporary practice permits.	Carol Niner (717) 783-7155
<i>State Board of Examiners of Nursing Home Administrators</i>			
Schedule of Civil Penalties 49 Pa. Code Chapter 43b, § 43b.17 (# 16A-6213)	Fall 2017, as Proposed	This proposed rulemaking would amend the schedule of civil penalties for the State Board of Examiners of Nursing Home Administrators to implement Act 48 civil penalties for continuing education violations.	Chris Stuckey (717) 783-7155

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
State Board of Occupational Therapy Education and Licensure			
Code of Ethics 49 Pa. Code § 42.24 (# 16A-6710)	Fall 2017, as Final	Beginning in 2011, the Board undertook a review of the language existing in § 42.24 and has compared it to various editions of the AOTA Occupational Therapy Code of Ethics. As a result of its review, the Board determined that it should update § 42.24 by adopting the 2015 AOTA Code of Ethics, which the Board finds to be the minimum standard of ethical conduct for occupational therapists and occupational therapy assistants in this Commonwealth. The AOTA Code of Ethics not only reflects the Board's own view of ethical practice, but will also keep the Commonwealth's ethical standards consistent with the National standards.	Carol Niner (717) 783-1389
General Revisions 49 Pa. Code Chapter 42 (# 16A-6711)	Fall 2017, as Final	The act of July 5, 2012 (P.L. 1132, No. 138) (Act 138) amended the Occupational Therapy Practice Act to, among other things, require the maintenance of professional liability insurance by occupational therapists, provide for the imposition of civil penalties in accordance with the act of July 2, 1993 (P.L. 345, No. 48), permit the Board to participate in the Bureau's "impaired professionals program," and authorize the Board to establish additional requirements for licensure renewal designed to assure continued competency for occupational therapy assistants. This rulemaking implements the professional liability insurance and continued competency provisions of Act 138.	Carol Niner (717) 783-1389

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Optometry</i>			
General Revisions 49 Pa. Code Chapter 23 (# 16A-5213)	Fall 2017, as Proposed	Section 3(b)(14) of the Optometric Practice and Licensure Act (act) gives the Board the authority to promulgate all rules and regulations necessary to carry out the purposes of the act. Section 5(b) of the act provides the minimal requirements for continuing education of 30 hours in a biennial period for licensed optometrists. The Board is proposing amendments to its existing regulations to ensure that clear guidance is given to licensees in prescribing contact lenses, reporting continuing education and the standards for accepting commercial support from the providers of continuing education.	Chris Stuckey (717) 783-7155
<i>State Board of Osteopathic Medicine</i>			
Prescribing 49 Pa. Code § 25.218 (# 16A-5330)	Fall 2017, as Proposed	The State Board of Osteopathic Medicine proposes this rulemaking to set forth the minimum acceptable standards of practice that an osteopathic physician or physician assistant licensed by the Board must follow when prescribing, administering or dispensing drugs, including the requirements of the Safe Emergency Prescribing Act (Act 122 of 2016), the provisions of Chapter 52A of Title 35, relating to prescribing opioids to minors, and the provisions of Chapter 51 of Title 35 relating to safe opioid prescription and voluntary non-opioid directives.	Aaron Hollinger (717) 783-4858
<i>State Board of Pharmacy</i>			
Compounding Practices 49 Pa. Code Chapter 27 (# 16A-5419)	Winter 2017-2018, as Final	Through careful review and with input from stakeholders, the State Board of Pharmacy proposes to update its regulations to incorporate developments and improvements in the profession's safe, sterile practices and procedures for the compounding of pharmaceutical products for patients.	Melanie Zimmerman (717) 783-7156

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Physical Therapy</i>			
Post-Act 38 Corrections 49 Pa. Code Chapter 40 (# 16A-6517)	Fall 2017, as Final	The act of July 4, 2008 (P.L. 293, No. 38) (Act 38) substantially amended the act, including qualifications for licensure as a physical therapist, continuing education for all physical therapists and physical therapist assistants, professional liability insurance for all physical therapists, physician referral, and supervision of physical therapist assistants by physical therapists on a basis that may be less than direct on-premises supervision. Due to the extensive nature and breadth of these amendments, on December 22, 2012, at 42 Pa.B. 7652, the Board amended its regulations to implement Act 38. After final promulgation, the Board discovered various typographical errors to correct, necessary clarity edits and other items that were not, but could have been, addressed in the prior rulemaking. This rulemaking proposes to address those items.	Michelle Roberts (717) 783-7134
Fees 49 Pa. Code § 40.5 (# 16A-6521)	Fall 2017, as Proposed	This proposed rulemaking would amend the Board's regulations so that application fees would be set to recover the cost of processing the application and biennial renewal fees would be reduced, yet would still cover the balance of the Board's cost of operations each biennium.	Michelle Roberts (717) 783-7134
<i>State Board of Podiatry</i>			
Schedule of Civil Penalties—Podiatrists 49 Pa. Code Chapter 43b (# 16A-4413)	Fall 2017, as Final	This proposed rulemaking would adopt a schedule of civil penalties for continuing education and lapsed license violations. This is the first time that the State Board of Podiatry will participate in the Act 48 citation program. The Commissioner and the Board believe that it is necessary to implement the civil penalties contained in this proposed rulemaking to streamline the disciplinary process for these types of violations.	Aaron Hollinger (717) 783-4858

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Psychology</i>			
Continuing Education 49 Pa. Code § 41.59 (# 16A-6317)	Fall 2017, as Proposed	The Board, in its effort to continually review the efficacy of its regulations, has again reviewed the continuing education regulations and has determined that amendments are needed to update, revise and clarify the continuing education requirements. This proposed rulemaking would amend the requirements relating to home study, instruction and carry over.	Chris Stuckey (717) 783-7155
Code of Ethics 49 Pa. Code § 41.61 (# 16A-6324)	Fall 2017, as Proposed	This proposed rulemaking would update the Board's Code of Conduct to adopt the American Psychological Association's (APA) Ethical Principles of Psychologists and Code of Conduct and various enumerated APA practice guidelines.	Chris Stuckey (717) 783-7155
Qualifications 49 Pa. Code § 41.31 (# 16A-6320)	Fall 2017, as Proposed	In 2010, the Board published amendments to the regulations relating to education, examination and experience requirements for licensure. Since then, the Board has determined that additional amendments are needed to provide greater clarity and to implement changes made by the act of June 23, 2016 (P.L. 379, No. 53).	Chris Stuckey (717) 783-7155
<i>State Board of Certified Real Estate Appraisers</i>			
General Rulemaking for Appraisal Management Companies 49 Pa. Code Chapter 36 (# 16A-7021)	Fall 2017, as Final	The proposal would govern the registration of appraisal management companies as required by the Appraisal Management Company Registration Act, 63 P.S. §§ 457.21—457.31. Temporary regulations pertaining to appraisal management companies expired on February 1, 2015.	Heidy Weirich (717) 783-4866
General Revisions for Certified Real Estate Appraisers 49 Pa. Code Chapter 36 (# 16A-7022)	Fall 2017, as Proposed	This proposed rulemaking updates the Board's regulations to reflect mandated Federal changes made by the Appraisal Qualifications Board of the Appraisal Foundation, which is charged with establishing education and experience requirements for real estate appraisers under the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA).	Heidy Weirich (717) 783-4866

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
<i>State Board of Social Workers, Marriage and Family Therapists and Professional Counselors</i>			
Licensed Bachelor Social Worker 49 Pa. Code Chapter 47 (# 16A-6922)	Fall 2017, as Proposed	The proposed rulemaking would amend the Board's regulations to implement the act of October 22, 2014 (P.L. 2884, No. 179) (Act 179) which provides for the establishment of a bachelor level social worker's license. The proposal establishes fees, licensure requirements, continuing education requirements, and standards of practice for licensed bachelor social workers.	Sandra Matter (717) 783-1389
General Revisions 49 Pa. Code Chapters 47, 48 and 49 (# 16A-6923)	Fall 2017, as Proposed	Beginning in 2012, and culminating with this proposed rulemaking, the Board has undertaken a comprehensive review of its regulations relating to qualifications for licensure, supervision of clinical experience, including the provision of supervision through electronic means, and continuing education. The purpose of this rulemaking is to eliminate outdated provisions, update standards to reflect modern technology, and to modernize the Board's processes relating to licensure.	Sandra Matter (717) 783-1389
<i>State Board of Veterinary Medicine</i>			
Licensure of Euthanasia Technicians 49 Pa. Code Chapter 31 (# 16A-5726)	Fall 2017, as Proposed	This proposed rulemaking is necessary to implement the act of October 24, 2012 (P.L. 1452, No. 182) (Act 182 of 2012) which amended the Animal Destruction Method Authorization Law to require the State Board of Veterinary Medicine to register animal welfare organizations and to license euthanasia technicians to permit the organizations to purchase controlled substances and employ euthanasia technicians for the humane euthanasia of small domestic animals.	Michelle Roberts (717) 783-7134
<i>State Employees' Retirement System (SERS)</i>			
No regulations being developed or considered at this time.			

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Department of Transportation (DOT)			
Temporary Registration Cards and Plates 67 Pa. Code Chapter 43	Winter 2017, as Proposed	This rulemaking will effectuate consistent validity periods applicable to temporary registration cards and cardboard temporary registration plates for a vehicle which is acquired in Pennsylvania for in- and out-of-state registration and use.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
Registration Class Stickers 67 Pa. Code Chapter 55	Fall 2017, as Proposed	This rulemaking will delete Chapter 55 and eliminate the issuance of weight class stickers. The elimination of these stickers will result in cost savings to the Department and the regulated community.	Anita Wasko (717) 787-2171 Jeffrey Spotts (717) 787-5299
Staggered Registration 67 Pa. Code Chapter 57	Fall 2017, as Proposed	This rulemaking will allow vehicles registered under Pennsylvania's apportioned registration system, in accordance with the International Registration Plan, to have registration expirations staggered throughout the calendar year, rather than the current system where all vehicle registrations expire on May 30 annually.	Tammi Popp (717) 705-5775 Jeffrey Spotts (717) 787-5299
School Bus Drivers—Physical and Mental Criteria 67 Pa. Code Chapter 71	August 2017, as Final	This rulemaking will update the medical standards for school bus drivers that have brain disease, cognitive impairment or a mental/emotional disorder.	Laura Krol (717) 346-1907 Jeffrey Spotts (717) 787-5299
Photographic Driver's License 67 Pa. Code Chapter 73	Winter 2017, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a driver's license.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299
Actual Name on Certificate of Title, Driver's License, and Identification Card 67 Pa. Code Chapter 85	Winter 2017, as Proposed	This rulemaking will expand the options married individuals have with respect to their surname as listed on such documents as a vehicle title, driver's license or identification card issued by the Department.	Chris Miller (717) 787-2977 Jeffrey Spotts (717) 787-5299
Identification Cards 67 Pa. Code Chapter 91	Winter 2017, as Proposed	This rulemaking will update the standards and procedures for initial issuance, renewal, replacement and duplicate issuance of a Department issued identification card.	Kara N. Templeton (717) 787-2977 Jeffrey Spotts (717) 787-5299

<i>Regulation Being Considered</i>	<i>Proposed Date of Promulgation</i>	<i>Need and Legal Basis for Action</i>	<i>Agency Contact</i>
Vehicle Equipment and Inspection 67 Pa. Code Chapter 175	Fall 2017, as Final	This rulemaking updates vehicle equipment and inspection standards to better reflect current technologies, consistent with recommendations made by the Department's Inspection Advisory Board.	Kay Kishbaugh (717) 787-2171 Jeffrey Spotts (717) 787-5299
Oversize and Overweight Loads and Vehicles 67 Pa. Code Chapter 179	Fall 2017, as Proposed	This rulemaking accommodates the planned implementation of the Automated Permit Routing/Analysis System (APRAS), updates outdated language, and ensures references in this chapter are consistent with amendments to 75 Pa.C.S. §§ 4901—4983.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299
Hauling in Excess of Posted Weight Limit 67 Pa. Code Chapter 189	Winter 2017, as Final	This rulemaking will update regulations to be consistent with amendments to the Vehicle Code under Act 89 of 2013.	Halley Cole, P.E. (717) 783-6146 Jeffrey Spotts (717) 787-5299
Intrastate Motor Carrier Safety 67 Pa. Code Chapter 231	Summer 2017, as Proposed	This rulemaking is necessary to waive hours of service and other requirements for mass transportation organizations and their drivers, while establishing new requirements consistent with the public interest.	Danielle Spila (717) 787-1208 Jeffrey Spotts (717) 787-5299
Hazardous Material Transportation 67 Pa. Code Chapter 403	Fall 2017, as Final	This rulemaking will remove outdated or superfluous language in the Department's Hazardous Materials regulations and ensure consistency with Federal regulations.	Glenn Rowe, P.E. (717) 783-6479 Jeffrey Spotts (717) 787-5299

[Pa.B. Doc. No. 17-1385. Filed for public inspection August 18, 2017, 9:00 a.m.]

INSURANCE DEPARTMENT

The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms (PRUD-131133082)

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 1.8% on 2,394 policy holders of LTC policy forms GRP 98720, GRP 98721 and GRP 98722.

Unless formal administrative action is taken prior to November 2, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary,

Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-1386. Filed for public inspection August 18, 2017, 9:00 a.m.]

The Prudential Insurance Company of America; Rate Increase Filing for Two LTC Forms (PRUD-131133056)

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 1.3% on 374 policy holders of LTC policy forms GRP 112687 and GRP 112685.

Unless formal administrative action is taken prior to November 2, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov (hover the cursor over the "Consumers" tab, then select "Long Term Care Rate Filings").

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-1387. Filed for public inspection August 18, 2017, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law); 1 Pa. Code Part II (relating to Administrative Rules of Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held as follows. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Catharine Bausman; File No. 17-198-212356; The Travelers Indemnity Company; Doc. No. P17-08-002; September 6, 2017, 10 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Human Resources at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-1388. Filed for public inspection August 18, 2017, 9:00 a.m.]

Mustafa Ricardo Turner; License Denial Appeal; Doc. No. AG17-07-009

Under sections 601-A—699.1-A of The Insurance Department Act of 1921 (40 P.S. §§ 310.1—310.99a), Mustafa Ricardo Turner has appealed the denial of an application for an insurance producer's license. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508, 561—588 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and 31 Pa. Code Chapter 56 (relating to Special Rules of Administrative Practice and Procedure).

A prehearing telephone conference initiated by this office is scheduled for August 23, 2017, at 9:30 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before August 21, 2017. A hearing shall occur on September 7, 2017, at 1:30 p.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 10, 2017, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to preliminary motions, protests, petitions to intervene or notices of intervention, if any shall be filed on or before August 22, 2017.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid service or other accommodations to participate in the hearing should contact Human Resources at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 17-1389. Filed for public inspection August 18, 2017, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Manual No. 210.3—Index of Issuances, Amended July 5, 2017.

Administrative Circular No. 17-10—Designation of Agency Records Coordinators, Dated June 30, 2017.

Administrative Circular No. 17-11—Revenue Estimates, 2017-18 & 2018-19 Fiscal Years, Dated July 18, 2017.

LAURA CAMPBELL,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 17-1390. Filed for public inspection August 18, 2017, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

2018 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102

The regulation promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) directs the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2018 schedule of filing dates is as follows:

February 1, 2018: National Fuel Gas Distribution Corporation—PA Division

March 1, 2018: Philadelphia Gas Works

April 1, 2018: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Peoples Equitable; Peoples TWP

June 1, 2018: PECO—Gas Division; UGI Penn Natural Gas, Inc.; UGI Central Penn; UGI Utilities, Inc.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1391. Filed for public inspection August 18, 2017, 9:00 a.m.]

Petition of Budget Prepay, Inc., d/b/a Budget Mobile to relinquish its Designation as an Eligible Telecommunications Carrier

Public Meeting held
August 3, 2017

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; Robert F. Powelson; David W. Sweet; John F. Coleman, Jr.

Petition of Budget Prepay, Inc., d/b/a Budget Mobile to relinquish its Designation as an Eligible Telecommunications Carrier; P-2017-2603666

Order

By the Commission:

On May 10, 2017, Budget Prepay, Inc., d/b/a Budget Mobile (Budget Prepay) filed a Petition to relinquish its designation as an Eligible Telecommunications Carrier (ETC) in the Commonwealth of Pennsylvania. On June 14, 2017, pursuant to 52 Pa. Code § 1.36, Budget Prepay filed the verification of its President. Budget Prepay's certificates of service indicate that it served its Petition

and verification on the statutory advocates and the current ETCs that provide service in Budget Prepay's service area. No responses were filed to Budget Prepay's Petition.

Background

Budget Prepay is a wireless carrier designated as an ETC throughout the Commonwealth by Commission order entered June 21, 2012, at Docket No. P-2011-2269524.

Budget Prepay seeks to relinquish its Lifeline-only ETC designation in Pennsylvania due to changes in the wireless industry and proposed modifications to the Lifeline program. Budget Prepay states that relinquishment of its ETC designation will not affect the amount of federal Lifeline support available to the other ETCs providing Lifeline service in Pennsylvania.

Section 214(e)(4) of the Telecommunications Act of 1996 (TA 96), as amended, 47 U.S.C. § 214(e)(4), authorized the Commission to rescind a carrier's ETC status upon request and provides in pertinent part:

A state commission... shall permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible Telecommunications carrier that seeks to relinquish its eligible designation for an area served by more than one eligible telecommunications carrier shall give advanced notice to the State commission... of such relinquishment. Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the State commission... shall require the remaining eligible telecommunications or carriers to ensure that all customers served by the relinquishing carrier will continue to be served, and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier.

In a Secretarial Letter issued September 3, 2013, the Commission reaffirmed the rules and requirements for relinquishment under TA96 and provided further guidance and directives to Pennsylvania ETCs seeking to relinquish ETC status. In addition to the relinquishment requirements listed in TA96 the Commission requires the following:

(1) All Petitions to relinquish ETC status must be accompanied by an affidavit or verification of an authorized individual.

(2) The Petition must be served upon the statutory advocates and all carriers referenced in the petition as alternative ETCs.

(3) Notice must be provided to all affected Lifeline customers as follows:

(a) Written notice 90 days prior to discontinuance of Lifeline service in the form of a stand-alone mailing separate from any billing or collections mailing.

(b) Telephone notice 60 days prior to discontinuance of Lifeline service.

(c) Written notice 30 days prior to discontinuance of Lifeline service in the form of a billing insert or stand-alone mailing.

(4) The notices should inform the affected customers of the date certain that Lifeline service will end, list alternative Lifeline providers and offer assistance to those customers who wish to retain Lifeline service.

(5) Petitioners are directed to ensure that the transition to another Lifeline provider is seamless for the Lifeline customer and ensure that the customer is not subject to additional connection fees or deposits. Also, the Petitioner is to assist the Lifeline customer with any Lifeline certification requirements occasioned by the petition.

Discussion

In its Petition, Budget Prepay states that more than one ETC currently serves in its designated service area. A list of the wire centers impacted by its relinquishment is attached to its Petition as Exhibit A. Budget Prepay does not believe that any of the remaining ETCs will be required to purchase or construct facilities to provide service to Budget Prepay's Lifeline customers. Budget Prepay notes that it is taking steps to mitigate the impact of relinquishment on its current Lifeline customers and will ensure that these customers receive the required notice of the change in their Lifeline service.

Budget Prepay avers that it is in compliance with the advanced notice requirements. In its Petition, Budget Prepay listed the schedule of dates it would comply with the notice requirements. And, in its supplemental response Budget Prepay confirmed that it is adhering to that proposed schedule. Budget Prepay stated that on May 12, 2017, it sent its first written notice to its Lifeline customers alerting them that it would be discontinuing providing Lifeline service, in accordance with the 90-day prior notice requirement. Attached to the Petition as Exhibit B. Budget Prepay subsequently sent text message notices to its customers on June 9, 2017, in compliance with the 60-day prior notice requirement. Budget Prepay is scheduled to provide a second written notice letter to its remaining Lifeline subscribers in Pennsylvania no later than July 11, 2017, in compliance with the Commission's 30-day written prior notice requirement. Attached to the Petition as Exhibit C. In addition, on June 21, 2017, Budget Prepay provided notice to its remaining Lifeline customers reminding them that they must transfer service to a new service provider or lose their Lifeline service. Budget is requesting that its relinquishment be effective August 10, 2017.

Budget Prepay states that it will provide, upon request at last one option whereby its Lifeline customers may transition to another Lifeline service provider operating in Budget Prepay's designated service area free from connection or deposit fees and Budget Prepay will assist such customers with any required certifications.

Conclusion

Based upon the foregoing, Budget Prepay has satisfied all of the requirements necessary to relinquish its ETC designation. It gave advanced notice to the Commission as well as the FCC. Budget Prepay is in the process of satisfying the FCC and the Commission's customer notice requirements. Budget Prepay will migrate and port numbers seamlessly and at no additional cost to the customers. In addition, there are no informal or formal complaints pending against the Budget Prepay before the Commission. Accordingly, we will grant Budget Prepay's Petition to relinquish its ETC designation in Pennsylvania as in the public interest; *Therefore,*

It Is Ordered That:

1. The Petition filed at P-2017-2603666 by Budget Prepay, Inc., d/b/a Budget Mobile to relinquish its designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania is hereby granted.

2. The authorization of Budget Prepay, Inc., d/b/a Budget Mobile to provide Eligible Telecommunications Carrier services at P-2011-2269524 will be cancelled and its name be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services effective August 10, 2017, upon the filing by Budget Prepay, Inc., d/b/a Budget Mobile of confirmation that all notice requirements have been effectuated.

3. A copy of this order be published in the *Pennsylvania Bulletin*.

4. Upon publication this docket shall be marked closed.

5. A copy of this Order shall be appended to docket P-2011-2269524.

6. The Secretary shall serve a copy of this Order on the Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1392. Filed for public inspection August 18, 2017, 9:00 a.m.]

Review of Universal Service and Energy Conservation Programs; Public Meeting; Doc. No. M-2017-2596907

On May 10, 2017, the Public Utility Commission (Commission) entered an Opinion and Order at Review of Universal Service and Energy Conservation Programs, Docket No. M-2017-2596907, which initiated a comprehensive review of the universal service and energy conservation model. The model includes customer assistance programs, low-income usage reduction programs, customer assistance and referral evaluation services, and hardship funds.

The Commission has released a staff report on the statutory, regulatory and policy frameworks of the universal service and energy conservation model and the steps required to initiate any proposed changes. This report was released on July 14, 2017, at the same docket.

The Commission has received written comments from interested parties outlining their priorities, concerns and suggested changes to regulations and policies for universal service and energy conservation model. The deadline for submitting comments was August 8, 2017. The order, staff report and comments may be viewed on the Commission's web site at http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2017-2596907.

The Commission's Bureau of Consumer Services will coordinate a stakeholder meeting to allow interested parties an opportunity to provide feedback on the filed comments and on any other priorities, concerns or suggested changes pertaining to the universal service and energy conservation model.

The stakeholder meeting will be held on September 13 and 14, 2017, at the Keystone Building, Hearing Room 1, Harrisburg, PA. The session on September 13, 2017, will convene from 1 p.m. to 5 p.m. and the session on September 14, 2017, will convene from 8 a.m. to 12 p.m. An agenda will be posted on the Commission web site at this docket prior to the meeting. Stakeholders planning to attend the meeting should contact Joseph Magee at jmagee@pa.gov. Stakeholders may attend one or both days. A call-in bridge may be available.

Following the stakeholder meeting, interested parties may file reply comments to address the filed comments and any issues discussed at the stakeholder meeting. Reply comments are due by October 16, 2017. Copies of reply comments must also be e-mailed in Word-compatible format to RA-PCLAW-LIURP@pa.gov.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1393. Filed for public inspection August 18, 2017, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 5, 2017. 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-2017-2596211. Harry Butts, Jr., t/a Butts Transporting (308 Penny Lane, Bellefonte, Centre County, PA 16823) persons in paratransit service, limited to people whose personal convictions prevent them from owning or operating motor vehicles, from points in Centre and Clinton Counties, to points in Pennsylvania, and return.

A-2017-2614805. City Wide Transit, LLC (111 MacDade Boulevard, B-102, Folsom, Delaware County, PA 19033) persons in paratransit service, limited to transportation to or from nonemergency medical appointments, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2017-2617349. Abdou Rachid Soudre (1100 East Mount Airy Avenue, A17, Philadelphia, Philadelphia County, PA 19150) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

A-2017-2618144. Phillip Lowry (980 Runville Road, Bellefonte, Centre County, PA 16823) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service in wheelchair and stretcher vans, from points in the Counties of Blair, Centre, Clearfield, Clinton, Mifflin and Montour, to points in Pennsylvania, and return.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods* as described under the application.

A-2017-2617301. The Moving Firm, LLC (619 Mehaffey Street, Duquesne, Allegheny County, PA 15110) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania.

Application of the following for the approval of the *transfer of stock* as described under the application.

A-2017-2617898. Supreme Transportation, Inc. (406 East Marshall Street, Montgomery County, Norristown, PA 19401) for the approval of the transfer of the issued stock from Ahmed Mustafa Abdelrahman (500 shares) to Hamdy A. Ibrahim-Attia (500 shares).

Applications of the following for the approval of the *right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public conveyance* as described under each application.

A-2017-2617249. Vincent T. Charlett, II, t/a Airbuss (6727 Saltsburg Road, Pittsburgh, Allegheny County, PA 15235-2100) discontinuance of service and cancellation of his certificate, persons in limousine service, between points in Allegheny County.

A-2017-2602140. McCandless-Franklin Park Ambulance Authority (P.O. Box 1, Ingomar, Allegheny County, PA 15127) for the discontinuance of service and cancellation of the certificate as a common carrier, by motor vehicle, persons in paratransit service, limited to persons requiring wheelchair or stretcher van service, from points in Allegheny County, to points in Pennsylvania, and return.

A-2017-2617883. Community Integrations, LLC (172 Grouse Lane, Moshannon, Centre County, PA 16859) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in Centre and Clinton Counties, to points in Pennsylvania, and return.

A-2017-2617887. Bruce C. Shuey (23 Railway Avenue, Millersburg, Dauphin County, PA 17061) discontinuance of service and cancellation of its certificate, 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 Dauphin County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1394. Filed for public inspection August 18, 2017, 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 September 5, 2017, 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. Webb's Transport,
LLC, t/a White Rose Taxi; Docket No.
C-2017-2612474**

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 Webb's Transport, LLC, t/a White Rose Taxi, (respondent) is under suspension effective June 20, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 342 W North Street, York, PA 17401.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 15, 2015, at A-6317318.
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-6317318 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: 7/18/2017

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. Ideal Trucking, Inc.; Docket No. C-2017-2613587

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 Ideal Trucking, Inc., (respondent) is under suspension effective July 01, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 473 Rich Hill Road, Cheswick, PA 15024.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 12, 1985, at A-00105936.
4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00105936 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: 7/18/2017

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.

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ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1395. Filed for public inspection August 18, 2017, 9:00 a.m.]

Telecommunications

A-2017-2617298. Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Buffalo Valley, Inc., Windstream Conestoga, Inc. and Airbus DS Communications, Inc. Joint petition of Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Buffalo Valley, Inc., Windstream Conestoga, Inc. and Airbus DS Communications, Inc. for approval of interconnection under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Buffalo Valley, Inc., Windstream Conestoga, Inc. and Airbus DS Communications, Inc., by their counsel, filed on August 2, 2017, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed

in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address. Copies of the Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Buffalo Valley, Inc., Windstream Conestoga, Inc. and Airbus DS Communications, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1396. Filed for public inspection August 18, 2017, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Request for Proposals

The Philadelphia Parking Authority will be releasing Request for Proposals No. 17-26, Board Agenda Software, on Friday, August 18, 2017. Information and important dates for this solicitation can be obtained from www.philapark.org or by calling Mary Wheeler, Manager of Contract Administration, at (215) 683-9665.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-1397. Filed for public inspection August 18, 2017, 9:00 a.m.]

Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority's (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, no later than September 5, 2017. The nonrefundable protest filing fee is \$5,000 payable to the PPA by certified check or money order. The application is available for inspection at the TLD between 9 a.m. and 4 p.m., Monday through Friday (contact TLD Director Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-17-08-01. Tamboli Cab, Co. (168 Overhill Road, Upper Darby, PA 19082): An application for a medallion taxicab certificate of public convenience to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-1398. Filed for public inspection August 18, 2017, 9:00 a.m.]

Service of Notice of Taxicab and Limousine Division Formal Complaint

Philadelphia Parking Authority, Taxicab and Limousine Division v. Kim Jin Young; Doc. No. C-17-06-151

Attention Mr. Kim Jin Young, last known address of 563 E Tremont Ave., Bronx, New York, 10457: Citations T-22743 and T-22744 have been issued to you by first-class mail on June 22, 2017 by the Enforcement Department of the Philadelphia Parking Authority's Taxicab and Limousine Division (TLD) citing you have committed violations of 53 Pa.C.S. §§ 57A16 and 57A09 for "any violation of the PennDot Inspection Code" and 53 Pa.C.S. § 57A16 for "failure to carry proof of insurance" (the Citations), each of which carries a recommended penalty of \$100.00. Pursuant to 52 Pa. Code § 1005.13(b) (relating to answer to citations), an answer to the Citations was due no later than July 10, 2017.

However, the Citations were each individually mailed to you at your last known address referenced above but have been returned to the TLD by the United States Postal Service marked as "return to sender, attempted, not known, unable to forward". Therefore, this notice is being published pursuant to 52 Pa. Code § 1001.51(e) (relating to alternative service). To avoid a default order being entered against you, within 15 days after the date of this publication, you shall answer the Citations by doing one of the following:

(1) Plead liable and remit payment of the full penalty amounts identified in the Citations as referenced above and in a form as provided in 52 Pa. Code § 1001.42 (relating to mode of payment), payable to the Philadelphia Parking Authority; or

(2) Plead not liable by filing a hearing request as provided in 52 Pa. Code § 1005.13(b).

The payments and/or hearing requests shall be filed with the TLD Clerk at: Philadelphia Parking Authority, Taxicab and Limousine Division, Attn: Office of the Clerk, 2415 S. Swanson Street, Philadelphia, PA 19148-4113.

CLARENA TOLSON,
Executive Director

[Pa.B. Doc. No. 17-1399. Filed for public inspection August 18, 2017, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 19, 2017	George C. Keith (D) (Contested Death Benefit)	12 p.m.
December 15, 2017	Neshannock Township School District (Independent Contractors)	12 p.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director, at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,
Executive Director

[Pa.B. Doc. No. 17-1400. Filed for public inspection August 18, 2017, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Wayne A. Dessell, LPN; File No. 14-51-03710; Doc. No. 0020-51-16

On July 31, 2017, Wayne A. Dessell, LPN, Pennsylvania license No. PN103814L, last known of Verona, Allegheny County, had his practical nursing license revoked based on receiving disciplinary action by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Megan E. Castor, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

LINDA L. KMETZ, PhD, RN,
Chairperson

[Pa.B. Doc. No. 17-1401. Filed for public inspection August 18, 2017, 9:00 a.m.]

STATE CHARTER SCHOOL APPEAL BOARD

Schedule of Meetings

The State Charter School Appeal Board will meet as follows:

September 19, 2017	1 p.m.	Honors Suite
October 24, 2017	1 p.m.	Heritage A Suite
December 5, 2017	1 p.m.	Heritage A Suite
January 23, 2018	1 p.m.	Honors Suite
February 27, 2018	1 p.m.	Honors Suite
April 17, 2018	1 p.m.	Honors Suite
May 15, 2018	1 p.m.	Honors Suite
June 12, 2018	1 p.m.	Honors Suite

Unless due and timely notice to the contrary is given, these meetings will be held as previously stated. The Honors Suite is on the First Floor, Department of Education Building, 333 Market Street, Harrisburg, PA. The Heritage A Suite is off the lobby right past the security gates.

Persons with disabilities needing special accommodations to attend the meetings may contact Ernest Helling, Counsel to the Board, 9th Floor, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-5500 or the Pennsylvania AT&T Relay Service (800) 654-5984 at least 24 hours in advance so that arrangements can be made.

ALAINA C. KOLTASH,
Board Counsel

[Pa.B. Doc. No. 17-1402. Filed for public inspection August 18, 2017, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Rodney E. Lane 750 Woodard Road Harrison Valley, PA 16927	Potter County/ Harrison Township	0	Cattle	Existing	Rescind
Joel Martin Duck Operation Joel Martin 2077 Mountain Road Manheim, PA 17545	Lancaster County/ Penn Township	29.14	Duck	New	Approved
Joe Jurgielewicz & Son— Neilson Farm Joe Jurgielewicz & Son, Ltd. 177 Seip Lane Shoemakersville, PA 19555	Berks County/ Perry Township	11.22	Duck	New	Approved
Jerrel B. Brubaker— Strawbridge Road Farm Strawbridge Road and Campbell Mill Road Lewisburg, PA 17837	Union County/ Buffalo Township	0.00	Broilers	New	Approved
Allen and Brenda Balmer 2220 Colebrook Road Lebanon, PA 17042	Lebanon County/ North Cornwall Township	4.76	Broilers	Amended	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
J.O.M. Hogs, LLC Bruce M. King 1417 Peters Road Troy, PA 16947	Bradford County/ West Burlington Township	672.7	Swine	New	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 17-1403. Filed for public inspection August 18, 2017, 9:00 a.m.]

STATE EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 21, 2017	Michael P. Flynn Discontinued Disability Benefits	1 p.m.
September 27, 2017	Michael F. Kissell Agency Debt	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,
Secretary

[Pa.B. Doc. No. 17-1404. Filed for public inspection August 18, 2017, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on Thursday, September 7, 2017, at 9 a.m. at the Holiday Inn Elmira Riverview, Ballroom, 760 East Water Street, Elmira, NY 14901. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) informational presentation of interest to the Chemung Subbasin area; (2) ratification/approval of contracts/grants; (3) adoption of alternatives analysis guidance; (4) amendment of delegation authority to the Executive Director; (5) report on delegated settlements; (6) resolution adopting amendments to the Commission's by-laws; (7) Middletown Borough request for waiver of application required by 18 CFR 806.6(a)(5) and (b) (relating to transfer of approvals); (8) Peak Resorts, Inc.—Greek Peak Mountain Resort request for waiver of 18 CFR 806.6(b)(1); (9) request for waiver of 18 CFR 806.31(e) (relating to term of approvals) as it pertains to the renewal of Docket No. 19870901 for Carrolltown Borough Municipal Authority; and (10) Regulatory Program projects and requests for extension of emergency certificates, including for Sunset Golf Course, Sunoco Pipeline L.P. and Furman Foods, Inc.

Projects, the alternatives analysis guidance and the request of waiver by Middletown Borough are those that were the subject of a public hearing conducted by the Commission on August 3, 2017, and identified in the notice for the hearing, which was published at 82 FR 31134 (July 5, 2017).

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects, the alternatives analysis guidance and the request for waiver by Middletown Borough were subject to a deadline of August 14, 2017. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srb.com/pubinfo/publicparticipation.htm>. The comments are due to the Commission on or before August 31, 2017. Comments will not be accepted at the business meeting noticed herein.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808

Dated: August 3, 2017

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 17-1405. Filed for public inspection August 18, 2017, 9:00 a.m.]

