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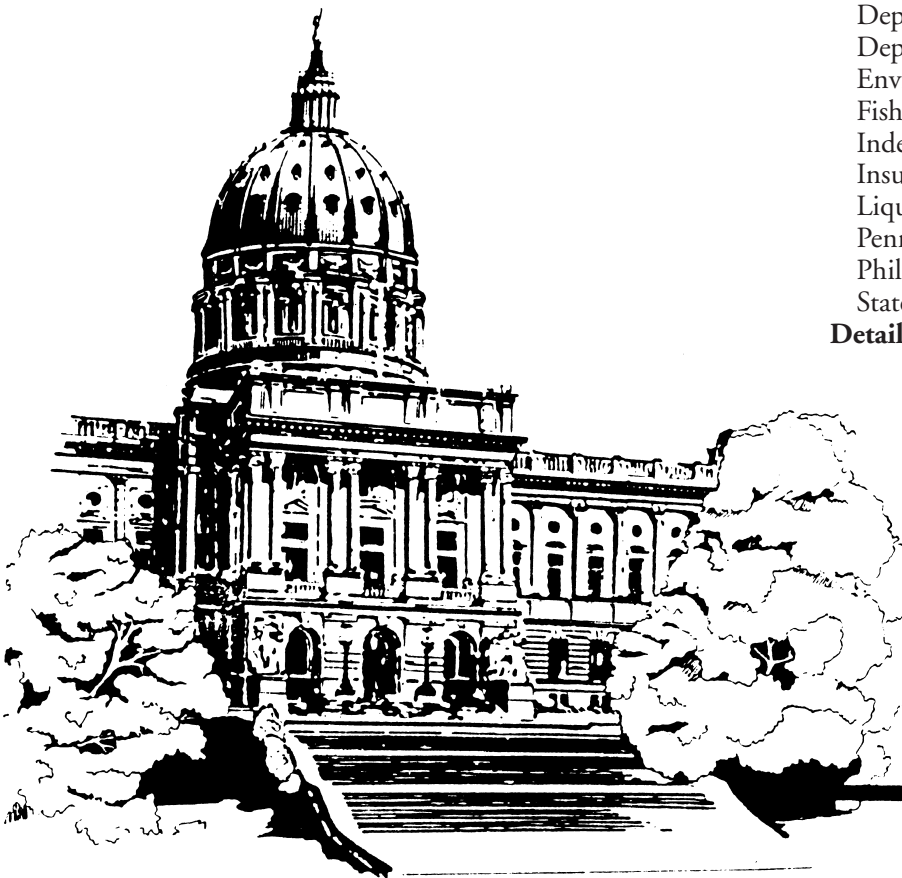
# PENNSYLVANIA BULLETIN

Volume 43  
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## Agencies in this issue

The Courts  
Delaware River Basin Commission  
Department of Banking and Securities  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Environmental Quality Board  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Liquor Control Board  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
State Board of Chiropractic

**Detailed list of contents appears inside.**



**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 465, August 2013**

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# CONTENTS

## THE COURTS

### LOCAL COURT RULES

#### Berks County

Administrative order relative to amendments of rules of civil procedure and judicial administration; no. 13-161 prothonotary; no. CP-06-AD-0000013-2013 clerk of courts ..... 4839

#### Franklin and Fulton Counties

Adoption and amendment of local rules of civil procedure; misc. doc. volume 2013, page 2648..... 4845

#### Pike County

Local rule criminal rule 131(B); no. 1209-2013-civil; no. 123-2013-MD ..... 4848

#### Washington County

Local rule L-1915.37 limited representation in custody; no. 2013-1 ..... 4848

## EXECUTIVE AGENCIES

### DELAWARE RIVER BASIN COMMISSION

#### Notices

Public hearing and business meeting..... 4891

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications..... 4893

### DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

#### Notices

Request for bids ..... 4895

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices..... 4895  
Storage Tank Advisory Committee meeting cancellation..... 4953

### DEPARTMENT OF HEALTH

#### Notices

Applications for exception:  
Advanced Center for Surgery ..... 4954  
DuBois Regional Medical Center ..... 4954  
Jeanes Hospital ..... 4954

Long-term care nursing facilities; request for exception..... 4954  
Pennsylvania Cancer Control, Prevention and Research Advisory Board meeting ..... 4955

### DEPARTMENT OF PUBLIC WELFARE

#### Proposed Rulemaking

Supplemental ventilator care payment for Medical Assistance nursing facilities ..... 4855

### ENVIRONMENTAL QUALITY BOARD

#### Proposed Rulemaking

Regulated medical and chemotherapeutic waste..... 4858

### FISH AND BOAT COMMISSION

#### Notices

Temporary changes to fishing regulations; Lake Nessmuk, Tioga County..... 4955

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of filing of final rulemakings..... 4955

### INSURANCE DEPARTMENT

#### Notices

Review procedure hearings under the Unfair Insurance Practices Act ..... 4956

### LIQUOR CONTROL BOARD

#### Notices

Expiration of leases..... 4956

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Service of notice of motor carrier applications..... 4956  
Telecommunications (2 documents)..... 4957

### PHILADELPHIA PARKING AUTHORITY

#### Notices

Motor carrier medallion stock transfer application for service in the City of Philadelphia (2 documents)..... 4958

### STATE BOARD OF CHIROPRACTIC

#### Rules and Regulations

Licensure by reciprocity ..... 4850

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

Source Notes give you the history of the documents. 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](http://www.legis.state.pa.us).

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

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such 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; and that the fiscal note shall provide 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 five 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 five 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 2013.

### 4 Pa. Code (Administration)

#### Proposed Rules

405 ..... 1850

#### Statements of Policy

9 ..... 220, 875, 1084, 1283, 1863, 2610, 3113,  
3510, 4101, 4601  
58 ..... 1731  
67a ..... 877

### 7 Pa. Code (Agriculture)

#### Adopted Rules

143 ..... 216  
144 ..... 216

#### Proposed Rules

137b ..... 4344

### 12 Pa. Code (Commerce, Trade and Local Government)

#### Proposed Rules

149 ..... 3110

### 17 Pa. Code (Conservation and Natural Resources)

#### Adopted Rules

45 ..... 4077

#### Proposed Rules

45 ..... 1419

### 22 Pa. Code (Education)

#### Adopted Rules

4 ..... 4079  
19 ..... 3337  
31 ..... 2436

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

78 ..... 526  
93 ..... 4080  
105 ..... 967  
121 ..... 806  
123 ..... 806, 2140  
139 ..... 806  
901 ..... 830

#### Proposed Rules

127 ..... 677  
208 ..... 2587  
271 ..... 4858  
272 ..... 4858  
273 ..... 4858  
284 ..... 4858  
285 ..... 4858  
287 ..... 4858  
288 ..... 4858  
299 ..... 4858  
806 ..... 872  
901 ..... 4740  
1021 ..... 2591

#### Statements of Policy

16 ..... 4103

### 31 Pa. Code (Insurance)

#### Adopted Rules

161 ..... 2816  
163 ..... 2819

#### Proposed Rules

124 ..... 1269

### 34 Pa. Code (Labor and Industry)

#### Adopted Rules

63 ..... 2438  
65 ..... 4730

### 37 Pa. Code (Law)

#### Proposed Rules

79 ..... 2589

### 40 Pa. Code (Liquor)

#### Adopted Rules

5 ..... 3946  
15 ..... 12

#### Proposed Rules

11 ..... 2040

### 49 Pa. Code (Professional and Vocational Standards)

#### Adopted Rules

5 ..... 4850  
13 ..... 2033  
16 ..... 2142, 3347, 4329  
18 ..... 2142, 2145, 4329  
25 ..... 2147, 4336  
36 ..... 3098  
42 ..... 2991, 3350

#### Proposed Rules

1 ..... 1279  
3 ..... 1854  
6 ..... 2041  
7 ..... 1855  
13 ..... 2044  
15 ..... 1859  
27 ..... 2439  
33 ..... 1857  
45 ..... 2042  
47 ..... 1281

#### Statements of Policy

13 ..... 1422

### 51 Pa. Code (Public Officers)

#### Proposed Rules

53 ..... 3009

### 52 Pa. Code (Public Utilities)

#### Adopted Rules

33 ..... 2820  
59 ..... 4586  
62 ..... 1413  
111 ..... 3473  
1005 ..... 2992

**Proposed Rules**

1 ..... 1273, 2602  
 3 ..... 2602  
 5 ..... 1273, 2602  
 23 ..... 2602  
 29 ..... 2602  
 32 ..... 2602  
 53 ..... 2602  
 54 ..... 2602  
 57 ..... 2602  
 59 ..... 2602  
 62 ..... 2602  
 65 ..... 870  
 1011 ..... 1725  
 1015 ..... 1725  
 1017 ..... 1720, 1725  
 1021 ..... 1725  
 1027 ..... 1725  
 1051 ..... 1725  
 1053 ..... 1725  
 1055 ..... 1720  
 1057 ..... 1725  
 1059 ..... 1725

**Statements of Policy**

41 ..... 2852

**55 Pa. Code (Public Welfare)**

**Adopted Rules**

52 ..... 833  
 5230 ..... 2572

**Proposed Rules**

1187 ..... 4599, 4855  
 1189 ..... 4855

**Statements of Policy**

51 ..... 878  
 5200 ..... 4355  
 5210 ..... 4355  
 5320 ..... 4355  
 6000 ..... 1732  
 6400 ..... 222

**58 Pa. Code (Recreation)**

**Adopted Rules**

29 ..... 2714  
 51 ..... 4214  
 65 ..... 3232  
 69 ..... 4214  
 93 ..... 4214  
 113 ..... 4214  
 139 ..... 2999, 3006  
 141 ..... 3006  
 143 ..... 3007  
 147 ..... 2311  
 401a ..... 660, 4096  
 403a ..... 660  
 405a ..... 660  
 407a ..... 660  
 437a ..... 4096  
 441a ..... 4096  
 461a ..... 660  
 471a ..... 660  
 491a ..... 660  
 493a ..... 660  
 494a ..... 660  
 495a ..... 660  
 497a ..... 660  
 499a ..... 660  
 501a ..... 660

511a ..... 660  
 581 ..... 3495  
 583 ..... 3495  
 585 ..... 3495

**Proposed Rules**

53 ..... 3238  
 61 ..... 3237  
 63 ..... 3235  
 65 ..... 2034, 2035  
 75 ..... 15, 3233  
 101 ..... 3238  
 105 ..... 3238  
 137 ..... 2039  
 139 ..... 1712, 1718, 2037  
 141 ..... 1710  
 143 ..... 2037, 4741  
 421a ..... 2152  
 421b ..... 2152  
 439a ..... 2152  
 461a ..... 834  
 465a ..... 834, 2152, 2827  
 481a ..... 2152  
 501a ..... 2152  
 503a ..... 2152  
 503b ..... 2152  
 513a ..... 2152  
 525 ..... 834  
 575 ..... 834  
 577 ..... 834  
 579 ..... 834  
 603a ..... 834, 2152  
 605a ..... 2312  
 609a ..... 834  
 623a ..... 834  
 627a ..... 834  
 629a ..... 834  
 631a ..... 834  
 633a ..... 834, 2152  
 635a ..... 834  
 637a ..... 834  
 639a ..... 2312, 2827  
 641a ..... 2312, 2827  
 643a ..... 2312, 2827  
 645a ..... 2827  
 647a ..... 2312, 2827  
 649a ..... 834, 2827  
 653a ..... 2312, 2827  
 655a ..... 2312, 2827  
 657a ..... 2312, 2827  
 659a ..... 834  
 661a ..... 834  
 663a ..... 834  
 665a ..... 834

**Statements of Policy**

439b ..... 1733  
 461b ..... 4744

**61 Pa. Code (Revenue)**

**Adopted Rules**

7 ..... 532  
 117 ..... 535  
 119 ..... 535  
 121 ..... 535  
 901 ..... 532

**67 Pa. Code (Transportation)**

**Proposed Rules**

231 ..... 3010



**101 Pa. Code (General Assembly)**  
**Statements of Policy**  
 31 ..... 17  
 303 ..... 878

**201 Pa. Code (Rules of Judicial Administration)**  
**Adopted Rules**  
 1 ..... 2988  
 7 ..... 3327  
 19 ..... 3223

**204 Pa. Code (Judicial System General Provisions)**  
**Adopted Rules**  
 71 ..... 2559  
 81 ..... 1173  
 83 ..... 1173  
 303 ..... 3655

**Proposed Rules**  
 71 ..... 1699  
 81 ..... 1997  
 303 ..... 431

**207 Pa. Code (Judicial Conduct)**  
**Proposed Rules**  
 51 ..... 2269

**210 Pa. Code (Appellate Procedure)**  
**Adopted Rules**  
 1 ..... 2007  
 2 ..... 2007  
 3 ..... 2423, 3327  
 5 ..... 2423  
 9 ..... 3327  
 11 ..... 3223  
 15 ..... 3327  
 17 ..... 2271, 3223  
 19 ..... 2810  
 21 ..... 2007, 2704  
 25 ..... 964, 2007  
 33 ..... 3223, 3470  
 37 ..... 3225  
 63 ..... 514, 3227  
 65 ..... 298

**Proposed Rules**  
 3 ..... 3082  
 9 ..... 3082  
 11 ..... 3082  
 19 ..... 1700, 3084  
 21 ..... 3082  
 40 ..... 1700

**225 Pa. Code (Rules of Evidence)**  
**Adopted Rules**  
 Article I ..... 620  
 Article II ..... 620  
 Article III ..... 620  
 Article IV ..... 620  
 Article V ..... 620  
 Article VI ..... 620  
 Article VII ..... 620  
 Article VIII ..... 620  
 Article IX ..... 620  
 Article X ..... 620

**Proposed Rules**  
 Article VIII ..... 210

**231 Pa. Code (Rules of Civil Procedure)**  
**Adopted Rules**  
 200 ..... 525  
 1000 ..... 1835  
 1300 ..... 2135  
 1900 ..... 3932  
 1910 ..... 801, 2272  
 1915 ..... 2559, 3936, 3937, 4702  
 1930 ..... 3329  
 3000 ..... 2136  
 Part II ..... 1836

**Proposed Rules**  
 1910 ..... 3932  
 Part II ..... 2010

**234 Pa. Code (Rules of Criminal Procedure)**  
**Adopted Rules**  
 1 ..... 652  
 2 ..... 652  
 4 ..... 654, 4323  
 5 ..... 2560, 2704, 3330, 4062, 4715  
 6 ..... 2704, 3330  
 7 ..... 1702  
 8 ..... 4715  
 10 ..... 2560, 2704, 4062

**Proposed Rules**  
 5 ..... 210, 4210  
 6 ..... 2304  
 8 ..... 801

**237 Pa. Code (Juvenile Rules)**  
**Adopted Rules**  
 1 ..... 3938, 3941  
 2 ..... 3938  
 6 ..... 1551, 3938  
 11 ..... 3941

**Proposed Rules**  
 1 ..... 2306  
 11 ..... 2306

**246 Pa. Code (Minor Court Civil Rules)**  
**Proposed Rules**  
 200 ..... 8, 2136  
 300 ..... 3470  
 400 ..... 8  
 500 ..... 3085, 3470  
 1000 ..... 3085

**249 Pa. Code (Philadelphia Rules)**  
 Unclassified ..... 657, 658, 1078, 2138, 4064, 4212

**252 Pa. Code (Allegheny County Rules)**  
 Unclassified ..... 2711, 3229

**255 Pa. Code (Local Court Rules)**  
 Unclassified ..... 9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726, 4839, 4845, 4848

# THE COURTS

## Title 25—LOCAL COURT RULES

### BERKS COUNTY

#### Administrative Order Relative to Amendments of Rules of Civil Procedure and Judicial Administration; No. 13-161 Prothonotary; No. CP-06-AD-0000013-2013 Clerk of Courts

#### Order

And Now, this 5th day of August, 2013, the following amendments to Berks County Rules of Civil Procedure 14; 211.6; 211.8; 211.9; 212.1; 239; 1915.3; 1915.15; 1915.18; 1915.26; 1915.27; 1915.32; 1915.33; 1920.31(a)(1); 1920.42; 1920.46; 1920.51.4; and 1920.51.5; new Berks County Rule of Civil Procedure 1012.1 and amendment to Berks County Rule of Judicial Administration 402 are hereby adopted and shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*, in accordance with Pa.R.C.P. No. 239(d) and new Berks County Rule of Civil Procedure 205.4 and amendments to Berks County Rules of Civil Procedure 210 and 1028(c) are hereby adopted and shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal in accordance with Pa.R.C.P. No. 239.8(d).

(New language is bold, and removed language is shown by brackets in bold.)

The District Court Administrator is *Ordered* and *Directed* to:

1. File one (1) certified copy of this Order, including the newly adopted rules, with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies of this Order, including the newly adopted rules, and one (1) disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy of this Order, including the newly adopted rules, with the Civil Procedural Rules Committee of the Supreme Court of Pennsylvania.
4. File one (1) certified copy of this Order, including the newly adopted rules, with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania.
5. File one (1) certified copy of this Order, including the newly adopted rules, with the Berks County Law Library.
6. Keep continuously available for public inspection and copying, one (1) copy of this Order, including the newly adopted rules, in the Office of the Prothonotary of Berks County.
7. Keep continuously available for public inspection and copying, one (1) copy of this Order, including the newly adopted rules, in the Office of the Clerk of Courts of Berks County.

By the Court

HONORABLE PAUL M. YATRON,  
*President Judge*

### Berks County Rules of Civil Procedure

#### Rule 14. Pretrial Status Conference.

[ (b) ] (a)

\* \* \* \* \*

(b)

\* \* \* \* \*

#### Rule 205.4. Electronic Filing and Service of Legal Papers.

(a)(1) Beginning on the date established by the President Judge by Administrative Order, parties shall file all "legal papers" as defined by Pa.R.C.P. No. 205.4(a)(2), with the Prothonotary through the Berks County Electronic Filing System "EFS" as more specifically provided here and in Pa.R.C.P. No. 205.4.

**Explanatory Note:** The term "legal paper" as defined in Pa.R.C.P. No. 205.4(a)(2) encompasses all pleadings and other papers filed with the Prothonotary, including exhibits and attachments—even if the legal papers are not adversarial in nature and do not require the non-filing party or parties to respond.

(2) As used in this rule, the following words shall have the following meanings:

**CMS (Case Management System):** A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

**Electronic Filing (E-Filing):** The electronic transmission, acceptance, and processing of a filing. A submission consists of data, one or more documents, and/or images. The definition of electronic filing does not apply to facsimile or e-mail.

**Electronic Service (E-Service):** The electronic transmission of an original document to all other electronically-registered case participants via the electronic filing system. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

(b)(1) **Authorized Electronic Format of Legal Papers Electronically Filed.** All legal papers shall be filed in a portable document format ("pdf"). A paper presented for filing in hard copy or in a format other than portable document format shall be converted to portable document format and maintained by the Prothonotary in that format pursuant to Pa.R.C.P. No. 205.4(b)(1).

\* \* \* \* \*

(c)(2) **Website. Access to the Website.**

(i) **Website.** All legal papers shall be filed electronically through the Berks County Electronic Filing System "EFS" which shall be accessible through the County of Berks website, [www.countyofberks.com](http://www.countyofberks.com), or at such other website as may be designated from time to time.

(ii) Use of the EFS shall be in accordance with the User Manual.

(iii) *Access to the Website.* To obtain access to the Berks County Electronic Filing System, counsel and any unrepresented party must apply for and receive a User Name, Password, and Personal Identification Number ("PIN").

(iv) Registered users shall be individuals, and not law firms, agencies, corporations, nor other groups.

(v) User access may be suspended to prevent fraud, to maintain security of the system and network, to prevent an unacceptable level of congestion, or to prevent a disruption to the EFS or another user.

\* \* \* \* \*

(d)(1) *Payment of Filing Fees*

The Prothonotary will accept filing fees through PayPal or as set forth in the User Manual. The Prothonotary will not accept advance deposits for future filings.

\* \* \* \* \*

(f)(1) *Filing Status Messages*

(i) Upon receipt of the legal paper, the Prothonotary shall provide the filing party with an acknowledgment, which includes the date and time the legal paper was received by the Berks County Electronic Filing System.

(ii) After review of the legal paper, the Prothonotary shall provide the filing party with e-mail notification, or notification on the Berks County Electronic Filing System, that the legal paper has been accepted for filing ("filed") or refused and not accepted for filing.

(f)(2) When an electronic document is accepted, the electronic document is the official record, except for documents containing a raised seal. Documents containing a raised seal shall be filed electronically, and the original with the raised seal shall be filed with the prothonotary's office as the official record.

(i) If a document filed in paper format is digitized, recorded, scanned or otherwise reproduced into an electronic record, document or image, the electronic record, document or image is the official record except for documents with raised seals.

(ii) Once a paper document is digitized, recorded, scanned or otherwise reproduced into an electronic record, document or image, the paper document may then be destroyed by the Prothonotary, unless the document is required to be preserved by law or order of court.

\* \* \* \* \*

(f)(3) *Signatures and Verifications*

(i) The electronic filing of legal papers utilizing the User Name, Password and PIN issued as provided by this rule and Pa.R.C.P. No. 205.4, constitutes the party's signature on electronic documents as provided by Pa.R.C.P. No. 1023.1 and, if the filing party is an attorney, constitutes a certification of authorization to file it as provided in Pa.R.C.P. No. 205.1. Additionally, the following provisions apply:

(ii) *Filing Party.* The legal paper must include a signature block, and the name of the filer under whose User ID, Password and PIN the legal paper is submitted. The legal paper may be submitted

with the filer's scanned signature or "/s/" and the filer's name typed in the space where the signature would otherwise appear on the legal paper. If an attorney is the filing party, the Pennsylvania Supreme Court Attorney Identification number must be included under the signature line. The correct format for an attorney signature is as follows:

/s/ ATTORNEY NAME  
PA Supreme Court ID #  
Attorney for (Plaintiff/Defendant) XYZ Corporation  
ABC Law Firm  
ADDRESS  
TELEPHONE NUMBER  
E-MAIL ADDRESS  
FAX NUMBER

(iii) An authorized electronic filer must not allow their user name and password to be used by anyone other than an agent who is authorized by the electronic filer.

(iv) Electronic filers shall notify the Prothonotary's Office immediately by calling 610-478-6970 if there has been any unauthorized use of their EFS user name and password.

(v) *Client Verifications and Documents Executed By Clients or Other Persons.* The Verification required by Pa.R.C.P. No. 206.1 and Pa.R.C.P. No. 1024 and the signature page(s) of any document or legal paper executed by any party other than the filing party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(vi) Documents requiring signatures of more than one party must be scanned and attached to the electronic filing in a portable document format at the time the legal paper is submitted.

(vii) The original of a sworn or verified document that is electronically filed (e.g. affidavit) or is contained with an electronic filing (e.g. verification) shall be maintained by the electronic filer and made available upon direction of the court or reasonable request of the signatory or opposing party.

*Note:* This subsection is designed to address issues which may arise regarding signatures on legal papers and documents. A filer's use of the User Name, Password and PIN issued through the Berks County Electronic Filing System is the filer's "electronic signature". However, legal papers often require verifications executed by non-filers. In addition, many legal papers or documents require multiple signatures. Deficiencies in content and execution could be subject to preliminary objections. In order to avoid prejudicial delay, this section requires that the filing party scan such legal papers, documents or signature pages and include them as part of the electronic filing at the time of submission. Original signed copies should be kept as provided for in Pa.R.C.P. No. 205.4(b)(4).

(f)(4) *Electronic Filing Fees and Costs*

(i) The Prothonotary shall collect an electronic filing fee for each legal paper or exhibit filed as established by the Prothonotary with the approval of the President Judge of the Berks County Court of Common Pleas.

(ii) In addition to such electronic filing fee, the Prothonotary is authorized to charge a fee as set from time to time for each page of a legal paper or exhibit which is filed in hard copy format and which must be converted to a portable document format.

(iii) All fees collected pursuant to this rule shall be set aside by the Prothonotary and remitted monthly to the Berks County Treasurer's Office.

(iv) All such fees and costs collected will be used for the implementation and maintenance of the Berks County Electronic Filing System "EFS" and additional development, enhancements and training.

(v) Electronic filers shall alert the EFS to any payment errors within forty-five (45) days of the payment date by calling the Prothonotary's Office at 610-478-6970.

*(f)(5) Other Procedures Necessary to the Operation of a System of Electronic Filing*

(i) If a legal paper is accepted, it shall be deemed to have been filed as of the date and time it was received by the Berks County Electronic Filing System; provided, however, that if a legal paper is submitted without the requisite fee, the legal paper shall be deemed to have been accepted for filing as of the date payment was received. The Prothonotary is authorized to refuse for filing a legal paper submitted without the requisite payment. If the pleading or legal paper other than original process is accepted for filing, it will be electronically served as authorized by Pa.R.C.P. No. 205.4(g)(1)(ii) and service shall be effectuated as provided in Pa.R.C.P. No. 205.4(g)(2)(ii).

(ii) *Termination Notice.* In addition to the procedures set forth in Pa.R.C.P. No. 230.2, in cases where a party is a registered user of the Berks County Electronic Filing System, notice of proposed termination may also be electronic.

(iii) An electronic filer is not required to file any paper copies unless specifically required by the court.

(iv) An electronic filer is not required to file multiple copies of documents as specified elsewhere in these local rules. If documents are to be served electronically, the electronic filer is not required to provide envelopes as specified elsewhere in these local rules, except for those parties who are to receive the document by regular mail or other means of service as required by other rules.

(v) Electronic filing is permitted at all times when the EFS is available. If the EFS is unavailable at the time a registered user attempts to file a document, the registered user shall make reasonable efforts to file the document as soon as the unavailability ends.

(vi) If a registered user believes the unavailability of the EFS prevented a timely filing to the party's prejudice, the registered user may submit a motion to the court within ten (10) days of the registered user's unsuccessful attempt to file the document. The motion shall state the date and time of the first unsuccessful attempt to file the document electronically, the date(s) and time(s) of any subsequent attempts to file the document electronically, and why the delay was prejudicial.

(vii) The filing deadline for any document filed electronically is 11:59:59 p.m. EST/EDT.

(viii) *Documents with Attachments.* Attachments, including exhibits, that are part of any filing, shall be filed electronically at the same time as the document.

(ix) An attachment or exhibit that exceeds the technical standards for the EFS or is unable to be electronically filed must be filed as ordered by the court. A Notice of Exhibit Attachment shall be filed in the EFS referencing such an exhibit with specificity and stating the reason why the exhibit was not filed electronically.

(x) The Court may, on its own motion or for good cause shown, order a filing be made under seal. Filings requested to be made under seal shall be submitted to the Prothonotary's Office over the counter rather than through EFS.

(xi) Sealed or confidential documents may be submitted for electronic filing in a manner that maintains confidentiality under applicable law.

(xii) Filings not under seal are public and should not include personal information such as social security numbers, tax identification numbers, credit card numbers (other than the last 4 digits), financial account numbers, Driver's License numbers, and passport numbers. This sensitive data may be collected on the EFS so that the data can be viewed by authorized personnel while being protected from public view.

(xiii) Family Court documents shall be confidential and shall not be viewable in CMS by the public without an Order of Court.

\* \* \* \* \*

*(g)(2) Service by Electronic Transmission*

\* \* \* \* \*

(iii) Service shall be made to registered users through the EFS and to all others as otherwise provided in the Pa.R.C.P. Service by the EFS is complete upon transmission except that, for purposes of calculating the time for filing a response, a transmission on a Saturday, a Sunday, a holiday recognized by Berks County, or after 5:00 p.m. EST/EDT, shall be considered complete on the next day that is not a Saturday, Sunday or recognized Berks County holiday.

(iv) Other than original service, the electronic filer shall not be required to serve a paper copy of the electronic filing on the opposing part if the opposing party is a registered user on the EFS and the electronic filing has been served on them through the EFS.

(h) Civil and Family Court Cover Sheets will not be required in EFS cases because any required data will be collected through the EFS for transmission to the Administrative Office of Pennsylvania Courts as required by Pa.R.C.P. No. 205.5(e).

**Rule 210. Form and Content of Briefs.**

[ (1) ] (a)

\* \* \* \* \*

[ (a) ] (1)

\* \* \* \* \*

[ (b) ] (2)

\* \* \* \* \*

[ (c) ] (3)

\* \* \* \* \*

[ (d) ] (4)

\* \* \* \* \*

[ (e) ] (5)

\* \* \* \* \*

[ (2) ] (b)

\* \* \* \* \*

[ (3) ] (c)

\* \* \* \* \*

[ (4) ] (d)

**Rule 211.6. Assignment of Cases for Argument.**

\* \* \* \* \*

(b) Court Administration shall prepare a schedule . . . and shall post such schedule . . . online at [ [www.co.berks.pa.us/courts.com](http://www.co.berks.pa.us/courts.com) ] [www.countyofberks.com/courts](http://www.countyofberks.com/courts) . . .

\* \* \* \* \*

**Rule 211.8. Argument Court Procedures for Family Argument.**

[ (1) ] (a) . . . B.R.C.P. No.s 211.1 through 211.6 . . .

[ (a) ] (1)

\* \* \* \* \*

[ (a) ] (2)

\* \* \* \* \*

[ (a) ] (3)

\* \* \* \* \*

[ (2) ] (b)

\* \* \* \* \*

[ (3) ] (c)

\* \* \* \* \*

[ (a) ] (1)

\* \* \* \* \*

[ (a) ] (2)

\* \* \* \* \*

[ (a) ] (3)

**Rule 211.9. Argument Court Procedures for Support Argument.**

[ (1) ] (a) . . . B.R.C.P. No.s 211.1 through 211.6 . . .

[ (a) ] (1)

\* \* \* \* \*

[ (b) ] (2)

\* \* \* \* \*

[ (c) ] (3)

**Rule 212.1. Filing of Certificate of Readiness and Scheduling of Pretrial Conferences.**

(a) . . . The forms are available in the Prothonotary's Office and online at [ [www.co.berks.pa.us/courts.com](http://www.co.berks.pa.us/courts.com) ] [www.countyofberks.com/courts](http://www.countyofberks.com/courts)

\* \* \* \* \*

**Rule 239. Notice of Adoption. Copies Thereof.**

\* \* \* \* \*

(b) Upon request, the prothonotary shall furnish copies of the Berks County Rules of Court to any person requesting the same upon payment of such charge [ **therefor** ] as may be determined from time to time by the court. They are also available at [ [www.co.berks.pa.us/courts.com](http://www.co.berks.pa.us/courts.com) ] [www.countyofberks.com/courts](http://www.countyofberks.com/courts).

**Rule 1012.1. Admission Pro Hac Vice.**

\* \* \* \* \*

(g) Attorneys admitted pro hac vice in a case using the Berks County Electronic Filing System (EFS) may file as a non-attorney user since the EFS system only allows attorney users with a valid Pennsylvania Supreme Court identification number.

**Rule 1028(c). Preliminary Objections.**

[ (1) ] (a) . . . Pa.R.C.P. No.s 1028(a)(2), (3) . . . Said argument date must be in accordance with the court calendar. The court calendar can be found online at [ [www.co.berks.pa.us/courts.com](http://www.co.berks.pa.us/courts.com) ] [www.countyofberks.com/courts](http://www.countyofberks.com/courts).

[ (2) ] (b) . . . Pa.R.C.P. No.s 1028(a)(1), (5) . . .

[ (a) ] (1)

\* \* \* \* \*

[ (b) ] (2)

\* \* \* \* \*

[ (c) ] (3)

\* \* \* \* \*

[ (3) ] (c)

\* \* \* \* \*

[ (4) ] (d)

\* \* \* \* \*

[ (i) ] (1) . . . Pa.R.C.P. No. 1028(c)(1) . . .

[ (ii) ] (2) . . . Pa.R.C.P. No. 1028(c)(1) . . .

[ (iii) ] (3) . . . Pa.R.C.P. No. 1028(c)(1) . . .

[ (5) ] (e) . . . Pa.R.C.P. No.s 1028(a)(2), (3) . . .

[ (6) ] (f)

\* \* \* \* \*

[ (7) ] (g) . . . Pa.R.C.P. No.s 1028(a)(1), (5) . . .

Pa.R.C.P. No. 1029(d) . . .

[ (8) ] (h)

\* \* \* \* \*

[ (9) ] (i)

\* \* \* \* \*

[ (10) ] (j)

Rule 1915.3. Commencement of Action: Filing.

\* \* \* \* \*

(b) [ An ] A Scheduling Order shall be attached to the complaint substantially in the form provided by [ Pa.R.C.P. 1915.15(c). ] B.R.C.P. No. 1915.15(b). [ The proposed Order when filed shall be completed and shall include in the space so designated the name, address and telephone number of the Lawyers' Referral Service of the Berks County Bar Association. The current address and telephone number is as follows:

LAWYERS' REFERRAL SERVICE OF BERKS COUNTY BAR ASSOCIATION 544 Court Street Reading, PA 19601 Telephone No.: (610) 375-4591

When filed, the Order form shall be completed except for the conciliation conference date and time and the Judge's signature and date. The Prothonotary shall then obtain a date and time for a conciliation conference from the Custody Coordinator. The verified complaint and attached Order shall then be presented to the Judge assigned to the case for signature. ]

\* \* \* \* \*

(c)(2) If a claim for custody, partial custody or visitation is asserted in a divorce complaint [ or in a subsequent pleading ], it shall receive [ the same ] a separate term and number as the divorce action. Such pleading shall contain the information required by Pa.R.C.P. No. 1915.15. If a custody count is filed as part of a divorce complaint or counterclaim to a divorce complaint, the filer must attach a stipulated custody agreement or custody scheduling order simultaneously with the filing. If the filer does not want the custody matter to proceed forward at the time the divorce complaint or counterclaim is being filed, the custody count may not be included with the divorce complaint or counterclaim. If a stipulated custody agreement or scheduling order is not attached when a custody count is filed as part of a divorce complaint or counterclaim, the custody count may be dismissed.

\* \* \* \* \*

Rule 1915.15. Forms.

\* \* \* \* \*

(b) The Scheduling Order shall be substantially in the form provided on the Court's website www.countyofberks.com/courts. [ and notice requiring the parties to attend the Children in the Middle Program, or other equivalent program, shall be substantially in the following form:

(CAPTION) ORDER OF COURT

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 200 , in order to minimize the effects of custody litigation upon minor children, it is hereby Ordered as follows:

1. All parties to this custody action shall complete the program known as "Children in the Middle", or an alternative approved program.

2. Each party shall register for the program by calling Family Guidance Center, 610-374-4963, 1235 Penn Avenue, Suites 205-206, Wyomissing, PA 19610, or the program of their choice as approved prior thereto by the Court, within ten (10) days of receiving this Order.

3. Registration forms shall be available in the Office of Court Administration on the Fourth Floor of the Berks County Services Center, 633 Court Street, Reading, Pennsylvania.

4. Each party shall diligently participate in and shall file a copy of the Certificate of Completion of the program in the Office of the Prothonotary of Berks County to the above docket number.

5. Each party shall bring a photocopy of the Certificate of Completion to the custody conference or hearing scheduled in this matter.

6. Failure to comply with this Order may result in dismissal of the action, striking of pleadings, or other appropriate sanctions, including citation for contempt.

7. This requirement will not be waived except upon written motion to the assigned Judge for good cause shown.

8. Parties who reside outside of Berks County may attend an equivalent program in that area, provided they furnish official information regarding the program to the Court or to the Custody Master. They shall also be responsible for providing Certificates of Completion as set forth above.

BY THE COURT:

J. ]

Rule 1915.18. Form of Order Directing Expert Examination and Report.

An Order of Court directing psychological or home study evaluations in a custody matter pursuant to B.R.C.P. No. 1915.8 shall be in substantially in the form provided on the Court's website www.countyofberks.com/courts [ the following form:

Plaintiff vs. Defendant : IN THE COURT OF COMMON PLEAS OF BERKS COUNTY, PENNSYLVANIA : CIVIL ACTION—LAW : CHILD CUSTODY : No. : Assigned to: J.

CUSTODY EVALUATION ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, upon motion of \_\_\_\_\_, Esq., Custody/Support Master, it is hereby ORDERED that the following persons shall be evaluated for child custody: \_\_\_\_\_, and any other people in the discretion of the Evaluator who should be evaluated. Counsel for any party may submit a short letter to the evaluator to identify issues. Counsel shall have no further ex parte communication with the Evaluator.

These evaluations shall be performed by: \_\_\_\_\_ The parties shall contact the Evaluator to schedule

appointments within ten (10) days of the date of this Order. Should the required payment not be paid by the moving party to the Evaluator within thirty (30) days of the date of this Order, without an extension having been granted for good cause shown, this action shall be dismissed. Should the required payment not be paid by the responding party to the Evaluator within thirty (30) days of the date of this Order, the moving party shall have the option to follow through with his/her portion of the evaluation or request a further custody conference without an evaluation. The evaluation shall not start until payment is made by all parties, or the moving party exercises the above option.

The Evaluator shall supply the Court, the attorneys of record, and unrepresented parties with a copy of the evaluation report. The Court's copy shall be directed to: Assistant Family Court Administrator, 4th Flr.-SC, 633 Court St., Reading, PA 19601. The contents of an expert report prepared pursuant to Pa.R.C.P. 1915.8 shall be disclosed to the parties, the Court, attorneys in the case and other experts involved in the case. Disclosure to an unauthorized person, including the child who is the subject of the action, may result in sanctions.

The cost of these evaluations shall be paid for as follows: Father shall be responsible for % of the total costs of the evaluations and Mother shall be responsible for % of the total costs of the evaluations.

An additional custody conference shall be held in this matter after receipt of the Evaluation Report.

BY THE COURT:

, JUDGE ]

Rule 1915.26. Conciliation Conference.

\* \* \* \* \*

(h) . . . The notice shall state that each party has [ ten (10) ] twenty (20) days from the date of notice to file written exceptions . . . and that upon failure to file such exceptions within [ ten (10) ] twenty (20) days . . .

Rule 1915.27. Nonappearance at Hearing Before Custody Master.

(a)

\* \* \* \* \*

[ (a) ] (b)

\* \* \* \* \*

[ (b) ] (c)

Rule 1915.32. Appendix.

Any Order for custody, partial custody or visitation entered by the Court, either by stipulation or after hearing held, shall have affixed to it [ an appendix ] one or more appendixes that shall be made a part of the Court Order. The [ appendix ] appendixes shall be substantially in the form provided on the Court's website [www.countyofberks.com/courts](http://www.countyofberks.com/courts). [ in the following form:

APPENDIX TO CUSTODY ORDER

Certain rules of conduct which generally apply to custody matters are set forth below and are binding on all parties. Violation of any of these rules

could become the subject of contempt proceedings before this Court, or could be grounds for modification of this Order. Custody orders are civil court orders and are not enforceable by police or other law enforcement. The word "child" is used below, but these rules apply to all the children in the Order. If any of these general rules conflict with any specific provisions of the Order, the Order shall control.

1. In addition to the rights in the Order, all parties shall also have the following rights with respect to the child:

A. The right to reasonable telephone contact with the child when they are in the other party's custody.

B. The right to be fully informed concerning the progress of the child in school and the child's medical status, including the right to obtain information directly from the child's school or medical practitioner.

C. The right to be informed in advance before any important decision is made concerning the child and the opportunity to participate in those decisions.

2. In the event of any serious illness of the child at any time, the party then having custody of the child shall immediately communicate with the other parties by telephone or by any other means, informing the other parties as to the nature of such illness. During such illness, each party shall have the right to visit the child as he or she desires consistent with the proper medical care of the child.

3. None of the parties shall alienate or permit an attempt by anyone else to alienate the child from the other parties. While in the presence of the child none of the parties shall make any remarks or do anything which is derogatory or uncomplimentary to the other parties and it shall be the duty of each party to uphold the other parties as ones the child should respect and love.

4. Both parties shall provide each other with the addresses and telephone numbers of where they will be staying anytime they take a trip with the child out of the jurisdiction of Berks County in excess of three (3) days.

5. The parties shall not conduct arguments or heated conversation in the presence of the child or when the child can overhear the argument.

6. The parties shall at all times consider the child's best interests, and act accordingly. It is in a child's best interest for the parties to understand that the child is trying desperately to cope with the fact of his or her parents' separation, and needs help in loving both parents and any other involved parties.

7. Neither party shall question the child as to the personal life of any other party except insofar as necessary to insure the personal safety of the child. By this we mean that the child will not be used as a spy on any other party. It is harmful to a child to be put in the role of spy.

8. The parties should remember that they cannot teach the child proper moral conduct if that party is indulging in improper conduct. Children are

quick to recognize hypocrisy, and the party who maintains a double standard will lose the respect of the child.

9. Weekend and evening custody shall be subject to the following general rules:

A. Arrangements should be worked out beforehand between the parties without forcing the child to make choices and run the risk of displeasure. However, the child shall be consulted as to their schedules when appropriate.

B. Custodial rights shall be exercised at reasonable hours and under circumstances reasonably acceptable to the other parties and to the needs and desires of the child.

C. If a party finds himself or herself unable to pick up or drop off the child at the designated or agreed to time, he or she should give immediate notice to the other parties to avoid subjecting the child to unnecessary worry or failed expectations.

D. The party having custody of the child should prepare them both physically and mentally for the transfer of custody to another party and should have them available at the time and place designated in the Order or mutually agreed upon.

E. If any party or the child has plans which conflict with their scheduled custodial time and they wish to change their custodial time, the parties should make arrangements for an adjustment acceptable to the schedules of everyone involved. Predetermined schedules are not written in stone, and the parties should be flexible for the sake of the child.

F. If a party shows up to begin their custodial time with the child and the party is under the influence of alcohol or drugs, the custodial time may be considered forfeited on those grounds alone.

10. If any party feels that another party has violated this Order, they may petition the Court as set forth in Pa.R.C.P. 1915.12. ]

Rule 1915.33. Continuance Requests.

Continuance requests for custody conferences before the Custody Master shall be faxed, mailed, e-mailed or personally delivered to the Custody Office in the form of a letter. . . .

Rule 1920.31(a)(1).

\* \* \* \* \*

(C) If a claim for custody, partial custody or visitation is asserted in a divorce complaint [ or in a subsequent pleading ], it shall receive [ the same ] a separate term and number as the divorce action. Such pleading shall contain the information required by Pa.R.C.P. No. 1915.15. If a custody count is filed as part of a divorce complaint or counterclaim to a divorce complaint, the filer must attach a stipulated custody agreement or custody scheduling order simultaneously with the filing. If the filer does not want the custody matter to proceed forward at the time the divorce complaint or counterclaim is being filed, the custody count may not be included with the divorce complaint or counterclaim. If a stipulated custody agreement or scheduling order is not attached when a custody count is filed as part of a divorce complaint or counterclaim, the custody

count may be dismissed. An additional filing fee in an amount as posted by the Prothonotary shall be required.

\* \* \* \* \*

Rule 1920.42. Filing of Praecepto to Transmit Record.

\* \* \* \* \*

(c) An administrative fee [ of \$85.00 ] in an amount set by the President Judge through an Administrative Order, in addition to any fees imposed by the Commonwealth, shall be paid upon the filing of the praecipe to transmit the record.

Rule 1920.46. Affidavit of Nonmilitary Service. Appointment of Counsel for Defendant in Military Service.

[ (c) ] (a) . . . Pa.R.C.P. No. 1920.46 . . .

[ (d) ] (b)

Rule 1920.51.4. Motion and Order for Appointment of Divorce Master.

\* \* \* \* \*

(c) At least [ ten ] twenty days prior to filing the motion for the appointment of a Divorce Master, the moving party shall serve all counsel of record and any unrepresented party with a copy of said motion and written notice of intention to file the motion. . . .

Rule 1920.51.5. Deposit of Costs to Accompany Motion for Appointment of Divorce Master.

Upon filing a motion for the appointment of a Divorce Master, the moving party shall pay [ a deposit of costs in the amount of \$500.00. ] an amount as set by the President Judge through an Administrative Order.

Berks County Rules of Judicial Administration

Rule 402. Record of Filing.

The Prothonotary or clerk of courts shall time-stamp all papers filed the day and hour of filing the same, and no parole evidence shall be received to contradict such endorsement. For electronically filed documents, the date and time shall be the time the legal paper was received by the Berks County Electronic Filing System as more specifically set forth in B.R.C.P. No. 205.4.

[Pa.B. Doc. No. 13-1579. Filed for public inspection August 23, 2013, 9:00 a.m.]

FRANKLIN AND FULTON COUNTIES Adoption and Amendment of Local Rules of Civil Procedure; Misc. Doc. Volume 2013, Page 2648

Amended Order Pursuant to Pa.R.C.P. 239

August 7th, 2013, *It Is Hereby Ordered* that the following Rules of the Court of Common Pleas of the 39th Judicial District of Pennsylvania, Franklin and Fulton County Branches, Domestic Relations Division, are amended or adopted as indicated, to be effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Local Rule of Civil Procedure 39-1910.10 is amended in the following form.

Local Rule of Civil Procedure 39-1910.12 is adopted in the following form.



*It Is Further Ordered* that The District Court Administrator shall:

1. File a copy of this order and certified copy of the local rule with the Administrative Office of Pennsylvania Courts (AOPC).

2. File with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* two (2) certified paper copies and one (1) computer diskette or CD-ROM copy which complies with 1 Pa. Code § 13.11(b) containing the text of the local rule.

3. File one certified copy of the local rule with the Domestic Relations Procedural Rules Committee.

4. Provide one (1) certified copy of the local rule changes to the Franklin County Law Library and one (1) certified copy to the Fulton County Law Library.

5. Keep such local rule changes, as well as all local civil rules, continuously available for public inspection and copying in the Office of the Prothonotary of Franklin County, the Domestic Relations Section of Franklin County, and the Office of the Prothonotary of Fulton County. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary and/or Domestic Relations shall furnish to any person a copy of any local rule.

6. Arrange to have the local rule changes published on the Franklin County Bar Association web site at [www.franklinbar.org](http://www.franklinbar.org).

7. Arrange to have the local rule changes published on the Franklin County Government web site at [www.franklincountypa.gov](http://www.franklincountypa.gov).

*It Is Further Ordered* that any prior Order issued by this Court promulgating Local Rule of Civil Procedure 39-1910.12 and amending Local Rule of Civil Procedure 39-1910.10 pursuant to Pa.R.C.P. 239.8 is hereby *Vacated* as said Order erroneously referenced Pa.R.C.P. 239.8.

*By the Court*

DOUGLAS W. HERMAN,  
*President Judge*

#### **Rule 39-1910.10. Support Hearing Procedures.**

Actions in support in the Franklin County Branch shall proceed as prescribed by Pa.R.C.P. 1910.12 and 39th Jud. Dist. R.C.P. 39-1910.12. The "hearing officer" referred to in Pa.R.C.P. 1910.12 is designated as the Support Master. Actions in support in the Fulton County Branch shall proceed as prescribed by Pa.R.C.P. 1910.11 and 39th Jud. Dist. R.C.P. 39-1910.11.

#### **Rule 39-1910.12. Office Conference, Master Hearing, Record, and Exceptions. (Franklin County Branch).**

a. *Procedure, generally*: Support actions shall proceed in accordance with the alternative hearing procedure set forth in Pa.R.C.P. 1910.12.

b. *Procedure following office conference*: The interim order entered following office conference pursuant to Pa.R.C.P. 1910.12(b)(1) shall state that any party may within twenty days after mailing of a copy of the order file a written demand with Domestic Relations Section for a hearing before the Support Master. A demand for hearing before the Support Master shall not stay the order entered under Pa.R.C.P. 1910.12(b)(1) unless the Court so directs. If no party files a demand for hearing before the Support Master within the 20 day period, the

order shall constitute a final order. If a demand for hearing is filed, the Domestic Relations Section shall schedule a de novo hearing before the Support Master and give notice to the parties. Prior to the hearing before the Support Master, the party demanding a hearing may withdraw the demand without the consent of the opposing party. The opposing party may file a separate demand for hearing (cross appeal) to preserve the opposing party's right to a hearing on the opposing party's issues; however said demand must be filed within the original 20 day period as set forth above or it will be deemed untimely.

c. *Demand for hearing; issues*: The demand for hearing shall be in writing on a form to be provided by the Domestic Relations Section and it shall indicate issues that the party wishes the Support Master to address at the hearing. The party must select the type of hearing being requested, routine hearing or complex hearing.

1. A Routine Hearing is a hearing that is expected to need not more than 60 minutes to complete and which will not involve complex questions of law or fact.

2. A Complex Hearing is one that is expected to require more than 60 minutes to complete and/or will involve complex questions of law or fact. Discovery shall be permitted pursuant to Pa.R.C.P. 1910.12(c)(3). The party requesting a complex hearing must petition the court, using the demand for hearing form (mentioned above), for allowance to schedule a complex hearing.

3. Failure of the party to select either a routine hearing or a complex hearing on the "Demand for Hearing" form will result in the Domestic Relations Section scheduling the matter for a routine hearing lasting not more than 60 minutes.

d. *Filing fee; pauper status*: Except as set forth in subsection (3) below, the party shall pay a \$25.00 filing fee to the Domestic Relations Section at the time of filing the demand for hearing.

1. The demand for hearing shall not be accepted and no hearing shall be scheduled by Domestic Relations if not accompanied by the filing fee.

2. The filing fee is non-refundable.

3. If a party is unable to pay the filing fee, the party must seek leave of court using a form to be provided by the Domestic Relations Section in order to have the fee waived.

e. *Proceedings Before the Master*: Proceedings before the Support Master shall be conducted substantially as follows:

1. *Record de novo hearing before the Master*: All hearings scheduled before the Support Master shall be de novo, on-the-record hearings. All witnesses shall be under oath and a digital or stenographic record of the testimony shall be made. The notes of testimony shall not be transcribed unless:

A. Required by the Support Master to prepare the report and recommendation to the Court, or

B. Ordered and paid for by the party or parties following the filing of Exceptions by a party in accordance with paragraph (h) below.

2. *Pre-Trial Memorandum*: For either a routine or complex hearing, the Support Master may require a pre-trial memorandum to be prepared in advance of the hearing before the Support Master.

A. If required by the Support Master, the Pre-Trial Memorandum shall be filed at Domestic Relations at least 7 days before the hearing. The following shall apply:

1) Failure of the appealing party to file a pre-trial hearing memorandum may be considered an abandonment of claims and a withdrawal of the appeal. The court may impose other sanctions as appropriate.

2) Failure of the opposing/responding party to file a pre-trial hearing memorandum may be treated as not contesting the appellant's claims and may be deemed a waiver of all other issues on appeal. The court may impose other sanctions as appropriate.

3) For a routine hearing, the pre-trial hearing memorandum shall contain the following: an explanation of each issue expected to be raised at the hearing; a description of the facts to be proven related to the support action; identification of witnesses and the facts to which each witness will testify; a description of exhibits other than those required by the Pennsylvania Rules of Civil Procedure; and the relief being sought.

4) For a complex hearing, the pre-trial hearing memorandum shall contain in addition to all the items listed above, the following information: identification of legal authority (statutes, court cases, or rules) relating to the party's position on each issue raised; and an indication of the length of hearing needed to present all the evidence and witnesses' testimony for both sides of the support action.

B. Upon receiving the parties' Pre-Trial Memorandum, the Domestic Relations Section shall mail copies of the same to each party prior to the hearing before the court.

3. *Rules of Evidence shall apply:* The hearing before the Support Master shall be a formal judicial proceeding and the Pennsylvania Rules of Evidence shall apply. The Support Master shall decide all questions of law including rulings on motions and objections.

4. *Master's Report, Content:* Within 14 days following the conclusion of the Master's hearing, and 30 days in a complex case, the Master shall file and transmit to the assigned judge a report containing a Recommended Order of Court. The Master's Report may be in narrative form, but shall comply with the specific requirements of subsections (A) or (B) below.

A. *Complaint for Support:* In cases where a hearing has been held upon a Complaint for Support, the Support Master's Report shall contain, at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

B. *Petition for Modification:* In cases in which a Hearing has been held upon a Petition for Modification of an Existing Support Order, the Support Master's Report shall contain at a minimum:

- 1) A summary of the testimony.
- 2) Findings of fact.
- 3) A recommendation that the Petition for Modification be granted or denied. In cases in which the Master recommends that the Petition for Modification be granted, the recommendation shall include the recommended modified order of support containing the amount of support to be paid and by whom and for whom it is to be paid and the effective date of the recommended order.
- 4) A discussion of the reasons for the recommendation.
- 5) A summary of the Master's calculations.

5. *Service of Report; Exceptions to Report; Final Order:* The Domestic Relations Section shall give notice of the filing of the Support Master's Report and Recommended Order by forwarding a copy of the same to the parties and their counsel, if any, by ordinary mail. In addition, the Domestic Relations Section shall advise counsel and pro se parties of their right to file exceptions to the Report and Recommended Order and that the failure to file exceptions shall result in the Support Master's Recommended Order becoming the Order for Support.

f. *Exceptions to Report; time for filing:* Within 20 days after the date of mailing of the Support Master's Report, any party may file Exceptions to the report or any part thereof. Exceptions shall comply with the specific requirements set forth in sections (j) through (m) below. If exceptions are not filed within 20 days, the Support Master's Recommended Order shall then become a final Order for Support. If exceptions are filed, any other party may file exceptions within 20 days of the date of service of the original exceptions. A form entitled "Exceptions to the Support Master's Recommendation" is available at the Domestic Relations Section.

g. *Interim Order not stayed:* The Order recommended by the Support Master shall continue in effect until the exceptions have been resolved by the Court.

h. *Request for transcript:* The party who first files Exceptions shall obtain an order directing that the notes of testimony be transcribed. The party filing the Exceptions shall bear the cost of producing the transcript. If both parties file Exceptions, the cost of the transcript shall be shared equally. The Court may reallocate the costs of the transcript as part of the final order. A form entitled "Request for Transcript" is available at the Domestic Relations Section.

i. *Pauper status; no cost:* Any party who has been granted pauper status pursuant to section (d)(3) above shall not be assessed any cost for producing the transcript.

j. *Exceptions, specificity:* Each Exception to the Master's Report regarding child support, spousal support, or alimony pendent lite shall be set forth specifically and concisely the ground for each exception based upon factual findings or a claim of error of law.

1. *Finding of Fact:* An exception asserting that the Support Master made a finding of fact unsupported by the evidence of record or failed to find a fact that the evidence supports shall:

- A. Identify the erroneous finding;
- B. State specifically the finding which should have been made by the Support Master; and

C. Identify any documents in evidence which support, or any witnesses whose testimony supports the finding which should have been made by the Support Master.

2. *Error of Law*: An exception asserting that the Support Master made an error of law shall identify the statute, rule, regulation, judicial decision or appellate case law not applied or improperly applied by the Support Master.

k. *Exceptions; incomes and support amount*: All Exceptions shall include a statement of:

1. The excepting party's claim as to the obligor's income available for support, together with a statement of the record evidence of the obligor's income;

2. The excepting party's claim as to the obligee's income available for support, together with a statement of the record evidence of the obligee's income; and

3. The amount of support which should have been ordered.

l. *Assignment of Judge*: A party shall, at the time exceptions are filed, also file with the Domestic Relations Section a request for decision on the party's exceptions. The Domestic Relations Section shall assign a judge and transmit the paperwork to the judge through Court Administration. The assigned judge, as necessary, may issue an order requiring a response to the exceptions, or schedule oral argument or may issue an order setting a briefing schedule. A form entitled "Request for Decision on the Exceptions" is available at the Domestic Relations Section.

m. *Sanctions for Non-compliance*: Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived. The Court may impose other sanctions for non-compliance as appropriate in the Court's discretion.

[Pa.B. Doc. No. 13-1580. Filed for public inspection August 23, 2013, 9:00 a.m.]

## PIKE COUNTY

### Local Rule Criminal Rule 131(B); No. 1209-2013-Civil; No. 123-2013-MD

#### Order

*And Now*, this 29th day of July, 2013, the Court *Orders* the following:

1. Local Rule of Criminal Procedure 131(B) is hereby effective as of October 1, 2013 after publication in the *Pennsylvania Bulletin* and the Pennsylvania Unified Judicial System's Webportal;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File one (1) certified copy of this *Order* and the pertinent Rule with the Criminal Procedural Committee;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File seven (7) certified copies of this *Order* and the pertinent Rule with the Administrative Office of Pennsylvania Courts;

d. Publish the Rule to the Pennsylvania Unified Judicial System's Webportal;

e. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

f. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

### Local Rule of Criminal Procedure 131(B).

The Pike County Court of Common Pleas, having considered the increase in criminal prosecutions over the past several years and the fact that more than 75% of the preliminary hearings before Magisterial District Judges are resolved by waivers to the Court of Common Pleas, now concludes that in order to make the most efficient use of prosecutors, public defenders and the other resources of the MDJ offices as well as the County Judicial District, the creation of a Central Court for conduct of Preliminary Hearings is appropriate and will allow for a more effective and efficient use of judicial personnel and facilities. This central court shall be identified as the Criminal Central Court of Pike County (hereinafter Central Court).

The Pike County Court of Common Pleas hereby directs that the Magisterial District Courts of Pike County shall utilize the Central Court which is hereby created to hear all Preliminary Hearings in criminal cases with the exception of any criminal homicide case as defined under 18 Pa.C.S.A. § 2501, § 2502, § 2503, § 2505, § 2506, and § 2507 and 18 Pa.C.S.A. § 2603, § 2604 and § 2605. (The homicide cases set forth above shall be scheduled for a Preliminary Hearing before the Magisterial District Judge of the jurisdiction in which the crime was committed unless the hearing is otherwise scheduled by Court Order.)

The President Judge shall issue an Administrative Order setting the place and time for all proceedings before Central Court.

[Pa.B. Doc. No. 13-1581. Filed for public inspection August 23, 2013, 9:00 a.m.]

## WASHINGTON COUNTY

### Local Rule L-1915.37 Limited Representation in Custody; No. 2013-1

#### Order

*And Now*, this 6th day of August, 2013; *It Is Hereby Ordered* that the previously-stated Washington County Local Custody Rule be adopted as follows.

This rule will become effective thirty days after publication in the *Pennsylvania Bulletin*.

*By the Court*

DEBBIE O'DELL-SENECA,  
*President Judge*

### L-1915.37. Limited Representation in Custody.

(a) Any individual who is referred under the Washington County Bar Association Limited Representation Custody Program to a participating member of the Washington County Bar Association for representation as a litigant in a Custody Action, shall be granted leave to proceed in Forma Pauperis. Counsel representing these

individuals shall present to the Prothonotary a Praecipe to Proceed in Forma Pauperis which shall be endorsed by Counsel and which shall have attached to it a Certificate of Eligibility. The Praecipe shall be in the attached format contained in Appendix O.

(b) Any participating member of the Washington County Bar Association who provides representation to the litigant under the Washington County Bar Association Limited Representation Custody Program shall be permitted to enter a Limited Appearance. The Appearance shall be in the attached format contained in Appendix P.

(c) Upon completion of the representation under the above described referral program, the attorney shall file a Praecipe for Withdrawal of Limited Appearance. This Praecipe shall be filed without leave of court. The litigant shall be given notice of the filing of the Praecipe for Withdrawal of Limited Appearance 5 days before the filing of the Praecipe with the Prothonotary. The Praecipe may contain information about another attorney who may be entering his/her appearance. The Praecipe shall direct the Prothonotary to send all future notices directly to the client and shall set forth the client's last known address unless there is a substitute attorney. The Withdrawal of Appearance shall be in the attached format contained in Appendix Q.

**APPENDIX O**

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

\_\_\_\_\_) CIVIL DIVISION
PLAINTIFF, ) NO.: \_\_\_\_\_
vs. )
\_\_\_\_\_)
DEFENDANT. )

**PRAECIPE TO PROCEED IN FORMA PAUPERIS**

To the Prothonotary:

Kindly allow \_\_\_\_\_, the Plaintiff/Defendant, to proceed In Forma Pauperis. Attached is a Certificate of Eligibility prepared by SPLAS.

I certify that I believe the party is unable to pay the costs and that I am providing legal services to the party pursuant to the Limited Representation Custody Program of the WCBA.

Respectfully submitted,
FIRM NAME
BY: \_\_\_\_\_, Esquire
Attorney for \_\_\_\_\_
P.A.I.D. No.: \_\_\_\_\_
Address
Telephone Number

**APPENDIX P**

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

\_\_\_\_\_) CIVIL DIVISION
PLAINTIFF, ) NO.: \_\_\_\_\_
vs. )
\_\_\_\_\_)
DEFENDANT. )

**PRAECIPE FOR ENTRY OF LIMITED APPEARANCE**

To the Prothonotary:

Kindly enter my Limited Appearance as counsel for \_\_\_\_\_ Plaintiff/Defendant, in the above-captioned case. This Appearance is Limited to providing representation as set forth in the Limited Representation Custody Program of the WCBA.

Respectfully submitted,
FIRM NAME
BY: \_\_\_\_\_, Esquire
Attorney for \_\_\_\_\_
P.A.I.D. No.: \_\_\_\_\_
Address
Telephone Number

**APPENDIX Q**

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

\_\_\_\_\_) CIVIL DIVISION
PLAINTIFF, ) NO.: \_\_\_\_\_
vs. )
\_\_\_\_\_)
DEFENDANT. )

**PRAECIPE FOR WITHDRAWAL OF LIMITED APPEARANCE**

To the Prothonotary:

Kindly withdraw my Limited Appearance as counsel for \_\_\_\_\_ Plaintiff/Defendant, in the above-captioned case. Withdrawal of this Appearance is permitted pursuant to L-1915.37. All future notices should be sent directly to \_\_\_\_\_ at the last known address for this party.

I certify that five (5) days' notice of the filing of this Praecipe was given by first class mail to the last known address of \_\_\_\_\_

Respectfully submitted,
BY: \_\_\_\_\_, Esquire
Attorney for \_\_\_\_\_
P.A.I.D. No.: \_\_\_\_\_
Address
Telephone Number

[Pa.B. Doc. No. 13-1582. Filed for public inspection August 23, 2013, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF CHIROPRACTIC

#### [ 49 PA. CODE 5 ]

#### Licensure by Reciprocity

The State Board of Chiropractic (Board) amends § 5.13 (relating to licensure by reciprocity) to read as set forth in Annex A.

#### *Description and Need for the Final-Form Rulemaking*

Section 504 of the Chiropractic Practice Act (act) (63 P.S. § 625.504) authorizes the Board to grant a license without further examination to an individual from another state or a province of Canada if: (1) the standards for licensing in that jurisdiction are substantially the same as those provided in the act; (2) that jurisdiction accords similar privileges to persons licensed in this Commonwealth; (3) the applicant holds a valid license in that jurisdiction; and (4) the applicant complies with applicable regulations of the Board. Under section 501(a) of the act (63 P.S. § 625.501(a)), the standards for licensure in this Commonwealth include graduation from an approved chiropractic school and passing the required licensure examinations, which as specified in § 5.12(a)(2) (relating to licensure by examination) are Parts I, II, III and IV of the National Board Examination (NBE).

These standards for licensure have changed over time. For example, prior to 1992 the Board did not require an applicant to pass Part III of the NBE, and before 1997 the Board did not require an applicant to pass Part IV of the NBE. Section 5.13(a) formerly required an applicant for licensure by reciprocity to have graduated from chiropractic school, passed clinical and written examinations acceptable to the Board, passed Parts I and II of the NBE or another written licensure examination acceptable to the Board and hold a current and valid unrestricted license to practice chiropractic in another jurisdiction that met the standard of section 504 of the act. Additionally, § 5.13(c) formerly required that the applicant “is currently engaged in active practice and has been so continually for at least 1 year immediately preceding the date of the application, in the [jurisdiction] of the license on the basis of which the applicant is seeking a license in this Commonwealth by reciprocity.”

The Board published a proposed rulemaking at 41 Pa.B. 4958 (September 17, 2011) to amend § 5.13. As set forth in the proposed rulemaking, the determination of whether standards for licensure are substantially the same would be based upon the standards for licensure at the time of graduation from chiropractic school and first licensure, rather than the current standards for licensure. Part III or both Parts III and IV of the NBE would be required, in addition to Parts I and II of the NBE, for later chiropractic college graduates. Though the unrestricted license upon which reciprocity is based would have to have been obtained by examination, it would not need to be current. Rather than construing “similar privileges” to further limit reciprocity to licensees from those jurisdictions that “accept[t] Pennsylvania licensees for licensure by reciprocity,” this limitation would be

interpreted to include a jurisdiction that “licenses by reciprocity chiropractors licensed in another jurisdiction whose standards for licensure are substantially equivalent to those required in that jurisdiction.” Rather than requiring an applicant for licensure by reciprocity to be “currently engaged in active practice and [have] been so continually for at least 1 year immediately preceding the date of application, in the state . . . of the license on the basis of which the applicant is seeking a license in this Commonwealth by reciprocity,” an applicant would be required to have been practicing for at least 3 years, including at least 20 of the last 24 months and including at least 12 months in the state of initial licensure. Finally, the proposed rulemaking explicitly stated that the Board may deny an application for licensure by reciprocity as provided in the disciplinary section of the act.

#### *Summary of Comments and Responses to Proposed Rulemaking*

The Board published the proposed rulemaking at 41 Pa.B. 4958 with a 30-day public comment period. The Board did not receive comments from the public. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P.S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

The HPLC requested that the Board clarify whether “unrestricted license” in proposed § 5.13(a)(4) includes an inactive license. To make the comparison of the standards for obtaining a license by examination, the Board proposed identifying that jurisdiction where the applicant obtained licensure by examination, rather than by reciprocity, because as the initial licensing jurisdiction it would by necessity have more fully evaluated the applicant’s qualifications. The Board did not wish to license by reciprocity an applicant whose license by examination was restricted, suspended or revoked. However, as is to be expected when discussing licensure by reciprocity, an applicant may have left the original jurisdiction of licensure by examination (and let that license become inactive) and been practicing lawfully in another jurisdiction. The applicant’s qualifications should not be called into question merely for that change. Accordingly, the Board proposed revising the regulation to require only that the license be unrestricted, not that it also be current and valid. Upon review of this comment, the Board concluded that it should, as an alternative when the applicant’s license by examination otherwise satisfies the requirements but is merely inactive, permit the applicant to satisfy this requirement by demonstrating that the applicant holds a current unrestricted license in another jurisdiction whose standards for licensure by examination at the time of initial licensure were at least equal to those of this Commonwealth and that also accepts Pennsylvania licensees for licensure by reciprocity. The Board revised § 5.13(a)(4) to include this alternative.

The HPLC requested clarification as to whether active practice in proposed § 5.13(a)(5) includes both full-time and part-time practice or just full-time practice. IRRC agreed that the phrase lacked clarity and suggested that the Board define it. The intent of this paragraph was to ensure that applicants for licensure by reciprocity not

only meet the minimum standards for licensure but also have experience in the active practice of chiropractic so as not to have one's skills deteriorate. Because this experience may certainly be acquired on a part-time basis, the Board revised this paragraph to clarify that the specified time is for full-time practice or the equivalent on a part-time basis. To accommodate the previously described revision to paragraph (4), the Board additionally revised paragraph (5) to make clear that "the license described in paragraph (4)" is the license obtained by examination.

IRRC asked the Board to explain how the proposed rulemaking, which bases the comparison upon standards in effect at the time of initial licensure rather than current standards, is consistent with the intent of the General Assembly in enacting section 504 of the act. Section 504 of the act provides that the Board may license without further examination an applicant from another jurisdiction if, among other things, the "standards for licensing in such states or provinces are substantially the same as those provided in this act." However, in the absence of corroborating language such as "current" or "present," it is not clear that use of the present tense verb "are" by itself was intended to require the comparison be made of the standards at the present time. The Board notes that, for example, section 4(b)(1) of the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. § 151(b)(1)) permits licensure by reciprocity in this Commonwealth of an individual who, among other things, holds a license in another jurisdiction "in which the requirements and qualifications . . . were at the time of the initial issuance of such license or certificate of registration at least equal to the existing standards of this Commonwealth." When the General Assembly intended a particular time of comparison, it was able to say so. Section 504 of the act does not make clear whether the standards for licensure to be compared should be the current standards as they exist today or those at the time the applicant was first licensed to practice chiropractic.

Because the words of the act are not clear and free from all ambiguity and are not explicit, in construing this provision, the Board must ascertain the intention of the General Assembly under 1 Pa.C.S. § 1921 (relating to legislative intent controls). To do so, the Board considered and given weight to the consequences of particular constructions of this provision under 1 Pa.C.S. § 1921(c)(6). A chiropractor who met the Pennsylvania standards at the time of graduation from chiropractic college and became licensed in this Commonwealth may remain licensed despite the additional requirements imposed over the last four decades. If the current licensure standards are compared, a chiropractor who met the Pennsylvania standards at the time of graduation from chiropractic college and became licensed in another jurisdiction would be eligible for licensure by reciprocity in this Commonwealth only if the other jurisdiction has similarly added to its requirements. However, a chiropractor who did not meet the Pennsylvania standards at the time and was licensed in another jurisdiction with lesser standards would qualify for licensure by reciprocity in this Commonwealth if the other jurisdiction has added to its requirements for licensure by examination, even though that applicant has never met the standards for licensure in this Commonwealth. The Board believes that this would be an absurd result and could not have been the intent of the General Assembly under 1 Pa.C.S. Part V (relating to Statutory Construction Act of 1972). See 1 Pa.C.S. § 1922(1) (relating to presumptions in ascertaining legislative intent). On the other hand, if the standards at the time of original licensure are compared, a chiropractor

who first became licensed outside of this Commonwealth will qualify for licensure by reciprocity in this Commonwealth to the same extent that a chiropractor would have been licensed in this Commonwealth if originally applied here. Also, a chiropractor who would not have qualified for licensure in this Commonwealth at the time of initial licensure in another state would not qualify for licensure by reciprocity unless that chiropractor completed the additional requirements. Construing section 504 of the act to apply the standards in effect at the time of initial licensure provides a reasonable result for all possibilities and must have been the intent of the General Assembly.

IRRC noted that in the Regulatory Analysis Form for proposed rulemaking the Board indicated that on average a few dozen chiropractors each year apply for licensure in this Commonwealth on the basis of reciprocity. IRRC questioned how many of these applicants are denied under the existing regulations. Essentially every applicant for licensure by reciprocity in recent years has been denied licensure under the current regulations. This is because the Board encourages an applicant that has passed all four parts of the NBE to apply for licensure by examination, not by reciprocity. Therefore, an applicant for licensure by reciprocity would most likely come from a jurisdiction that has not adopted all four parts of the NBE, which means their current standards are not, at this time, substantially the same, even though they may have been exactly the same at the time of initial licensure. This situation has effectively eliminated licensure by reciprocity.

IRRC requested additional information concerning comparable requirements in other states so that it may better determine whether the proposed rulemaking is in the public interest. An applicant may be licensed by credentials in Maryland upon waiver of any examination if the applicant became licensed to practice chiropractic in another state upon passing an examination similar to that for which waiver is sought and the applicant has been in active clinical practice for the 5 years immediately preceding application. Code of Md. Reg. § 10.43.04.02 (relating to eligibility). A chiropractor licensed in another state that has licensure and examination requirements equivalent to those in New Jersey may become licensed by reciprocity to practice in New Jersey if the applicant is in good standing in every jurisdiction in which the applicant is licensed to practice chiropractic and has provided proof of graduation. N.J. Admin. Code § 13:44E-1A.3(a) (relating to applicants licensed in other states). A person licensed to practice a profession in another state may be licensed by endorsement to practice in New York if, among other things, the applicant has education and experience and passed examinations satisfactory to the New York licensing board. N.Y. Educ. Law § 605(6). According to the web site of the New York State Education Department's Office of the Professions (<http://www.op.nysed.gov/prof/chiro/chirolic.htm#sta>), the required examinations for licensure as a chiropractor in New York consist of Parts I, II, III and IV of the NBE. While an out-of-state chiropractor who has passed all four parts of the NBE would be considered to be an applicant for licensure by examination, an applicant for licensure by endorsement in New York who has passed only Parts I and II of the NBE shall also have completed other equivalent examinations and practiced chiropractic for at least 2 of the prior 5 years.

A chiropractor may become licensed by reciprocity to practice in Ohio without further examination or educational review if the applicant holds a current license to practice chiropractic in another state whose standards for

licensure are considered by the Ohio licensing board to be, on the date the license was issued, substantially equivalent to those of Ohio. Ohio Rev. Code § 4734.23(b). For the 5 consecutive years immediately preceding application, the applicant shall also have held a valid unrestricted license in good standing in a jurisdiction that has licensing requirements, on the date the license was issued, that are considered by the Ohio licensing board to be substantially equivalent to those in Ohio. Ohio Admin. Code § 4734-6-02 (relating to licensure by endorsement). Persons licensed to practice chiropractic under the laws of another state may become licensed in West Virginia without additional examination if the other state has requirements for licensure equivalent to those in West Virginia and provides similar privileges to practitioners in West Virginia. W. Va. Code § 30-16-10. However, a person may not receive a license to practice chiropractic in West Virginia without successfully completing Parts I, II, III and IV of the NBE. W. Va. Code § 30-16-7(a). A chiropractor who is currently licensed to practice in another state may be licensed by reciprocity in Delaware if the applicant successfully completed the following parts of the NBE: Parts I, II and III of the NBE and the physiotherapy portion if the applicant graduated after July 1, 1997; Parts I, II, III and IV of the NBE if the applicant graduated between January 31, 1991, and July 1, 1997; or Parts I, II and III of the NBE or Parts I and II of the NBE and the special purpose chiropractic examination if the applicant graduated before January 31, 1991. 24 Del. Code Ann. § 710(b).

IRRC noted that § 5.13(a)(3)(i) would require an applicant for licensure by reciprocity to have completed Parts I and II of the NBE if the applicant graduated from chiropractic college after January 1, 1968; subparagraph (ii) would require an applicant to have completed Part III if the applicant graduated after December 27, 1991; and subparagraph (iii) would require an applicant to have completed Part IV if the applicant graduated after May 23, 1997. Based upon this language, IRRC asked for clarification as to whether a later graduated applicant would also have to complete the earlier parts of the examination. The Board intended that an applicant who “graduated from chiropractic college after May 23, 1997,” would be included in the description of an applicant who graduated “after December 27, 1991,” and in the description of an applicant who graduated “after January 1, 1968,” and therefore would be required to have completed, in addition to Part IV, Part III and Parts I and II, respectively. To make these provisions clearer, the Board revised subparagraph (ii) to require Parts I, II and III of the NBE if the applicant graduated after December 27, 1991, and revised subparagraph (iii) to require Parts I, II, III and IV of the NBE if the applicant graduated after May 23, 1997.

IRRC noted that the Board’s web site includes a notice that the Pennsylvania Chiropractic Law Examination is no longer required and questioned why proposed § 5.13(a)(6) would require an applicant for licensure by reciprocity to pass the Pennsylvania Chiropractic Law Examination. This provision was mistakenly consolidated from § 5.15(a)(2) (relating to licensure examinations) into the proposed rulemaking for licensure by reciprocity. The Board deleted it from the final-form rulemaking. Because the Board intends to separately address its regulations for licensure by examination, § 5.15 is not revised in this final-form rulemaking.

IRRC asked how an applicant’s verification under § 5.13(c) will satisfy the requirement that the applicant present evidence of experience required under subsection

(a)(5). This provision replaces a requirement that the applicant execute an affidavit certifying that the applicant is in active practice and was intended to allow the applicant’s statements to be sufficient without having to produce corroborating evidence from patients, employers or insurers and works in tandem with the requirement of subsection (b) that the applicant detail the applicant’s education, examinations, licensure and experience, and certify that the applicant has met the requirements for licensure. The application form will include statements that the applicant has met the requirements for licensure, that the applicant has the specified experience and that the application is true and correct, subject to the penalties for unsworn falsification.

#### *Disapproval by IRRC*

IRRC disapproved the final-form rulemaking on April 4, 2013. In its disapproval order of April 15, 2013, IRRC noted that the final-form rulemaking would delete from § 5.13(a)(4) the requirement that an applicant for licensure by reciprocity hold a license in a jurisdiction “whose standards for licensure by examination are substantially equivalent to those required under the act and this chapter for licensure” and that “accepts Pennsylvania licensees for licensure by reciprocity.” IRRC concluded that, because “these deletions nullify the ‘similar privileges are accorded persons licensed in this Commonwealth’ standard,” they “do not simplify the process of licensure by reciprocity, rather, they eliminate it completely from the regulation.” IRRC then concluded that deleting these provisions is inconsistent with the act and the intent of the General Assembly and therefore is not in the public interest. In response to the disapproval, the Board revised § 5.13(a)(4) so that it does not require the applicant to hold a license in a jurisdiction that “licenses by reciprocity chiropractors licensed in another jurisdiction whose standards for licensure are substantially equivalent to those required in that jurisdiction,” as stated in the proposed rulemaking. Instead, the final-form rulemaking requires the applicant to hold a license in a jurisdiction “which accepts Pennsylvania licensees for licensure by reciprocity.” To the extent the Board revised this paragraph to allow for an applicant whose license in the jurisdiction of original licensure was not current, it did so in a manner consistent with this revision in response to the order of disapproval.

In response to this disapproval, the Board also chose not to delete the requirement of § 5.13(a)(4) that the applicant hold a license in a jurisdiction “whose standards for licensure are substantially equivalent to those required by the act and this chapter for licensure by reciprocity,” as delivered for final-form rulemaking. Deletion would have resulted in having only the requirement that the applicant passed the examinations as historically required under paragraph (3), consistent with the assumption as described in the proposed rulemaking that a jurisdiction that licensed a candidate who met those standards shall have had standards substantially equivalent to those of the Commonwealth. Instead, the Board revised this provision to make clear that the comparison must be made of licensure standards by examination at the time of the applicant’s initial licensure. To more easily make these standards clear to applicants and to other jurisdictions for similar comparison purposes, the Board will retain the requirement that an applicant for licensure by reciprocity, in addition to holding a license in a jurisdiction whose standards for licensure were at least equal to those of the Commonwealth and that accepts Pennsylvania licensees for licensure by reciprocity, shall

have passed those parts of the National examination that had been required in this Commonwealth for licensure by examination.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 6, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 4958, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 13, 2013, the final-form rulemaking was approved by the HPLC. On April 3, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and disapproved the final-form rulemaking.

The Board delivered the revised final-form rulemaking, together with a copy of IRRC's disapproval order and the supporting report required under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)) to IRRC, the HPLC and the SCP/PLC on May 28, 2013. Under section 7(c.1) of the Regulatory Review Act, IRRC met on June 20, 2013, and approved the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC on July 5, 2013.

*Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth, its political subdivisions or the private sector. The final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector.

*Statutory Authority*

This final-form rulemaking is authorized under section 302(3) of the act (63 P. S. § 625.302(3)) and 504 of the act.

*Effective Date*

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

*Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Regulatory Unit Counsel, Department of State, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-chiro@pa.gov.

*Findings*

The Board finds that:

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

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

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 41 Pa.B. 4958.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

*Order*

The Board, acting under the act, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 5, are amended by amending § 5.13 to read as set forth in Annex A.

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

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

KATHLEEN G. McCONNELL, DC,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 3857 (July 6, 2013).)*

**Fiscal Note:** Fiscal Note 16A-4320 remains valid for the final adoption of the subject regulation.

**Annex A**

**TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS**

**PART I. DEPARTMENT OF STATE**

**Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

**CHAPTER 5. STATE BOARD OF CHIROPRACTIC**

**Subchapter B. LICENSURE, CERTIFICATION, EXAMINATION AND REGISTRATION PROVISIONS**

**§ 5.13. Licensure by reciprocity.**

(a) An applicant for licensure by reciprocity shall present evidence of the following:

(1) Graduation from an approved chiropractic college.

(2) A passing score on clinical and written examinations acceptable to the Board, if the applicant graduated from chiropractic college prior to January 1, 1968.

(3) Passing scores on the following parts of the National Board Examination:

(i) Parts I and II if the applicant graduated from chiropractic college after January 1, 1968.

(ii) Parts I, II and III if the applicant graduated from chiropractic college after December 27, 1991, or was first licensed to practice chiropractic after December 27, 1991.

(iii) Parts I, II, III and IV if the applicant graduated from chiropractic college after May 23, 1997, or was first licensed to practice chiropractic after May 23, 1997.

(4) A current and valid unrestricted license to practice chiropractic obtained by examination in another state or territory of the United States or a province of Canada whose standards for licensure by examination at the time of initial licensure were substantially equivalent to those required under the act and this chapter for licensure at that time and which accepts Pennsylvania licensees for licensure by reciprocity. An applicant who otherwise



meets the requirements of this paragraph but whose license is not current satisfies the requirements of this paragraph if the applicant holds a current and valid unrestricted license to practice chiropractic in another state or territory of the United States or a province of Canada whose standards for licensure by examination at the time of initial licensure were substantially equivalent to those required in this Commonwealth at that time and that jurisdiction accepts Pennsylvania licensees for licensure by reciprocity.

(5) Having engaged in the active clinical practice of chiropractic under a license in another state or territory of the United States or a province of Canada on a full-time basis for at least 3 years, including at least 20 months of the 2 years immediately preceding the date of application, and including at least 12 months in the jurisdiction that issued the license by examination described in paragraph (4), or the equivalent on a part-time basis.

(b) The applicant shall complete an application obtained from the Board detailing the applicant's education, examinations, licensure and experience, and certifying that the applicant has met the requirements for licensure under the act and this chapter, and return the application and appropriate documentation to the Board with the required fee.

(c) An applicant's verification that the applicant has engaged in the practice of chiropractic as required under subsection (a)(5) will satisfy the requirement that the applicant present evidence of experience.

(d) The applicant shall provide proof that the applicant has obtained professional liability insurance in accordance with § 5.41 (relating to certification of professional liability insurance). It is sufficient if the applicant files with the application a copy of a letter from the applicant's professional liability insurance carrier indicating that the applicant will be covered against professional liability in the required amounts effective upon the issuance of the applicant's license to practice chiropractic in this Commonwealth. Upon issuance of the license, the licensee has 30 days to submit to the Board the certificate of insurance or copy of the policy declaration page as described in § 5.41. The effective date of this subsection is September 1, 1988.

(e) The Board may deny an application for licensure by reciprocity as provided in section 506(a) of the act (63 P. S. § 625.506(a)).

[Pa.B. Doc. No. 13-1583. Filed for public inspection August 23, 2013, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF PUBLIC WELFARE

[ 55 PA. CODE CHS. 1187 AND 1189 ]

### Supplemental Ventilator Care Payment for Medical Assistance Nursing Facilities

The Department of Public Welfare (Department), under the authority of sections 201(2), 206(2), 403(b) and 443.1 of the Public Welfare Code (62 P.S. §§ 201(2), 206(2), 403(b) and 443.1), proposes to add § 1187.117 (relating to supplemental ventilator care payments) and amend § 1189.105 (relating to incentive payments) to read as set forth in Annex A.

#### *Purpose of Proposed Rulemaking*

The purpose of this proposed rulemaking is to change the Department's methods and standards for payment of Medical Assistance (MA) nursing facility services to offer a new category of supplemental payment to qualified MA nursing facilities effective July 1, 2012.

The proposed rulemaking is needed to address the financial impact that the implementation of the current Resource Utilization Group III (RUG-III) version 5.12 (RUG v. 5.12) resident classification system and the phase-out of the older RUG v. 5.01 is having on nursing facilities that care for a significant number of MA ventilator care residents.

#### *Background*

The Department is proposing to offer a new category of supplemental ventilator care payment to qualified MA nonpublic and county nursing facilities that provide medically necessary ventilator care for a significant portion of their MA-recipient resident population. The Department published a public notice announcing this proposed change at 42 Pa.B. 3824 (June 30, 2012). On September 27, 2012, the Department submitted State Plan Amendment (SPA) 12-030 regarding supplemental ventilator care payments to nonpublic and county nursing facilities to the Centers for Medicare and Medicaid Services (CMS). CMS approved the SPA on December 13, 2012.

Currently, the Department pays for nursing facility services provided to MA-eligible recipients in nonpublic nursing facilities at per diem rates that are computed using the case-mix payment system in Chapter 1187, Subchapter G (relating to rate setting). Beginning July 1, 2010, the payment methodology was changed to phase in, over a 3-year period, use of the RUG v. 5.12 classification system. Prior to July 1, 2010, RUG v. 5.01, an earlier version of the RUG-III classification system, was used.

The RUG-III classification systems were developed by the CMS to provide a patient-specific means of identifying the variable health care resources required to care for individuals with different needs by placing residents into groups based on their characteristics and clinical needs. Each group is then assigned a case-mix index (CMI) which is a numerical score intended to reflect the relative resource use of the average resident assigned to the group. See Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system). A resident placed in a group which is assigned a higher CMI has greater needs and, therefore, requires more nursing re-

sources than a resident in a group assigned a lower CMI. The data source used to classify each resident into a RUG-III group is the Federally-approved, Pennsylvania-specific minimum data set (MDS) assessment completed at a minimum upon admission and quarterly thereafter for each resident. Once each quarter (February 1, May 1, August 1 and November 1), the residents in the nursing facility's census are identified and the latest classifiable assessment is used to assign each resident to a RUG-III group. See §§ 1187.2 and 1187.33 (relating to definitions; and resident data and picture date reporting requirements). A facility average MA CMI is then calculated and used in the determination of each nonpublic nursing facility's per diem rate as specified in § 1187.96(a)(5) (relating to price- and rate-setting computations). In general, nursing facilities with a high facility average MA CMI receive a higher per diem rate because the residents in their care require more nursing resources.

Under § 1187.96, nursing facility case-mix per diem rates are a combination of a blended resident care rate, other resident-related rate, an administrative rate and a capital rate. The blended resident care rate uses a portion of both RUG-III versions as it phases in fully to RUG v. 5.12. For rate year 2010-2011, the resident care portion of the per diem rate was calculated using 75% of the RUG v. 5.01 resident care rate and 25% of the RUG v. 5.12 resident care rate. For rate year 2011-2012, the percent split was 50% and 50% and for rate year 2012-2013, the last year of the phase in, only 25% of the older RUG v. 5.01 resident care rate is used in the rate calculation.

Now that RUG v. 5.12 has been implemented and the phase-out of the older RUG v. 5.01 is nearing completion, the Department is addressing concerns regarding reimbursement of nursing facilities that serve ventilator care residents.

Although county nursing facilities do not have the same concerns relating to the CMI because their rates are calculated differently under Chapter 1189 (relating to county nursing facility services), the Department is nonetheless making the payment available to county nursing facilities to promote the growth of ventilator care. Making these additional funds available is part of the Department's ongoing efforts to ensure that MA recipients continue to receive access to medically necessary nursing facility services and that those services result in quality care that improves the lives of those who receive them.

#### *Requirements*

The Department is proposing to offer a new category of supplemental ventilator care payment under § 1187.117. The supplemental ventilator care payment will be calculated on a quarterly basis and paid to nursing facilities caring for a minimum of ten MA-recipient residents who receive medically necessary ventilator care, with at least 10% of the facility's MA-recipient resident population receiving medically necessary ventilator care. For those nursing facilities meeting both of the threshold criteria on the appropriate picture date, the total supplemental ventilator care payment will be the nursing facility's supplemental ventilator care per diem multiplied by the number of paid MA facility days and therapeutic leave days. If the Department grants a nursing facility a waiver to the 180-day billing requirement, the MA-paid days billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the

supplemental ventilator care payment and the supplemental ventilator care payment amount will not be retroactively revised. Since this payment is a supplemental payment and not part of the case-mix per diem rates, it will not be subject to the budget adjustment factor under § 1187.96.

A nursing facility's supplemental ventilator care per diem would be calculated as follows: ((number of MA-recipient residents who receive medically necessary ventilator care ÷ total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care ÷ total MA-recipient residents).

The maximum supplemental ventilator care per diem would be \$69 for nursing facilities whose percent of MA-recipient residents who received medically necessary ventilator care to total MA-recipient residents equals 100%. This formula results in the provision of higher supplemental ventilator care payments to facilities with the highest percent of MA-recipient residents who received medically necessary ventilator care. These payments are based on the proportion of MA-recipients who received medically necessary ventilator care to total MA-recipient residents.

#### *Affected Individuals and Organizations*

This proposed rulemaking affects nonpublic and county nursing facilities enrolled in the MA Program.

#### *Accomplishments and Benefits*

This proposed rulemaking will benefit MA nursing facility residents in this Commonwealth by ensuring they will continue to have access to medically necessary nursing facility services and that those services result in quality care that improves the lives of those who receive them.

#### *Fiscal Impact*

This change will result in an estimated annual payment of \$2.1 million in total funds (\$0.956 million in State funds) in Fiscal Year 2012-2013.

#### *Paperwork Requirements*

There are no new or additional paperwork requirements. The CMI Report used to determine the number of MA-recipient residents who receive ventilator care is an existing report.

#### *Effective Date*

The effective date will be July 1, 2012.

#### *Public Comment*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to Marilyn Yocum, Department of Public Welfare, Office of Long-Term Living, Bureau of Policy and Regulatory Management, P. O. Box 8025, Harrisburg, PA 17805-8025 within 30 calendar days after the date of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference Regulation No. 14-535 when submitting comments.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

#### *Regulatory Review Act*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 14, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regu-

latory Review Commission (IRRC) and to the Chairpersons of the House Committee on Human Services and the Senate Committee on Public Health and Welfare. A copy of this material is available to the public upon request.

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

BEVERLY D. MACKERETH,  
*Secretary*

**Fiscal Note:** 14-535. (1) General Fund; (2) Implementing Year 2012-13 is \$956,000; (3) 1st Succeeding Year 2013-14 is \$956,000; 2nd Succeeding Year 2014-15 is \$956,000; 3rd Succeeding Year 2015-16 is \$956,000; 4th Succeeding Year 2016-17 is \$956,000; 5th Succeeding Year 2017-18 is \$956,000; (4) 2011-12 Program—\$737,356,000; 2010-11 Program—\$728,907,000; 2009-10 Program—\$540,266,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

### **Annex A**

#### **TITLE 55. PUBLIC WELFARE**

#### **PART III. MEDICAL ASSISTANCE MANUAL**

#### **CHAPTER 1187. NURSING FACILITY SERVICES**

#### **Subchapter H. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS**

*(Editor's Note:* The following section is new and printed in regular type to enhance readability.)

#### **§ 1187.117. Supplemental ventilator care payments.**

(a) A supplemental ventilator care payment will be made each calendar quarter, effective July 1, 2012, to nursing facilities subject to the following:

(1) To qualify for the supplemental ventilator care payment, the nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(i) The nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care.

(ii) The nursing facility shall have a minimum of 10% of their MA-recipient resident population receiving medically necessary ventilator care.

(2) Under paragraph (1), the percentage of the nursing facility's MA-recipient residents who require medically necessary ventilator care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care by the total number of MA-recipient residents. The result of this calculation will be rounded to two percentage decimal points.

(3) To qualify as an MA-recipient resident who receives medically necessary ventilator care, the resident shall be listed as an MA resident and have a positive response for the MDS item for ventilator use on the Federally-approved PA-specific MDS assessment listed on the nursing facility's CMI report for the applicable picture date.

(4) The number of total MA-recipient residents is the number of MA-recipient residents listed on the nursing facility's CMI report for the applicable picture date.

(5) The applicable picture dates and the authorization of a quarterly supplemental ventilator care payment are as follows:

| <i>Picture Dates</i> | <i>Authorization Schedule</i> |
|----------------------|-------------------------------|
| February 1           | September                     |
| May 1                | December                      |
| August 1             | March                         |
| November 1           | June                          |

(6) If a nursing facility fails to submit a valid CMI report for the picture date as provided under § 1187.33(a)(5) (relating to resident data and picture date reporting requirements), the facility cannot qualify for a supplemental ventilator care payment.

(b) A nursing facility's supplemental ventilator care payment is calculated as follows:

(1) The supplemental ventilator care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents) × \$69) × (the number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents).

(2) The amount of the total supplemental ventilator care payment is the supplemental ventilator care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(c) If the Department grants a nursing facility a waiver to the 180-day billing requirement, then the MA-paid days that may be billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the supplemental ventilator care payment. The Department will not retroactively revise the supplemental ventilator care payment amount.

(d) The paid MA facility and therapeutic leave days used to calculate a qualifying facility's supplemental ventilator care payment under subsection (b)(2) will be obtained from the calendar quarter that contains the picture date used in the qualifying criteria as described in subsection (a).

(e) The supplemental ventilator care payments will be made quarterly in each month listed in subsection (a).

**CHAPTER 1189. COUNTY NURSING FACILITY SERVICES**

**Subchapter E. PAYMENT CONDITIONS, LIMITATIONS AND ADJUSTMENTS**

**§ 1189.105. Incentive payments.**

\* \* \* \* \*

(b) *Pay for performance incentive payment.* The Department will establish pay for performance measures that will qualify a county nursing facility for additional incentive payments in accordance with the formula and qualifying criteria in the Commonwealth's approved State Plan. For pay for performance payment periods beginning on or after July 1, 2010, in determining whether a county nursing facility qualifies for a quarterly pay for performance incentive, the facility's MA CMI for a picture date will equal the arithmetic mean of the individual CMIs for MA residents identified in the facility's CMI report for the picture date. An MA resident's CMI will be calculated

using the RUG-III version 5.12 44 group values in Chapter 1187, Appendix A (relating to resource utilization group index scores for case-mix adjustment in the nursing facility reimbursement system) and the most recent classifiable assessment of any type for the resident.

**(c) Supplemental ventilator care payments.**

(1) A supplemental ventilator care payment will be made each calendar quarter, effective July 1, 2012, to county nursing facilities subject to the following:

(i) To qualify for the supplemental ventilator care payment, the county nursing facility shall satisfy both of the following threshold criteria on the applicable picture date:

(A) The county nursing facility shall have a minimum of ten MA-recipient residents who receive medically necessary ventilator care.

(B) The county nursing facility shall have a minimum of 10% of its MA-recipient resident population receiving medically necessary ventilator care.

(ii) For purposes of paragraph (1), the percentage of the county nursing facility's MA-recipient residents who require medically necessary ventilator care will be calculated by dividing the total number of MA-recipient residents who receive medically necessary ventilator care by the total number of MA-recipient residents. The result of this calculation will be rounded to two percentage decimal points.

(iii) To qualify as an MA-recipient resident who receives medically necessary ventilator care, the resident shall be listed as an MA resident and have a positive response for the MDS item for ventilator use on the Federally-approved PA-specific MDS assessment listed on the county nursing facility's CMI report for the applicable picture date.

(iv) The number of total MA-recipient residents is the number of MA-recipient residents listed on the county nursing facility's CMI report for the applicable picture date.

(v) The applicable picture dates and the authorization of a quarterly supplemental ventilator care payment are as follows:

| <i>Picture Dates</i> | <i>Authorization Schedule</i> |
|----------------------|-------------------------------|
| February 1           | September                     |
| May 1                | December                      |
| August 1             | March                         |
| November 1           | June                          |

(vi) If a county nursing facility fails to submit a valid CMI report for the picture date as provided under § 1187.33(a)(5) (relating to resident data and picture date reporting requirements), the facility cannot qualify for a supplemental ventilator care payment.

(2) A county nursing facility's supplemental ventilator care payment is calculated as follows:

(i) The supplemental ventilator care per diem is ((number of MA-recipient residents who receive medically necessary ventilator care/total MA-recipient residents) × \$69) × (the number of MA-

recipient residents who receive medically necessary ventilator care/total MA-recipient residents).

(ii) The amount of the total supplemental ventilator care payment is the supplemental ventilator care per diem multiplied by the number of paid MA facility and therapeutic leave days.

(3) If the Department grants a county nursing facility a waiver to the 180-day billing requirement, the MA-paid days that may be billed under the waiver and after the authorization date of the waiver will not be included in the calculation of the supplemental ventilator care payment. The Department will not retroactively revise the supplemental ventilator care payment amount.

(4) The paid MA facility and therapeutic leave days used to calculate a qualifying facility's supplemental ventilator care payment under paragraph (2)(ii) will be obtained from the calendar quarter that contains the picture date used in the qualifying criteria as described in paragraph (1).

(5) The supplemental ventilator care payments will be made quarterly in each month listed in paragraph (1).

[Pa.B. Doc. No. 13-1584. Filed for public inspection August 23, 2013, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 271, 272, 273, 284,  
285, 287, 288 AND 299 ]

### Regulated Medical and Chemotherapeutic Waste

The Environmental Quality Board (Board) proposes to amend Chapters 271, 272, 273, 284, 285, 287, 288 and 299 to read as set forth in Annex A.

The proposed rulemaking would amend Chapter 271 (relating to municipal waste management—general provisions) to add and clarify terms and definitions in § 271.1 (relating to definitions). The proposed rulemaking would amend Chapter 284 (relating to regulated medical and chemotherapeutic waste) to provide permits-by-rule for certain processors of regulated medical waste using autoclave, incineration, steam or superheated water, and chemical treatment techniques; generators of regulated medical waste processing small quantities of waste; transfer facilities; and organizations that generate regulated medical waste at multiple locations. The proposed amendments to Chapter 284 would also simplify testing requirements for autoclaves, provide flexibility in both the storage and transportation of regulated medical waste and chemotherapeutic waste, update practices for manifesting, recordkeeping, signage and disinfectant requirements, and delete provisions that are under the jurisdiction of the United States Occupational Safety and Health Administration (OSHA) to eliminate any potential inconsistencies. The amendments to Chapter 284 would also provide language that incorporates by reference the United States Postal Service's program for shipping regulated medical waste through the United States Postal Service. The amendments proposed to Chapters 285 and 299 (relating to storage, collection and transportation of municipal waste; and storage and transportation of re-

sidual waste) would revise signage requirements for transportation vehicles to be consistent with the recommended changes to Chapter 284. Finally, the proposed amendments to Chapters 272, 273, 287 and 288 would replace all references to "infectious" waste to "regulated medical" waste to be consistent with the recommended changes to Chapters 271 and 284.

This proposed rulemaking was adopted by the Board at its meeting on April 16, 2013.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Ali Tarquino Morris, Bureau of Waste Management, P. O. Box 69170, Rachel Carson State Office Building, Harrisburg, PA 17106-9170, (717) 783-2388; or Susan Seighman, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select "Public Participation").

#### C. Statutory Authority

This proposed rulemaking is being made under the authority of the following statutes:

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), which in section 105(a) (35 P. S. § 6018.105(a)) grants the Board the power and the duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of the SWMA. Sections 102(4) and 104(6) of the SWMA (35 P. S. §§ 6018.102(4) and 104(6)) provide the Department with the power and duty to regulate the storage, collection, transportation, processing, treatment and disposal of solid waste to protect the public health, safety and welfare.

The act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law (ICWDL), which in section 4(b) (35 P. S. § 6019.4(b)) grants the Board the power and duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of the ICWDL.

Section 1917-A of The Administrative Code of 1929 (71 P. S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition that is declared to be a nuisance by any law administered by the Department. Section 1920-A (71 P. S. § 510-20) of The Administrative Code of 1929 grants the Board the power and duty to formulate, adopt and promulgate rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. Background and Purpose

The proposed rulemaking represents a comprehensive revision of the Commonwealth's existing infectious and chemotherapeutic waste regulations, which is necessary for several reasons.

Since solid waste is not always generated, processed and disposed of within this Commonwealth, the proposed

revisions allow persons generating and managing infectious and chemotherapeutic waste to do so in a manner that complies with Commonwealth law and is consistent with Federal requirements and the requirements of other states. Other states and the Federal government identify infectious waste as “regulated medical waste.” This proposed rulemaking includes revisions that would identify “infectious waste” as “regulated medical waste,” making the terminology consistent with Federal and other states’ requirements. This proposed change in terminology will simplify the labeling requirements on containers that are used to collect, transport, process and dispose of the waste. Persons managing regulated medical waste will no longer need to ensure that Pennsylvania containers and labels are used and kept separate from those employed in other states. This uniform practice should reduce the costs borne by generators and other persons managing regulated medical waste because the same containers and labels could be used to satisfy Commonwealth requirements, Federal requirements and the requirements imposed by other states.

This proposed rulemaking streamlines the transportation and shipment requirements for regulated medical waste in several respects. The proposed amendments allow generators, transporters and those involved in storage, processing and disposal of regulated medical waste to use standard business documentation, including electronic tracking systems, to demonstrate compliance with the regulations instead of prescriptive and outdated paper manifests. A manifest is a document that accompanies a waste shipment and ensures that the waste being shipped is processed or disposed of in the manner intended by the generator. The ICWDL requires that a person who generates, transports, stores, processes or disposes regulated medical waste use a manifest to track waste through the shipping process to the disposal facility. The proposed amendments allow for the manifest requirement to be satisfied with a shipping paper, log or electronic tracking system that provides the required information, allowing the generator to track its waste in accordance with current industry practices. The flexibility added to this process should prove to be more efficient for all persons managing this waste stream.

In addition, the proposed amendments authorize the transportation of regulated medical waste through the United States Postal Service under the United States Postal Service’s program and requirements for shipping medical waste. The existing regulations specifically provide that sharps from small quantity generators may be sent through the mail. However, the proposed amendments broaden this authorization to include other types of regulated medical waste in any amount or volume provided that certain conditions are satisfied, including the mailing standards and other relevant regulations of the United States Postal Service. This should provide generators, especially those generating small quantities of medical waste, with an alternative transportation.

The proposed amendments also encourage labor and fuel efficiency by removing certain storage and transportation restrictions. The existing regulations limit storage of regulated medical waste at the generation site for a maximum of 30 days from the date that waste was first placed into the container. This provision governing the duration of storage requires small generators to transport partial loads offsite, thereby incurring additional costs. The proposed amendments allow for generators to store regulated medical waste for up to 30 days from the date that the container is full or the date the generator seals the container, whichever occurs earlier. These proposed

revisions provide the generator with more control over the length of time the waste may be stored onsite and promote more efficient business practices by reducing the need to transport partial loads, which will result in a cost savings for the generator.

Additionally, the proposed revisions allow haulers to transport containerized regulated medical waste and chemotherapeutic waste along with other wastes in the same vehicle. This will reduce the number of trips needed to transport waste from generators that have both regulated medical waste and other waste streams which require disposal, provided that the transportation can be done in a manner that does not adversely affect public health and safety or the environment.

The proposed amendments also delete provisions that relate to areas governed by OSHA. This removes the possibility that provisions may be inconsistent or duplicative of OSHA requirements but in no way affects the applicability of OSHA requirements to persons within this Commonwealth.

#### *E. Summary of Regulatory Requirements*

The following outlines the regulatory requirements that have been affected by the proposed rulemaking and describes the basis for the amendments.

There has been one global change to the regulations. “Regulated medical waste” has been added as a new term and is defined in § 271.1 as “infectious waste.” Aside from the definition of “infectious waste” in § 271.1, all other references to “infectious waste” are proposed to be replaced with “regulated medical waste” throughout Chapters 271, 272, 273, 284, 285, 287, 288 and 299. There is no substantive change in the definitions other than minor amendments in the following discussion on § 271.1. This shift in terminology will result in the Commonwealth’s labeling requirements being consistent with Federal and other states’ requirements.

#### *§ 271.1. Definitions*

The Board is proposing to amend certain terms and add additional terms that assist in the identification of materials that are considered regulated medical or chemotherapeutic waste. The terms used to identify these classifications of waste include the following: “autoclave,” “body fluids,” “commercial regulated medical or chemotherapeutic waste facility,” “disinfection,” “general composting facility,” “incineration,” “infectious waste,” “mobile regulated medical waste processing facility,” “regulated medical waste,” “regulated medical waste aggregation facility,” “sharps,” “special handling waste,” “thermal processing” and “unrecognizable regulated medical waste.” Of these terms, “autoclave,” “disinfection,” “general composting facility,” “special handling waste,” “thermal processing” and “unrecognizable regulated medical waste” include a reference to “infectious waste” within their definitions. This reference is proposed to be replaced with “regulated medical waste.”

The definition of “body fluids” is proposed to be amended to include saliva because saliva is a fluid that is capable of containing visible blood.

The definition of “commercial regulated medical or chemotherapeutic waste facility” is proposed to be amended to eliminate redundancies and is rewritten for clarity.

The definition of “environmental protection acts” is proposed to be amended by citing the relevant sections so that the formatting is consistent with the other citations.

The definition of “incineration” is proposed to be added and is defined as the “act of reducing to ashes by combustion.” “Incineration” has been added to the list of definitions to clarify its meaning throughout Chapter 271.

As indicated previously, the proposed definition of “regulated medical waste” is “infectious waste,” thereby incorporating the existing definition of “infectious waste.” The following changes are proposed to be made to the definition of “infectious waste”:

- Pathological wastes do not include tissues that have been preserved in formaldehyde or any other approved preserving agents because preserved tissues do not exhibit the pathological characteristics of unpreserved tissues. Therefore, preserved tissues have been explicitly excluded from pathological wastes.

- Components of human blood and body fluid waste have been added. Soft plastic pipettes and plastic blood vials that have been used for blood transfusions will be considered human blood and body fluid waste. Also, tubing that is used to connect the intravenous bag to the patient has been added.

- Under the category for animal wastes, all animal waste known to have been exposed to zoonotic infectious agents or nonzoonotic human pathogens is defined as infectious waste in the proposed rulemaking. The requirement that exposure to these pathogens must have occurred during research for the animal wastes to fall subject to regulation has been removed.

- Used sharps are no longer limited to those generated at medical, research or industrial laboratories.

- Tissues and specimens that are being transported to or stored at a laboratory prior to laboratory testing will be excluded from infectious waste.

- Because regulated medical waste incineration is no longer covered under Chapter 283 (relating to resource recovery and other processing facilities), ash residue from the incineration of regulated medical waste will be regulated under § 284.321 (relating to regulated medical waste monitoring requirements). Therefore, the regulatory reference in subparagraph (iii)(F) is proposed to be corrected to § 284.321.

The term “mobile infectious waste processing facility” is proposed to be changed to “mobile regulated medical waste processing facility.”

The proposed definition of “regulated medical waste aggregation facility” is defined as a “facility that accepts, aggregates or stores regulated medical waste.”

The definition of “sharps” is proposed to be amended to clarify an existing ambiguity. Broken glass no longer has to have been in contact with pathogenic organisms to be considered sharps, as are syringes to which a needle is or can be attached. The phrase “with or without the attached needle, suture needles” is redundant and is proposed to be deleted. Razors are no longer required to be “disposable” to qualify as sharps.

#### § 284.1. Scope

References to Chapters 283 and 285 are proposed to be added.

#### § 284.2. Permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements.

Proposed amendments to this section provide six permits-by-rule for qualifying processing facilities, which implement autoclaves, incinerators, steam and super-

heated water disinfection, onsite processing of blood and body fluids, short duration storage facilities and small quantity generators that process their own waste.

For autoclaves, incinerators and steam superheated water disinfection operators to qualify for a permit-by-rule under paragraphs (a)(1)—(3), the facility shall process at least 50% of its own regulated medical and chemotherapeutic waste and is limited to accepting not more than 50% of regulated medical waste for processing from small quantity generators. Facilities that process waste shall ensure that the processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste. The operator of the facility shall also provide the Department with the following: a notice of intention to operate under permit-by-rule; the name and address of the facility; a description of the processing activity; and the names and telephone numbers of the individuals responsible for operation of the processing facility.

More specifically, under subsection (a)(1) and (3), autoclave facilities and facilities with steam and superheated water disinfection may not process pathological or chemotherapeutic waste. However, these facilities may process regulated medical waste to render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking. Existing regulations require the waste to be vaporized, but the proposed amendments state “render the waste unrecognizable” since, by definition, autoclaves do not vaporize all liquid. Under subsection (a)(2) a processing facility with an incinerator may process other municipal waste generated onsite if the resulting ash is managed as regulated medical or chemotherapeutic waste.

The permit-by-rule available under subsection (a)(4) is for onsite processing of liquid blood and body fluids using chemical treatment techniques that encapsulate or convert liquid blood or body fluids into solids or gels so that no free liquids remain. The proposed amendments provide the Department with the authority to approve the use of other disinfectant-based products under subsection (a)(4) if their effectiveness can be demonstrated. The processed regulated medical waste may be disposed at a municipal waste landfill provided that no free liquids remain in the processed waste, and the landfill has received written approval from the Department authorizing the disposal of this type of processed medical waste.

The permit-by-rule in subsection (a)(5) covers transfer facilities that temporarily store regulated medical or chemotherapeutic waste for up to 72 hours provided that the stored waste remains in its original packaging and is not putrescent.

The permit-by-rule in subsection (b) applies to generators that process and disinfect less than 220 pounds per month of regulated medical waste onsite, but do not render the waste unrecognizable. The generator shall dispose of the processed waste in a landfill or have the waste incinerated by a facility that has written approval from the Department to accept this type of waste. In addition, the generator shall comply with the manifest requirements in § 284.701(b)(5) (relating to scope).

Subsection (c) specifies the operating requirements for the permit-by-rule facilities identified in subsections (a)(1)—(4) and (b). Subsection (c)(1) incorporates the proposed citations that require the facility to comply with Chapter 284, Subchapters E and F (relating to segregation and storage; and collection and transportation) and Chapter 285.

For facilities operating under subsection (a), in addition to the current requirements, proposed amendments to subsection (c)(3)(i) require the written plan used to manage regulated medical waste generated at the facility to also contain the frequency of equipment calibration.

Under subsection (c)(8), for onsite autoclave facilities, “treated or processed regulated medical waste” is proposed to replace “processing residue” because “treated or processed regulated medical waste” more clearly describes waste that has not been rendered unrecognizable.

Subsection (c)(10) and (11) is proposed to be deleted because the compliance criteria have been included in the proposed subsection (a)(1)—(3).

*§ 284.3. Regulated medical waste aggregation facilities*

This proposed section establishes a permit-by-rule for regulated medical waste aggregation facilities. The regulated medical waste aggregation facilities must comply with the generator standards in Chapter 284, Subchapter E and only accept waste generated onsite or offsite by the operator of the aggregation facility, or waste generated in the same building or complex of buildings by physicians in their private practices or other medical personnel. The Department retains the ability to require an operator to obtain an individual permit, or take other appropriate action, if the generator is not in compliance or harms or presents a threat of harm to the health, safety or welfare of the people or the environment.

*§ 284.102. Nature of a general permit; substitution for individual applications and permits*

A reference to § 284.132 (relating to determination of applicability), which is proposed to be rescinded in this proposed rulemaking, is proposed to be deleted. A proposed clause clarifies that the Department can require a person or municipality authorized by a general permit to obtain an individual permit if a general permit is not available to conduct the specified activity.

*§ 284.111. Application for general permit*

A typographical error is proposed to be corrected (“employes” to “employees”).

*§ 284.112. Completeness review*

The Department previously required that potential users of certain general permits obtain a determination of applicability from the Department prior to conducting the activity authorized by the general permit. The Department has since determined that a registration process for the issuance of general permits will be used, as opposed to a determination of applicability. Therefore, the language regarding the determination of applicability is proposed to be deleted from subsection (a).

*§ 284.115. Department-initiated general permits*

“Departmental” is proposed to be replaced with “Department” in subsection (c)(5) for clarity.

*§ 284.116. General permit renewal*

Proposed § 284.116 provides a procedure for renewing general permits. The section is based on the existing practices of the Department and is proposed to be added for clarity.

*§ 284.121. Contents of general permits*

The Department believes that a registration process will increase efficiency in the processing of general permits for both the applicant and the Department. The Department proposes to eliminate determinations of applicability from the process of general permit issuance.

Therefore, language regarding determination of applicability is proposed to be deleted in paragraph (3).

The requirement in paragraph (11) that processing residue be disposed of in a landfill is proposed to be deleted and replaced with a requirement for processing residue to be managed in accordance with the SWMA to avoid potential conflicts.

In addition, a typographical error has been corrected in paragraphs (12) and (13) (“employes” to “employees” or “employee”).

In paragraph (18), the prohibition of processing pathological waste or chemotherapeutic waste in an autoclave has been rewritten for clarity.

*§ 284.122. Modification of certain requirements*

The term “waiver” is proposed to be deleted from the section heading. The Department retains the ability to waive certain requirements when those requirements are inappropriate or otherwise not applicable to the applicant’s proposed operation under a general permit. However, in this situation, the Department would modify the applicant’s permit conditions to account for requirements that may not apply to the applicant’s operation.

Provisions that limit the Department’s flexibility to provide applicants with an effective permit are proposed to be deleted from subsection (b). These mandatory provisions relate to the Department’s legal right to enter the permitted area, the identification of interested parties, compliance information, verification of the application, and the administration of civil penalties and enforcement actions. Removal of these mandatory provisions will allow the Department to use its discretion in issuing and modifying permits to provide the applicant with a permit that makes sense within the context of the applicant’s proposed operation, while complying with the regulations that are in the best interest of the Commonwealth.

*§ 284.131. Authorization for persons or municipalities to be included in a general permit*

The Department is using a registration process, instead of a determination of applicability, to authorize an applicant’s operation under a general permit. Therefore, language regarding determinations of applicability is proposed to be deleted from this section.

*§ 284.132. Determination of applicability*

The Department has determined that a registration process will be used for the issuance of general permits, instead of a determination of applicability. Therefore, this section is no longer necessary and is proposed to be rescinded.

*§ 284.210. Application requirements*

A typographical error is proposed to be corrected in this section. The reference to “§§ 279.101—279.111 (relating to general requirements)” is proposed to be changed to “§§ 279.101—279.111.”

*§ 284.220. Operating requirements*

The proposed amendment to this section references the subchapters in Chapter 279 (relating to transfer facilities) that are applicable to operating requirements for transfer facilities.

*§ 284.320. Operating requirements*

The proposed amendment to this section references the subchapter in Chapter 283 that is related to operating requirements for processing facilities.



§ 284.321. *Regulated medical waste monitoring requirements*

Throughout this section, abbreviations of spore names have been spelled out for clarity and the nomenclature of “*Bacillus stearothermophilus*” has been updated to “*Geobacillus stearothermophilus*” to reflect its taxonomy in a new genus.

The current regulations require that microbiological analysis of a composite sample of the processing or ash residue be submitted to the Department quarterly. In the proposed amendment to subsection (b), the requirement to submit these microbiological analyses is reduced to annual submissions to be consistent with the schedule for submission of chemical analyses in subsection (c).

Subsection (f), regarding disinfection, is proposed to be amended to require that sterility indicators, analyzed to verify the effectiveness in the disinfection process, shall be placed within the load where disinfection is most difficult to achieve.

Subsection (m) is proposed to be amended to state that an autoclave facility shall comply with all applicable requirements and is prohibited from processing pathological waste or chemotherapeutic waste.

Autoclave testing requirements are proposed to be added to subsection (n) to ensure that disinfection occurs under the proper operating conditions, with reference to § 284.322 (relating to autoclave validation testing requirements).

§ 284.322. *Autoclave validation testing requirements*

This proposed section defines the proper protocols and testing conditions that processors shall use to test their autoclaves. The requirements of the section ensure that proper performance criteria have been met and adequate disinfection is achieved. Generally, each autoclave shall be tested individually to establish its operating parameters prior to its first use and regularly thereafter. If a facility uses multiple autoclaves that are identical, an initial validation test may be performed on one of the autoclaves and the results used to establish the operating parameters of all identical autoclaves at the facility.

*Chapter 284, Subchapter E. Segregation and storage*

Subchapter E is proposed to be reorganized to mirror the steps taken by generators and processors when managing waste, starting with the segregation of waste through its storage. Since segregation by waste type is the first step taken by the generator in managing regulated medical and chemotherapeutic waste, the Department proposes to relocate the section regarding segregation so that it is the first section in Subchapter E following a description of the subchapter’s scope. The order of management continues by next addressing basic storage requirements, followed by storage containers, marking of containers, duration of storage, reuse of containers, storage of ash residue and storage of processing residue. The following table summarizes the reorganization of sections in Subchapter E:

| <i>Subject of Section</i>                   | <i>Current Regulation</i> | <i>Proposed Regulation</i> |
|---|---------------------------|----------------------------|
| Segregation                                 | § 284.412                 | § 284.411                  |
| Basic storage requirements                  | § 284.411                 | § 284.412                  |
| Storage containers                          | § 284.415                 | § 284.413                  |
| Marking of containers                       | § 284.416                 | § 284.414                  |
| Duration of storage of waste for generators | § 284.413                 | § 284.415                  |
| Duration of storage of waste for processors | § 284.414                 | § 284.416                  |
| Reuse of containers                         | § 284.417                 | § 284.417                  |
| Storage of ash residue                      | § 284.418                 | § 284.418                  |
| Storage of processing residue               | § 284.419                 | § 284.419                  |

§ 284.401. *Scope*

The description of the references to §§ 285.111—285.115 and 285.121 is proposed to be deleted.

§ 284.411. *Segregation*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors. The proposed heading of § 284.411 is “segregation.”

In addition, the section is proposed to be amended to state that regulated medical and chemotherapeutic waste be separated into the following three categories at the point of origin in the generating facility: (1) regulated medical waste, excluding pathological waste; (2) pathological waste; and (3) chemotherapeutic waste. Sharps that qualify as regulated medical waste may be placed in a chemotherapeutic waste sharps container under the proposed regulations. This section also contains requirements for bags used to store waste, which is discussed in § 284.413 (relating to storage containers).

§ 284.412. *Basic storage requirements*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors. Basic storage is the next logical step considered by generators and processors after the waste has been segregated.

Subsection (a) is proposed to be amended to ensure segregation occurs first, and the temperature for refrigeration has been added in degrees Fahrenheit in paragraph (a)(4) for clarification.

§ 284.413. *Storage containers*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors.

Subsection (f), regarding protective clothing for persons packaging regulated medical or chemotherapeutic waste, is proposed to be deleted to eliminate any possible conflicts with OSHA regulations or other workplace safety procedures.

§ 284.414. *Marking of containers*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors. Throughout § 284.414, “infectious waste” is proposed to be replaced with “regulated medical waste” with regard to marking containers, and the labeling requirements have been revised so that compliance is more convenient, while maintaining the intention of the regulations.

The proposed amendments provide a 1-year transition period after the effective date of the adoption of the final-form rulemaking for persons to comply with the new labeling requirements.

Also, containers will no longer be labeled with the date the waste was generated; instead, labels must include the date the container was full or the date the generator sealed the container. The exception to this rule is that roll-off containers need not be marked with the date, but a record of the date on which the roll-off was full or sealed must be maintained at the generating facility for at least 1 year.

In the proposed regulation, labeling requirements only apply when waste is transported offsite. For onsite transportation of waste within the same geographical property or facility, such as within a hospital campus, it is no longer necessary for generator and transporter information to be labeled on the containers.

Prescriptive size requirements for container labels have been replaced with performance-based requirements that ensure labeling is clearly legible.

§ 284.415. *Duration of storage of regulated medical waste for generators*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors.

Throughout this section, language referring to “the date that waste was first placed in a container” is proposed to be changed to “to the date that the container was full or sealed” to be consistent with other sections of the proposed rulemaking. Therefore, under this section, generators are required to mark the container with the date on which the container was full or the date that the container was sealed, as required under § 284.414 (relating to marking of containers), and generators may store regulated medical waste onsite for up to 30 days from the date the container was full or sealed. Language relative to freezing as a method to lengthen the duration of storage is proposed to be deleted from § 284.413 because the time periods for storage were difficult to interpret. Temperature standards for storage are proposed to be added to § 284.412 (relating to basic storage requirements). The requirement that putrescent waste be moved offsite within 24 hours has been changed to within 3 business days. The Department believes that the proposed amendments are more easily understood and provide generators sufficient storage times under typical operations while maintaining the intent of the regulations.

§ 284.416. *Duration of storage of regulated medical waste for processors*

Subchapter E is proposed to be reorganized as shown in the previous table to follow the path of waste as it is handled by generators and processors. Storage temperatures in this section are slightly amended to correct errors in the existing text.

§ 284.417. *Reuse of containers*

This section currently provides separate subsections addressing the reuse of nonfiberboard containers housing regulated medical waste versus chemotherapeutic waste. The proposed amendments to this section allow the same standards to apply for the reuse of nonfiberboard containers regardless of whether the container houses chemotherapeutic waste or regulated medical waste. Therefore, subsection (d), regarding the reuse of containers housing chemotherapeutic waste, is proposed to be deleted and proposed amendments to subsection (c) add chemotherapeutic waste.

§ 284.418. *Storage and containment of ash residue from regulated medical or chemotherapeutic waste incineration*

Subsection (a)(2) is proposed to be clarified to indicate that ash residue must be stored on a pad to contain a spill or release of ash and facilitate clean-up.

§ 284.511. *Transportation of ash residue from regulated medical or chemotherapeutic waste incineration*

Subsection (c) has been rewritten to more clearly state that ash from separate generators must be kept separate. Subsection (d) has been rewritten to more clearly state that municipal waste may be commingled with ash residue from regulated medical or chemotherapeutic waste incineration for transportation, provided that both come from the same generator.

§ 284.512. *Transportation of regulated medical and chemotherapeutic waste; general provisions*

In subsection (b)(4), a Fahrenheit equivalent is proposed to be added to clarify the temperature required to maintain waste in a nonputrescent state.

The prescriptive strength and weight limits for a corrugated fiberboard container in subsection (c)(1)(iv) is proposed to be deleted. Proposed subsection (c)(1)(v) references § 284.414, regarding marking of containers to ensure that the containers are marked properly for transportation.

Subsection (d) is proposed to be deleted because infectious waste, now labeled as regulated medical waste, and chemotherapeutic waste are required to be segregated into separate containers at the point of generation. Since these wastes are containerized and not commingled, the Department proposes to allow these containerized waste streams to be transported in the same vehicle and has removed the existing prohibition.

Proposed subsection (e) clarifies that, although regulated medical or chemotherapeutic waste may be transported in the same vehicle as municipal waste, it may not be commingled with municipal waste or transported in the same vehicle with residual waste.

In subsection (g), the transport time for regulated medical waste in an unrefrigerated vehicle is proposed to be increased from 48 to 72 hours provided the waste is not putrescent. This allows transporters to more easily comply with the regulations, provided the waste is not putrescent.

§ 284.513. *Transportation of regulated medical and chemotherapeutic waste; additional provisions*

The reference to OSHA regulations in subsection (b)(2) is proposed to be corrected to accurately cite the applicable OSHA regulation regarding bloodborne pathogens and the standards for biohazard signage.

Subsection (c) is proposed to be amended to state that portable disinfectants must be EPA approved.

Subsection (e) is proposed to be deleted to remove potential conflicts with OSHA regulations or workplace safety procedures.

§ 284.514. *Transportation of processing residue from a regulated medical or chemotherapeutic waste facility*

Subsection (b) is proposed to be rewritten to more clearly state the requirement that processing residue from chemotherapeutic or regulated medical waste from separate generators shall be transported separately.

§ 284.602. *License requirement*

A grammatical error, “onside” instead of “onsite,” is proposed to be corrected and a minor clarification is proposed to subsection (b)(3).

§ 284.623. *Conditions of licenses*

A grammatical error, “employes” instead of “employees,” is proposed to be corrected.

§ 284.641. *Bond requirement*

A heading is proposed to be added for subsection (f).

§ 284.701. *Scope*

In the proposed amendments, logs or shipping papers, including electronic tracking systems, are recognized acceptable ways of tracking waste for manifesting purposes. Proposed amendments to subsection (b)(4) incorporate by reference the United States Postal Service’s program for shipping regulated medical waste. Additional minor clarifications have been made throughout the section.

§ 284.702. *Transfer facilities*

This section is proposed to be renumbered for clarity. Language in current subsection (a) regarding the existing paper manifest tracking system is proposed to be deleted because shipping papers or logs, including electronic tracking systems, have become acceptable standard business practices for tracking the transportation and delivery of regulated medical and chemotherapeutic wastes. Subsection (b) is proposed to be renumbered as paragraph (2) and rewritten for clarity. Proposed paragraph (1) requires the transfer facility to be permitted by the Department.

§ 284.703. *Recordkeeping*

The record retention requirement in current subsection (a) is proposed to be reduced from 5 years to 2 years. Proposed amendments to this section clarify that the record is to be retained for 2 years from the date the record was prepared, and records shall be submitted to the Department upon request. Subsection (b) regarding manifests is obsolete and proposed to be deleted.

§ 284.711. *Use of manifest*

Language regarding manifests is proposed to be deleted because logs or shipping papers, including electronically based tracking systems, are acceptable standard business practices and are acceptable for compliance with the proposed amendments.

§ 284.712. *Preparation of manifest*

Generators will be required to create a log or shipping paper, which will qualify as a manifest, allowing the use of standard shipping procedures to track regulated medical waste during shipment through to its disposal.

Subsection (a)(10) is proposed to be deleted because, in accordance with proposed § 284.722(f) (relating to preparation and use of manifest), the generator will receive the

shipping log back from the transporter after the waste has been delivered to the designated facility. Therefore, the designated facility no longer needs to be included in the original shipping log prepared by the generator.

§ 284.713. *Generator’s distribution of copies*

This section is proposed to be rescinded because the record or shipping log is not required to be distributed to the various parties as previously required.

§ 284.714. *Exception reporting*

In proposed amendments to subsection (a), a log or shipping paper is to be received by the generator rather than a copy of a manifest since logs or shipping papers will satisfy the manifesting requirement under the proposed regulations and the ICWDL. The time limit for the paperwork to be completed and transmitted to the proper entity is proposed to be extended from 20 days to 30 days based on the amount of time needed for industry practices.

Subsection (b) is proposed to be reworded for clarity.

§ 284.721. *Basic requirements*

This section is proposed to be rescinded because the provisions to satisfy the manifest requirements are proposed to be amended.

§ 284.722. *Preparation and use of manifest*

The provisions regarding manifest copies are proposed to be deleted because logs or shipping papers, including electronic tracking systems, qualify as a manifest under the proposed amendments. The transporter shall ensure that processing facilities and generators have been provided with the relevant logs or shipping papers that are required.

§ 284.723. *Waste delivery*

This section is proposed to be rescinded because the provisions to satisfy the manifest requirements have been amended.

§ 284.724. *Transportation limitations*

Regulatory citations are proposed to be changed to maintain accuracy with the proposed reorganization of Chapter 284, Subchapter E. Information regarding copies of the manifests is proposed to be deleted since this requirement will be satisfied by logs or shipping papers.

§ 284.731. *Scope*

Section 284.733 (relating to distribution of copies) is proposed to be rescinded. Therefore, the reference to § 284.733 is proposed to be deleted from this section. Language regarding “owners” of waste processing facilities is proposed to be deleted since the owner of the facility may or may not be involved with the daily operations of the facility.

§ 284.732. *Use of manifest*

Language regarding “owners” of waste processing facilities is proposed to be deleted since the owner of the facility may or may not be involved with the daily operations of the facility. A log or shipping paper has been substituted for manifests to simplify documentation procedures.

§ 284.733. *Distribution of copies*

This section is proposed to be rescinded because the provisions to satisfy the manifest requirements are proposed to be amended.

§ 284.734. *Significant discrepancies*

In subsection (a)(2), a significant discrepancy is proposed to be defined as more than 1% variation in piece count for batch waste and more than 5% weight discrepancy for bulk waste. The time limits in subsection (b) are proposed to be changed from days to business days, allowing more flexibility for a resolution to be reached in the case of a dispute.

§ 285.218. *Signs on vehicles*

“Infectious or chemotherapeutic waste” has been replaced with “regulated medical or chemotherapeutic waste” throughout the proposed rulemaking. Therefore, required signage on transportation vehicles must also change. Signs on vehicles transporting regulated medical or chemotherapeutic waste must read “Regulated Medical/Chemotherapeutic Waste” under the proposed amendment.

F. *Benefits, Costs and Compliance*

*Benefits*

The proposed rulemaking simplifies the labeling requirements to reduce costs and ensure consistency with the requirements of other states and the Federal government. The proposed amendments would allow generators, transporters and those involved in storage and processing to use standard business documentation to demonstrate compliance with the regulations instead of the currently prescribed, outdated paper manifest. The proposed amendments also encourage labor and fuel efficiency by allowing haulers to transport regulated medical waste along with other wastes in the same vehicle and by allowing facilities more time to completely fill a vehicle before the vehicle must be placed into service. To avoid conflicts with OSHA requirements, duplicative requirements are proposed to be deleted. The proposed amendments also provide another convenient shipping option by removing barriers to shipping waste through the mail when authorized by the United States Postal Service.

*Compliance Costs*

The proposed rulemaking provides a cost savings to the regulated community through: providing consistency with the United States Department of Transportation and other states; reduced transportation cost for generators and transporters due to consolidation of waste in trucks; longer storage times for generators, meaning fewer waste pickups; and reducing transportation costs for collection and processing.

*Compliance Assistance Plan*

The Department will assist the regulated community by developing fact sheets and continuing to work with industry during program implementation. The Department’s field staff will provide compliance assistance during routine facility permitting activities and inspections.

*Paperwork Requirements*

The proposed rulemaking should result in a reduction of paperwork requirements through the revised provisions for satisfying manifest requirements; the change in terminology from “infectious” to “regulated medical” waste ensures Pennsylvania signage and labeling requirements align with the requirements of the United States Department of Transportation and the requirements of other states; and the creation of permits-by-rule for qualifying facilities will eliminate the need to issue general or individual permits to those facilities.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) establishes a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking will continue to ensure that the citizens and the environment of this Commonwealth experience the advantages of a regulated medical waste regulatory program that is protective of public health and the environment. The proposed rulemaking encourages consolidation of waste for transportation, reducing the number of trips needed to transport waste and thereby reducing air emissions from transportation vehicles.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 5, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. *Public Comments*

*Written comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by September 23, 2013. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by September 23, 2013. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

*Electronic comments.* Comments may be submitted electronically to the Board at RegComments@pa.gov and must also be received by the Board by September 23, 2013. A subject heading of the proposed rulemaking and a return name and address must be included in each

transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

E. CHRISTOPHER ABRUZZO,  
Acting Chairperson

**Fiscal Note:** 7-480. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart D. ENVIRONMENTAL HEALTH AND  
SAFETY**

**ARTICLE VIII. MUNICIPAL WASTE**

**CHAPTER 271. MUNICIPAL WASTE  
MANAGEMENT—GENERAL PROVISIONS**

**Subchapter A. GENERAL**

**§ 271.1. Definitions.**

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

\* \* \* \* \*

*Autoclave*—A pressure vessel in which [ **infectious** ] **regulated medical** waste is disinfected using high temperature steam, directly or indirectly, to maintain specified temperatures for retention times consistent with the waste being processed.

\* \* \* \* \*

*Body fluids*—Liquids emanating or derived from humans and limited to the following: blood; cerebrospinal, synovial, pleural, peritoneal and pericardial fluids; semen and vaginal secretions; and amniotic fluid. The term also includes the following fluids if they contain visible blood: feces, sputum, **saliva**, urine and vomitus.

\* \* \* \* \*

*Commercial [ **infectious** ] **regulated medical** or chemotherapeutic waste facility*—A facility that processes [ **infectious** ] **regulated medical** or chemotherapeutic waste [ **not generated primarily onsite**. The term includes facilities where one of the following exist ] under either of the following conditions:

(i) [ **Of the waste processed, less than 50% on a monthly average was generated onsite.**

(ii) **Greater than 50% of the waste processed on a monthly average is not generated from entities that are wholly-owned by the owner of the waste processing facility. ]**

**The facility does not generate any of the regulated medical or chemotherapeutic waste that it processes.**

(ii) **If the facility generates the regulated medical or chemotherapeutic waste that it processes, the amount of waste on a monthly average that is generated onsite and offsite by wholly-owned generators of the facility is less than 50% of the waste that it processes.**

\* \* \* \* \*

*Disinfection*—The treatment or processing of [ **infectious** ] **regulated medical** waste so that it poses no risk of infection or other health risk to individuals handling or otherwise coming into contact with the waste. The term includes autoclaving; dry heat, gas or chemical disinfection; radiation and irradiation; and incineration.

\* \* \* \* \*

*Environmental protection acts*—The act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Municipal Waste Planning, Recycling and Waste Reduction Act [ (53 P. S. §§ 4001.101—4001.1904) ] (53 P. S. §§ 4000.101—4000.1904), the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305), the Low-Level Radioactive Waste Disposal Act [ (35 P. S. §§ 7130.101—7130.906) ] (35 P. S. §§ 7130.101—7130.905), the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law, the Air Pollution Control Act (35 P. S. §§ 4001—4015), the Surface Mining Conservation and Reclamation Act [ (52 P. S. §§ 1396.1—1396.31) ] (52 P. S. §§ 1396.1—1396.19b), the Noncoal Surface Mining Conservation and Reclamation Act [ (35 P. S. §§ 3301—3326) ] (52 P. S. §§ 3301—3326), the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), and other State or Federal statutes relating to environmental protection or the protection of public health, including statutes adopted or amended after April 9, 1988.

\* \* \* \* \*

*General composting facility*—A composting facility other than an individual backyard composting facility or yard waste composting facility operating under § 271.103(h) (relating to permit-by-rule for municipal waste processing facilities other than for [ **infectious** ] **regulated medical** or chemotherapeutic waste; qualifying facilities; general requirements).

\* \* \* \* \*

*Household hazardous waste*—

(i) Waste generated by a household that could be chemically or physically classified as a hazardous waste under the standards of Article VII (relating to hazardous waste management).

(ii) For the purpose of this definition, the term “household” includes those places described as “households” in 40 CFR 261.4(b)(1) (relating to exclusions).

*Incineration*—The act of reducing to ashes by combustion.

*Incinerator*—An enclosed device using controlled combustion for the primary purpose of thermally breaking down solid waste, and which is equipped with a flue as defined in § 121.1 (relating to definitions).

\* \* \* \* \*

*Infectious waste*—

(i) *General*. Municipal and residual waste which is generated in the diagnosis, treatment, immunization or autopsy of human beings or animals, in research pertaining thereto, in the preparation of human or animal remains for interment or cremation, or in the production or testing of biologicals, and which falls under one or more of the following categories:

\* \* \* \* \*

(B) *Pathological wastes*. Human pathological wastes, including tissues, organs and body parts and body fluids

that are removed during surgery, autopsy, other medical procedures or laboratory procedures. The term does not include hair, nails or extracted teeth or tissues that have been preserved with formaldehyde or other approved preserving agents.

(C) *Human blood and body fluid waste.*

\* \* \* \* \*

(V) Intravenous bags that have been used for blood transfusions, including soft plastic pipettes and plastic blood vials.

\* \* \* \* \*

(D) *Animal wastes.* Contaminated animal carcasses, body parts, blood, blood products, secretions, excretions and bedding of animals that were known to have been exposed to zoonotic infectious agents or nonzoonotic human pathogens [ during research (including research in veterinary schools and hospitals) ], production of biologicals or testing of pharmaceuticals.

\* \* \* \* \*

(F) *Used sharps.* Sharps that have been in contact with infectious agents or that have been used in animal or human patient care or treatment [ , at medical, research or industrial laboratories ].

\* \* \* \* \*

(iii) *Exceptions.* The term does not include the following:

\* \* \* \* \*

(D) Samples of [ infectious ] regulated medical waste transported offsite by Commonwealth or United States government enforcement personnel during an enforcement proceeding.

(E) Body fluids, tissues, specimens or biologicals [ which ] that are being transported to or stored at a laboratory prior to laboratory testing.

(F) Ash residue from the incineration of materials identified in subparagraphs (i) and (ii) if the incineration was conducted in accordance with § [ 283.402 ] 284.321 (relating to [ infectious ] regulated medical waste monitoring requirements). The ash residue shall be managed as special handling municipal waste.

\* \* \* \* \*

(H) Soiled diapers [ which ] that do not contain materials identified in subparagraph (i).

(I) Mixtures of hazardous waste subject to Article VII (relating to hazardous waste management) and materials identified in subparagraph (i) shall be managed as hazardous waste and not [ infectious ] regulated medical waste.

(J) Mixtures of materials identified in subparagraph (i) and regulated radioactive waste shall be managed as radioactive waste in accordance with applicable Commonwealth and Federal statutes and regulations, including [ , but not limited to, ] § 236.521 (relating to minimum requirements for classes of waste).

\* \* \* \* \*

*Mobile [ infectious ] regulated medical waste processing facility*—[ An infectious ] A regulated medical waste processing unit [ which ] that is moved from one waste generation site to another for the purpose of onsite

processing of a generator's [ infectious ] regulated medical waste. The term refers to any processing activity designed to disinfect [ infectious ] waste in accordance with § 284.321 [ (relating to infectious medical waste monitoring requirements) ] to render the waste noninfectious. The term does not include any permanently placed waste processing units.

\* \* \* \* \*

*Regional groundwater table*—The fluctuating upper water level surface of an unconfined or confined aquifer, where the hydrostatic pressure is equal to the ambient atmospheric pressure. The term does not include the perched water table or the seasonal high water table.

*Regulated medical waste—Infectious waste.*

*Regulated medical waste aggregation facility*—A facility that accepts, aggregates or stores regulated medical waste.

*Related party*—A person or municipality engaged in solid waste management that has a financial relationship to a permit applicant or operator. The term includes a partner, associate, officer, parent corporation, subsidiary corporation, contractor, subcontractor, agent or principal shareholder of another person or municipality, or a person or municipality that owns land on which another person or municipality operates a municipal waste processing or disposal facility.

\* \* \* \* \*

*Sharps*—Broken glass [ that has been in contact with pathogenic organisms ], hypodermic needles [ and ], syringes to which a needle is or can be attached, [ with or without the attached needle, suture needles, disposable ] razors, pasteur pipettes, scalpel blades, blood vials, needles with attached tubing, culture dishes, suture needles, slides, cover slips and other broken or unbroken glass or plasticware.

\* \* \* \* \*

*Special handling waste*—Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes dredged material, sewage sludge, [ infectious waste ] regulated medical waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, [ asbestos containing waste, PCB containing waste ] asbestos-containing waste, PCB-containing waste and waste oil that is not hazardous waste.

\* \* \* \* \*

*Thermal processing*—A method, technique or process, excluding incineration and autoclaving, designed to disinfect [ infectious ] regulated medical waste by means of exposure to high thermal temperatures through methods such as ionizing radiation or electric or plasma arc technologies.

\* \* \* \* \*

*Unrecognizable [ infectious ] regulated medical waste*—All components of the waste have been processed to produce indistinguishable and unusable pieces smaller than 3/4 of an inch, except that all sharps must be

smaller than 1/2 inch. The term does not mean compaction or encapsulation except through:

\* \* \* \* \*

§ 271.2. Scope.

\* \* \* \* \*

(b) Management of the following types of residual waste is subject to this article instead of Article IX (relating to residual waste management), and shall be regulated as if the waste is municipal waste, regardless of whether the waste is a municipal waste or residual waste.

\* \* \* \* \*

(2) [ **Infectious** ] **Regulated medical** and chemotherapeutic waste.

**Subchapter B. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS REQUIREMENT**

§ 271.101. Permit requirement.

\* \* \* \* \*

(b) A person or municipality is not required to obtain a permit:

\* \* \* \* \*

[ (4) For temporary storage, which facilitates the transportation or transfer of infectious or chemotherapeutic waste, that does not exceed 24 hours. The stored waste shall remain in its original packaging, as received for storage. ]

(5) For the use of waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material if the waste is not hazardous. A person managing waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material, shall implement best management practices. The Department will prepare a manual for the management of waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material which identifies best management practices and may approve additional best management practices on a case-by-case basis. If a person fails to implement best management practices for managing waste from land clearing, grubbing and excavation, including trees, brush, stumps and vegetative material, the Department may require compliance with the disposal, composting, processing and storage operating requirements of this chapter and Chapters 281, 283 and 285 (relating to composting facilities; resource recovery and other processing [ **facility** ] **facilities**; and storage, collection and transportation of municipal waste).

\* \* \* \* \*

§ 271.103. Permit-by-rule for municipal waste processing facilities other than for [ **infectious** ] **regulated medical** or chemotherapeutic waste; qualifying facilities; general requirements.

\* \* \* \* \*

**EXISTING FACILITIES**

§ 271.114. Transition period.

A person or municipality possessing a permit for a municipal waste disposal or processing facility which was issued by the Department prior to December 23, 2000, shall file with the Department an application for permit modification to bring the facility operation into compli-

ance with the following requirements for radioactive material monitoring and detection that became effective on December 23, 2000, according to the following schedule, unless the Department imposes in writing an earlier date in a specific situation for reasons of public health, safety or environmental protection:

\* \* \* \* \*

(5) *Resource recovery and other processing facilities.* Including [ **infectious** ] **regulated medical** and chemotherapeutic waste processing facilities, an application for a permit modification addressing the requirements of §§ 283.103(20) and 283.113 (relating to maps and related information; and radiation protection action plan) shall be filed by September 23, 2001.

**Subchapter E. CIVIL PENALTIES AND ENFORCEMENT ENFORCEMENT**

§ 271.421. Administrative inspections.

\* \* \* \* \*

(c) The Department, its [ **employes** ] **employees** and agents intend to conduct inspections under the act of:

\* \* \* \* \*

(2) Municipal waste processing facilities other than resource recovery facilities, which process or incinerate [ **infectious** ] **regulated medical** or chemotherapeutic waste, at least 2 times per year.

(3) Municipal waste processing facilities other than resource recovery facilities, which do not process or incinerate [ **infectious** ] **regulated medical** or chemotherapeutic waste, at least once per year.

(4) Hospitals where [ **infectious** ] **regulated medical** or chemotherapeutic waste is generated, at least 2 times per year.

(5) Locations other than hospitals where [ **infectious** ] **regulated medical** or chemotherapeutic waste is generated, at least once per year.

\* \* \* \* \*

(7) Facilities and beneficial use areas subject to permit-by-rule under § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for [ **infectious** ] **regulated medical** or chemotherapeutic waste; qualifying facilities; general requirements), a general permit for beneficial use or processing, or both, under Subchapter I (relating to beneficial use), or a permit for the land application of sewage sludge under Subchapter J (relating to beneficial use of sewage sludge by land application), at least once per year.

\* \* \* \* \*

**Subchapter G. RESIDUAL WASTE GENERAL PROVISIONS**

§ 271.601. Scope.

\* \* \* \* \*

(c) The Department may require analyses under this subchapter for special handling waste other than sewage sludge, [ **infectious** ] **regulated medical** waste, chemotherapeutic waste and ash residue from a resource recovery facility.

ADDITIONAL APPLICATION REQUIREMENTS

§ 271.611. Chemical analysis of waste.

\* \* \* \* \*

(f) Waiver. The Department may, in writing, waive the requirements of this section for special handling waste, waive or modify the requirements of this section for general permits issued under Subchapter I and waive or modify the chemical analysis requirements under § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for [ infectious ] regulated medical or chemotherapeutic waste; qualifying facilities; general requirements).

Subchapter I. BENEFICIAL USE

SCOPE

§ 271.801. Scope.

(a) This subchapter sets forth requirements for general permits for the processing and beneficial use of municipal waste, except as follows:

(1) This subchapter does not set forth requirements for general permits for the processing or beneficial use of [ infectious ] regulated medical or chemotherapeutic waste.

\* \* \* \* \*

GENERAL PERMIT FOR PROCESSING OR BENEFICIAL USE, OR BOTH, OF MUNICIPAL WASTE; AUTHORIZATION AND LIMITATIONS

§ 271.811. Authorization for general permit.

\* \* \* \* \*

(g) The Department will not issue a general permit under this subchapter for the following:

\* \* \* \* \*

(3) The processing or beneficial use of [ infectious ] regulated medical or chemotherapeutic waste.

\* \* \* \* \*

CHAPTER 272. MUNICIPAL WASTE PLANNING, RECYCLING AND WASTE REDUCTION

Subchapter C. MUNICIPAL WASTE PLANNING

PLAN CONTENT

§ 272.223. Description of waste.

\* \* \* \* \*

(b) In describing the content of waste, the plan shall specifically address sewage sludge (including septage), [ infectious ] regulated medical and chemotherapeutic waste, ash from resource recovery facilities, construction/demolition waste other than waste from demolition of an industrial site and other municipal waste.

(c) In describing the origin of waste, the plan shall provide:

\* \* \* \* \*

(3) An inventory of hospitals in the county, and a representative sampling of different medical specialists, such as clinics, doctors, dentists, funeral directors and veterinarians, for [ infectious ] regulated medical and chemotherapeutic waste.

\* \* \* \* \*

Subchapter F. HOUSEHOLD HAZARDOUS WASTE COLLECTION, TRANSPORTATION AND MANAGEMENT

OPERATION OF PROGRAMS

§ 272.532. Limitations on acceptable waste.

(a) The following wastes may not be accepted at a collection event:

\* \* \* \* \*

(2) [ Infectious waste ] Regulated medical, except sharps.

\* \* \* \* \*

CHAPTER 273. MUNICIPAL WASTE LANDFILLS

Subchapter D. ADDITIONAL APPLICATION REQUIREMENTS FOR SPECIAL HANDLING AND RESIDUAL WASTES

SPECIFIC WASTES

§ 273.411. Processed [ infectious ] regulated medical or chemotherapeutic waste disposal.

(a) An application for the disposal of processed [ infectious ] regulated medical or chemotherapeutic waste shall contain necessary plans and specifications showing how the applicant will comply with § 273.511 or § 273.512 (relating to processed [ infectious ] regulated medical waste disposal; and chemotherapeutic waste) or both, whichever is applicable.

\* \* \* \* \*

Subchapter E. ADDITIONAL OPERATING REQUIREMENTS FOR SPECIAL HANDLING AND RESIDUAL WASTES

SPECIFIC WASTES

§ 273.511. Processed [ infectious ] regulated medical waste disposal.

(a) [ Infectious ] Regulated medical waste may not be disposed of at a municipal waste landfill unless:

(1) The waste has been disinfected in accordance with § 284.321 (relating to [ infectious ] regulated medical waste monitoring requirements).

(2) Prior to initial disposal the landfill operator has obtained the necessary approval for disposal from the Department based on the application provided under § 273.411 (relating to processed [ infectious ] regulated medical and chemotherapeutic waste disposal).

\* \* \* \* \*

CHAPTER 284. [ INFECTIOUS ] REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE

Subchapter A. GENERAL PROVISIONS

GENERAL PROVISIONS

§ 284.1. Scope.

This chapter sets forth application and operating requirements for a person or municipality that operates [ an infectious ] a regulated medical or chemotherapeutic waste facility. The requirements in this chapter are in addition to the applicable requirements in [ Chapter 271 ] Chapters 271, 283 and 285 (relating to municipal waste management—general provisions; resource recovery and other processing facilities; and storage, collection and transportation of municipal waste).



§ 284.2. [Permit-by-rule for infectious] Permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements.

[ (a) If the requirements of this section are met, the following onsite processing facilities for infectious and chemotherapeutic waste shall be deemed to have a municipal waste processing permit under this article:

(1) An onsite autoclave facility, including one which renders waste unrecognizable, which processes at least 50% of its own infectious waste generated onsite and accepts offsite waste for disinfection only from small quantity generators that generate less than 220 pounds per month of infectious waste if the following conditions are met:

(i) Processing of pathological waste is prohibited.

(ii) The retention time for processing bulk fluids (greater than 500 ml) allows for the complete vaporization of fluids.

(2) An onsite incineration facility that burns at least 50% of its own infectious or chemotherapeutic waste generated onsite and accepts offsite infectious or chemotherapeutic waste for incineration only from small quantity generators that generate less than 220 pounds per month of infectious or chemotherapeutic waste. This onsite incineration facility may process municipal waste generated onsite as long as the resulting ash is managed as processed infectious and chemotherapeutic waste.

(3) An onsite steam and superheated water disinfection facility which processes infectious waste, including one which renders waste unrecognizable, which processes at least 50% of its own infectious waste generated onsite and accepts offsite waste for disinfection only from small quantity generators that generate less than 220 pounds per month of infectious waste. Processing of pathological waste is prohibited.]

(a) The following processing facilities for regulated medical and chemotherapeutic waste will be deemed to have a municipal waste processing permit under this article if the following requirements in this subsection and subsection (c) are met:

(1) A processing facility with an autoclave if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical waste. The facility may not accept more than 50% of regulated medical waste for disinfection from small quantity generators that generate less than 220 pounds per month.

(ii) The facility does not process pathological waste or chemotherapeutic waste.

(iii) The facility may additionally process regulated medical waste to render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking.

(iv) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(v) The operator of the facility provides notice to the Department that includes the following:

(A) An intention to operate under permit-by-rule.

(B) The name and address of the facility.

(C) A description of the processing activity.

(D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(2) A processing facility with an incinerator if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical or chemotherapeutic waste. The facility may not accept more than 50% of regulated medical or chemotherapeutic waste for disinfection from small quantity generators that generate less than 220 pound per month.

(ii) The facility may process other municipal waste generated onsite if the resulting ash is managed as processed regulated medical or chemotherapeutic waste.

(iii) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(iv) The operator of the facility provides notice to the Department that includes the following:

(A) An intention to operate under permit-by-rule.

(B) The name and address of the facility.

(C) A description of the processing activity.

(D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(3) A processing facility with steam and superheated water disinfection if the following requirements are met:

(i) The facility processes at least 50% of its own regulated medical waste. The facility may not accept more than 50% of regulated medical waste for disinfection from small quantity generators that generate less than 220 pounds per month.

(ii) The facility does not process pathological waste or chemotherapeutic waste.

(iii) The facility may additionally process regulated medical waste to render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking.

(iv) The processed waste is disposed of or processed in a landfill or incinerator authorized to accept the waste.

(v) The operator of the facility provides notice to the Department that includes the following:

(A) An intention to operate under permit-by-rule.

(B) The name and address of the facility.

(C) A description of the processing activity.

(D) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(4) Onsite processing of liquid blood and body fluids using a glutaraldehyde-based or hypochlorite-based product that encapsulates or converts liquid blood or body fluids into solids or gels so that no free liquids remain. The Department may approve

the use of other disinfectant-based products under these provisions if their efficacy can be demonstrated. The processed infectious waste may be disposed of at a municipal waste landfill provided:

- (i) No free liquids remain in the processed waste.
- (ii) The landfill has received written approval from the Department authorizing disposal of the processed medical waste.
- (5) Transfer facilities that temporarily store regulated medical or chemotherapeutic waste for less than 72 hours provided the stored waste remains in its original packaging and it is not putrescent.
  - (b) Generators that process and disinfect less than 220 pounds per month of [ infectious ] regulated medical waste onsite and render the waste unrecognizable will be deemed to have a municipal waste processing [ permits ] permit under this article if the requirements under [ subsections (c)—(g) ] subsection (c) are met. Generators that process and disinfect less than 220 pounds per month of [ infectious ] regulated medical waste onsite without rendering the waste unrecognizable will be deemed to have a municipal waste processing [ permits ] permit under this article if the [ requirements under subsections (c)—(g) ] following requirements under this subsection and subsection (c) are met [ and if the following requirements are met ]:

(1) The generator [ may ] shall dispose of the processed waste in a landfill or have the waste incinerated in a facility that has [ obtained ] written approval from the Department to accept [ the ] this type of waste.

\* \* \* \* \*

(c) The following requirements shall be met by facilities identified in subsections [ (a) ] (a)(1)—(4) and (b) to operate under a permit-by-rule:

(1) The facility complies with [ Chapter 285 and Subchapters E and F (relating to storage, collection and transportation of municipal waste; storage; collection and transportation) ] Subchapters E and F (relating to segregation and storage; and collection and transportation) and Chapter 285 (relating to storage, collection and transportation of municipal waste).

\* \* \* \* \*

(3) The operator maintains at the facility in a readily accessible place the following information:

(i) For a processing facility identified in subsection (a), a written plan for managing [ infectious ] regulated medical waste generated at the facility, including waste handling, equipment operation and maintenance, processing method, disinfection monitoring procedures including quality assurance procedures, frequency of calibration and a description of how noninfectious waste is managed to prevent commingling.

\* \* \* \* \*

(5) The waste is disinfected in accordance with § 284.321 (relating to [ infectious ] regulated medical waste monitoring requirements).

\* \* \* \* \*

(8) Remaining waste is managed in accordance with the act and the regulations promulgated thereunder. For

onsite autoclave facilities [ which ] that do not render the waste unrecognizable, the [ processing residue ] treated or processed regulated medical waste shall be manifested in accordance with Subchapter H (relating to manifesting for [ infectious ] regulated medical and chemotherapeutic waste).

(9) For incineration facilities, an air quality permit shall be obtained as required under the Air Pollution Control Act (35 P. S. §§ 4001—4015).

[ (10) For facilities identified in subsection (a), notice is provided to the Department by the operator of a facility which indicates an intention to operate under permit-by-rule and which includes the following information:

- (i) The name and address of the facility.
- (ii) A description of the processing activity.
- (iii) The names and telephone numbers of the individuals responsible for operation of the processing facility.

(11) For facilities identified in subsection (a), the processed waste is disposed of in a landfill or processed in an incinerator that has obtained written approval from the Department to dispose or process the waste. ]

(d) Chapter 271, Subchapter E (relating to civil penalties and enforcement) is applicable to facilities subject to permit-by-rule.

\* \* \* \* \*

(f) [ Generators who qualify for a permit-by-rule may render the waste unrecognizable by processes such as thermal treatment, melting, encapsulation, shredding, grinding, tearing or breaking.

(g) ] The requirements under Chapter 271, Subchapter D (relating to financial assurances requirements) [ which ] that relate to bonding and insurance are waived for facilities [ which ] that are deemed to have a permit under this section.

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 284.3. Regulated medical waste aggregation facilities.

(a) Applicability. This section applies to operators of regulated medical waste aggregation facilities.

(b) Permit-by-rule for regulated medical waste aggregation facilities. The operator of an aggregation facility may operate under a permit-by-rule. For the operation of a regulated medical waste aggregation facility to be authorized by a permit-by-rule, the owner or operator shall:

- (1) Comply with the generator standards in Subchapter E (relating to segregation and storage).
- (2) Only accept the following regulated medical waste generated:
  - (i) Onsite or offsite by the operator of the aggregation facility.
  - (ii) By physicians in their independent practices or other medical personnel within the same building or complex of buildings.

(c) Noncompliance. The Department may require the operator of an aggregation facility operated under permit-by-rule to apply for and obtain a permit, or take other

appropriate action, when the generator is not in compliance with the requirements for the permit-by-rule or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment.

**Subchapter B. GENERAL PERMITS**

**GENERAL**

**§ 284.101. Authorization for general permits.**

(a) In accordance with this subchapter, the Department may issue general permits on a regional or Statewide basis for a category of mobile or stationary [ **infectious** ] **regulated medical** waste processing facilities or stationary chemotherapeutic waste processing facilities if the Department determines the following:

\* \* \* \* \*

(c) The Department may issue a general permit for the mixing of disinfection products with [ **infectious** ] **regulated medical** waste to perform processing.

(d) The Department may issue a general permit for the processing of mixtures of the same types of waste that are [ **infectious** ] **regulated medical** or residual wastes.

\* \* \* \* \*

(f) The Department will not issue a general permit for a commercial [ **infectious** ] **regulated medical** or chemotherapeutic waste processing facility, including commercial incinerators.

**§ 284.102. Nature of a general permit; substitution for individual applications and permits.**

(a) When the Department issues a general permit for [ **an infectious** ] **a regulated medical** or chemotherapeutic waste processing facility on either a regional or Statewide basis, persons or municipalities who intend to process [ **infectious** ] **regulated medical** or chemotherapeutic waste in accordance with the terms and conditions of the general permit may do so without filing an individual application for, and first obtaining, an individual permit.

(b) The use of an applicable general permit shall satisfy the requirement to obtain a permit in § 271.101 (relating to permit requirement) if the following are met:

\* \* \* \* \*

(2) The person or municipality conducting the processing activities is authorized to operate under the general permit at the time that the Department issued the general permit or under the applicable general permit in accordance with [ **§ 284.132 or** ] § 284.133 (relating to [ **determination of applicability; and** ] registration).

(c) Notwithstanding subsections (a) and (b), the Department may require a person or municipality authorized by a general permit to apply for, and obtain, an individual permit **if a general permit is not available to conduct an activity**, when the person or municipality is not in compliance with the conditions of [ **the** ] **a** general permit or is conducting an activity that harms or presents a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

**ISSUANCE OF A GENERAL PERMIT**

**§ 284.111. Application for general permit.**

(a) A person or municipality may apply to the Department for the issuance of a general permit for a specific

category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste.

(b) An application for the issuance of a general permit for processing [ **infectious** ] **regulated medical** or chemotherapeutic waste shall be submitted on a form prepared by the Department and shall contain the following:

\* \* \* \* \*

(2) A characterization of the waste as either [ **infectious** ] **regulated medical** or chemotherapeutic.

(3) An operation plan which contains the following:

\* \* \* \* \*

(ii) A description of the method proposed to receive [ **infectious** ] **regulated medical** or chemotherapeutic waste which ensures the waste is handled separately from other solid waste until processing and disposal, and that prevents unauthorized persons from having access to or contact with the waste.

\* \* \* \* \*

(iv) A description of the method proposed to unload and process [ **infectious** ] **regulated medical** or chemotherapeutic waste, limiting the number of persons handling the waste and minimizing the possibility of exposure of that waste to [ **employees** ] **employees** and the public using or visiting the facility.

(v) A description of the method proposed for disinfecting emptied, reusable [ **infectious** ] **regulated medical** waste containers, transport vehicles and facility equipment which are known or suspected to be contaminated with [ **infectious** ] **regulated medical** waste.

(vi) A description of the method proposed for handling and disposal of [ **infectious** ] **regulated medical** or chemotherapeutic waste containers which cannot be reused.

\* \* \* \* \*

(viii) A description of the means by which provisions will be made to require the use of clean gloves and clean uniforms along with other protective clothing to provide protection of [ **employees** ] **employees** against exposure to infectious or chemotherapeutic waste.

(ix) A description of the means by which provisions will be made to require decontamination of a person having had bodily contact with [ **infectious** ] **regulated medical** or chemotherapeutic waste while handling that waste at the facility.

(x) A description of the method proposed to quantify, on a weight basis, the maximum amount of [ **infectious** ] **regulated medical** or chemotherapeutic waste to be stored and processed each month.

\* \* \* \* \*

(xiii) A description of periodic testing using biological indicators which demonstrate effective disinfection of the waste, in accordance with § 284.321 (relating to [ **infectious** ] **regulated medical** waste monitoring requirements).

\* \* \* \* \*

(4) A contingency plan which provides procedures to be used for emergency situations including, at a minimum, spills of [ **infectious** ] **regulated medical** or chemotherapeutic waste and ruptures of containers containing

the waste. The plan shall include procedures for cleanup and disinfection of spill area, protection of personnel, disposal of spill residue and repackaging of the waste. The plan shall also include a description of an alternative waste handling system during periods when the proposed facility is not in operation, including procedures to be followed in the case of equipment breakdown. Alternate waste handling procedures may include use of standby equipment, extension of operating hours and contractual agreements for diversion of [ **infectious** ] **regulated medical** or chemotherapeutic waste to other facilities.

(5) A personnel training plan which describes the hiring of equipment operators and the training of personnel involved in the handling and processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste. The plan shall include a detailed explanation of the operation and contingency plans.

\* \* \* \* \*

(d) The application requirements in subsection (b) may be waived or modified for the mixing of disinfection products with [ **infectious** ] **regulated medical** waste to perform processing.

§ 284.112. **Completeness review.**

(a) After receipt of an application for the issuance of a general permit [ , or an application for a determination of applicability under § 284.132 (relating to determination of applicability) ], the Department will determine whether the application is administratively complete. For purposes of this subchapter, an application is administratively complete if it contains the necessary analyses, fees, documents and information, regardless of whether the analyses, fees, documents and information would be sufficient for the issuance of the permit [ or the determination of applicability ].

\* \* \* \* \*

§ 284.113. **Public notice and review period.**

\* \* \* \* \*

(b) The notice shall include:

(1) A brief description of the waste and the category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste which is identified in the application as a candidate for a general permit.

\* \* \* \* \*

§ 284.114. **Approval or denial of an application.**

The Department may not issue a general permit for a category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste unless the applicant has affirmatively demonstrated the following:

\* \* \* \* \*

§ 284.115. **Department-initiated general permits.**

(a) The Department may issue or modify a general permit for a category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste upon its own motion in accordance with this section.

\* \* \* \* \*

(c) The notice required by subsection (b) shall include the following:

(1) A clear and specific description of the category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste eligible for coverage under the proposed general permit.

\* \* \* \* \*

(5) The [ **Departmental** ] **Department** address and telephone number at which interested persons or municipalities may obtain further information and review a copy of the proposed general permit.

\* \* \* \* \*

(*Editor's Note:* The following section is new and printed in regular type to enhance readability.)

§ 284.116. **General permit renewal.**

(a) A person or municipality that plans to process regulated medical or chemotherapeutic waste after the expiration of the term in the general permit shall file notice to the Department of intent to continue operating under the permit at least 180 days before the expiration date of the permit. The notice must include updated registration information on forms provided by the Department, a check payable to the "Commonwealth of Pennsylvania" for \$250 and any suggested changes to the terms or conditions of the permit.

(b) A permit renewal may include all persons or municipalities that have applied for renewal within the time period provided in subsection (a). A person or municipality that does not meet the time period in subsection (a) shall be required to register under a renewed general permit.

(c) At least 120 days prior to the permit expiration, the Department will provide public notice of the permit renewal along with an update of the terms or conditions in accordance with the public notice requirements of § 284.115 (relating to Department-initiated general permits.)

(d) General permits will be renewed for a maximum term of 10 years.

(e) If the Department is unable to reissue the general permit prior to its expiration date, the Department may extend the term of a general permit for a period not to exceed 1 year for any permittee that is operating in compliance with the terms and conditions of the general permit and the environmental statutes and regulations of the Commonwealth.

CONTENT OF GENERAL PERMITS AND [ **WAIVERS** ] **MODIFICATIONS**

§ 284.121. **Contents of general permits.**

Each general permit issued by the Department will include, at a minimum:

(1) A clear and specific description of the category of processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste eligible for coverage under the general permit.

\* \* \* \* \*

(3) A specification of registration [ or determination of applicability ] requirements established in accordance with § 284.131 (relating to authorization for persons or municipalities to be included in a general permit) and the fee imposed on registrants [ or applicants ] for coverage under the general permit.

\* \* \* \* \*

(8) A requirement that waste be accompanied by a properly completed manifest, in accordance with Subchapter H (relating to manifesting for [ **infectious** ] **regulated medical** and chemotherapeutic waste)[ , when appropriate ] .

(9) A requirement that waste be delivered by a licensed transporter in accordance with Subchapter G (relating to transporter licensing for [ **infectious** ] **regulated medical** and chemotherapeutic waste), when appropriate.

\* \* \* \* \*

(11) A requirement that the processing residue be [ **disposed of in a landfill that has obtained written approval by the Department to dispose of the waste** ] **managed in accordance with the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations promulgated thereunder.**

(12) A requirement that an up-to-date list of names, addresses and telephone numbers of [ **employees** ] **employees** that have been designated by the permittee to respond to emergencies at the processing facility be maintained at the facility.

(13) A requirement that individual [ **employee** ] **employee** training records be maintained at the processing facility.

\* \* \* \* \*

(18) [ **A requirement that autoclaves meet the following:** ] **A prohibition against processing pathological waste or chemotherapeutic waste in an autoclave.**

[ (i) **Processing of pathological waste is prohibited.**

(ii) **The retention time for processing bulk fluids (greater than 500 ml) allows for the complete vaporization of fluids.** ]

§ 284.122. [ **Waiver or modification** ] **Modification of certain requirements.**

\* \* \* \* \*

(b) For an operation that is approved under this subchapter, the Department may [ **waive or** ] modify any application and operating requirements in this article[ , **except the Department may not waive § 271.123 and may not waive or modify Chapter 271, Subchapter A, §§ 271.124, 271.125, 271.129 and Chapter 271, Subchapter E** ] .

REGISTRATION [ **AND DETERMINATION OF APPLICABILITY** ]

§ 284.131. **Authorization for persons or municipalities to be included in a general permit.**

(a) A person or municipality is authorized to operate under a general permit if [ **one of the following occurs:**

(1) **If the applicable general permit requires persons or municipalities to register with the Department prior to operating under the general permit,** ] the person or municipality has registered in accordance with the terms of the general permit and the requirements of this subchapter.

[ (2) **If the applicable general permit requires persons or municipalities to apply for and obtain a determination of applicability from the Department prior to operating under the general permit, and the Department has made this determination.** ]

(b) Registration [ **or application** ] requirements and time limits, if any, shall be set forth in the general permit governing each category of processing [ **infectious** ] **regulated medical** or chemotherapeutic waste. The general permit shall also set forth the area or region within which each category of processing is allowed.

(c) At a minimum, the registration [ **or application for determination of applicability shall** ] **must include:**

\* \* \* \* \*

(2) A description of the waste, including a characterization of the waste as either [ **infectious** ] **regulated medical** or chemotherapeutic, that will be processed in accordance with the general permit.

\* \* \* \* \*

(6) A signed and notarized statement by the person or municipality conducting the activity authorized by the general permit, on a form prepared by the Department, which states that the person or municipality agrees to accept the conditions imposed by the general permit for processing of [ **infectious** ] **regulated medical** or chemotherapeutic waste under the general permit.

(d) A person or municipality that registers for coverage under a general permit [ **or applies to the Department for a determination of applicability of a general permit** ] shall submit a copy of the registration [ **or application** ] to each municipality in which the processing activity will be located. The submission shall occur at the same time that the person or municipality files the registration [ **or application** ] with the Department.

§ 284.132. [ **Determination of applicability** ] (Reserved).

[ **If a general permit specifies that potential users of the permit shall obtain a determination of applicability from the Department prior to conducting the activity authorized by the general permit, the procedures in this section shall be followed in addition to those stated in § 284.131 (relating to authorization for persons or municipalities to be included in a general permit):**

(1) **An application for a determination of applicability shall be accompanied by a nonrefundable fee in the form of a check payable to the “Commonwealth of Pennsylvania” for \$500.**

(2) **The Department will provide notice in the Pennsylvania Bulletin of each application for a determination of applicability for a general permit which the Department has determined to be administratively complete. The Department may indicate in the notice that interested persons or municipalities may submit comments to the Department within a 60-day period. If a comment period is provided, counties may recommend to the Department conditions, revisions or disapproval of the application. The Department may hold a public meeting or public hearing on an application for determination of applicability for a general permit.**

(3) The Department will make a determination that a general permit is or is not applicable to an activity for which an application for determination of applicability is filed within 60 days from the publication of the notice under paragraph (2) or, if a comment period is provided, within 120 days after publication of the notice. The time period does not include periods beginning with the date the Department has requested in writing that the applicant make substantive corrections or changes to the application and ending with the date that the applicant submits corrections or changes to the Department's satisfaction. Failure by the Department to comply with this timetable will not be construed or understood to constitute grounds for a determination that the general permit applies to the proposed activity.

(4) The Department will determine that the general permit does not apply to the proposed processing activity and deny coverage under the general permit if the applicant fails to demonstrate the following to the Department's satisfaction:

(i) That the proposed activity is consistent with the terms and conditions of the general permit.

(ii) That the activity does not have the potential to harm or present a threat of harm to the health, safety or welfare of the people or the environment of this Commonwealth.

(5) The Department will publish notice of its decision regarding each determination of applicability in the *Pennsylvania Bulletin*. If a county has made recommendations to the Department concerning conditions, revisions or disapproval of the permit during a 60-day comment period, and the Department has overridden the recommendations, the Department will publish its justification for overriding the recommendations in the *Pennsylvania Bulletin*. The applicant for a determination of applicability for coverage under a general permit shall provide written notice to each municipality in which the applicant intends to operate pursuant to the general permit.

(6) The Department may amend, suspend or revoke coverage under a general permit if the waste or the activity is not consistent with the terms and conditions of the general permit. ]

**Subchapter C. TRANSFER FACILITIES**

**§ 284.201. Scope.**

This subchapter sets forth application and operating requirements for a person or municipality that operates a transfer facility for [ **infectious** ] **regulated medical** or chemotherapeutic waste. The requirements in this subchapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

**§ 284.210. Application requirements.**

An application to operate a transfer facility shall comply with §§ 279.101—279.111 [ **(relating to general requirements)** ].

**§ 284.220. Operating requirements.**

A person or municipality that operates a transfer facility shall comply with [ §§ 279.201, 279.202, 279.211—279.223, 279.231—279.234, 279.241—279.243, 279.251, 279.252, 279.261 and 279.262 ] Chapter 279,

Subchapters A and C (relating to general; and operating requirements for transfer facilities).

**Subchapter D. PROCESSING FACILITIES**

**§ 284.301. Scope.**

This subchapter sets forth application and operating requirements for a person or municipality that operates a processing facility, other than a transfer or composting facility, for [ **infectious** ] **regulated medical** or chemotherapeutic waste. The requirements in this subchapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

**§ 284.311. Plan for monitoring.**

An application for a processing facility for [ **infectious** ] **regulated medical** waste shall contain a plan, including necessary designs, procedures and test protocols on forms provided by the Department, for meeting the requirements of § 284.321 (relating to [ **infectious** ] **regulated medical** waste monitoring requirements), including the following:

\* \* \* \* \*

**§ 284.320. Operating requirements.**

A person or municipality that operates a processing facility shall comply with [ §§ 283.201, 283.202, 283.211—283.223, 283.231—283.234, 283.241, 283.242, 283.251—283.253, 283.261, 283.262, 283.271 and 283.272 ] Chapter 283, Subchapter C (relating to operating requirements).

**§ 284.321. [ Infectious ] Regulated medical waste monitoring requirements.**

(a) A person or municipality that disinfects [ **infectious** ] **regulated medical** waste shall monitor the waste to ensure the following:

\* \* \* \* \*

(2) For other disinfection processes, both of the following are met:

(i) The process shall be capable of inactivating [ **vegetative bacteria, fungi, lipophilic/hydrophilic viruses, parasites and** ] mycobacteria at a 6 log 10 reduction or greater.

(ii) The process shall be capable of inactivating [ **B.** ] **Geobacillus stearothermophilus** spores, [ **B.** ] **Bacillus pumilus** or [ **B. subtilis** ] **Bacillus atropheus** spores at a 4 log 10 reduction or greater.

(b) The operator of a facility that incinerates or thermally processes [ **infectious** ] **regulated medical** waste shall submit to the Department a microbiological analysis of a composite sample of the processing or ash residue on forms provided by the Department at [ **a minimum, quarterly** ] **least annually** during the life of the facility.

(c) The operator of a facility that incinerates [ **infectious** ] **regulated medical** waste shall submit to the Department, at least annually during the life of the facility, a chemical analysis of composite samples of the ash residue on forms provided by the Department.

(d) If the facility disinfects [ **infectious** ] **regulated medical** waste by means other than incineration or thermal processing, the operator shall perform a microbiological analysis of indicators removed from the pro-

cessed waste. The analysis shall be conducted at a minimum, every 40 hours during the operational life of the facility, unless otherwise provided in a permit. The analyses shall be made available to the Department upon request.

(e) Unless the Department approves another indicator or test in writing, the following indicators shall be used to establish and verify the following processes:

(1) For autoclaving, spores of [ **Bacillus** ] **Geobacillus** stearothermophilus.

(2) For dry heat, gas or chemical disinfection, spores of **Bacillus** [ **subtilis** ] **atrophaeus** variety niger (globigii). Ethylene oxide may not be used for gas disinfection.

\* \* \* \* \*

(f) Indicators used for methods of disinfection other than incineration or thermal processing shall be located prior to disinfection at a point **within the load** where disinfection will be most difficult to achieve.

(g) [ **Infectious** ] **Regulated medical** waste will be considered to be infectious after disinfection, unless one of the following has occurred:

\* \* \* \* \*

(i) Ash or other processing residue shall be stored in accordance with § 284.418 or § 284.419 (relating to storage and containment of ash residue from [ **infectious** ] **regulated medical** or chemotherapeutic waste incineration; and storage and containment of processing residue from [ **an infectious** ] **a regulated medical** or chemotherapeutic waste **processing** facility).

(j) Ash or other processing residue shall be transported in accordance with § 284.511 or § 284.514 (relating to transportation of ash residue from [ **infectious** ] **regulated medical** or chemotherapeutic waste incineration; and transportation of processing residue from [ **an infectious** ] **a regulated medical** or chemotherapeutic waste facility).

(k) Compactors, grinders or similar devices may not be used to reduce the volume of [ **infectious** ] **regulated medical** waste before the waste has been rendered noninfectious. If the volume reduction device is within a continuous, enclosed disinfection process and part of one processing system, then the reduction device may be used.

(l) The operator of [ **an infectious** ] **a regulated medical** waste processing facility shall dispose of ash or other processing residue from the facility in a landfill that has been approved by the Department to accept the waste, if the waste is disposed in this Commonwealth.

(m) [ **In addition to other applicable requirements, an autoclave facility shall comply with the following: ] An autoclave facility shall comply with all applicable requirements and is prohibited from processing pathological waste or chemotherapeutic waste.**

[ (1) **The processing of pathological waste is prohibited.**

(2) **The facility shall maintain a retention time for processing bulk fluids (greater than 500 ml) which allows for the complete vaporization of fluids. ]**

(n) **Unless otherwise approved in writing by the Department, an operator of an autoclave facility shall employ the procedures in § 284.322 (relating to autoclave validation testing requirements) to validate the operating parameters and protocols of the processing equipment. These procedures shall be employed in the following circumstances:**

(1) **When a new autoclave is installed.**

(2) **When an autoclave is modified with respect to hardware, software, controls or ancillary equipment.**

(3) **To validate existing systems by \_\_\_\_\_, (Editor's Note: The blank refers to 6 months after the effective date of adoption of this proposed rulemaking.) and at a frequency specified by the manufacturer, but not less than 1 year.**

(4) **When a significant change in the waste stream occurs or a problem is evident.**

(o) **The facility shall maintain a record of the autoclave validation testing protocols and procedures.**

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

**§ 284.322. Autoclave validation testing requirements.**

Autoclave operating parameters shall be established in accordance with the following:

(1) For facilities with one autoclave or multiple autoclaves that are not identical, each autoclave must have an initial validation test that establishes its operating parameters.

(2) For facilities with multiple autoclaves that are identical, one autoclave may have an initial validation test that establishes the operating parameters for all identical autoclaves at that facility.

(3) Autoclaves shall be tested using the manufacturer's recommended vacuum pulse plan, operating temperature, operating pressure and residence time at the maximum weight and with the most difficult heat transfer challenge anticipated with the indicators located where disinfection would be most difficult to achieve.

(4) If multiple vacuum pulse plans, residence times, temperatures and pressures are recommended, the autoclave shall be tested to validate its performance at each recommended vacuum pulse plan, residence time, temperature and pressure. If a test fails, more stringent operating parameters shall be used incrementally until a satisfactory test and set of operating parameters is determined.

(5) Autoclave operating parameters must be validated to achieve a minimum of 250°F or 121°C measured at a point where disinfection would be most difficult to achieve.

(6) The residence time required to achieve a 6 log 10 reduction of mycobacteria and a 4 log 10 reduction of *Geobacillus stearothermophilus* spores for the level of heat transfer challenge selected shall be the residence time set into that autoclave's controls.

(7) The vacuum pulse plan, residence time, operating temperature and operating pressure established in the validation test form the permitted operating parameters for the autoclave tested.

## Subchapter E. SEGREGATION AND STORAGE

## § 284.401. Scope.

This subchapter sets forth operating requirements for a person or municipality that stores [infectious] regulated medical or chemotherapeutic waste, ash residue from [infectious] regulated medical or chemotherapeutic waste incineration and processing residue from [an infectious] a regulated medical or chemotherapeutic waste processing facility. The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions) and the requirements in §§ 285.111—285.115 and 285.121 [relating to general; and types of storage].

## § 284.411. [Basic storage requirements] Segregation.

[ (a) Infectious and chemotherapeutic waste shall be stored and contained in a manner that:

(1) Maintains the integrity of the containers, prevents the leakage or release of waste from the containers and provides protection from water, rain and wind.

(2) Prevents the spread of infectious or chemotherapeutic agents.

(3) Affords protection from animals and does not provide a breeding place or a food source for insects or rodents.

(4) Maintains the waste in a nonputrescent state, using refrigeration ( $\leq 7^{\circ}\text{C}$ ) or freezing ( $\leq -18^{\circ}\text{C}$ ) when necessary.

(5) Prevents odors from emanating from the container.

(6) Prevents unauthorized access to the waste. As part of this requirement, the following shall be met:

(i) Enclosures and containers used for storage of infectious or chemotherapeutic waste shall be secured to deny access to unauthorized persons.

(ii) Enclosures and containers shall also be marked with prominent warning signs indicating the storage of infectious or chemotherapeutic waste.

(b) Enclosures at a waste generating or processing facility that are used for the storage of infectious or chemotherapeutic waste shall be constructed of finish materials that are impermeable and capable of being readily maintained in a sanitary condition. Storage areas shall be ventilated to minimize human exposure to the exhaust air.

(c) Infectious and chemotherapeutic waste may not be commingled with other waste.

(d) The generator may store infectious and municipal waste that has been sorted and separately containerized on the same cart for movement to an onsite processing or disposal facility. Chemotherapeutic waste may also be stored on the cart with municipal and infectious waste if it is sorted and separately containerized and if it is moved to an onsite incinerator.]

(a) Regulated medical waste and chemotherapeutic waste shall be segregated at the point of origin at the generating facility into the following three categories:

(1) Regulated medical waste, excluding pathological waste.

(2) Pathological waste.

(3) Chemotherapeutic waste.

(b) Each category of waste segregated under subsection (a) shall be placed in a separate container, except used sharps that qualify as regulated medical waste, which may be placed in a chemotherapeutic waste sharps container.

(c) When bags are used as containers to segregate the waste, the bags must be fluorescent orange, orange-red or red in color for regulated medical waste and yellow in color for chemotherapeutic waste.

(d) When bags are used to segregate and store the waste, the requirements of § 284.413 (relating to storage containers) must be satisfied.

## § 284.412. [Sorting] Basic storage requirements.

[ (a) Infectious and chemotherapeutic waste shall be placed in separate containers from other waste at the point of origin in the generating facility.

(b) Infectious and chemotherapeutic waste may be stored together in the same container if approved in writing by the Department.

(c) Used sharps, regardless of whether they are infectious or chemotherapeutic waste, may be stored in the same container if the requirements of §§ 284.413(a) and 284.415(a) and (b) (relating to duration of storage of infectious waste for generators; and storage containers) are met.

(d) Infectious waste shall be sorted at the point of origin in the generating facility into the following three classes, and each class shall be placed in a separate container:

(1) Used sharps.

(2) Fluids—quantities greater than 20 cubic centimeters.

(3) Other infectious waste.

(e) Chemotherapeutic waste shall be sorted at the point of origin in the generating facility into the following three classes, and each class shall be placed in a separate container:

(1) Used sharps.

(2) Fluids.

(3) Other chemotherapeutic waste.

(f) Sorted and separately containerized infectious waste may be placed together into another container for onsite handling or offsite transportation.]

(a) After regulated medical and chemotherapeutic waste has been segregated and collected for transportation to an onsite or offsite processing facility, the waste shall be stored and contained in a manner that:

(1) Maintains the integrity of the containers, prevents the leakage or release of waste from the containers and provides protection from water, rain and wind.

(2) Prevents the spread of regulated medical waste or chemotherapeutic agents.



(3) Affords protection from animals and does not provide a breeding place or a food source for insects or rodents.

(4) Maintains the waste in a nonputrescent state, using refrigeration ( $\leq 4^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ ) or freezing ( $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ ) when necessary.

(5) Prevents odors from emanating from the container.

(6) Prevents unauthorized access to the waste. As part of this requirement, the following shall be met:

(i) Enclosures and containers used for storage of regulated medical or chemotherapeutic waste shall be secured to deny access to unauthorized persons.

(ii) Enclosures and containers shall be marked with prominent warning signs indicating the storage of regulated medical or chemotherapeutic waste.

(b) Enclosures at a waste generating or processing facility that are used for the storage of regulated medical or chemotherapeutic waste must be constructed of finish materials that are impermeable and capable of being readily maintained in a sanitary condition. Exhaust air from storage areas must be ventilated to minimize human exposure.

(c) Regulated medical and chemotherapeutic waste may not be commingled with other waste.

(d) The generator may store regulated medical and municipal waste that has been sorted and separately containerized on the same cart for movement to an onsite processing or disposal facility. Chemotherapeutic waste may also be stored on the cart with municipal and regulated medical waste if it is sorted and separately containerized and if it is moved to an onsite incinerator.

§ 284.413. [ Duration of storage of infectious waste for generators ] Storage containers.

[ (a) Generators that store infectious or chemotherapeutic waste onsite shall meet the following requirements:

(1) Infectious waste, excluding used sharps, may be stored at room temperature until the storage container is full, but for no longer than 30 days from the date waste was first placed in the container.

(2) A storage container filled with infectious waste may be stored in a refrigeration unit for up to 30 days from the date waste was first placed in the container.

(3) A storage container of infectious waste that has been filled within 30 days from the date waste was first placed in the container may be frozen immediately for up to 90 days from the date waste was first placed in the container.

(b) If the infectious waste becomes putrescent during the storage period identified in subsection (a), the waste shall be moved offsite within 24 hours for processing or disposal.

(c) Used sharps containers may be used until full as long as the storage is in accordance with § 284.411 (relating to basic storage requirements). ]

(a) Regulated medical and chemotherapeutic waste shall be placed in containers that are:

(1) Leakproof.

(2) Impervious to moisture.

(3) Sufficient in strength to prevent puncturing, tearing or bursting during storage.

(b) In addition to the requirements of subsection (a), used sharps shall be placed in containers that are:

(1) Rigid.

(2) Tightly lidded.

(3) Puncture resistant.

(c) In addition to the requirements of subsection (a), regulated medical waste fluids in quantities greater than 20 cubic centimeters and chemotherapeutic waste fluids shall be placed in containers that are:

(1) Break resistant.

(2) Tightly lidded or tightly stoppered.

(d) When bags are used as the only container, double or multiple bagging shall be employed and the following requirements shall be met:

(1) Upon packaging, the bags shall be securely tied.

(2) The bag must be constructed of material of sufficient single thickness strength to meet the following:

(i) The ASTM Standard D1709, *Test Method for Impact Resistance of Polyethylene Film by the Free Falling Dart Method*, with an impact resistance of 165 grams or greater (Method A).

(ii) The ASTM Standard D1922, *Propagation Tear Resistance of Plastic Film and Thin Sheeting by Pendulum Method*, with a tearing resistance, parallel and perpendicular to the length of the bag, of 480 grams.

(iii) If the standards in subparagraphs (i) and (ii) are modified by ASTM, the standard that is in effect on the date of manufacture of the bags shall be applied.

(3) Bags must include one of the following certifications indicating that the ASTM standards have been met:

(i) Each bag must contain a printed certification by the manufacturer.

(ii) The manufacturer may issue a certification letter to the regulated medical or chemotherapeutic waste generator and print a certification on each packaged lot of the bags.

(4) Bags must have sufficient seam strength that is at least equal in resistance to tearing and equally impermeable as the other portions of the bag.

(5) Bags must be fluorescent orange, orange-red or red in color for regulated medical waste and yellow in color for chemotherapeutic waste and contain colorants that are organic pigments with no heavy metal content.

§ 284.414. [ Duration of storage of infectious waste for processors ] Marking of containers.

[ If the waste processing facility is separate from the waste generating facility, infectious waste may not be stored at the waste processing facility for

more than the following periods unless other periods are approved in a permit:

- (1) Seventy-two hours at a temperature  $\leq 28^{\circ}\text{C}$ .
- (2) Seven days in a refrigerator at  $\leq 7^{\circ}\text{C}$ .
- (3) Thirty days in a freezer at  $\leq -18^{\circ}\text{C}$ . ]

(a) For onsite or offsite transportation of regulated medical or chemotherapeutic waste, the following information must be provided on the outermost container:

(1) The words "chemotherapeutic waste" if chemotherapeutic waste is containerized.

(2) Until \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), the words "infectious waste" or "regulated medical waste" if regulated medical waste is containerized.

(3) After \_\_\_\_\_ (*Editor's Note: The blank refers to 1 year after the effective date of adoption of this proposed rulemaking.*), the words "regulated medical waste" if regulated medical waste is containerized.

(4) The universal biohazard symbol that conforms to the design in 29 CFR 1910.1030(g)(1)(i)(B) (relating to bloodborne pathogens) and the word "BIOHAZARD."

(5) The date the container was full or the date that the generator sealed the container, whichever occurs earlier. If the container is a roll-off and the date is not recorded on the roll-off, a record of the date must be maintained at the generating facility and available for inspection by the transporter or Department for 1 year.

(b) For offsite transportation of regulated medical or chemotherapeutic waste, the following information must be provided on the outermost container:

(1) The name, address and telephone number of the generator.

(2) The name of the transporter and, if applicable, Department-issued regulated medical and chemotherapeutic waste transporter license number.

(c) Nonwall-mounted used sharps containers storing regulated medical waste must have fluorescent orange, orange-red or red markings and chemotherapeutic waste must have yellow markings. The markings must sufficiently identify the waste as regulated medical or chemotherapeutic waste.

(d) The information required under this section must be clearly legible and produced with indelible ink in a color that contrasts with the color of the container, such as black. If a label is used to provide the information, the label must be securely attached to the container.

§ 284.415. [ Storage containers ] Duration of storage of regulated medical waste for generators.

[ (a) Infectious and chemotherapeutic waste shall be placed in containers that are:

- (1) Leakproof.
- (2) Impervious to moisture.

(3) Sufficient in strength to prevent puncturing, tearing or bursting during storage.

(b) In addition to the requirements of subsection (a), used sharps shall be stored in containers that are:

- (1) Rigid.
- (2) Tightly lidded.
- (3) Puncture resistant.

(c) In addition to the requirements of subsection (a), infectious waste fluids—quantities greater than 20 cubic centimeters—and chemotherapeutic waste fluids shall be stored in containers that are:

- (1) Break resistant.
- (2) Tightly lidded or tightly stoppered.

(d) When bags are used as the only storage container, double or multiple bagging shall be employed and the following requirements shall be met:

(1) Upon packaging, the bags shall be securely tied.

(2) The bag shall be constructed of material of sufficient single thickness strength to meet the following:

(i) The ASTM standard D1709-91, *Test Method for Impact Resistance of Polyethylene Film by the Free Falling Dart Method*, with an impact resistance of 165 grams or greater (Method A).

(ii) The ASTM standard D1922-89, *Propagation Tear Resistance of Plastic Film and Thin Sheeting by Pendulum Method*, with a tearing resistance, parallel and perpendicular to the length of the bag, of 480 grams.

(iii) If the standards in subparagraphs (i) and (ii) are modified by ASTM, the standard that is in effect on the date of manufacture of the bags shall be applied.

(3) Bags shall include one of the following certifications indicating that the ASTM standards have been met:

(i) Each bag shall contain a printed certification by the manufacturer.

(ii) The manufacturer may issue a certification letter to the infectious or chemotherapeutic waste generator and print a certification on each packaged lot of the bags.

(4) Bags used as containers shall have sufficient seam strength that is at least equal in resistance to tearing and equally impermeable as the other portions of the bag.

(5) Bags used as containers shall be yellow in color for each package of chemotherapeutic waste and fluorescent orange, orange-red or red in color for each package of infectious waste and shall be labeled in accordance with § 284.416(c) (relating to marking of containers).

(e) Fluorescent orange, orange-red or red or yellow containers shall contain colorants which are organic pigments with no heavy metal content.

(f) With the exception of persons who work at a small quantity generator's operation, where less than 220 pounds of infectious and chemotherapeutic waste is generated per month, persons packaging

ing infectious or chemotherapeutic waste for offsite transportation shall wear:

- (1) Protective overalls.
  - (2) Heavy gloves of neoprene or equivalent materials. ]
- (a) Generators that store regulated medical waste onsite shall record on the container the date that the container was full or the date that the generator sealed the container, whichever occurs earlier. If the container is a roll-off and the date is not recorded on the roll-off, a record of the date must be maintained at the generating facility for 1 year.

(b) Regulated medical waste may not be stored for longer than 30 days from the date that the storage container is full or sealed by the generator, whichever occurs earlier.

(c) If the regulated medical waste becomes putrescent during the storage period identified in subsection (b), the waste shall be moved offsite within 3 business days for processing or disposal.

§ 284.416. [ Marking of containers ] Duration of storage of regulated medical waste for processors.

[ (a) The outermost container for each package of infectious or chemotherapeutic waste for offsite transportation shall be labeled immediately after packing. The label shall be securely attached and shall be clearly legible. Indelible ink shall be used to complete the information on the label. If hand-written, the label shall be at least 3 inches by 5 inches in dimension.

(b) The following information shall be included on the label:

- (1) The name, address and telephone number of the generator.
- (2) The date the waste was generated.
- (3) The name of the transporter and, if applicable, Department-issued infectious and chemotherapeutic waste transporter license number.

(c) The following information shall be printed on the outermost container or bag for each package of infectious or chemotherapeutic waste for either onsite movement or offsite transportation:

- (1) The words “infectious waste” or “chemotherapeutic waste,” whichever is applicable.
- (2) The universal biohazard symbol that conforms to the design shown in regulations of the United States Occupational Safety and Health Administration at 29 CFR 1910.145(f)(8)(ii) (relating to specifications for accident prevention signs and tags).

(d) The color coding scheme for infectious and chemotherapeutic waste bags and nonwall-mounted used sharps containers shall be fluorescent orange, orange-red or red in color, or predominately so, for infectious waste and yellow in color, or predominately so, for chemotherapeutic waste, with lettering and symbols in a contrasting color (for example, black).

(e) Stationary waste storage containers shall be lined with the appropriate colored bag for infectious or chemotherapeutic waste. ]

If the waste processing facility is separate from the waste generating facility, regulated medical

waste may not be stored at the waste processing facility for more than the following periods unless other periods are approved in a permit:

- (1) Seventy-two hours at a temperature  $\leq 25^{\circ}\text{C}$  or  $\leq 77^{\circ}\text{F}$ .
- (2) Seven days in a refrigerator at  $\leq 7^{\circ}\text{C}$  or  $\leq 45^{\circ}\text{F}$ .
- (3) Thirty days in a freezer at  $\leq -18^{\circ}\text{C}$  or  $\leq 0^{\circ}\text{F}$ .

§ 284.417. Reuse of containers.

(a) Nonrigid containers shall be managed as either [ infectious ] regulated medical or chemotherapeutic waste, based upon the contents of the container. These containers may not be reused.

(b) Corrugated fiberboard containers used for storage of [ infectious ] regulated medical or chemotherapeutic waste may be reused if the surface of the container has been protected from direct contact with the waste.

(c) A rigid, nonfiberboard container used for the storage of [ infectious ] regulated medical waste or chemotherapeutic waste may be reused if one of the following applies:

\* \* \* \* \*

(2) The surface of the container has been protected from direct contact with [ infectious ] regulated medical and chemotherapeutic waste, as applicable.

[ (d) A rigid container used for the storage of chemotherapeutic waste may be reused if the surface of the container has been protected from direct contact with chemotherapeutic waste. ]

§ 284.418. Storage and containment of ash residue from [ infectious ] regulated medical or chemotherapeutic waste incineration.

(a) Ash residue from [ infectious ] regulated medical or chemotherapeutic waste incineration shall be stored in accordance with the following:

\* \* \* \* \*

(2) On a pad for collecting a spill or release of ash that is no more permeable than  $1 \times 10^{-7}$  cm./sec.

(3) [ To ] In a manner to prevent the release, dispersal or discharge of ash residue into the air, water or onto land.

\* \* \* \* \*

§ 284.419. Storage and containment of processing residue from [ an infectious ] a regulated medical or chemotherapeutic waste processing facility.

(a) Processing residue from [ infectious ] regulated medical or chemotherapeutic waste processing facilities shall be stored in an enclosed container, which may include a properly tarped container, or in an enclosed area, which may include an adequately ventilated building, in order to:

\* \* \* \* \*

(b) Processing residue from [ an infectious ] a regulated medical or chemotherapeutic waste processing facility may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

Subchapter F. COLLECTION AND TRANSPORTATION

GENERAL

§ 284.501. Scope.

This subchapter sets forth the requirements for a person or municipality that collects and transports [infectious] regulated medical or chemotherapeutic waste, ash residue from [infectious] regulated medical or chemotherapeutic waste incineration and processing residue from [an infectious] a regulated medical or chemotherapeutic waste processing facility.

TYPES OF WASTE

§ 284.511. Transportation of ash residue from [infectious] regulated medical or chemotherapeutic waste incineration.

(a) Ash residue from [infectious] regulated medical or chemotherapeutic waste incineration shall be wetted immediately prior to loading, and shall remain wetted during transportation and unloading at a municipal waste landfill, to prevent the dispersal of ash residue.

(b) Ash residue from [infectious] regulated medical or chemotherapeutic waste incineration shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(c) [A transporter shall transport separately each generator's ash residue from infectious or chemotherapeutic waste.] A generator's ash residue from regulated medical or chemotherapeutic waste incineration shall be transported separately from the ash residue of other generators.

(d) [A transporter may transport ash residue from an infectious or chemotherapeutic waste incinerator that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.] Municipal waste from a generator may be commingled and transported with the generator's ash residue from regulated medical and chemotherapeutic waste incineration if the municipal waste and ash residue is being transported separately from the waste of other generators.

§ 284.512. Transportation of [infectious] regulated medical and chemotherapeutic waste; general provisions.

(a) General. This section sets forth general requirements for a person or municipality that transports [infectious] regulated medical or chemotherapeutic waste. Section 284.513 (relating to transportation of [infectious] regulated medical and chemotherapeutic waste; additional provisions) sets forth additional provisions relating to the transportation of the waste.

(b) Manner of transportation. [Infectious] Regulated medical and chemotherapeutic waste shall be transported in a manner that:

\* \* \* \* \*

(4) Maintains the waste in a nonputrescent state, using refrigeration (≤7°C or ≤45°F) or freezing (≤-18°C or ≤0°F) when necessary.

\* \* \* \* \*

(c) Containers.

(1) [Infectious] Regulated medical and chemotherapeutic waste shall be transported in containers that are:

\* \* \* \* \*

(iv) Sufficient in strength to prevent puncturing, tearing or bursting during transportation. [A single-walled, corrugated fiberboard container shall be of a classified strength of at least 200 pounds per square inch, with a gross weight limit of at least 65 pounds at the time the container is manufactured. Compliance with these requirements shall be certified on the container by the manufacturer.]

(v) Labeled in accordance with the requirements in § 284.414 (relating to marking of containers).

(2) In addition to the requirements of paragraph (1), used sharps shall be transported in containers that are tightly lidded.

(3) In addition to the [requirement] requirements of paragraph (1), [infectious] regulated medical waste fluids—quantities greater than 20 cubic centimeters—and chemotherapeutic waste fluids shall be transported in containers that are:

\* \* \* \* \*

(4) Bags meeting the requirements of § [284.415] 284.413 (relating to storage containers) may be used to meet the requirements of this subsection that containers be leakproof and impervious to moisture.

(d) [Infectious and chemotherapeutic waste may not be transported in the same containers, unless approved in writing by the Department. Infectious and chemotherapeutic waste shall be transported in separate vehicles from those used for other waste.

(e) Type of vehicles. Vehicles for transporting [infectious] regulated medical or chemotherapeutic waste shall be noncompaction type vehicles.

(e) Commingling of waste. Regulated medical or chemotherapeutic waste may not be commingled with municipal waste or transported in the same vehicle as residual waste.

(f) Cleaning of vehicles. Load compartments of vehicles holding [infectious] regulated medical or chemotherapeutic waste for transportation shall be constructed of materials that are impermeable and easily cleaned. Surfaces of vehicles that have been in direct physical contact with [infectious] regulated medical or chemotherapeutic waste, because of a leak in the bag or container or because of another reason, shall be decontaminated as soon as possible after unloading.

(g) Refrigeration. [Infectious] Regulated medical waste may [not] be kept in an unrefrigerated transport vehicle for [more than 48] up to 72 hours provided the waste is not putrescent. If the vehicle is refrigerated (≤7°C or ≤45°F) or maintained at freezing temperatures (≤-18°C or ≤0°F), the in-transit storage period may not exceed 5 days.

(h) **Chutes.** Chutes may not be used by generators, processors or transporters to transfer [ **infectious** ] **regulated medical** or chemotherapeutic waste at onsite or offsite locations.

§ 284.513. Transportation of [ **infectious** ] **regulated medical** and chemotherapeutic waste; additional provisions.

(a) This section sets forth additional requirements for the transportation of [ **infectious** ] **regulated medical** and chemotherapeutic waste. This section does not apply to vehicles used by a generator of less than 220 pounds of [ **infectious** ] **regulated medical** and chemotherapeutic waste per month for transporting [ **waste that he generated** ] **the generator's own waste**.

(b) Vehicles for transporting [ **infectious** ] **regulated medical** or chemotherapeutic waste shall be identified on the two sides and back of the cargo compartment with the following:

(1) The transporter's Department-issued [ **infectious** ] **regulated medical** and chemotherapeutic waste license number, if applicable.

(2) A placard or decal containing the phrase "[ **infectious** ] **regulated medical** waste" or "chemotherapeutic waste," or both, **as applicable**, and the universal biohazard symbol that conforms to the design shown in the United States Occupational Safety and Health Administration's regulations at [ **29 CFR 1910.145(f)(8)(ii) (relating to specifications for accident prevention signs and tags)** ] **29 CFR 1910.1030(g)(1)(i)(B) (relating to bloodborne pathogens)**. [ **The placard or decal shall be capable of being read at a distance of 25 feet.** ]

(c) A vehicle used for transporting [ **infectious** ] **regulated medical** or chemotherapeutic waste shall contain, in a readily accessible place, a portable decontamination and spill containment unit, including at a minimum the following:

\* \* \* \* \*

(2) One gallon of [ **hospital grade** ] **EPA-approved** disinfectant in an appropriate applicator.

(3) Fifty fluorescent orange, orange-red or red or yellow, or both, plastic bags that meet the requirements of § [ **284.415** ] **284.413** (relating to storage containers). The bags shall be accompanied by seals and appropriate labels, and shall be large enough to overpack any container normally transported in the vehicle.

\* \* \* \* \*

(d) The surface of vehicles that have not been in direct physical contact with [ **infectious** ] **regulated medical** or chemotherapeutic waste shall be cleaned weekly. Drainage from the cleaning shall be discharged directly or through a holding tank to a sanitary sewer system or treatment facility.

[ **(e) Individuals loading or unloading containers of infectious or chemotherapeutic waste onto or off transportation vehicles shall wear protective overalls and heavy gloves of neoprene or equivalent materials. Gloves and coveralls shall be decontaminated after each loading or unloading operation if the gloves and coveralls have been contaminated or are suspected of having been contaminated. If no**

**contamination occurs or none is suspected, decontamination shall be completed at the end of the working day or work shift.** ]

§ 284.514. Transportation of processing residue from [ **an infectious** ] **a regulated medical** or chemotherapeutic waste facility.

(a) Processing residue from [ **an infectious** ] **a regulated medical** or chemotherapeutic waste facility shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(b) A transporter shall transport [ **separately each generator's** ] processing residue from [ **infectious** ] **regulated medical** or chemotherapeutic waste **for each generator separately from other generators**.

(c) A transporter may transport processing residue from [ **infectious** ] **regulated medical** or chemotherapeutic waste that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.

Subchapter G. TRANSPORTER LICENSING FOR [ **INFECTIOUS** ] **REGULATED MEDICAL** AND CHEMOTHERAPEUTIC WASTE

**GENERAL PROVISIONS**

§ 284.601. **Scope.**

This subchapter sets forth the Department's requirements for licensing of persons and municipalities that transport [ **infectious** ] **regulated medical** or chemotherapeutic waste.

§ 284.602. **License requirement.**

(a) Except as provided in subsection (b), a person or municipality may not transport [ **infectious** ] **regulated medical** or chemotherapeutic waste unless the person has first obtained a license from the Department in accordance with this subchapter.

(b) This subchapter does not apply to the following:

(1) Onsite movement of [ **infectious** ] **regulated medical** or chemotherapeutic waste by generators.

(2) [ **Onsite** ] **Onsite** movement of [ **infectious** ] **regulated medical** or chemotherapeutic waste by [ **owners or** ] operators of permitted [ **infectious** ] **regulated medical** or chemotherapeutic waste management facilities.

(3) Transportation by a generator of less than 220 pounds per month of [ **infectious** ] **regulated medical** or chemotherapeutic waste when transporting only [ **the infectious** ] **the generator's own regulated medical** or chemotherapeutic waste [ **he generated** ] if the manifesting requirements under § 284.701(b)(3) (relating to scope) are met.

(4) The transportation of [ **infectious** ] **regulated medical** or chemotherapeutic waste generated outside this Commonwealth destined for processing or disposal outside this Commonwealth.

§ 284.603. Identification number.

A person or municipality subject to this chapter may not transport [infectious] regulated medical or chemotherapeutic waste without first receiving an identification number. The number shall be one of the following:

\* \* \* \* \*

LICENSE APPLICATION REQUIREMENTS

§ 284.611. General application requirements.

(a) An application for a license to transport [infectious] regulated medical or chemotherapeutic waste shall be submitted to the Department, in writing, on forms provided by the Department. An application for a license shall be accompanied by information, specifications and other data required by the Department to determine compliance with this subchapter.

(b) The application shall contain the following:

\* \* \* \* \*

(3) The average yearly total tonnage of [infectious] regulated medical and chemotherapeutic waste picked up or delivered in this Commonwealth.

\* \* \* \* \*

(5) Information concerning terminal locations that will store [infectious] regulated medical and chemotherapeutic waste in-transit.

\* \* \* \* \*

(9) A contingency plan consistent with § 284.632 (relating to [infectious] regulated medical or chemotherapeutic waste discharges or spills).

\* \* \* \* \*

§ 284.612. Vehicular liability insurance.

(a) The application shall include a certificate of insurance issued by an insurance company authorized to do business in this Commonwealth, certifying that the applicant has comprehensive vehicular liability insurance in force covering the operation of vehicles and associated [infectious] regulated medical and chemotherapeutic waste transportation activities.

(b) The certificate of insurance shall expressly document coverage for property damage and bodily injury to third parties. The insurance coverage shall include coverage for the cost of cleaning up [an infectious] a regulated medical or chemotherapeutic waste spill, and damages arising from the spill. Minimum insurance coverage shall be \$500,000 annual aggregate, exclusive of claims administration and legal defense costs.

\* \* \* \* \*

(e) An applicant for a transporter license to transport [infectious] regulated medical or chemotherapeutic waste which is a department or an agency of the United States or of the Commonwealth may fulfill the requirements under this section by means of one or more of the following:

\* \* \* \* \*

LICENSE APPLICATION REVIEW

§ 284.623. Conditions of licenses.

\* \* \* \* \*

(c) A license to transport [infectious] regulated medical and chemotherapeutic waste is nontransferable

and nonassignable. A license applies to the licensee and its [employees] employees. Leased or subcontracted drivers, and drivers who provide equipment, have no authority to operate under the licensee's license without prior written approval from the Department.

§ 284.624. License renewal.

A licensee that plans to transport [infectious] regulated medical or chemotherapeutic waste after expiration of the current license term under § 284.622 (relating to term of license) shall file a complete application for license renewal on forms provided by the Department at least 90 days before the expiration date of the license. The application shall include a nonrefundable application fee in the form of a check payable to the "Commonwealth of Pennsylvania" for \$500. The license renewal application will be reviewed by the Department in the same manner as a new application for a license under this subchapter.

OPERATIONAL REQUIREMENTS

§ 284.631. Basic limitations.

(a) A person or municipality subject to this subchapter that transports [infectious] regulated medical or chemotherapeutic waste shall comply with the following:

\* \* \* \* \*

§ 284.632. [Infectious] Regulated medical or chemotherapeutic waste discharges or spills.

\* \* \* \* \*

(b) In the event of a discharge or spill of [infectious] regulated medical or chemotherapeutic waste during transportation, the transporter shall take appropriate immediate action to protect the health and safety of the public and the environment, in accordance with its approved TCP. The transporter shall also immediately telephone the Department and the affected municipality, and provide the following information:

\* \* \* \* \*

(2) The transporter's name, address, the Department-issued [infectious] regulated medical and chemotherapeutic waste transporter license number and identification number.

\* \* \* \* \*

(c) If a discharge or spill of [infectious] regulated medical or chemotherapeutic waste occurs during transportation, and if the immediate removal of the waste is necessary to protect public health and safety or the environment, the Department may authorize the removal of the waste to a selected receiving facility by transporters who do not have identification numbers, licenses or manifests under this subchapter.

(d) A transporter shall:

(1) Clean up [an infectious] a regulated medical or chemotherapeutic waste discharge or spill that occurs during transportation or take action that may be required or approved by the Department so that the discharge or spill no longer presents a hazard to public health, public safety or the environment.

\* \* \* \* \*

§ 284.633. Safety.

A transporter of [infectious] regulated medical or chemotherapeutic waste shall provide adequate personnel training to ensure transport activities are conducted safely, in compliance with applicable laws and regula-

tions, and according to the contingency plan approved under § 284.632 (relating to [ **infectious** ] **regulated medical** or chemotherapeutic waste discharges or spills).

§ 284.634. **Annual report.**

\* \* \* \* \*

(b) The annual report shall be based on the shipments of [ **infectious** ] **regulated medical** or chemotherapeutic waste during the previous calendar year, and shall include the following:

(1) The name, location, telephone number and permit identification number of each processing or disposal facility to which the transporter delivered [ **infectious** ] **regulated medical** or chemotherapeutic waste.

(2) The weight or volume of each type of [ **infectious** ] **regulated medical** or chemotherapeutic waste transported.

(3) When more than one transporter is used to transport a single shipment of [ **infectious** ] **regulated medical** or chemotherapeutic waste from the generator to the processing or disposal facility, only the first transporter shall be required to submit information for that shipment on the annual report.

**BOND**

§ 284.641. **Bond requirement.**

(a) *General.* The applicant shall provide the Department a bond, secured by collateral as specified by this section and which bond is conditional upon compliance by the licensee with the requirements of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), referred to as the Infectious and Chemotherapeutic Waste Law, regulations thereunder, the terms and conditions of the license and Department orders issued to the licensee. The bond shall be consistent with, and subject to, the requirements of this section. The amount, duration, form, conditions and terms of the bond shall be specified by the Department. An additional bond amount will not be required of applicants that are also licensed hazardous waste transporters during the term of license or renewal thereof under this subchapter if the applicant or licensee submits a bond endorsement, including an increase in the amount of the bond of a minimum of \$10,000, to the Department that includes liability for [ **infectious** ] **regulated medical** and chemotherapeutic waste transportation on the hazardous waste transporter bond.

(b) *Approval by Department.* A license to transport [ **infectious** ] **regulated medical** or chemotherapeutic waste will not be issued by the Department before the applicant for the license has filed a collateral bond payable to the Department on a form provided by the Department, and the bond has been approved by the Department.

\* \* \* \* \*

(f) *Review of bonds.* Bonds will be reviewed for legality and form according to established Department procedures.

§ 284.642. **Release of bond.**

\* \* \* \* \*

(b) The Department will not release a bond if the transporter is in violation of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste

Law, regulations thereunder, the terms and conditions of the license or Department orders issued to the licensee, whether or not the violation results from [ **infectious** ] **regulated medical** or chemotherapeutic waste transportation.

\* \* \* \* \*

§ 284.643. **Bond forfeiture.**

(a) The Department will declare a bond forfeit if the transporter is in violation of the act, the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Law, regulations thereunder, the terms and conditions of the bond, the terms and conditions of the license or Department orders issued to the licensee, whether or not the violation results from [ **infectious** ] **regulated medical** or chemotherapeutic waste transportation.

\* \* \* \* \*

Subchapter H. MANIFESTING FOR [ **INFECTIOUS** ] **REGULATED MEDICAL** AND CHEMOTHERAPEUTIC WASTE

**GENERAL**

§ 284.701. **Scope.**

(a) Except as provided in [ **subsections (b) and (c)** ] **subsection (b)**, this subchapter applies to a person or municipality that generates, transports, disposes or processes [ **infectious** ] **regulated medical** or chemotherapeutic waste or processed [ **infectious** ] **regulated medical** or chemotherapeutic waste that is recognizable.

(b) This subchapter does not apply to a person or municipality for the following activities:

(1) Onsite movement of [ **infectious** ] **regulated medical** or chemotherapeutic waste by generators.

(2) Onsite movement of [ **infectious** ] **regulated medical** or chemotherapeutic waste by [ **owners or** ] operators of permitted [ **infectious** ] **regulated medical** or chemotherapeutic waste management facilities.

(3) Transportation by a generator who generates less than 220 pounds per month of [ **infectious** ] **regulated medical** and chemotherapeutic waste if the following are met:

\* \* \* \* \*

(iii) The generator carries and delivers a copy of this [ **record** ] **log or shipping paper** with the waste shipment to the offsite processing or disposal facility.

(4) The transportation of [ **used sharps from generators who generate less than 220 pounds per month of infectious and chemotherapeutic waste** ] **regulated medical and chemotherapeutic waste** if the following are met:

\* \* \* \* \*

(ii) [ **The packaging meets the requirements of the United States Postal Service or other mail carriers.** ] **The mailing standards of the United States Postal Service in 39 CFR 211.2 (relating to regulations of the Postal Service) and incorporated by reference into this chapter authorize the package to be mailed.**

(iii) **The package is mailed in compliance with United States Postal Service regulations.**

(iv) The generator maintains a log or shipping paper containing the following information:

\* \* \* \* \*

(5) The transportation by a generator [ of ] who generates and processes onsite less than 220 pounds per month of [ infectious ] regulated medical or chemotherapeutic waste [ that he generates and processes onsite, but ], which is recognizable waste, if the following are met:

(i) The generator only transports its own waste.

(ii) The generator records on a log or shipping paper the following information for each shipment:

\* \* \* \* \*

[ (ii) ] (iii) A copy of the log or [ record shall be carried and delivered ] shipping paper shall be provided to the disposal facility by the transporter for each shipment of waste.

(6) The transportation through this Commonwealth of [ infectious ] regulated medical or chemotherapeutic waste generated outside this Commonwealth [ and which ] that is destined for processing or disposal outside this Commonwealth.

(7) The transportation of processed [ infectious ] regulated medical or chemotherapeutic waste to a disposal facility if the waste has been rendered unrecognizable.

[ (c) This subchapter does not apply to a person or municipality which receives infectious or chemotherapeutic waste generated in this Commonwealth and which processes or disposes of the waste outside this Commonwealth in a state that provides a manifest or tracking form if the following are met:

(1) The state requires a manifest or tracking form for infectious or chemotherapeutic waste, regardless of whether the state requires a manifest or tracking form for infectious or chemotherapeutic waste as defined in this article.

(2) The generator obtains a manifest or tracking form for infectious or chemotherapeutic waste from that state.

(3) The generator, transporter and owner or operator of a processing or disposal facility comply with the requirements on the manifest or tracking form and applicable state or Federal law, managing the infectious or chemotherapeutic waste as if it were regulated waste under applicable law. For purposes of this subsection, applicable law includes the provisions of this subchapter that are expressly applicable to waste that will be transported outside this Commonwealth for processing or disposal.]

§ 284.702. Transfer facilities.

[ (a) Infectious or ] Regulated medical waste, chemotherapeutic waste or processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable may be transported to or from a transfer [ facility under this subchapter. The use of a transfer facility shall require two manifests, one for the transportation of waste to the facility, and one for the transportation of waste from the facility.] facility in accordance with the following:

[ (b) If infectious or chemotherapeutic waste or processed waste which is recognizable is ]

(1) The transfer facility is permitted by the Department.

(2) If transported to a transfer facility, the transfer facility shall be considered the designated facility for purposes of this subchapter.

[ When the waste is ] (3) If transported from the transfer facility to a processing or disposal facility, the transfer facility shall be considered the generator and the processing or disposal facility shall be considered the [ new ] designated facility for purposes of this subchapter.

§ 284.703. Recordkeeping.

[ (a) ] The records required under this subchapter shall be retained for at least [ 5 ] 2 years from the date on which the [ report was required to be ] record was prepared. Records shall be submitted to the Department upon request. The retention period shall be extended automatically during the course of an enforcement action or as requested by the Department.

[ (b) Manifest copies shall be retained for at least 5 years from the date of shipment of the waste. Manifest copies retained under this subchapter shall be furnished to the Department upon request. The retention period shall be extended automatically during the course of an enforcement action or as requested by the Department. ]

GENERATOR RESPONSIBILITIES

§ 284.711. Use of manifest.

[ (a) ] A generator who transports, or offers for transportation, [ infectious ] regulated medical or chemotherapeutic waste for offsite processing or disposal shall ensure proper segregation of [ infectious ] regulated medical and chemotherapeutic waste from other types of waste and prepare a [ manifest according to the instructions supplied with the manifest ] log or shipping paper as required under this subchapter. A processor who transports, or offers for transportation, processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable for offsite disposal shall be considered a generator for purposes of [ manifesting. The manifest shall be in at least four parts ] this subchapter.

[ (b) If the waste is to be processed or disposed in this Commonwealth, the generator shall use one of the manifest formats prescribed by the Department.

(c) The manifest copies shall be distributed as follows:

(1) A four-part manifest shall be used by a generator who designates only one transporter.

(i) Copy 4 of the manifest is retained by the generator.

(ii) Copy 3 of the manifest is retained by the transporter.

(iii) Copy 2 of the manifest is retained by the owner or operator of the processing or disposal facility.



(iv) Copy 1 of the manifest is mailed to the generator by the owner or operator of the processing or disposal facility.

(2) A five-part manifest shall be used by a generator who designates two transporters.

(i) Copy 4 of the manifest is retained by the generator.

(ii) Copy 3A of the manifest is retained by the first transporter.

(iii) Copy 3 of the manifest is retained by the second transporter.

(iv) Copy 2 of the manifest is retained by the owner or operator of the processing or disposal facility.

(v) Copy 1 of the manifest is mailed to the generator by the owner or operator of the processing or disposal facility.

(3) A six-part manifest shall be used by a generator who designates three transporters.

(i) Copy 4 of the manifest is retained by the generator.

(ii) Copy 3B of the manifest is retained by the first transporter.

(iii) Copy 3A of the manifest is retained by the second transporter.

(iv) Copy 3 of the manifest is retained by the third transporter.

(v) Copy 2 of the manifest is retained by the owner or operator of the processing or disposal facility.

(vi) Copy 1 of the manifest is mailed to the generator by the owner or operator of the processing or disposal facility.

(d) If the waste is to be processed or disposed outside this Commonwealth, the generator shall obtain the manifest from the destination state. If the destination state does not supply the manifest, the generator shall use the manifest format required by the Department. ]

#### § 284.712. Preparation of manifest.

(a) The generator shall [ provide the following information on each manifest ] create a log or shipping paper of the following information and provide it to the transporter before the offsite transportation of the [ manifested ] waste occurs:

\* \* \* \* \*

(2) [ The total number of pages used to complete the manifest, counting the first page plus the number of continuation sheets, if any.

(3) ] Each transporter's company name, identification number, Pennsylvania [ infectious ] regulated medical and chemotherapeutic waste transporter license number and telephone number. [ If three transporters are designated by the generator, enter the third transporter's name, identification number, Pennsylvania infectious and chemotherapeutic waste transporter license number, telephone number and the words "Transporter 3 sign here," in the Special Handling Instruction Section.

(4) ] (3) The number of containers, types of containers and the total quantity of the waste by weight or volume.

[ (5) The infectious or chemotherapeutic waste code number for each waste as indicated on the manifest instructions.

(6) ] (4) The United States Department of Transportation proper shipping name, hazard class and identification number (UN or NA) for each waste identified by 49 CFR Subchapter C (relating to hazardous materials regulations), if applicable.

[ (7) ] (5) Special instructions and information necessary for proper handling of the waste during transportation, processing, storage or disposal, if any.

[ (8) ] (6) The printed or typed name and handwritten signature of the generator's authorized representative, and the date of shipment.

[ (9) ] (7) The printed or typed name and handwritten signature of the initial transporter's authorized representative, and the date of receipt.

[ (10) The designated facility's name, site address, Pennsylvania State permit or identification number and phone number. One alternate facility's name, site address, Pennsylvania State permit or identification number and phone number may be designated on the manifest to receive the waste. A facility may only be designated if it has been approved by the Department to accept the generator's waste. ]

(b) An authorized representative of the generator shall ensure that [ the manifest has been completed and shall read the certification statement on the manifest prior to signing the manifest ] a legible log or shipping paper has been completed.

(c) [ The generator shall ensure before the waste is transported offsite that the required information on all parts of the manifest are capable of being read. ] After the offsite transportation of the waste, the generator shall receive from the transporter and maintain as a record the log or shipping paper prepared by the transporter in accordance with § 284.722(f) (relating to preparation and use of manifest).

[ (d) When the generator uses lab packs containing more than four different waste streams, the generator shall complete a continuation sheet (EPA Form 8700-22A).

(e) For a shipment containing more than four different waste streams, which is not a lab pack, the generator shall complete additional manifests as necessary for waste streams in excess of four, according to the instructions on the manifest. ]

#### § 284.713. [ Generator's distribution of copies ] (Reserved).

[ (a) Except as provided in subsection (b), the generator shall detach and retain copy 4 of the manifest.

(b) A generator located in this Commonwealth and designating a facility in a state that supplies the manifest shall provide information and distribute copies as required by the manifest in accord-

ance with instructions supplied with the manifest and retain one copy of the manifest.

(c) The generator shall give the transporter the remaining copies of the manifest before the transporter leaves the generator's property. ]

§ 284.714. Exception reporting.

(a) A generator that does not receive a [ copy of the manifest with the handwritten signature of the owner or operator of the designated processing or disposal facility within 20 ] log or shipping paper indicating the designated facility that received its waste within 30 days of the date the generator's waste was accepted by the initial transporter shall:

(1) Contact the transporter or the [ owner or ] operator of the designated facility, or both, to determine the status of the [ infectious or chemotherapeutic waste or processed recognizable waste ] shipment.

\* \* \* \* \*

(b) [ A generator shall notify by telephone the Department's appropriate regional office and submit an exception report to the Department's central office if ] If the generator has not received a [ copy of the manifest with the handwritten signature of the owner or operator of the designated processing or disposal facility ] log or shipping paper indicating the designated facility that received its waste from the transporter within 35 days of the date the generator's waste was accepted by the initial transporter, the generator shall notify the Department's appropriate regional office by telephone and submit an exception report to the Department's central office.

(c) The exception report shall include the following:

(1) [ A legible copy of the manifest ] A record of the waste for which the generator does not have confirmation of delivery.

\* \* \* \* \*

TRANSPORTER RESPONSIBILITIES

§ 284.721. [ Basic requirements ] (Reserved).

[ Except as provided in § 284.701 (relating to scope), a transporter may not accept infectious or chemotherapeutic waste or processed infectious or chemo therapeutic waste that is recognizable unless it is accompanied by a manifest which has been completed and signed by the generator or the generator's authorized agent under § 284.712 (relating to preparation of manifest). ]

§ 284.722. Preparation and use of manifest.

(a) Before transporting [ infectious ] regulated medical or chemotherapeutic waste or processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable, the transporter shall [ print or type his name, sign and date the manifest, and, by the signature, acknowledge acceptance of the waste from the generator ] provide the generator with a dated, handwritten signature of an authorized representative of the transporter acknowledging that the transporter has accepted the waste from the generator on the date of acceptance.

(b) [ Before leaving the generator's property, the transporter shall ensure that all copies of the

manifest are properly completed and capable of being read, and shall return copy 4 of the manifest to the generator according to the instructions on the manifest.

(c) ] The transporter shall ensure that the [ manifest ] log or shipping paper required under subsections (c) and (d) accompanies the waste shipment.

[ (d) The transporter may not add additional information to the generator's or designated facility's portions of the manifest or alter the generator's information on a manifest as it existed when the generator signed the manifest.

(e) ] (c) A transporter who delivers [ infectious ] regulated medical or chemotherapeutic waste or processed recognizable waste to the designated processing or disposal facility shall create a log or shipping paper containing the following information:

(1) [ Obtain on the manifest the date of delivery, the printed or typed name and handwritten signature of the owner or operator of the designated facility. ] The date that each container of waste was delivered to a designated facility.

(2) [ Retain copy 3 of the manifest according to the instructions supplied with the manifest. ] The name and address of the designated facility for each container of waste.

[ (3) Give the remaining copies of the manifest to the owner or operator of the designated facility.

(f) ] (d) The transporter who delivers [ infectious ] regulated medical or chemotherapeutic waste to another transporter shall create a log or shipping paper containing the following information:

(1) [ Obtain the following information on the original manifest and on an additional copy of the manifest provided by the generator:

(i) ] The date [ of delivery ] that each container of waste was delivered to the subsequent transporter.

[ (ii) ] (2) The [ printed or typed ] name and address of the subsequent transporter [ and his handwritten signature ] that received each container of waste.

[ (2) Retain the additional copy signed by the subsequent transporter.

(3) Give the remaining additional copies of the manifest to the subsequent transporter. ]

(e) At the time the waste is delivered to the designated facility, the transporter shall provide the operator of the designated facility with a log or shipping paper containing the following information:

(1) The name, mailing address and telephone number of the generator for each container of waste.

(2) The number of containers, types of containers and the total quantity of the waste by weight or volume for each generator.

(f) After the waste has been transported to the designated facility, the transporter shall provide the generator with a log or shipping paper containing the following information:

(1) The name, mailing address and telephone number of each designated facility that received each container of the generator's waste.

(2) The number of containers, types of containers and the total quantity of the waste by weight or volume received by each designated facility.

(3) The date that each designated facility received each container of the generator's waste.

(4) Acknowledgment from the designated facility that it accepted each container of the generator's waste.

§ 284.723. [ Waste delivery ] (Reserved).

[ (a) The transporter shall deliver the entire quantity of infectious or chemotherapeutic waste or processed infectious or chemotherapeutic waste that is recognizable which he has accepted from a generator, a processor or a transporter to one of the following:

(1) The designated facility listed on the manifest by the generator.

(2) The next designated transporter listed on the manifest by the generator.

(b) If the waste cannot be delivered in accordance with subsection (a), the transporter shall do one of the following:

(1) Return the waste to the generator.

(2) Deliver the waste to the alternate facility designated by the generator on the original manifest.

(3) Receive from the generator another properly completed manifest designating an alternate facility from the originally designated facility before transporting the waste to the alternate facility.]

§ 284.724. Transportation limitations.

(a) A transporter may not accept or transport a shipment of [ infectious ] regulated medical or chemotherapeutic waste or processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable if:

(1) The waste is in containers or packaging which appear to be leaking, damaged or otherwise in violation of § [ 284.415 ] 284.413 or § 284.512 (relating to storage containers; and transportation of [ infectious ] regulated medical and chemotherapeutic waste; general provisions).

(2) The waste is not labeled or identified as required by § [ 284.416 ] 284.414 (relating to marking of containers).

(3) The number and type of containers and quantity of waste to be transported do not appear to correspond with the number and type of containers and quantity of waste stated [ on the manifest ] in the generator's log or shipping paper at the time of acceptance by the transporter.

[ (4) Any copy of the manifest is not completed according to the manifest instructions or if information on copies of the manifest is not capable of being read. ]

(b) A transporter shall ensure that the waste shipment complies with applicable United States Department of

Transportation regulations and 67 Pa. Code Part I (relating to Department of Transportation).

#### FACILITY RESPONSIBILITIES

§ 284.731. Scope.

Sections 284.732[ — ] and 284.734 (relating to use of manifest; [ distribution of copies; ] and significant discrepancies) apply to [ owners and ] operators of waste processing or disposal facilities that receive [ infectious ] regulated medical or chemotherapeutic waste or processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable from offsite sources.

§ 284.732. Use of manifest.

(a) Except for waste managed in accordance with § 284.701 (relating to scope), an [ owner or ] operator of a designated facility may not accept shipments of [ infectious ] regulated medical or chemotherapeutic waste or processed [ infectious ] regulated medical or chemotherapeutic waste that is recognizable from offsite sources unless the shipment is accompanied by [ a Pennsylvania manifest in accordance with ] a log or shipping paper as required under this subchapter.

(b) The [ owner or ] operator of the designated facility shall:

(1) [ Print or type his name, and sign and date each copy of the manifest to certify that the waste covered by the manifest was received. ] Examine the records of the transporter.

(2) Note significant discrepancies in the [ information on the manifest ] log or shipping paper of the generator and transporter, as defined in § 284.734 (relating to significant discrepancies).

(3) [ Note the rejection in the discrepancy indication space, and sign and date the manifest in accordance with paragraph (1) if either partially or totally rejecting the waste. ] Provide the transporter with a dated, handwritten signature from an authorized representative of the facility acknowledging that it has accepted the waste from the transporter on that date.

[ (c) The owner or operator of the designated facility may not alter or add to the information in the generator or transporter sections of the manifest form.

(d) The owner or operator of the designated facility shall ensure that information entered on the manifest is capable of being read on all copies of the manifest. ]

§ 284.733. [ Distribution of copies ] (Reserved).

[ The owner or operator of a designated facility or an authorized representative shall:

(1) Immediately upon signing the manifest to either partially or totally accept or reject the waste shipment, give the transporter copy 3 of the signed manifest.

(2) Retain copy 2 of the manifest for his records.

(3) Send copy 1 of the manifest to the generator within 14 days of the date of receipt of the waste. ]

§ 284.734. Significant discrepancies.

(a) This section applies if there is a significant discrepancy in [ a manifest ] the logs or shipping papers of the generator and transporter. A discrepancy is a difference between the quantity or type of waste designated [ on the manifest ] in the log or shipping paper, and the quantity or type of waste a facility actually receives. A significant discrepancy occurs if one or more of the following apply:

\* \* \* \* \*

(2) There is a variation in piece count, for batch waste, excluding 1% variation for generator-loaded trailers.

\* \* \* \* \*

(b) If there is a significant discrepancy in [ a manifest ] the logs or shipping papers, the [ owner or ] operator shall attempt to reconcile the discrepancy before the waste is processed or disposed of at the facility or before the waste is accepted at a transfer facility. If the discrepancy is not resolved within 3 business days of receipt of the waste, the [ owner or ] operator shall immediately notify the appropriate regional office of the Department by telephone. Within 7 business days of receipt of the waste, the [ owner or ] operator shall also send a letter to the regional office describing the discrepancy and attempts to reconcile it [ , and include a legible copy of the relevant manifest ] .

CHAPTER 285. STORAGE, COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE

Subchapter A. STORAGE OF MUNICIPAL WASTE ADDITIONAL REQUIREMENTS FOR CERTAIN TYPES OF WASTE

§ 285.131. Storage and containment of ash residue from municipal waste incineration, including from [ infectious ] regulated medical or chemotherapeutic waste incineration.

(a) Ash residue from municipal waste incineration, including from [ infectious ] regulated medical or chemotherapeutic waste incineration, shall be stored in accordance with the following:

\* \* \* \* \*

(b) Ash residue from [ an infectious ] a regulated medical or chemotherapeutic waste incinerator may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

ADDITIONAL REQUIREMENTS FOR [ INFECTIOUS ] REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE

§§ 285.141—285.145. (Reserved).

Subchapter B. COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE GENERAL PROVISIONS

§ 285.218. Signs on vehicles.

A vehicle or conveyance that is ordinarily or primarily used for the transportation of solid waste shall bear a sign that meets the following:

\* \* \* \* \*

(2) The sign shall include the specific type of solid waste transported by the vehicle or conveyance.

(i) [ Infectious ] Regulated medical or chemotherapeutic waste shall be designated: [ Infectious ] Regulated Medical/Chemotherapeutic Waste.

\* \* \* \* \*

TYPES OF WASTE

§ 285.221. Transportation of ash residue from municipal waste incineration and from [ infectious ] regulated medical or chemotherapeutic waste incineration.

(a) Ash residue from municipal waste incineration and from [ infectious ] regulated medical or chemotherapeutic waste incineration shall be wetted immediately prior to loading, and shall remain wetted during transportation and unloading at a municipal waste landfill, to prevent the dispersal of ash residue.

(b) Ash residue from [ infectious ] regulated medical or chemotherapeutic waste incineration shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(c) A transporter shall transport separately each generator's ash residue from [ infectious ] regulated medical or chemotherapeutic waste.

(d) A transporter may transport ash residue from [ an infectious ] a regulated medical or chemotherapeutic waste incinerator that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.

ARTICLE IX. RESIDUAL WASTE MANAGEMENT

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 287.1. Definitions.

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

\* \* \* \* \*

Special handling waste—Solid waste that requires the application of special storage, collection, transportation, processing or disposal techniques due to the quantity of material generated or its unique physical, chemical or biological characteristics. The term includes dredged material, sewage sludge, [ infectious ] regulated medical waste, chemotherapeutic waste, ash residue from a solid waste incineration facility, friable asbestos-containing waste, PCB-containing waste, waste oil that is not hazardous waste, fuel contaminated soil, waste tires and water supply treatment plant sludges.

\* \* \* \* \*

§ 287.2. Scope.

\* \* \* \* \*

(b) Management of the following types of residual waste is subject to Article VIII (relating to municipal waste) instead of this article, and shall be regulated as if the waste is municipal waste regardless of whether the waste is a municipal waste or residual waste:

\* \* \* \* \*

(2) [ **Infectious** ] **Regulated medical** and chemotherapeutic waste. The terms shall have the same meaning for residual waste as set forth in § 271.1.

\* \* \* \* \*

**CHAPTER 288. RESIDUAL WASTE LANDFILLS**

**Subchapter D. ADDITIONAL REQUIREMENTS FOR CLASS I RESIDUAL WASTE LANDFILLS**

**ADDITIONAL OPERATING REQUIREMENTS—GENERAL**

§ 288.423. **Minimum requirements for acceptable waste.**

\* \* \* \* \*

(b) A person or municipality may not dispose of municipal waste or special handling waste at a Class I residual waste landfill, except that the Department may, in the permit, approve the storage or disposal of the following types of waste generated by the operator:

\* \* \* \* \*

(2) Special handling waste, other than sewage sludge, [ **infectious** ] **regulated medical** or chemotherapeutic waste, waste oil or ash residue from the incineration of municipal waste.

\* \* \* \* \*

**CHAPTER 299. STORAGE AND TRANSPORTATION OF RESIDUAL WASTE**

**Subchapter B. STANDARDS FOR COLLECTING AND TRANSPORTING OF RESIDUAL WASTE**

**GENERAL PROVISIONS**

§ 299.220. **Signs on vehicles.**

A vehicle or conveyance that is ordinarily or primarily used for the transportation of solid waste shall bear a sign that meets the following:

\* \* \* \* \*

(2) The sign shall include the specific type of solid waste transported by the vehicle or conveyance.

(i) [ **Infectious or chemotherapeutic waste shall be designated: Infectious/Chemotherapeutic waste.**

(ii) ] Other municipal waste shall be designated: Municipal Waste.

[ (iii) ] (ii) Residual waste shall be designated: Residual Waste.

[ (iv) ] (iii) Mixed municipal and residual waste shall be designated: Municipal/ Residual Waste.

\* \* \* \* \*

[Pa.B. Doc. No. 13-1585. Filed for public inspection August 23, 2013, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, September 11, 2013, and a conference session and business meeting will be held the following day on Thursday, September 12, 2013. The hearing, conference session and business meeting are open to the public and will be held at The Enterprise Center, Burlington County College, 3331 Route 38, Mount Laurel, NJ.

*Public hearing.* The public hearing on September 11, 2013, will begin at 1:30 p.m. Hearing items will include draft dockets for the withdrawals, discharges and other water-related projects listed as follows. Written comments on draft dockets and resolutions scheduled for hearing on September 11, 2013, will be accepted through the close of the hearing that day. After the hearing on all scheduled matters has been completed, the meeting will include an opportunity for public dialogue.

The public is advised to check the Commission's web site at [www.drbc.net](http://www.drbc.net) periodically prior to the hearing date, as hearing items may be dropped if additional time is deemed necessary to complete the Commission's review.

Draft dockets and resolutions will be posted on the Commission's previously listed web site 10 days prior to the hearing date. Additional public records relating to the hearing items may be examined at the Commission's offices. Contact Project Review Section assistant Victoria Lawson at (609) 883-9500, Ext. 216 with any questions concerning these items.

1. *Bridgeport Borough, D-1970-081 CP-3.* An application for the renewal of the applicant's 0.9 million gallons per day (mgd) Bridgeport Borough wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge treated wastewater effluent to the nontidal portion of the Schuylkill River at River Mile 92.47—22.6 (Delaware River—Schuylkill River), in Upper Merion Township, Montgomery County, PA.

2. *Minersville Sewer Authority, D-1970-201 CP-2.* An application for the renewal of the applicant's 1.0 mgd WWTP and its discharge. Treated effluent will continue to be discharged to the West Branch Schuylkill River at River Mile 92.47—119.65—7.1 (Delaware River—Schuylkill River—West Branch Schuylkill River) by means of Outfall No. 001, in the Borough of Minersville, Schuylkill County, PA.

3. *Lehigh County Authority, D-1977-041 CP-3.* An application for the renewal of the applicant's 0.16 mgd Lynn Township Sewer Authority WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to the Ontelaunee Creek at River Mile 92.47—86.7—21.5—8.7 (Delaware River—Schuylkill River—Maiden Creek—Ontelaunee Creek), in Lynn Township, Lehigh County, PA.

4. *Town of Fallsburg, D-1981-066 CP-2.* An application for the renewal of the applicant's 0.79 mgd Avon (formerly

Woodridge) WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Neversink River at River Mile 253.64—30.0 (Delaware River—Neversink River) by means of Outfall No. 001, within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in the Village of Woodridge, Sullivan County, NY.

5. *Boyertown Foundry Company, D-1985-080-4.* An application for the renewal of an existing groundwater withdrawal (GWD) project of up to 3.54 million gallons per month (mgm) to supply the applicant's industrial cooling system from existing Well No. 1A completed in Leithsville Dolomite. The requested allocation is not an increase from the previous allocation. The well is located in the Swamp Creek Watershed in Boyertown Borough, Berks County, PA.

6. *Reading Regional Airport Authority, D-1986-038 CP-3.* An application for the renewal of the applicant's existing 0.42 mgd WWTP and its discharge. Treated effluent will continue to be discharged to the Schuylkill River at River Mile 92.47—80.3 (Delaware River—Schuylkill River) by means of Outfall No. 001, in Bern Township, Berks County, PA.

7. *Pike County Environmental, Inc., D-1989-082-2.* An application for the renewal of the applicant's 0.1 mgd WWTP and its discharge. Treated effluent will continue to discharge to the Delaware River at River Mile 256.5, within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, PA.

8. *Nesquehoning Borough, D-1990-107 CP-2.* An application for the renewal of the applicant's 0.65 mgd Borough of Nesquehoning WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Nesquehoning Creek at River Mile 183.66—49.2—1.52 (Delaware River—Lehigh River—Nesquehoning Creek) by means of Outfall No. 001, within the drainage area of the Lower Delaware, which is classified as Special Protection Waters, in the Borough of Nesquehoning, Carbon County, PA.

9. *Sanofi Pasteur, Inc., D-1999-071-4.* An application for the renewal of the applicant's existing project, Swiftwater industrial wastewater treatment plant (IWTP) and its related discharge. The IWTP is hydraulically designed to treat up to 0.95 mgd of industrial wastewater. This docket renews the approval of the IWTP to: (1) discharge up to 0.90 mgd of treated wastewater to Swiftwater Creek; (2) spray irrigate up to 0.313 mgd of treated wastewater; and (3) reuse up to 0.05 mgd of treated wastewater. The docket also approves the renewal of a Total Dissolved Solids (TDS) Determination of up to 6,430 lbs/day as a monthly average. The IWTP will continue to discharge treated industrial process water generated by the Sanofi research and manufacturing facility to Swiftwater Creek, a tributary of Paradise Creek, which is a tributary of Brodhead Creek, at River Mile 213.0—11.4—4.4—3.5 (Delaware River—Brodhead Creek—Paradise Creek—Swiftwater Creek). The IWTP is located within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Pocono Township, Monroe County, PA.

10. *Little Washington Wastewater Company, D-2002-006 CP-2*. An application for the renewal of the 0.4 mgd Lake Harmony WWTP and its existing discharge and transfer of ownership of the facility from Kidder Township to the Little Washington Wastewater Company. Treated effluent will continue to be discharged to Shingle Mill Run at River Mile 183.66—83.5—4.9—0.6 (Delaware River—Lehigh River—Tobyhanna Creek—Shingle Mill Run) by means of Outfall No. 001, within the drainage area of the Lower Delaware, which is classified as Special Protection Waters, in Kidder Township, Carbon County, PA.

11. *Schwenksville Borough Authority, D-2003-029 CP-2*. An application for the renewal of an existing GWD project of up to 15.29 mgm to supply the applicant's public water supply system from existing Wells Nos. 3—5, 7 and 9 in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Southeastern Ground Water Protected Area (GWPA) in the Perkiomen Creek Watershed, in the Borough of Schwenksville, Montgomery County, PA.

12. *Delaware Valley Fish Company, D-2004-008-2*. An application for the renewal of an existing GWD project of up to 5.89 mgm to supply the applicant's fish holding facility from existing Well No. DV-1 in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The well is located within the GWPA in the Stony Creek Watershed, in the Borough of Norristown, Montgomery County, PA.

13. *Warminster Township Municipal Authority, D-2004-021 CP-2*. An application for the renewal of the applicant's 1.2 mgd Warminster Municipal Authority WWTP and its existing discharge. The WWTP will continue to discharge treated wastewater effluent to an unnamed tributary (UNT) of the Neshaminy Creek at River Mile 115.6—23.6—3.3—1.4 (Delaware River—Neshaminy Creek—Little Neshaminy Creek—UNT to Little Neshaminy Creek), in Warminster Township, Bucks County, PA.

14. *Alsace Township, D-2006-005 CP-2*. An application for the renewal of the applicant's 0.071 mgd Alsace Township WWTP and its existing discharge. The WWTP will continue to discharge treated wastewater effluent to a UNT of Little Manatawny Creek at River Mile 92.47—54.15—16.7—4.7—1.9 (Delaware River—Schuylkill River—Manatawny Creek—Little Manatawny Creek—UNT of Little Manatawny Creek), in Alsace Township, Berks County, PA.

15. *Brookdale Resort Propco LLC, D-2006-019-3*. An application for the renewal of the applicant's 0.084 mgd Brookdale Resorts Propco, LLC WWTP and its existing discharge. The WWTP will continue to discharge to Brookdale Lake at River Mile 213.0—3.9—0.9—11.4—2.85—0.15 (Delaware River—Brodhead Creek—McMichael Creek—Pocono Creek—Scot Run—Brookdale Lake), within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Pocono Township, Monroe County, PA.

16. *Lehigh County Authority, D-2010-001 CP-2*. An application for the renewal of the applicant's 0.06 mgd Wynnewood Terrace WWTP and its existing discharge. Treated effluent will continue to discharge to the Lehigh River at River Mile 183.66—28.14 (Delaware River—Lehigh River) by means of Outfall No. 001, within the drainage area of the Lower Delaware, which is classified as Special Protection Waters, in North Whitehall Township, Lehigh County, PA.

17. *Brightsmith, LLC, D-1985-059-2*. An application for the renewal of the existing 0.050 mgd Brightsmith IWTP project and its associated discharge of treated industrial wastewater and noncontact cooling water (NCCW). This docket also continues a TDS determination of 2,500 mg/l (average monthly effluent concentration). No modifications to the IWTP facilities are proposed. The IWTP will continue to discharge combined treated industrial wastewater and NCCW to a stormwater ditch (UNT) of Biles Creek, which is a tidal tributary of the Delaware River Water Quality Zone 2 at River Mile 130.3—1.9 (Delaware River—Biles Creek) in Falls Township, Bucks County, PA.

18. *Brodhead Creek Regional Authority (BCRA), D-1991-001 CP-3*. An application for the renewal of an existing water supply project to continue the withdrawal of up to a combined total of 217.97 mgm of surface water and groundwater for use in the applicant's existing public water supply system. The combined allocation of surface water and groundwater represents a decrease in the combined source allocation provided in the previous docket. The groundwater sources include existing groundwater Wells Nos. 1 and 2 completed in unconsolidated glacial deposits, and Well No. 3, completed in the Butter-milk Falls Formation. Surface water sources include the Brodhead Creek and Stokes Mill Spring intakes. The applicant also has a bulk water purchase agreement with the Borough of East Stroudsburg, Monroe County, PA. The applicant has requested a modification of its service area to include an expansion that will extend the system into Tobyhanna Township to provide water service to the planned Kalahari Resort and Pocono Manor Development, to provide for the anticipated acquisition of the Pocono-Jackson Joint Water Authority system by BCRA and to expand the current service area in Smithfield Township to additional areas within Smithfield Township. Additionally, the area currently served by the Pocono Manor Investors water system located in Pocono Township is proposed to be removed from BCRA's previously approved service area. The existing project withdrawals are located in the Brodhead Creek and McMichael Creek watersheds, within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Stroud Township, Monroe County, PA.

19. *Upper Uwchlan Township Municipal Authority, D-2000-055 CP-3*. An application for the renewal of the applicant's 0.3 mgd Route 100 Regional WWTP and its existing discharge. Additionally, the applicant requested approval to construct improvements at the WWTP comprising Phase 2 of 3, which would result in the WWTP's expansion to 0.6 mgd. The existing WWTP and its proposed expansion will continue to land discharge treated effluent to onsite spray fields and drip irrigation systems in the Pickering Creek Watershed near River Mile 92.47—36.45—14.6 (Delaware River—Schuylkill River—Pickering Creek), in Upper Uwchlan Township, Chester County, PA.

20. *Camelback Mountain Resort (CMR), D-2001-040-2*. An application for the renewal of an existing allocation project and an increase in the approved allocation to 160 mgm of surface water from Intake No. 1 on the Pocono Creek for snow making operations at the docket holder's CMR. The docket holder's current allocation limits withdrawals to 120 mgm of surface water from Intake No. 1. The increase in allocation is necessary to expand snow making capabilities to make as much snow as possible

when climate conditions are ideal and to support possible future expansion of the ski and snow tubing areas. This docket also approves a seasonal allocation of up to 30 million gallons and 15 million gallons of surface water, respectively from intakes located in Massad and Barneys Ponds. These existing surface water withdrawals were not previously approved by the Commission. This docket also approves a transfer of ownership from CBH20 to CMR. The project is located within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Pocono Township, Montgomery County, PA.

21. *Rock Tenn Company, D-2006-041-2.* An application for the renewal of a modification and expansion of the existing Rock-Tenn IWTP and its associated treated process wastewater and NCCW discharge. The modifications consist of replacing the biological portion (the fixed film bioreactor) of the IWTP's existing treatment system with a new complete mix activated sludge treatment process and expanding the monthly average flow of the IWTP from 0.027 mgd to 0.060 mgd. The treated IWTP effluent will continue to be mixed with a monthly average flow of 0.2866 mgd of NCCW prior to discharging to Brodhead Creek at River Mile 213—1.1 (Delaware River—Brodhead Creek). The project discharge is located within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Smithfield Township, Monroe County, PA.

22. *Tobyhanna Army Depot, D-2009-041 CP-2.* An application for the renewal and modification of an existing discharge project from the 0.802 mgd Tobyhanna Army Depot WWTP. The applicant has also requested a variance from the Commission's 1,000 mg/l basin-wide TDS effluent limit. Treated effluent will continue to discharge to a UNT of Tobyhanna Creek at River Mile 183.66—83.5—26.4—1.82 (Delaware River—Lehigh River—Tobyhanna Creek—UNT) by means of Outfall No. 001, within the Lower Delaware, which is classified as Special Protection Waters, in Coolbaugh Township, Monroe County, PA.

*Note:* Project details commonly change in the course of the Commission's review, which is ongoing.

*Public meeting.* The conference session and business meeting on September 12, 2013, will begin at 12:15 p.m. and will include a progress report by staff on implementation of the Water Resources Plan for the Delaware River Basin (DRBC 2004) and a presentation by a representative of the William Penn Foundation (WPF) on WPF's Delaware River Basin initiative. The business meeting will include the following items: adoption of the Minutes of the Commission's July 10, 2013, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive

Director and the Commission's General Counsel and consideration of items for which a hearing has been completed. The Commissioners also may consider action on matters not subject to a public hearing.

There will be no opportunity for additional public comments at the September 12, 2013, business meeting on items for which a hearing was completed on September 11, 2013, or a previous date. Commission consideration on September 12, 2013, of items for which the public hearing is closed may result in either approval of the item (docket or resolution) as proposed, approval with changes, denial or deferral. When the commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

*Advance sign-up for oral comment.* Individuals who wish to comment for the record on a hearing item or to address the Commissioners informally during the public dialogue portion of the meeting are asked to sign up in advance by contacting Paula Schmitt of the Commission staff, at (609) 883-9500, Ext. 224 or paula.schmitt@drbc.state.nj.us.

*Addresses for written comment.* Written comment on items scheduled for hearing may be delivered by hand at the public hearing or submitted in advance of the hearing date to Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522 or paula.schmitt@drbc.state.nj.us. Written comment on dockets should also be furnished directly to the Project Review Section at the previously listed address or fax number or e-mail william.muszynski@drbc.state.nj.us.

*Accommodations for special needs.* Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting or hearing should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission can accommodate their needs.

*Updates.* Note that items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Other meeting items also are subject to change. Check the Commission's web site closer to the meeting date for changes that may be made after the deadline for filing this notice.

PAMELA M. BUSH,  
Secretary

[Pa.B. Doc. No. 13-1586. Filed for public inspection August 23, 2013, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 13, 2013.



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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 8-9-2013    | The Bryn Mawr Bank Corporation<br>Bryn Mawr<br>Montgomery County<br><br>Application for approval to acquire 100% of MidCoast Community Bancorp, Inc., Wilmington, DE and thereby indirectly acquire 100% of MidCoast Community Bank, Wilmington, DE. | Withdrawn     |

#### Consolidations, Mergers and Absorptions

| <i>Date</i> | <i>Name and Location of Applicant</i>  | <i>Action</i> |
|-------------|--|---------------|
| 8-9-2013    | The Bryn Mawr Trust Company<br>Bryn Mawr<br>Montgomery County<br><br>Application for approval to merge MidCoast Community Bank, Wilmington, DE with and into The Bryn Mawr Trust Company, Bryn Mawr, PA. | Withdrawn     |

#### Branch Applications

##### De Novo Branches

| <i>Date</i> | <i>Name and Location of Applicant</i>                                | <i>Location of Branch</i>                                    | <i>Action</i> |
|-------------|--|--|---------------|
| 8-9-2013    | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 1109 East Baltimore Pike<br>Kennett Square<br>Chester County | Filed         |
| 8-9-2013    | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 1660 East Street Road<br>Kennett Square<br>Chester County    | Filed         |
| 8-12-2013   | Firsttrust Savings Bank<br>Conshohocken<br>Montgomery County         | 1 Walnut Grove Drive<br>Horsham<br>Montgomery County         | Filed         |

#### Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i>   | <i>Action</i> |
|-------------|---|---------------|
| 8-5-2013    | Atlantic Central Bankers Bank<br>Camp Hill<br>Cumberland County<br><br>Amendment to Article First of the institution's Articles of Incorporation provides for a change of name to Atlantic Community Bankers Bank                     | Effective     |
| 8-13-2013   | First Resource Bank<br>Exton<br>Chester County<br><br>Amendment to Article V of the institution's Articles of Incorporation provides for an increase in the number of authorized shares of common stock from 5 million to 20 million. | Effective     |

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

*FDC-417-6771.1—General Construction, Camping Cottage Colony, Ricketts Glen State Park, Fairmount Township, Luzerne County.* Work included under this contract consists of the complete development and construction of a camping cottage colony. Main items of work include site clearing, excavating, grading, road and parking area

construction; construction of foundation and cottage units, water line installation; miscellaneous site improvements; and miscellaneous work.

*FDC-417-6771.4—Electrical Construction, Camping Cottage Colony, Ricketts Glen State Park, Fairmount Township, Luzerne County.* Work included under this contract consists of the complete development and construction of a camping cottage colony. Main items of work include electric utility service coordination and installation, power distribution, power and lighting systems for camping cottage units and miscellaneous work.

Bid documents will be available on or after August 28, 2013. The bid opening will be held on September 26, 2013.

ELLEN FERRETTI,  
Acting Secretary

[Pa.B. Doc. No. 13-1588. Filed for public inspection August 23, 2013, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final

determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                               | <i>County &amp;<br/>Municipality</i>       | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|--|--|----------------------------|
| PA0065242<br>(Sewage)       | Limeport Village WWTF<br>1380 Limeport Pike<br>Coopersburg, PA 18036 | Lehigh County<br>Lower Milford<br>Township | Saucon Creek<br>(2-C)                  | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0080268<br>(Sew)          | Regency Homes North MHP<br>Kollas & Costopoulos<br>1104 Fernwood Avenue<br>Camp Hill, PA 17011 | Cumberland County<br>Middlesex Township | UNT to Conodoguinet /<br>7-B         | Y                          |
| PA0260151<br>(Sew)          | Maxatawny Township<br>Municipal Authority<br>127 Quarry Street, Suite 1<br>Kutztown, PA 19530  | Berks County<br>Maxatawny<br>Township   | Sacony Creek / 3-B                   | Y                          |
| PA0034860<br>(Sew)          | PCS Chadaga<br>Penn Valley Mobile Home Park<br>110 Inverness Drive<br>Blue Bell, PA 19422      | Lancaster County<br>Penn Township       | UNT Chickies Creek / 7-G             | Y                          |

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed No.)</i> | <i>EPA Waived<br/>Y/N?</i> |
|-----------------------------|---|---|--|----------------------------|
| PA0115363<br>(Sewage)       | Mazeppa Village Sewer System STP<br>2188 Johnson Mill Road<br>Lewisburg, PA 17837                 | Union County<br>Buffalo Township        | Buffalo Creek<br>(10-C)                | Y                          |
| PA0046094<br>(Sewage)       | Ives Run Recreation<br>Ives Run Recreation Area<br>710 Ives Run Lane<br>Tioga, PA 16946-9733      | Tioga County<br>Tioga Township          | Crooked Creek<br>(4-A)                 | Y                          |
| PA0229237                   | Clearfield Municipal Authority Water<br>System<br>One Pennfield Road<br>Clearfield, PA 16830-2405 | Clearfield County,<br>Lawrence Township | Moose Creek<br>(8-B)                   | Y                          |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                  | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|---------------------------|
| PA0205753<br>Sewage         | E Bethlehem Twp Muni Auth<br>PO Box 136<br>Fredericktown, PA 15333-0136 | Washington County<br>E Bethlehem Twp | Fishpot Run                          | Y                         |

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

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

**PAS202210**, Storm Water, SIC Code 3399, **Silberline Manufacturing Company, Inc.**, P. O. Box B, Tamaqua, PA 18252. Facility Name: Silberline Manufacturing Company, Inc.—Tidewood. This existing facility is located in Rush Township, **Schuylkill County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Storm Water.

The receiving stream, Unnamed Tributary to Nesquehoning Creek, is located in State Water Plan watershed 2-B and is classified for High Quality Waters—Cold Water Fishes, Migratory Fishes, and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for stormwater Outfalls 001, 002, 003 and 004 are as follows:

| Parameters             | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                        | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Total Suspended Solids | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Oil and Grease         | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Total Aluminum         | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |

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

- Requirements Applicable to Stormwater Outfalls.

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 in effect.

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

**PA0043672**, Industrial Waste, SIC Code 3489, **General Dynamics—OTS (PA) Inc.**, 200 East High Street, Red Lion, PA 17356-0127. Facility Name: General Dynamics—OTS (PA) Inc. This existing facility is located in Red Lion Borough, **York County**.

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

The receiving stream(s), Fishing Creek, is located in State Water Plan watershed 7-I 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 0.00 MGD.

| Parameters       | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                  | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Flow (MGD)       | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)        | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Temperature (°F) | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |

The proposed effluent limits for Outfall 002 are based on a design flow of 0.005 MGD.

| Parameters                            | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|---------------------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                                       | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Flow (MGD)                            | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)                             | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Trichloroethylene (TCE)               | XXX                | XXX              | XXX     | 0.03                 | 0.06             | 0.075               |
| Organic Compounds <sup>(1)</sup>      | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |
| Storm Water Pollutants <sup>(2)</sup> | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |

The proposed effluent limits for Outfall 003 are based on a design flow of 0.098 MGD.

| Parameters                       | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  |                     |
|----------------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                                  | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum | Instant.<br>Maximum |
| Flow (MGD)                       | Report             | Report           | XXX     | XXX                  | XXX              | XXX                 |
| pH (S.U.)                        | XXX                | XXX              | 6.0     | XXX                  | XXX              | 9.0                 |
| Trichloroethylene (TCE)          | XXX                | XXX              | XXX     | 0.02                 | 0.04             | 0.05                |
| Organic Compounds <sup>(1)</sup> | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |

The proposed effluent limits for Outfall 005 are based on a design flow of 0.00 MGD.

| Parameters                            | Mass (lb/day)      |                  |         | Concentration (mg/l) |                  | Instant.<br>Maximum |
|---------------------------------------|--------------------|------------------|---------|----------------------|------------------|---------------------|
|                                       | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Daily<br>Maximum |                     |
| Storm Water Pollutants <sup>(2)</sup> | XXX                | XXX              | XXX     | XXX                  | Report           | XXX                 |

(1) Analysis required for both influent and effluent for Organic Compounds for Outfall 002 and 003. Analysis required for effluent only for Outfall 004. The required parameters are: 1,1,1-Trichloroethane, 1,1,2-Trichloroethane, 1,1-Dichloroethane, 1,2-Dichloroethane, 1,1-Dichloroethene, cis-1,2-Dichloroethene, trans-1,2-Dichloroethene, 4-Chlorobenzotrifluoride, Carbon Disulfide, Carbon Tetrachloride, Chlorobenzene, Chloroethane, Chloroform, Dichloromethane (Methylene Chloride), Methyl tert-Butyl Ether (MTBE), Napthalene, Tetrachloroethene, Chloroethene (Vinyl Chloride), and Total Xylenes.

(2) Analysis required for the following Storm Water Pollutants: Total Suspended Solids, Oil and Grease, BOD<sub>5</sub>, pH, Total Lead, Total Copper, Total Zinc, Total Iron, Hexavalent Chromium, Total Antimony, Total Arsenic, Total Cadmium, Total Silver, Total Nickel, Total Selenium, and Total Thallium.

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

The EPA Waiver is in effect.

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

**PA0023531**, Sewage, SIC Code 4952, **Danville Borough Municipal Authority**, 12 West Market Street, Danville, PA 17821. Facility Name: Danville WWTP. This existing facility is located in Danville Borough, **Montour 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), Mahoning Creek and Susquehanna River, is located in State Water Plan watershed 5-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 and 002 are based on a design flow of 3.63 MGD.

| Parameters                   | Mass (lb/day)      |                  |         | Concentration (mg/l) |                   | Instant.<br>Maximum |
|------------------------------|--------------------|------------------|---------|----------------------|-------------------|---------------------|
|                              | Average<br>Monthly | Daily<br>Maximum | Minimum | Average<br>Monthly   | Weekly<br>Average |                     |
| Flow (MGD)                   | Report             | Report           | XXX     | XXX                  | XXX               | XXX                 |
| pH (S.U.)                    | XXX                | XXX              | 6.0     | XXX                  | XXX               | 9.0                 |
| Dissolved Oxygen             | XXX                | XXX              | 4.0     | XXX                  | XXX               | XXX                 |
| Total Residual Chlorine      | XXX                | XXX              | XXX     | 0.5                  | XXX               | 1.6                 |
| CBOD <sub>5</sub>            | 755                | 1,210            | XXX     | 25                   | 40                | 50                  |
|                              |                    | Wkly Avg         |         |                      |                   |                     |
| BOD <sub>5</sub>             |                    |                  |         |                      |                   |                     |
| Raw Sewage Influent          | Report             | Report           | XXX     | Report               | XXX               | XXX                 |
| Total Suspended Solids       | 905                | 1,360            | XXX     | 30                   | 45                | 60                  |
|                              |                    | Wkly Avg         |         |                      |                   |                     |
| Total Suspended Solids       |                    |                  |         |                      |                   |                     |
| Raw Sewage Influent          | Report             | Report           | XXX     | Report               | XXX               | XXX                 |
| Fecal Coliform (CFU/100 ml)  |                    |                  |         |                      |                   |                     |
| May 1 - Sep 30               | XXX                | XXX              | XXX     | 200                  | XXX               | 1,000               |
|                              |                    |                  |         | Geo Mean             |                   |                     |
| Oct 1 - Apr 30               | XXX                | XXX              | XXX     | 2,000                | XXX               | 10,000              |
|                              |                    |                  |         | Geo Mean             |                   |                     |
| Ammonia-Nitrogen             | XXX                | XXX              | XXX     | Report               | XXX               | Report              |
| Total Antimony (µg/L)        | Report             | Report           | XXX     | Report               | XXX               | Report              |
| Total Cadmium (µg/L)         | Report             | Report           | XXX     | Report               | XXX               | Report              |
| Total Mercury (µg/L)         | Report             | Report           | XXX     | Report               | XXX               | Report              |
| Total Selenium (µg/L)        | 0.60               | 1.20             | XXX     | 20.00                | 40.00             | 50.00               |
| Total Silver (µg/L)          | 0.30               | 0.60             | XXX     | 10.00                | 20.00             | 25.00               |
| Total Thallium (µg/L)        | 0.23               | 0.46             | XXX     | 7.74                 | 15.48             | 19.35               |
| 4,4-DDD (µg/L)               | 0.0006             | 0.001            | XXX     | 0.02                 | 0.04              | 0.05                |
| 4,4-DDT (µg/L)               | 0.0006             | 0.001            | XXX     | 0.02                 | 0.04              | 0.05                |
| 4,4-DDE (µg/L)               | 0.0006             | 0.001            | XXX     | 0.02                 | 0.04              | 0.05                |
| 3,3-Dichlorobenzidine (µg/L) | 0.08               | 0.17             | XXX     | 2.92                 | 5.84              | 7.30                |
| Acrolein (µg/L)              | Report             | Report           | XXX     | Report               | XXX               | Report              |
| Acrylonitrile (µg/L)         | 0.15               | 0.30             | XXX     | 5.00                 | 10.00             | 12.50               |
| Aldrin (µg/L)                | 0.0002             | 0.0004           | XXX     | 0.007                | 0.01              | 0.01                |
| Hexachlorobenzene (µg/L)     | 0.001              | 0.002            | XXX     | 0.03                 | 0.07              | 0.09                |
| Benzo(a)Anthracene (µg/L)    | 0.01               | 0.03             | XXX     | 0.52                 | 1.05              | 1.32                |
| Benzo(a)Pyrene (µg/L)        | 0.01               | 0.03             | XXX     | 0.52                 | 1.05              | 1.32                |

| Parameters                       | Mass (lb/day)   |               |         | Concentration (mg/l) |                | Instant. Maximum |
|----------------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
|                                  | Average Monthly | Daily Maximum | Minimum | Average Monthly      | Weekly Average |                  |
| Benzo(k)Fluoranthene (µg/L)      | 0.01            | 0.03          | XXX     | 0.52                 | 1.05           | 1.32             |
| 3,4-Benzofluoranthene (µg/L)     | 0.01            | 0.03          | XXX     | 0.52                 | 1.05           | 1.32             |
| Bis(2-Chloroethyl)Ether (µg/L)   | 0.14            | 0.28          | XXX     | 4.71                 | 9.43           | 11.79            |
| Chrysene (µg/L)                  | 0.01            | 0.03          | XXX     | 0.52                 | 1.05           | 1.32             |
| Dibenzo(a,h)Anthracene (µg/L)    | 0.01            | 0.03          | XXX     | 0.52                 | 1.05           | 1.32             |
| Dieldrin (µg/L)                  | 0.0002          | 0.0004        | XXX     | 0.007                | 0.01           | 0.01             |
| Heptachlor (µg/L)                | 0.0003          | 0.0006        | XXX     | 0.01                 | 0.02           | 0.02             |
| Hexachlorocyclopentadiene (µg/L) | Report          | Report        | XXX     | Report               | XXX            | Report           |
| Indeno(1,2,3-cd)Pyrene (µg/L)    | 0.01            | 0.03          | XXX     | 0.52                 | 1.05           | 1.32             |
| N-Nitrosodimethylamine (µg/L)    | 0.002           | 0.005         | XXX     | 0.09                 | 0.19           | 0.24             |
| N-Nitrosodi-N-Propylamine (µg/L) | Report          | Report        | XXX     | Report               | XXX            | Report           |
| Phenanthrene (µg/L)              | 0.15            | 0.30          | XXX     | 5.00                 | 10.00          | 12.50            |
| Vinyl Chloride (µg/L)            | 0.10            | 0.21          | XXX     | 3.48                 | 6.96           | 8.70             |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfalls 001 and 002.

| Parameters           | Mass (lbs) |        | Minimum | Concentration (mg/l) |         |
|----------------------|------------|--------|---------|----------------------|---------|
|                      | Monthly    | Annual |         | Monthly Average      | Maximum |
| Ammonia—N            | Report     | Report |         | Report               |         |
| Kjeldahl—N           | Report     |        |         | Report               |         |
| Nitrate-Nitrite as N | Report     |        |         | Report               |         |
| Total Nitrogen       | Report     | Report |         | Report               |         |
| Total Phosphorus     | Report     | Report |         | Report               |         |
| Net Total Nitrogen   | Report     | 66,118 |         |                      |         |
| Net Total Phosphorus | Report     | 8,816  |         |                      |         |

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

The EPA Waiver is not in effect.

**PA0229211**, SIC Code 2869, **PA Grain Processing LLC**, 250 Technology Drive, Clearfield, PA 16830-2663. Facility Name: Clearfield Borough Plant. This proposed facility is located in Clearfield Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are:

| Parameters             | Mass (lb/day)   |     |         | Concentration (mg/l) |               | Instant. Maximum |
|------------------------|-----------------|-----|---------|----------------------|---------------|------------------|
|                        | Average Monthly |     | Minimum | Average Monthly      | Daily Maximum |                  |
| pH (S.U.)              | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| CBOD <sub>5</sub>      | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Chemical Oxygen Demand | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Total Suspended Solids | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| TRPH                   | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Ammonia-Nitrogen       | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Total Phosphorus       | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |

The proposed effluent limits for Outfall 003 are:

| Parameters             | Mass (lb/day)   |     |         | Concentration (mg/l) |               | Instant. Maximum |
|------------------------|-----------------|-----|---------|----------------------|---------------|------------------|
|                        | Average Monthly |     | Minimum | Average Monthly      | Daily Maximum |                  |
| pH (S.U.)              | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| CBOD <sub>5</sub>      | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Chemical Oxygen Demand | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Total Suspended Solids | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| TRPH                   | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Ammonia-Nitrogen       | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |
| Total Phosphorus       | XXX             | XXX | XXX     | XXX                  | Report        | XXX              |

The proposed effluent limits for Outfall 004 are:

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |              |                | <i>Concentration (mg/l)</i> |                      |                         |
|------------------------|------------------------|--------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| pH (S.U.)              | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| CBOD <sub>5</sub>      | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| Chemical Oxygen Demand | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| Total Suspended Solids | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| TRPH                   | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| Ammonia-Nitrogen       | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |
| Total Phosphorus       | XXX                    | XXX          | XXX            | XXX                         | Report               | XXX                     |

The proposed effluent limits for IMP 101 are:

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      |                         |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                         | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD)              | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)               | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Total Residual Chlorine | XXX                    | XXX                  | XXX            | 0.5                         | XXX                  | XXX                     |
| Total Suspended Solids  | XXX                    | XXX                  | XXX            | 30                          | 60                   | XXX                     |
| Total Aluminum          | XXX                    | XXX                  | XXX            | 4.0                         | 8.0                  | XXX                     |
| Total Iron              | XXX                    | XXX                  | XXX            | 2.0                         | 4.0                  | XXX                     |
| Total Manganese         | XXX                    | XXX                  | XXX            | 1.0                         | 2.0                  | XXX                     |

The proposed effluent limits for IMP 102 are:

| <i>Parameters</i>       | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      |                         |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                         | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD)              | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)               | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| Total Residual Halogens | XXX                    | XXX                  | XXX            | 0.2                         | XXX                  | 0.5                     |
| Temperature (°F)        | XXX                    | XXX                  | XXX            | Report                      | Report               | XXX                     |

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

- Proper Disposal of Sludge
- Chemical Additives
- Stormwater Outfalls Requirements

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.

**PA0232351**, Industrial Waste, SIC Code 1389, **Eureka Resources LLC**, 451 Pine Street, Williamsport, PA 17701. Facility Name: Eureka Resources LLC. This proposed facility is located in Standing Stone Township, **Bradford County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 4-D and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on a design flow of 0.168 MGD.

| <i>Parameters</i>      | <i>Mass (lb/day)</i>   |                      |                | <i>Concentration (mg/l)</i> |                      |                         |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                        | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD)             | Report                 | Report               | XXX            | XXX                         | XXX                  | XXX                     |
| pH (S.U.)              | XXX                    | XXX                  | 6.0            | XXX                         | XXX                  | 9.0                     |
| BOD <sub>5</sub>       | Report                 | Report               | XXX            | 53                          | 163                  | 200                     |
| Total Suspended Solids | Report                 | Report               | XXX            | 61.3                        | 216                  | 270                     |
| Total Dissolved Solids | Report                 | Report               | XXX            | 500                         | 1000                 | 1250                    |
| Oil and Grease         | Report                 | XXX                  | XXX            | 15                          | XXX                  | 30                      |
| Ammonia-Nitrogen       | Report                 | Report               | XXX            | 10                          | 20                   | 25                      |
| Total Barium           | Report                 | Report               | XXX            | 10                          | 20                   | 25                      |
| Total Copper (µg/L)    | Report                 | Report               | XXX            | 0.757                       | 0.865                | 1.89                    |
| Dissolved Iron         | XXX                    | XXX                  | XXX            | XXX                         | XXX                  | 7.0                     |
| Total Iron (µg/L)      | 2.10                   | 4.20                 | XXX            | 1.50                        | 3.00                 | 3.75                    |
| Total Strontium        | Report                 | Report               | XXX            | 10                          | 20                   | 25                      |
| Total Zinc             | Report                 | Report               | XXX            | 0.420                       | 0.497                | 1.05                    |

| Parameters            | Mass (lb/day) |         |         | Concentration (mg/l) |         |                  |
|-----------------------|---------------|---------|---------|----------------------|---------|------------------|
|                       | Average       | Daily   | Minimum | Average              | Daily   | Instant. Maximum |
|                       | Monthly       | Maximum |         | Monthly              | Maximum |                  |
| o-Cresol              | Report        | Report  | XXX     | 0.561                | 1.92    | 2.4              |
| 2,4,6-Trichlorophenol | Report        | Report  | XXX     | 0.106                | 0.155   | 0.26             |
| Phenol                | Report        | Report  | XXX     | 1.08                 | 3.65    | 4.56             |
| Acetone               | Report        | Report  | XXX     | 7.97                 | 30.2    | 37.75            |
| Acetophenone          | Report        | Report  | XXX     | 0.0562               | 0.114   | 0.14             |
| Chloride              | Report        | Report  | XXX     | 250                  | 500     | 625              |
| 2-Butanone            | Report        | Report  | XXX     | 1.85                 | 4.81    | 6.01             |
| p-Cresol              | Report        | Report  | XXX     | 0.205                | 0.698   | 0.87             |
| Pyridine              | Report        | Report  | XXX     | 0.182                | 0.370   | 0.455            |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 002.

| Parameters           | Mass (lbs) |        |         | Concentration (mg/l) |         |
|----------------------|------------|--------|---------|----------------------|---------|
|                      | Monthly    | Annual | Minimum | Average              | Maximum |
|                      |            |        |         | Monthly              |         |
| Ammonia—N            | Report     | Report |         | Report               |         |
| Kjeldahl—N           | Report     |        |         | Report               |         |
| Nitrate-Nitrite as N | Report     |        |         | Report               |         |
| Total Nitrogen       | Report     | Report |         | Report               |         |
| Total Phosphorus     | Report     | Report |         | Report               |         |

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

The EPA Waiver is not in effect.

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

**PAS328308**, Storm Water, SIC Code 3273, **O-TEX Pumping, LLC**, 2916 Old Route 422 E, Fenelton, PA 16034. Facility Name: O Tex Pumping Fenelton Facility. This proposed facility is located in Clearfield Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of Storm Water runoff.

The receiving stream, an Unnamed Tributary to the Buffalo Creek, is located in State Water Plan watershed 18-F and is classified for High Quality Waters—Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

| Parameters              | Mass (lbs/day) |         |         | Concentration (mg/l) |         |                  |
|-------------------------|----------------|---------|---------|----------------------|---------|------------------|
|                         | Average        | Daily   | Minimum | Average              | Daily   | Instant. Maximum |
|                         | Monthly        | Maximum |         | Monthly              | Maximum |                  |
| Flow                    | Report         | XXX     | XXX     | XXX                  | XXX     | XXX              |
| Total Suspended Solids  | XXX            | XXX     | XXX     | Report               | XXX     | Report           |
| Oil and Grease          | XXX            | XXX     | XXX     | 15                   | XXX     | 30               |
| Total Kjeldahl Nitrogen | XXX            | XXX     | XXX     | Report               | XXX     | Report           |
| Total Iron              | XXX            | XXX     | XXX     | Report               | XXX     | Report           |

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

| Parameters              | Mass (lbs/day) |         |         | Concentration (mg/l) |         |                  |
|-------------------------|----------------|---------|---------|----------------------|---------|------------------|
|                         | Average        | Daily   | Minimum | Average              | Daily   | Instant. Maximum |
|                         | Monthly        | Maximum |         | Monthly              | Maximum |                  |
| Flow                    | Report         | XXX     | XXX     | XXX                  | XXX     | XXX              |
| Total Suspended Solids  | XXX            | XXX     | XXX     | 30                   | XXX     | 60               |
| Oil and Grease          | XXX            | XXX     | XXX     | 15                   | XXX     | 30               |
| Total Kjeldahl Nitrogen | XXX            | XXX     | XXX     | Report               | XXX     | Report           |
| Total Iron              | XXX            | XXX     | XXX     | Report               | XXX     | Report           |

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

| Parameters              | Mass (lbs/day) |         |         | Concentration (mg/l) |         |                  |
|-------------------------|----------------|---------|---------|----------------------|---------|------------------|
|                         | Average        | Daily   | Minimum | Average              | Daily   | Instant. Maximum |
|                         | Monthly        | Maximum |         | Monthly              | Maximum |                  |
| Flow                    | Report         | XXX     | XXX     | XXX                  | XXX     | XXX              |
| Total Suspended Solids  | XXX            | XXX     | XXX     | 30                   | XXX     | 60               |
| Oil and Grease          | XXX            | XXX     | XXX     | 15                   | XXX     | 30               |
| Total Kjeldahl Nitrogen | XXX            | XXX     | XXX     | Report               | XXX     | Report           |
| Total Iron              | XXX            | XXX     | XXX     | Report               | XXX     | Report           |



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

| <i>Parameters</i>       | <i>Mass (lbs/day)</i>  |                      |                | <i>Concentration (mg/l)</i> |                      | <i>Instant. Maximum</i> |
|-------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
|                         | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Daily Maximum</i> |                         |
| Flow                    | Report                 | XXX                  | XXX            | XXX                         | XXX                  | XXX                     |
| Total Suspended Solids  | XXX                    | XXX                  | XXX            | 30                          | XXX                  | 60                      |
| Oil and Grease          | XXX                    | XXX                  | XXX            | 15                          | XXX                  | 30                      |
| Total Kjeldahl Nitrogen | XXX                    | XXX                  | XXX            | Report                      | XXX                  | Report                  |
| Total Iron              | XXX                    | XXX                  | XXX            | Report                      | XXX                  | Report                  |

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

- Requirement to Use eDMR System
- Requirements Applicable to Stormwater Outfalls
- Drug and Chemical Usage for Aquaculture Facilities
- Sludge Cleaning

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.

**PA0026204**, Sewage, SIC Code 4952, **City of Oil City**, 21 Seneca Street, Oil City, PA 16301-1379. Facility Name: Oil City STP. This existing facility is located in Oil City, **Venango 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), Allegheny River and Oil Creek, is located in State Water Plan watershed 16-E and is classified for Cold Water Fishes and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 4 MGD.

| <i>Parameters</i>           | <i>Mass (lb/day)</i>   |                       |                | <i>Concentration (mg/l)</i> |                       | <i>Instant. Maximum</i> |
|-----------------------------|------------------------|-----------------------|----------------|-----------------------------|-----------------------|-------------------------|
|                             | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Minimum</i> | <i>Average Monthly</i>      | <i>Weekly Average</i> |                         |
| Flow (MGD)                  | Report                 | Report<br>Daily Max   | XXX            | XXX                         | XXX                   | XXX                     |
| pH (S.U.)                   | XXX                    | XXX                   | 6.0            | XXX                         | XXX                   | 9.0                     |
| Dissolved Oxygen            | XXX                    | XXX                   | 4.0            | XXX                         | XXX                   | XXX                     |
| Total Residual Chlorine     | XXX                    | XXX                   | XXX            | 0.5                         | XXX                   | 1.6                     |
| CBOD <sub>5</sub>           | 834                    | 1,250                 | XXX            | 25                          | 40                    | 50                      |
| Total Suspended Solids      | 1,000                  | 1,500                 | XXX            | 30                          | 45                    | 60                      |
| BOD <sub>5</sub>            |                        |                       |                |                             |                       |                         |
| Raw Sewage Influent         | Report                 | Report<br>Daily Max   | XXX            | Report                      | XXX                   | XXX                     |
| Total Suspended Solids      |                        |                       |                |                             |                       |                         |
| Raw Sewage Influent         | Report                 | Report<br>Daily Max   | XXX            | Report                      | XXX                   | XXX                     |
| Fecal Coliform (CFU/100 ml) |                        |                       |                |                             |                       |                         |
| May 1 - Sep 30              | XXX                    | XXX                   | XXX            | 200<br>Geo Mean             | XXX                   | 1,000                   |
| Oct 1 - Apr 30              | XXX                    | XXX                   | XXX            | 2,000<br>Geo Mean           | XXX                   | 10,000                  |
| Total Nitrogen              | Report                 | XXX                   | XXX            | Report                      | XXX                   | XXX                     |
| Ammonia-Nitrogen            | Report                 | XXX                   | XXX            | Report                      | XXX                   | XXX                     |
| Total Phosphorus            | Report                 | XXX                   | XXX            | Report                      | XXX                   | XXX                     |
| Total Copper                |                        |                       |                |                             |                       |                         |
| (Interim)                   | Report                 | XXX                   | XXX            | Report                      | XXX                   | Report                  |
| (Final)                     | 0.96                   | XXX                   | XXX            | 0.029                       | XXX                   | 0.072                   |

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

- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- Solids Management
- Toxic Reduction Evaluation
- Whole Effluent Toxicity
- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is not in effect.

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

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

**WQM Permit No. WQG02091311**, Sewerage, **Bailey's Square LLC**, P. O. Box 2579, 76 Griffiths Miles Circle, Warminster, PA 18974.

This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a pump station.

**WQM Permit No. WQG02091312**, Sewerage, **Bucks County Water & Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18974.

This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a proposed sewage pumping station's force main.

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

**WQM Permit No. 4513401**, Sewerage, **Tobyhanna Township Monroe County**, 105 Government Center Way, Pocono Pines, PA 18350.

This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: Creation of a new pump station & Sewage Conveyance system to service the proposed Kalahari resort, water part, and commercial center; which will pump to the Pocono Township Sewage Collection System.

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

**WQM Permit No. 6795411 Amendment 1**, Sewerage, **PA DCNR Bureau of State Parks**, Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17739-9787.

This proposed facility is located in Warrington Township, **York County**.

Description of Proposed Action/Activity: Modifications to the disinfection system to address final NPDES Total Residual Chlorine effluent limits.

**WQM Permit No. 3613404**, Sewerage, **Strasburg Township**, 400 Bunker Hill Road, Strasburg, PA 17579.

This proposed facility is located in Strasburg Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction of a low pressure collection system to serve the Village of Refton. Treatment will consist of a recirculating sand filter followed by a series of subsurface flow constructed wetlands to accomplish denitrification and final disposal to a shallow placement at-grade disposal bed.

**WQM Permit No. 2113404**, Sewerage, **Lemoyne Borough Municipal Authority**, 3 Lowther Street, PO Box 3307, Lemoyne, PA 17043-2029.

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

Description of Proposed Action/Activity: Relocation of existing sanitary sewer piping and manholes outside of PennDOT's right-of-way due to an interchange improvement project.

**WQM Permit No. 3613405**, Sewerage, **City of Lancaster**, 120 North Duke Street, PO Box 1599, Lancaster, PA 17608-1599.

This proposed facility is located in Manheim Township and Lancaster City, **Lancaster County**.

Description of Proposed Action/Activity: Proposed upgrade and expansion of the existing North Sewage Pumping Station to reduce volume of combined sewer overflows discharged to the Conestoga River and provide improved treatment of overflows.

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

**WQM Permit No. 0213403**, Sewerage, **PWSA**, 1200 Penn Ave., PGH, PA 15222-4211.

This proposed facility is located in PGH City, **Allegheny County**.

Description of Proposed Action/Activity: Application for construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6513404**, Sewerage, **Rostraver Township Sew Auth**, 1744 Rostraver Rd., Belle Vernon, PA 15012.

This proposed facility is located in Rostraver Township, **Westmoreland County**

Description of Proposed Action/Activity: Application for the construction and operation of a pump station.

**WQM Permit No. 0213404**, Sewerage, **PWSA**, 1200 Penn Ave., PGH, PA 15222-4211.

This proposed facility is located in PGH City, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

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

**WQM Permit No. 4299404**, Sewage, **Amendment No. 2, Borough of Smethport Authority**, 201 West Water Street, Smethport, PA 16749.

This existing facility is located in Smethport Borough, **McKean County**.

Description of Proposed Action/Activity: Amendment for construction of a headworks building and installation of a mechanically cleaned bar screen with by pass and screenings washer.

**WQM Permit No. 2506410**, Sewage, **Jacquelyn Wismer**, 10856 Eureka Road, Edinboro, PA 16412.

This existing facility is located in Franklin Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit for an existing Single Residence Sewage Treatment Plant from Susan Tassone to Jacquelyn Wismer.

#### **IV. NPDES Applications for Stormwater Discharges from MS4**

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

**PAI132220**, MS4, **Plainfield Township Northampton County**, 6292 Sullivan Trail, Nazareth, PA 18064-9335. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Plainfield Township, **Northampton County**. The receiving stream(s), Little Bushkill Creek and Unnamed Tributary of Little Bushkill Creek, is located in State Water Plan watershed 1-F and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132207**, MS4, **Freemansburg Borough Northampton County**, 600 Monroe Street, Freemansburg, PA 18017. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Freemansburg Borough, **Northampton County**. The receiving stream(s), Nancy Run and Lehigh River, are located in State Water Plan watershed 2-C and are classified as High Quality Cold Water Fishes and Warm Water Fishes respectively.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

**PAI132205**, MS4, **Upper Macungie Township Lehigh County**, 8330 Schantz Road, Breinigsville, PA 18031. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Upper Macungie Township, **Lehigh County**. The receiving stream(s), Breinig Run, Haasen Creek, Iron Run, and Schaefer Run, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

#### **V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                        | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>                     |
|-------------------------|--|---------------|---------------------|--|
| PAI011513020            | The Hankin Group<br>707 Eagleview Blvd.<br>Exton, PA 19341 | Chester       | Uwchlan Township    | Unnamed Tributary to Pickering Creek<br>HQ-TSF |

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                            | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI014613010            | Donald Epstein<br>Forsgate Drive CN 4000<br>Cranbury, NJ 08512 | Montgomery    | Cheltenham Township | Tacony Creek<br>TSF-MF     |

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*Lehigh County Conserve District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd, Allentown PA 18104, 610-391-9583*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>                               |
|-------------------------|---|---------------|-------------------------|--|
| PAI023908021R           | James Gentile<br>North Star Real Estate<br>Investment, LP<br>7562 Penn Dr., Ste. 100<br>Allentown, PA 18106 | Lehigh        | Upper Macungie Township | Iron Run<br>(HQ, CWF, MF)                                |
| PAI023907014(1)         | Myron R. Haydt Development<br>Company<br>c/o Myron R. Haydt<br>3005 Barrington Lane<br>Allentown, PA 18103  | Lehigh        | Salisbury Township      | Trout Creek<br>(HQ, CWF, MF)<br>Black River<br>(CWF, MF) |

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

| <i>Permit #</i> | <i>Applicant Name &amp; Address</i>  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>         |
|-----------------|--|---------------|---------------------|------------------------------------|
| PAI030613004    | Pennsylvania Department of<br>Transportation District 5-0<br>1002 Hamilton Street<br>Allentown, PA 18102 | Berks         | Greenwich Township  | UNT to Maiden<br>Creek<br>(TSF/MF) |

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

PAG-12      CAFOs

#### **CAFO Notices of Intent Received**

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

**NPDES Permit No. PAG124804 A-1, CAFO, Stones Hog Products, LLC, 12547 Stage Rd, McClure, PA 17841.**

This existing facility is located in Spring Township, **Snyder County**.

Description of size and scope of existing operation/activity: Transfer from John & Trisha Stone and Amendment for proposed addition of a new swine finishing barn.

The receiving stream, Unnamed Tributary to Middle Creek, is in watershed 6-A 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.

### **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.

**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> |
|---|---------------|--------------------|--------------------------------|--------------------|---|--------------------|
| Hillside Poultry Farms, Inc.<br>1849 Letterkenny Road<br>Chambersburg, PA 17202 | Franklin      | 535.5              | 1210.96                        | Poultry            | NA  | Renewal            |
| Mike Buckwalter<br>350 Rock Point Road<br>Marietta, PA 17547                    | Lancaster     | 335.7              | 478.34                         | Swine / Steers     | NA  | Renewal            |

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. WA-1-B**, Public Water Supply  
 Applicant **Pottstown Borough Authority**  
 Township Pottstown Borough

County **Montgomery**  
 Responsible Official Mark D. Flanders  
 Borough Managers  
 100 East Main Street  
 Pottstown, PA 19464  
 Type of Facility PWS  
 Consulting Engineer Thomas L. Weld Jr, P.E.  
 Cardno BCM  
 920 Germantown Pike  
 Suite 200  
 Plymouth Meeting, PA 19462  
 Application Received Date July 19, 2013  
 Description of Action Renewal application for a water allocation permit to withdrawal water from the Schuylkill Rivers.

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 0113503**, Public Water Supply.  
 Applicant **Bermudian Springs School District**  
 Municipality Huntington Township  
 County **Adams**  
 Responsible Official Shane Hotchkiss,  
 Superintendent  
 7335 Carlisle Pike  
 York Springs, PA 17372  
 Type of Facility Public Water Supply  
 Consulting Engineer Randolph S Bailey, P.E.  
 William F Hill & Associates Inc  
 207 Baltimore Street  
 Gettysburg, PA 17325  
 Application Received: 7/26/2013  
 Description of Action Construction of a centralized water treatment system to replace the multiple existing systems. The system will include softening, arsenic removal, disinfection including GWR 4-log treatment of viruses, booster pumps and a finished water storage tank.

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

**Application No. 4913502—Construction** Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.—Roaring Creek Division**  
 [Township or Borough] Coal Township  
 County **Northumberland**  
 Responsible Official Patrick Burke, Regional Manager  
 Aqua Pennsylvania, Inc.—Roaring Creek Division  
 204 East Sunbury Street  
 Shamokin, PA 17872  
 Type of Facility Public Water Supply  
 Consulting Engineer Margo M. Weigner, P.E.  
 CET Engineering Services—GHD  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received August 8, 2013  
 Description of Action Construction of a new booster pump station (Edgewood booster pump station) which will replace its existing pump station and water storage tank.

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

**Permit No. 3213518**, Public Water Supply.

Applicant **Pennsylvania American Water Company**  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 [Township or Borough] White Township  
 Responsible Official David R. Kaufman, Vice President-Engineering  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Water system  
 Consulting Engineer  
 Application Received August 7, 2013  
 Date  
 Description of Action Construction of the West End booster pump station.

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

**Permit No. 3713502**, Public Water Supply

Applicant **Pennsylvania American Water Company**  
 Township or Borough Neshannock Township  
 County **Lawrence**  
 Responsible Official David R. Kaufman  
 Type of Facility Public Water Supply

Consulting Engineer Matthew J. Carnish, P.E.  
 Gannett Fleming, Inc.  
 P. O. Box 67100  
 Harrisburg, PA 17106-7100  
 Application Received July 22, 2013  
 Date

Description of Action Construct ammonium hydroxide chemical storage and feed facility to enable distribution system disinfection using chloramines. Install chlorine gas dry scrubber system.

**Permit No. 3713502**, Public Water Supply

Applicant **Eastbrook Apartments**  
 Township or Borough Hickory Township  
 County **Lawrence**  
 Responsible Official David Smith  
 Type of Facility Public Water Supply  
 Consulting Engineer William P. Deemer, P.E.  
 William P. Deemer & Associates  
 205-B South Duffy Road  
 Butler, PA 16001  
 Application Received August 1, 2013  
 Date

Description of Action Addition of NSF Schedule 40 PVC and replacement of the existing clearwell with a 250 gallon NSF poly clearwell tank, minimal relocation of existing equipment in order to have the necessary required disinfection contact time to achieve 4-Log compliance.

**MINOR AMENDMENT**

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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790*

**Application No. 5213505MA**

Applicant **Pocono Waterworks Company, Inc.**  
 [Township or Borough] Palmyra Township  
**Pike County**  
 Responsible Official Joseph R. Bonomico, Sr.  
 President  
 Pocono Waterworks Company, Inc.  
 P. O. Box 189  
 Hamlin, PA 18427  
 Type of Facility Community Water System  
 Consulting Engineer Sarah J. Bue-Morris, PE  
 Bue-Morris Associates, Inc.  
 P. O. Box 201  
 Newfoundland, PA 18445  
 570-676-5473  
 Application Received July 9, 2013  
 Date

Description of Action Application for construction of a replacement well station with system booster pumps and chemical feed systems, along with construction of a chlorine contact pipe segment.

**Application No. 5211507T1**

Applicant **Pocono Waterworks Company, Inc.**  
 [Township or Borough] Palmyra Township  
**Pike County**  
 Responsible Official Joseph R. Bonamico, President  
 P. O. Box 186  
 Hamlin, PA 18427  
 570-689-4017  
 Type of Facility Community Water System  
 Consulting Engineer NA  
 Application Received Date July 25, 2013  
 Description of Action Application for transfer of PWS construction permit No. 5211507 (for modification of the PWS system serving B. F. Killiam Tract) from Waterflow Pike, Inc. to Pocono Waterworks Company, Inc.

**Application No. 3591506T1**

Applicant **Mele Enterprises, Inc.**  
 [Township or Borough] Madison Township  
**Lackawanna County**  
 Responsible Official Ralph P. Mele, President  
 RR 8, Box 8779  
 Moscow, PA 18444  
 570-350-3660  
 Type of Facility Community Water System  
 Consulting Engineer NA  
 Application Received Date July 31, 2013  
 Description of Action Application for transfer of PWS construction permit No. 3591506 (for modification of the Well No. 1 facility serving Hillside Mobile Home Park, formerly known as Ardito's Mobile Home Park) from Ardito's Mobile Home Park to Mele Enterprises, Inc.

**Application No. 2660023**

Applicant **Clarendon Acres Water Company**  
 [Township or Borough] Tunkhannock Township  
**Wyoming County**  
 Responsible Official D. Scott Zaner, President  
 Clarendon Acres Water Company  
 P. O. Box 458  
 Tunkhannock, PA 18657  
 Type of Facility Community Water System  
 Consulting Engineer NA  
 Application Received Date August 6, 2013

Description of Action Applications for an operation permit for 4-log inactivation of viruses at entry points 101 & 102.

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

**Application No. 3013503MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344  
 [Township or Borough] Center Township  
 Responsible Official John W. Golding, Manager  
 Southwestern Pennsylvania Water Authority  
 1442 Jefferson Road  
 PO Box 187  
 Jefferson, PA 15344  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 PO Box 200  
 Indianola, PA 15051  
 Application Received Date July 16, 2013  
 Description of Action Installation of the Rice Energy bulk load-out facility.

**Application No. 1113513MA, Minor Amendment.**

Applicant **Greater Johnstown Water Authority**  
 640 Franklin Street  
 Johnstown, PA 15901  
 [Township or Borough] Conemaugh Township  
 Responsible Official Michael Kukura, Authority Manager  
 Greater Johnstown Water Authority  
 640 Franklin Street  
 Johnstown, PA 15901  
 Type of Facility Water system  
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650  
 Application Received Date July 30, 2013  
 Description of Action Installation of a bulk load-out facility.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995  
 PREAMBLE 1**

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

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

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

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

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

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

**David Weston Property**, 120 North School Lane, Lancaster, PA 17603, Lancaster Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Dr. David Weston, 120 North School Lane, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils contaminated with #2 fuel oil. The site will be remediated to the Residential Statewide Health standard. Future use

of the site is unknown. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era* on July 31, 2013.

**Rutter's Farm Store 53 Diesel Spill**, 2215 Old Trail Road, Eppers, PA 17319, Newberry Township, **York County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of CHR Corporation, 2295 Susquehanna Trail, York, PA 17404 and Response Environmental, Inc., 912 Spring Circle, Mechanicsburg, PA 17055, submitted a Notice of Intent to Remediate site soils contaminated with diesel fuel released from a tractor's ruptured saddle tank. The site will be remediated to the Residential Statewide Health standard. Future use of the site remains a retail fueling facility. The Notice of Intent to Remediate was published in *The Patriot News* on July 23, 2013.

**Stockyards Office Park**, 1300 Marshall Avenue, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of TCH Realty and Development Company, LLC, 900 South Avenue, Suite 300, Staten Island, NY 10314 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with bis-2(ethylhexyl)phthalate. The site will be remediated to a combination of the Residential Statewide Health and Site Specific standards. Future use of the site is commercial. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era* on August 1, 2013.

**Darrenkamps Market (Former)**, 2842 Willow Street Pike, Willow Street, PA 17584, West Lampeter Township, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of LDJ Realty, 106 Willow Valley Square, Lancaster, PA 17603, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline and No. 2 fuel oil. The site will be remediated to the Residential Statewide Health and Site Specific standards. Future use of the site is a nonprofit commercial property. The Notice of Intent to Remediate was published in *Intelligencer Journal-Lancaster New Era* on August 1, 2013.

*Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Seneca Street CSO Treatment Facility**, North of Schoolmaker Avenue, City of Monessen, **Westmoreland County**. Gannett Fleming, Inc. 207 Senate Avenue, Camp Hill PA 17011, on behalf of the Mon Valley Sewage Authority, submitted a Notice of Intent to Remediate. The site is contaminated with volatile organic compounds (VOCs) and heavy metals in groundwater and with heavy metals and semi-volatile organic compounds (SVOCs) in soil. The proposed future use of the property will be for the new satellite treatment facility to address combined sewer overflow (CSO) problems near Seneca Street.

**Former First Student Bus Garage # 20516**, 235 Chartiers Avenue, City of Pittsburgh, **Allegheny County**. American Geosciences, 3925 Reed Blvd Suite 400, Murrysville PA 15668, on behalf of Christine J. Roman, 1245 Anderson Road, Pittsburgh, PA 15209, submitted a Notice of Intent to Remediate site soils and groundwater impacted by VOC's associated with gasoline and diesel fuel from historical underground storage tank systems. The Notice of Intent to Remediate was published in *The Tribune Review* on August 8 2013.



### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste. Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

#### *Renewal Applications Received*

**Citiwaste, LLC**, 100-02 Farragut Road, Brooklyn, NY 11236. License No. PA-HC 0243. Received on July 22, 2013.

### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Applications received under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**PAR000537548. Waste Management of Fairless LLC**, 1000 New Ford Mill Road, Morrisville, PA 19067. This Application for permit renewal is for the existing RCRA Post-Closure Borrow Pit—20 (BP-20), a closed hazardous waste land unit that was originally permitted to the United States Steel Corporation (USS) under ID No. PAD002375376. BP-20 is part of the 252 acres of the Fairless Landfill parcel owned by Waste Management of Fairless, LLC, and located in the USS properties in Falls Township, **Buck County**. Application was received at the Southeast Regional Office on June 24, 2013.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application received, under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate a Solid Waste Processing or Disposal Area or Site.

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

**Permit ID No. 300720. NRG Power Midwest LP**, P. O. Box 65, Cheswick, PA 15024. Cheswick Ash Disposal Site, Lefever Hill Road (S.R. 1016), Cheswick, PA 15024. A major permit modification for Waste Acceptance Plan revisions, for a fly ash disposal site in Indiana Township, **Allegheny County** was deemed administratively complete in the Regional Office on August 6, 2013.

**Permit ID No. 300876. GenOn Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. Conemaugh Generating Station Ash/Mine Refuse Disposal Site, 1442 Power Plant Road, SR 2008, New Florence, PA 15944-9154. Operation of a captive residual waste landfill located in West Wheatfield Township, **Indiana County**. Application for permit modification proposing disposal of IBIOS solids generated in the

FGD Blowdown Wastewater Treatment System was deemed administratively complete in the Regional Office on August 13, 2013.

### REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

Registration(s) Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities.

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701*

**General Permit Registration No. WMGR123NC025. RES Water-Avis, LLC**. 180 Henry Street, Jersey Shore, PA 17740. Registration to operate under General Permit No. WMGR123 for a treatment facility located in Pine Creek Township, **Clinton County**, for reuse of gas well frac water and production water. The registration was approved by Northcentral Regional Office on August 9, 2013.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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 public. This approach allows the owner or operator of a facility to complete and submit permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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.

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0003W: Monroe Energy, LLC** (4101 Post Road, Trainer, PA 19061) for a D2 project to increase ultra-low sulfur diesel production located at 4101 Post Road, Trainer Borough, **Delaware County**. This plan approval will authorize the construction of the project, and the transfer and use of volatile organic compound (VOC) emission reduction credits (ERCs). The project is described in the Applicant's application of May 20, 2013, and subsequent submissions.

Based on the information provided by the Applicant and DEP's own analysis, the project will increase emissions of 3.44 tons VOC per year. The required ERCs are 39.84 tons VOC to offset the contemporaneous net emission increases of 30.64 tons.

Copies of the application, draft Plan Approval and other documents used in evaluation of the application are available for public inspection during normal business hours at the address shown below.

In order to assure compliance with the applicable standards, DEP will place the following conditions in the plan approval:

25 Pa. Code § 127.208—ERC use and transfer requirements

- The permittee shall use and transfer ERC in accordance with 25 Pa. Code § 127.208.

25 Pa. Code § 127.210—Offset ratios

- Before commence operation, the permittee shall provide VOCERC at a 1.3:1.0 ratio to offset the VOC net emissions increase of 30.64 tons as per 25 Pa. Code §§ 127.203(b)(1)(ii), 127.205(3) and 127.210. The requirement VOCERC is 39.84 tons.

25 Pa. Code § 127.12b—Plan approval terms and conditions

- The requirements for Source ID 102 in current TVOP No. 23-00003 apply.
- The requirements for Source ID 103 in current TVOP No. 23-00003 apply, and in addition with the following conditions:

*Testing Requirements*

The permittee shall determine compliance with the applicable H<sub>2</sub>S emissions limit in the concentration requirement in § 60.103a(h) for the flare according to the following test methods and procedures:

(1) Method 1 of appendix A-1 to part 60 for sample and velocity traverses;

(2) Method 2 of appendix A-1 to part 60 for velocity and volumetric flow rate;

(3) Method 3, 3A, or 3B of appendix A-2 to part 60 for gas analysis. The method ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses," (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 3B of appendix A-2 to part 60;

(4) EPA Method 11, 15 or 15A of Appendix A-5 to part 60 or EPA Method 16 of Appendix A-6 to part 60 for determining the H<sub>2</sub>S concentration for affected facilities using an H<sub>2</sub>S monitor as specified in § 60.107a(a)(2). The method ANSI/ASME PTC 19.10-1981 (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 15A of Appendix A-5 to part 60. The owner or operator may demonstrate compliance based on the mixture used in the flare or for each individual fuel gas stream used in the flare.

(i) For Method 11 of appendix A-5 to part 60, the sampling time and sample volume must be at least 10 minutes and 0.010 dscm (0.35 dscf). Two samples of equal sampling times must be taken at about 1-hour intervals. The arithmetic average of these two samples constitutes a run. For most fuel gases, sampling times exceeding 20 minutes may result in depletion of the collection solution, although fuel gases containing low concentrations of H<sub>2</sub>S may necessitate sampling for longer periods of time.

(ii) For Method 15 of appendix A-5 to part 60, at least three injects over a 1-hour period constitutes a run.

(iii) For Method 15A of appendix A-5 to part 60, a 1-hour sample constitutes a run. The method ANSI/ASME PTC 19.10-1981, "Flue and Exhaust Gas Analyses," (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 15A of appendix A-5 to part 60.

(iv) If monitoring is conducted at a single point in a common source of fuel gas as allowed under § 60.107a(a)(2)(iv), only one performance test is required. That is, performance tests are not required when a new affected flare is added to a common source of fuel gas that previously demonstrated compliance.

*Monitoring Requirements*

(a) Flares subject to H<sub>2</sub>S concentration requirements.

(1) Not applicable.

(2) The permittee shall install, operate, calibrate and maintain an instrument for continuously monitoring and recording the concentration by volume (dry basis) of H<sub>2</sub>S in the fuel gases before being burned in the flare.

(i) The permittee shall install, operate and maintain each H<sub>2</sub>S monitor according to Performance Specification 7 of Appendix B to part 60. The span value for this instrument is 300 ppmvH<sub>2</sub>S.

(ii) The permittee shall conduct performance evaluations for each H<sub>2</sub>S monitor according to the requirements of § 60.13(c) and Performance Specification 7 of appendix B to part 60. The owner or operator shall use Method 11, 15, or 15A of appendix A-5 to part 60 or Method 16 of appendix A-6 to part 60 for conducting the relative accuracy evaluations. The method ANSI/ASME PTC

19.10-1981, "Flue and Exhaust Gas Analyses," (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 15A of appendix A-5 to part 60.

(iii) The permittee shall comply with the applicable quality assurance procedures in appendix F to part 60 for each H<sub>2</sub>S monitor.

(iv) Flares having a common source of fuel gas may be monitored at only one location, if monitoring at this location accurately represents the concentration of H<sub>2</sub>S in the fuel gas being burned in the respective flares.

(3) The permittee is not required to comply with paragraph (a)(2) of this section for fuel gas streams that are exempt under § 60.103a(h) or, other flare that are inherently low in sulfur content.

(4) If the composition of an exempt fuel gas stream changes, the permittee must follow the procedures in paragraph (b)(3) of this section.

(e) Sulfur monitoring for assessing root cause analysis threshold for affected flares. The permittee shall determine the total reduced sulfur concentration for each gas line directed to the flare in accordance with either paragraph (e)(2) of this section.

Different options may be elected for different gas lines. If a monitoring system is in place that is capable of complying with the requirements related to paragraph (e)(2) of this section, the permittee must comply with the requirements related to paragraph (e)(2) of this section upon startup of the modified flare. If a monitoring system is not in place that is capable of complying with the requirements related to paragraph (e)(2) of this section, the owner or operator of a modified flare must comply with the requirements related to paragraph (e)(2) of this section no later than November 11, 2015.

(2) H<sub>2</sub>S monitoring requirements. The permittee shall install, operate, calibrate, and maintain an instrument for continuously monitoring and recording the concentration of H<sub>2</sub>S in gas discharged to the flare according to the requirements in paragraphs (e)(2)(i) through (iii) of this section and shall collect and analyze samples of the gas and calculate total sulfur concentrations as specified in paragraphs (e)(2)(iv) through (ix) of this section.

(i) The permittee shall install, operate and maintain each H<sub>2</sub>S monitor according to Performance Specification 7 of Appendix B to part 60. The span value should be determined based on the maximum sulfur content of gas that can be discharged to the flare (e.g., roughly 1.1 to 1.3 times the maximum anticipated sulfur concentration), but may be no less than 5,000 ppmv.

A single dual range H<sub>2</sub>S monitor may be used to comply with the requirements of this paragraph and paragraph (a)(2) of this section provided the applicable span specifications are met.

(ii) The permittee shall conduct performance evaluations of each H<sub>2</sub>S monitor according to the requirements in § 60.13(c) and Performance Specification 7 of Appendix B to part 60. For flares that routinely have flow, the permittee shall use EPA Method 11, 15 or 15A of Appendix A-5 to part 60 for conducting the relative accuracy evaluations. The method ANSI/ASME PTC 19.10-1981 (incorporated by reference—see § 60.17) is an acceptable alternative to EPA Method 15A of Appendix A-5 to part 60. The alternative relative accuracy procedures described in § 16.0 of Performance Specification 2 of Appendix B to part 60 (cylinder gas audits) may be used for conducting the relative accuracy evaluations.

(iii) The owner or operator shall comply with the applicable quality assurance procedures in Appendix F to part 60 for each H<sub>2</sub>S monitor.

(iv) In the first 10 operating days after the date the flare must begin to comply with § 60.103a(c)(1), the permittee shall collect representative daily samples of the gas discharged to the flare. The samples may be grab samples or integrated samples. The permittee shall take subsequent representative daily samples at least once per week or as required in paragraph (e)(2)(ix) of this section.

(v) The permittee shall analyze each daily sample for total sulfur using either EPA Method 15A of Appendix A-5 to part 60, EPA Method 16A of Appendix A-6 to part 60, ASTM Method D4468-85 (Reapproved 2006) (incorporated by reference—see § 60.17) or ASTM Method D5504-08 (incorporated by reference—see § 60.17).

(vi) The owner or operator permittee shall develop a 10-day average total sulfur-to-H<sub>2</sub>S ratio and 95-percent confidence interval as follows:

(A) Calculate the ratio of the total sulfur concentration to the H<sub>2</sub>S concentration for each day during which samples are collected.

(B) Determine the 10-day average total sulfur-to-H<sub>2</sub>S ratio as the arithmetic average of the daily ratios calculated in paragraph (e)(2)(vi)(A) of this section.

(C) Determine the acceptable range for subsequent weekly samples based on the 95-percent confidence interval for the distribution of daily ratios based on the 10 individual daily ratios using Equation 11 of this section.

(vii) For each day during the period when data are being collected to develop a 10-day average, the permittee shall estimate the total sulfur concentration using the measured total sulfur concentration measured for that day.

(viii) For all days other than those during which data are being collected to develop a 10-day average, the permittee shall multiply the most recent 10-day average total sulfur-to-H<sub>2</sub>S ratio by the daily average H<sub>2</sub>S concentrations obtained using the monitor as required by paragraph (e)(2)(i) through (iii) of this section to estimate total sulfur concentrations.

(ix) If the total sulfur-to-H<sub>2</sub>S ratio for a subsequent weekly sample is outside the acceptable range for the most recent distribution of daily ratios, the permittee shall develop a new 10-day average ratio and acceptable range based on data for the outlying weekly sample plus data collected over the following 9 operating days.

(f) Flow monitoring for flares. Except as provided in paragraph (f)(2) of this section, the permittee shall install, operate, calibrate and maintain, in accordance with the specifications in paragraph (f)(1) of this section, a CPMS to measure and record the flow rate of gas discharged to the flare. If a flow monitor is not already in place, the permittee shall comply with the requirements of this paragraph by no later than November 11, 2015.

(1) The permittee shall install, calibrate, operate and maintain each flow monitor according to the manufacturer's procedures and specifications and the following requirements.

(i) Locate the monitor in a position that provides a representative measurement of the total gas flow rate.

(ii) Use a flow sensor with a measurement sensitivity of no more than 5 percent of the flow rate or 10 cubic feet per minute, whichever is greater.

(iii) Use a flow monitor that is maintainable online, is able to continuously correct for temperature and pressure and is able to record flow in standard conditions (as defined in § 60.2) over one-minute averages.

(iv) At least quarterly, perform a visual inspection of all components of the monitor for physical and operational integrity and all electrical connections for oxidation and galvanic corrosion if the flow monitor is not equipped with a redundant flow sensor.

(v) Recalibrate the flow monitor in accordance with the manufacturer's procedures and specifications biennially (every two years) or at the frequency specified by the manufacturer.

(2) Flares equipped with flare gas recovery systems designed, sized and operated to capture all flows except those resulting from startup, shutdown or malfunction are not required to install continuous flow monitors; provided, however, that for any such flare, the owner or operator shall comply with the monitoring alternative in paragraph (g) of this section.

(i) Excess emissions. For the purpose of reports required by § 60.7(c), periods of excess emissions for flares subject to the concentration requirement in § 60.103a(h) are defined as specified in paragraph (i)(2) of this section. Determine a rolling 3-hour or a rolling daily average as the arithmetic average of the applicable 1-hour averages (e.g., a rolling 3-hour average is the arithmetic average of three contiguous 1-hour averages).

(2) H<sub>2</sub>S concentration limits for flares. (i) Each rolling 3-hour period during which the average concentration of H<sub>2</sub>S as measured by the H<sub>2</sub>S continuous monitoring system required under paragraph (a)(2) of this section exceeds 162 ppmv.

#### *Recordkeeping Requirements*

The permittee shall maintain the following records:

- (1) A copy of the flare management plan.
- (2) For each fuel gas stream to which one of the exemptions listed in § 60.107a(a)(3) applies, records of the specific exemption determined to apply for each fuel stream. If the permittee applies for the exemption described in § 60.107a(a)(3)(iv), the owner or operator must keep a copy of the application as well as the letter from the Administrator granting approval of the application.
- (3) Records of discharges to an affected flare in excess of 500,000 scf above baseline in any 24-hour period as required by § 60.103a(c).
- (4) Records of the H<sub>2</sub>S and total sulfur analyses of each grab or integrated sample, the calculated daily total sulfur-to-H<sub>2</sub>S ratios, the calculated 10-day average total sulfur-to-H<sub>2</sub>S ratios and the 95-percent confidence intervals for each 10-day average total sulfur-to-H<sub>2</sub>S ratio.

#### *Reporting Requirements*

The permittee shall submit an excess emissions report for all periods of excess emissions according to the requirements of § 60.7(c) except that the report shall contain the information specified in paragraphs (d)(1) through (7) of this section.

- (1) The date that the exceedance occurred;
- (2) An explanation of the exceedance;
- (3) Whether the exceedance was concurrent with a startup, shutdown, or malfunction of an affected facility or control system; and
- (4) A description of the action taken, if any.

(5) The information described in paragraph (c)(6) of this section for all discharges listed in paragraph (c)(6) of this section.

(6) For any periods for which monitoring data are not available, any changes made in operation of the emission control system during the period of data unavailability which could affect the ability of the system to meet the applicable emission limit. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

(7) A written statement, signed by a responsible official, certifying the accuracy and completeness of the information contained in the report.

#### *Work Practice Requirements*

(a) The permittee shall develop and implement a written flare management plan no later than November 11, 2015. The flare management plan must include the information described below.

(1) A listing of all refinery process units, ancillary equipment, and fuel gas systems connected to the flare.

(2) An assessment of whether discharges to the flare from the process units, ancillary equipment and fuel gas systems can be minimized. The flare minimization assessment must (at a minimum) consider the items in paragraphs (a)(2)(i) through (iv) of this section. The assessment must provide clear rationale in terms of costs (capital and annual operating), natural gas offset credits (if applicable), technical feasibility, secondary environmental impacts and safety considerations for the selected minimization alternative(s) or a statement, with justifications, that flow reduction could not be achieved. Based upon the assessment, the permittee shall identify the minimization alternatives that it has implemented by the due date of the flare management plan and shall include a schedule for the prompt implementation of any selected measures that cannot reasonably be completed as of that date.

(i) Elimination of process gas discharge to the flare through process operating changes or gas recovery at the source.

(ii) Reduction of the volume of process gas to the flare through process operating changes.

(iii) Installation of a flare gas recovery system or, a flare gas recovery system and a co-generation unit, or combined heat and power unit.

(iv) Minimization of sweep gas flow rates and, for the flare with water seals, purge gas flow rates.

(3) A description of the flare containing the information in paragraphs (a)(3)(i) through (vii) of this section.

(i) A general description of the flare, including the information in paragraphs (a)(3)(i)(A) through (G) of this section.

(A) Whether it is a ground flare or elevated (including height).

(B) The type of assist system (e.g., air, steam, pressure, non-assisted).

(C) Whether it is simple or complex flare tip (e.g., staged, sequential).

(D) Whether the flare is part of a cascaded flare system (and if so, whether the flare is primary or secondary).

(E) Whether the flare serves as a backup to another flare.

(F) Whether the flare is an emergency flare or a non-emergency flare.

(G) Whether the flare is equipped with a flare gas recovery system.

(ii) Description and simple process flow diagram showing the interconnection of the following components of the flare: flare tip (date installed, manufacturer, nominal and effective tip diameter, tip drawing); knockout or surge drum(s) or pot(s) (including dimensions and design capacities); flare header(s) and subheader(s); assist system; and ignition system.

(iii) Flare design parameters, including the maximum vent gas flow rate; minimum sweep gas flow rate; minimum purge gas flow rate (if any); maximum supplemental gas flow rate; maximum pilot gas flow rate; and, if the flare is steam-assisted, minimum total steam rate.

(iv) Description and simple process flow diagram showing all gas lines (including flare, purge (if applicable), sweep, supplemental and pilot gas) that are associated with the flare. For purge, sweep, supplemental and pilot gas, identify the type of gas used. Designate which lines are exempt from sulfur, H<sub>2</sub>S or flow monitoring and why (e.g., natural gas, inherently low sulfur, pilot gas). Designate which lines are monitored and identify on the process flow diagram the location and type of each monitor.

(v) For each flow rate, H<sub>2</sub>S, sulfur content, pressure or water seal monitor identified in paragraph (a)(3)(iv) of this section, provide a detailed description of the manufacturer's specifications, including, but not limited to, make, model, type, range, precision, accuracy, calibration, maintenance and quality assurance procedures.

(vi) For emergency flares, secondary flares and flares equipped with a flare gas recovery system designed, sized and operated to capture all flows except those resulting from startup, shutdown or malfunction:

(A) Description of the water seal, including the operating range for the liquid level.

(B) Designation of the monitoring option elected (flow and sulfur monitoring or pressure and water seal liquid level monitoring).

(vii) For flares equipped with a flare gas recovery system:

(A) A description of the flare gas recovery system, including number of compressors and capacity of each compressor.

(B) A description of the monitoring parameters used to quantify the amount of flare gas recovered.

(C) For systems with staged compressors, the maximum time period required to begin gas recovery with the secondary compressor(s), the monitoring parameters and procedures used to minimize the duration of releases during compressor staging and a justification for why the maximum time period cannot be further reduced.

(4) An evaluation of the baseline flow to the flare. The baseline flow to the flare must be determined after implementing the minimization assessment in paragraph (a)(2) of this section. Baseline flows do not include pilot gas flow or purge gas flow (i.e., gas introduced after the flare's water seal) provided these gas flows remain reasonably constant (i.e., separate flow monitors for these streams are not required). Separate baseline flow rates

may be established for different operating conditions provided that the management plan includes:

(i) A primary baseline flow rate that will be used as the default baseline for all conditions except those specifically delineated in the plan;

(ii) A description of each special condition for which an alternate baseline is established, including the rationale for each alternate baseline, the daily flow for each alternate baseline and the expected duration of the special conditions for each alternate baseline; and

(iii) Procedures to minimize discharges to the affected flare during each special condition described in paragraph (a)(4)(ii) of this section, unless procedures are already developed for these cases under paragraph (a)(5) through (7) of this section, as applicable.

(5) Procedures to minimize or eliminate discharges to the flare during the planned startup and shutdown of the refinery process units and ancillary equipment that are connected to the affected flare, together with a schedule for the prompt implementation of any procedures that cannot reasonably be implemented as of the date of the submission of the flare management plan.

(6) Procedures to reduce flaring in cases of fuel gas imbalance (i.e., excess fuel gas for the refinery's energy needs), together with a schedule for the prompt implementation of any procedures that cannot reasonably be implemented as of the date of the submission of the flare management plan.

(7) For flares equipped with flare gas recovery systems, procedures to minimize the frequency and duration of outages of the flare gas recovery system and procedures to minimize the volume of gas flared during such outages, together with a schedule for the prompt implementation of any procedures that cannot reasonably be implemented as of the date of the submission of the flare management plan.

(b) The permittee must submit the plan to DEP as described in paragraphs (b)(1) through (3) of this section.

(1) The permittee must develop and implement the flare management plan by no later than November 11, 2015.

(2) The permittee must comply with the plan as submitted by November 11, 2015. The plan should be updated periodically to account for changes in the operation of the flare, such as new connections to the flare or the installation of a flare gas recovery system, but the plan need be re-submitted to DEP only if the owner or operator adds an alternative baseline flow rate, revises an existing baseline as described in paragraph (a)(4) of this section, installs a flare gas recovery system or is required to change flare designations and monitoring methods as described in § 60.107a(g). The owner or operator must comply with the updated plan as submitted.

(3) All versions of the plan submitted to the Administrator shall also be submitted to the following address: U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Sector Policies and Programs Division, U.S. EPA Mailroom (E143-01), Attention: Refinery Sector Lead, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711. Electronic copies in lieu of hard copies may also be submitted to [refinerynsps@pa.gov](mailto:refinerynsps@pa.gov).

(c) Except as provided in paragraph (f) of this section, the permittee shall conduct a root cause analysis and a corrective action analysis for any discharge to the flare in excess of 14,160 standard cubic meters (m<sup>3</sup>) (500,000

standard cubic feet (scf) above the baseline, determined in paragraph (a)(4) of this section, in any 24-hour period.

(d) Except as provided in paragraph (f) of this section, a root cause analysis and corrective action analysis must be completed as soon as possible, but no later than 45 days after a discharge meeting one of the conditions specified in paragraph (c)(1) of this section. Special circumstances affecting the number of root cause analyses and/or corrective action analyses are provided in paragraphs (d)(1) through (5) of this section.

(1) If a single continuous discharge meets any of the conditions specified in paragraphs (c)(1) through (3) of this section for 2 or more consecutive 24-hour periods, a single root cause analysis and corrective action analysis may be conducted.

(2) If a single discharge from the flare triggers a root cause analysis based on the conditions specified in paragraph (c) of this section, a single root cause analysis and corrective action analysis may be conducted.

(3) If the discharge from the flare is the result of a planned startup or shutdown of a refinery process unit or ancillary equipment connected to the flare and the procedures in paragraph (a)(5) of this section were followed, a root cause analysis and corrective action analysis is not required; however, the discharge must be recorded as described in § 60.108a(c)(6) and reported as described in § 60.108a(d)(5).

(4) If discharges occur that meet any of the conditions specified in paragraph (c)(1) of this section for more than one affected facility in the same 24-hour period, initial root cause analyses shall be conducted for each affected facility. If the initial root cause analyses indicate that the discharges have the same root cause(s), the initial root cause analyses can be recorded as a single root cause analysis and a single corrective action analysis may be conducted.

(e) Except as provided in paragraph (f) of this section, the permittee shall implement the corrective action(s) identified in the corrective action analysis conducted pursuant to paragraph (d) of this section in accordance with the applicable requirements in paragraphs (e)(1) through (3) of this section.

(1) All corrective action(s) must be implemented within 45 days of the discharge for which the root cause and corrective action analyses were required or as soon thereafter as practicable. If an owner or operator concludes that corrective action should not be conducted, the owner or operator shall record and explain the basis for that conclusion no later than 45 days following the discharge as specified in § 60.108a(c)(6)(ix).

(2) For corrective actions that cannot be fully implemented within 45 days following the discharge for which the root cause and corrective action analyses were required, the owner or operator shall develop an implementation schedule to complete the corrective action(s) as soon as practicable.

(3) No later than 45 days following the discharge for which a root cause and corrective action analyses were required, the permittee shall record the corrective action(s) completed to date, and, for action(s) not already completed, a schedule for implementation, including proposed commencement and completion dates as specified in § 60.108a(c)(6)(x).

(f) Modified flares shall comply with the requirements of paragraphs (c) through (e) of this section by November 11, 2015. This modified flare, accepted applicability of

subpart J under a federal consent decree, shall comply with the subpart J requirements as specified in the consent decree, but shall comply with the requirements of paragraph (h) of this section and the requirements of § 60.107a(a)(2) by no later than November 11, 2015.

(g) Not applicable.

(h) The permittee shall not burn in any affected flare any fuel gas that contains H<sub>2</sub>S in excess of 162 ppmv determined hourly on a 3-hour rolling average basis. The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this limit.

#### *Additional Requirements*

The permittee shall comply with the applicable requirements in current TVOP for Source ID 103.

- The requirements for Source ID 106 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 114 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 128 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 215 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 300 in current TVOP No. 23-00003 apply.

- The requirements for Source ID 741 in current TVOP No. 23-00003 apply.

- Prior to the issuance of the Operating Permit, the permittee shall provide to the Department a list of the components that are subject to the 25 Pa. Code § 129.58 (Source ID 114), NSPS Subpart GGGa (Source ID 215), and/or HESHAP Subpart CC (Source ID 128), the applicable requirements for the components, and the methods of complying with the requirements.

Any person wishing to provide DEP with additional information they believe should be considered prior to the issuance of the Plan Approval may submit the information to the address shown below. Each written comment must include the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval No. 23-0003W and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

Requests for a public fact finding conference or hearing may also be made by writing DEP at the address shown below. A public conference may be held, if DEP in its discretion decides that such a conference is warranted on the basis of the information received. All persons who have submitted comments or have requested a conference will be notified of the decision to hold such a conference by publication in this newspaper or the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient.

James Rebarchak, Regional Manager, Air Quality, Department of Environmental Protection, Southeast Regional Office, 2 East Main Street, Norristown, PA 19401

For additional information, please contact Ms. Janine Tulloch-Reid at 484-250-7505.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief - Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**38-03007B: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540) for operation of a human crematory in Heidelberg Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project.

Plan Approval No. 38-03007B is for the operation of a Matthews IE-43 Power Pack II crematory. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The actual air emissions from the crematory are estimated to be about 1.4 tpy of CO, 0.98 tpy of PM<sub>10</sub>, 0.42 tpy of NO<sub>x</sub>, 0.42 tpy of VOCs, and 0.35 tpy of SO<sub>x</sub>.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

**65-01027A: Leedsworld, Inc.** (400 Hunt Valley Road, New Kensington, PA 15068) for logo printing to finished goods at the Logo printing facility in Upper Burrell Township, **Washington County**. This is a minor facility Plan Approval application submittal.

**63-00983A: Columbia gas Transmission, LLC** (1700 MacCorkle Avenue SE, Charleston, WV 25314) for pipeline transportation of natural gas at the Redd farm Compressor Station in Amwell Township, **Washington County**. This is a minor facility Plan Approval application submittal.

#### OPERATING PERMITS

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**67-05114: BAE System Land & Armaments, LP** (1100 Bairs Rd, York, PA 17408) for operation of the armored military vehicle manufacturing/refurbishing facility in West Manchester Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The actual emissions in year 2012 were 1.2 ton of CO, 4.7 tons of NO<sub>x</sub>, 0.3 ton of PM, 0.02 ton of SO<sub>x</sub>, 7.1 tons of VOC, and 0.005 ton of Total 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. The facility is subject to 40 CFR 63, Subpart HHHHHH—National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**67-05014: York Group, Inc.** (2880 Blackbridge Road, York, PA 17406) for the wood casket manufacturing facility located in Manchester Township, **York County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual air emissions in 2012: 72.5 tons VOC; 30.3 tons CO; 25.1 tons NO<sub>x</sub>; 32.4 tons PM<sub>10</sub>; 16.4 tons PM<sub>2.5</sub>; 1.2 tons SO<sub>x</sub>; 2.4 tons toluene; 1.1 tons xylene; 0.8 ton MIBK; 0.7 ton

ethylbenzene; 0.7 ton naphthalene; 5.7 tons aggregate HAPs; 10,957.3 tons CO<sub>2</sub>; 1.1 tons CH<sub>4</sub>; 0.7 ton N<sub>2</sub>O; and 11,184.3 tons CO<sub>2</sub>e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Source IDs 032 and 033 are subject to the requirements of 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. Source ID 501 is subject to the requirements of 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Source IDs are subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed operating permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the operating permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00681: Joseph J. Brunner, Inc.** (211 Brunner Road, Zelienople, PA 16063) for the solid waste landfill at Brunner Landfill in New Sewickley Township, **Beaver County**. This is a Title V Operating Permit application submittal.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00783: Haysite Reinforced Plastics** (5599 Perry Highway, Erie, PA 16509) for re-issuance of a Title V Permit for the manufacture of fiberglass reinforced plastics and plastic products in Millcreek Township, **Erie County**. The facility's emission sources include two 4.2 million Btu/hr natural gas fueled boilers; 10 natural gas fueled space heaters and 5 natural gas fueled furnaces, all rated 250,000 Btu/hr or less; 9 flat sheet molding presses; 14 compression molding machines; 6 pultrusion molding machines; a sheet molding compound machine; a

mix room; and a sheet sander and a panel saw. The facility is a major facility due to its potential to emit Styrene, both a HAP and a VOC. Maximum Potential Emissions for the facility are calculated as follows: VOCs and HAPs in the form of styrene emissions, 348.3 tpy; NO<sub>x</sub>, 5.05 tpy; SO<sub>x</sub>, 0.03 tpy; CO, 4.24 tpy; PM-10, 0.38 tpy; and CO<sub>2</sub>e, 6,065 tpy. This facility is subject to 40 CFR Part 63 Subpart WWWW, NESHAPs for Reinforced Plastic Composites Production. The facility also has an 8 hp natural gas fueled emergency generator subject to 40 CFR Part 63 Subpart ZZZZ.

**42-00009: Pittsburgh Corning Corp.—Port Allegany Plant** (701 North Main Street, Port Allegany, PA 16743-1029) for renewal of Title V Permit to operate architecture pressed and blown glass manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources included, 1) Melting Furnaces (Lines 1-4), 2) Melting Furnaces (Lines 5-8), 3) Glass Block Edge Coaters (2), 4) Glass Block Edge Coaters (5), 5) Distributors, Fore hearths, Presses / Sealers, 6) Glass Block Annealing Lehrs (1-8), 7) #2 Batch Mixer & Conveyor and, 8) Miscellaneous Natural Gas Usage. The emissions reported by the facility in 2012 are, CO: 4.84 Tons per year NO<sub>x</sub>: 115.57 TPY, PM<sub>10</sub>: 11.04 TPY, SO<sub>x</sub>: 28.17 TPY, VOC: 15.04 TPY, CO<sub>2</sub>: 13, 825 TPY. The facility is not subject to 40 CFR Part 63, Subpart SSSSSS because the facility does not have any metal HAP in their raw materials, as defined in § 63.11459.

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

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

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

**48-00059: Keystone Food Products, Inc.** (3767 Hecktown Road, P. O. Box 326, Easton, PA 18044) for operation of a snack food manufacturing facility in Lower Nazareth Township, **Northampton County**. The operation consists of fryers and ovens that have a wet scrubber and bio-filtration unit for control of the emissions. This is a new State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**52-00006: Pyre, Inc.** (405 West Harford Street, Milford, PA 18337) for operation of two human and one animal crematory at their facility in Milford Township, **Pike County**. Emissions from the source will be controlled through the use of an afterburner for each unit. This is a new State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**28-05001: Martins Famous Pastry Shoppe, Inc.** (1000 Potato Roll Lane, Chambersburg, PA 17201) for operation of a bakery at the Martins Famous Pastry Potato Roll Plant in Guilford Township, **Franklin County**.



In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

Actual 2012 VOC emissions at the facility are estimated to be approximately 29.3 tons. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Mr. Gary Helsel, P.E., Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests or requests for a public hearing.

**44-03007: Hoenstine Funeral Home, Inc.** (75 Logan Street, Lewistown, PA 17044) for operation of a human crematory facility in Lewistown Borough, **Mifflin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The estimate potential emissions are: 1.57 tons per year of CO, 1.24 tons per year of NO<sub>x</sub>, 0.45 ton per year of PM, 0.7 ton per year of SO<sub>2</sub>, and 1.02 tons per year of VOC. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information

to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**04-00713: USNR Microspheres** (212 State Street, Belle Vernon, PA 15012) for manufacturing non-metallic mineral products at their Ambridge Drying and Bagging Plant in Harmony Township, **Beaver County**. This is a State Only Operating Permit renewal application submittal.

**04-00034: Valspar Coatings** (2000 Westhall Street, Pittsburgh, PA 15233-1018) for manufacturing and preparation of miscellaneous chemical products at the Rochester Plant in Rochester Township, **Beaver County**. This is a Synthetic Minor Operating Permit renewal application submittal.

**56-00298: Garrett Limestone Company, Inc. / Romesburg Quarry** (3307 Garrett road, Garrett Pa 15542) for the sand and gravel processing plant located in the Black Township, **Somerset County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of a crushing, screening, truck unloading and loading, transfer points and two diesel generators. A 96 HP diesel engine provides power to the portable sand plant and a 1,106 HP diesel engine provides power to the entire site. The facility is limited to a limestone production of 317,344 tons per year. The 1,106 HP engine is limited to 40,512 gallons of fuel per year. The facility has the potential to emit 9.73 tpy NO<sub>x</sub>, 0.08 tpy CO, 0.43 tpy SO<sub>x</sub>, 0.24 tpy VOC, 2.7 tpy PM, and 1.32 tpy PM-10. The facility is required to conduct a daily survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the survey performed must be recorded. Monthly records of processed limestone throughput, hours of operation and amount of diesel fuel consumed are required. The proposed authorization is subject to State and Federal Regulations (40 CFR 63 ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may

submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00298) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

**56-00154: George E. Mason Funeral Home** (1687 Tire Hill Road, Davidsville, PA 15928) for the human crematory located in the Conemaugh Township, **Somerset County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of an All Crematory Model 1701 incinerator with a primary chamber rated at 0.716 MMBtu/hr and a secondary chamber rated at 1.2 MMBtu/hr. The facility has the potential to emit less than 1 ton per year of each criteria pollutant. Once during each cremation cycle, the permittee shall conduct a fugitive emission survey and a malodor survey around the perimeter of the facility property to ensure compliance with 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the survey performed must be recorded. Particulate emissions shall not exceed 0.1 gr/dscf corrected to 12% carbon dioxide. The permittee shall maintain records of time and corresponding temperature during each cremation cycle when the temperature of the secondary combustion chamber is least 1600 degrees Fahrenheit; the amount of fuel used on a monthly basis; hours of operation; and cremation cycles. The temperature of the secondary (or last) chamber shall achieve at least 1600 degrees Fahrenheit during each cremation cycle. The proposed authorization is subject to State and Federal Regulations (FFFF). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00154) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted

based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

**11-00498: Pets After Life Services / Portage** (3215 Frankstown Road, Portage, PA 15946) for the pet crematory located in Portage Township, **Cambria County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of a R&K Incinerator, Model 36, with a primary chamber rated at 0.210 MMBtu/hr and a secondary chamber rated at 0.280 MMBtu/hr. The facility has the potential to emit less than 1 ton per year of each criteria pollutant. Once during each cremation cycle, the permittee shall conduct a fugitive emission survey and a malodor survey around the perimeter of the facility property to ensure compliance with 25 Pa. Code §§ 123.1, 123.2, and 123.31. Records of the survey performed must be recorded. Particulate emissions shall not exceed 0.08 gr/dscf corrected to 7% oxygen. The permittee shall maintain records of time and corresponding temperature during each cremation cycle when the temperature of the secondary combustion chamber is least 1,800 degrees Fahrenheit; the amount of fuel used on a monthly basis; hours of operation; and cremation cycles. The temperature of the secondary (or last) chamber shall achieve at least 1,800 degrees Fahrenheit during each cremation cycle. The proposed authorization is subject to State and Federal Regulations (FFFF). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (56-00154) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure,

contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

**63-00874: Therm-O-Rock East, Inc.** (85 Washington Avenue, Donora, PA 15033) for the operation blending, bagging of thermally expanding nonmetallic minerals (perlite and vermiculite) located in the Donora Borough, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of storage silos, mixers, and material handling and transferring. The facility has the potential to emit 9.19 tpy PM and 2.70 tpy PM-10. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Sheila Shaffer, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (63-00874) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**25-00053: Urick Foundry Company, Inc.** (1501 Cherry Street, P. O. Box 6027, Erie, PA 16512) to re-issue a Synthetic Minor Operating Permit for this foundry operation, in the City of Erie, **Erie County**. In order to stay below major source emission levels, Carbon Monox-

ide emissions are limited to no more than 95.0 tons per year and VOC emissions are limited to no more than 43.0 tons per year.

This facility is subject to the requirements of 40 CFR 63, Subpart ZZZZZ—National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources. Because the annual metal melt production is greater than 20,000 tons per year, this facility is classified as a “large Foundry”. The compliance requirements for this subpart began in January of 2009.

The emergency power generators at this facility will be subject to the requirements of 40 CFR 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The compliance date for this subpart was May 3, 2013.

## 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*

**17823701 and NPDES No. PA0617083. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Bigler Coal Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** and related NPDES permit. No additional discharges. The application was considered administratively complete on August 6, 2013. Application received June 17, 2013.

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

**Permit No. 56080102 and NPDES No. PA0262609. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 343.8 acres. Receiving streams: unnamed tributaries to/and Hinson Run; unnamed tributaries to/and Miller Run and Shade Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received July 24, 2013.

**Permit No. 56060111 and NPDES No. PA0262269. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, permit renewal for the reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: unnamed tributaries to/and Coxes Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 17, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**03970110 and NPDES Permit No. PA0202134. Mears Enterprises, Inc.** (410 Franklin Street, P. O. Box 157, Clymer, PA 15728) Application received for transfer of permit currently issued to GLR Mining, Inc., for continued reclamation of a bituminous surface mining site located in Valley Township, **Armstrong County**, affecting 27.4 acres. Receiving streams: Unnamed tributaries of Cowanshannock Creek to Cowanshannock Creek to the Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 31, 2013.

**03070102 and NPDES Permit No. PA0251151. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Renewal application for commencement, operation and reclamation to an existing bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 413.0 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: PA American Water Co., Kittanning Municipal Water Authority, and Kittanning Joint Suburban Water Authority. Renewal application received: August 1, 2013.

**03950113 and NPDES Permit No. PA0201529. Britt Energies, Inc.** (P. O. Box 515, Indiana, PA 15701). Revision application to add auger mining to an existing bituminous surface mine, located in Burrell and South Bend Townships, **Armstrong County**, affecting 93.0 acres. Receiving stream: Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 16, 2013.

**26060106 and NPDES Permit No. PA0250988. Charles L. Swenglish & Sons Coal Co., Inc.** (2 Swenglish Lane, Smithfield, PA 15478). Revision application for stream encroachment of 519 feet of unnamed tributary 1 to an existing bituminous surface mine, located in Georges & Springhill Townships, **Fayette County**, affecting 529.9 acres. Receiving streams: unnamed tributaries to Rubies Run and Mountain Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 19, 2013.

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

**33020105. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Renewal of an existing bituminous surface and auger mine in Knox Township, **Jefferson County** affecting 128.0 acres. Receiving streams: Unnamed tributaries to Five Mile Run and Five Mile Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: August 8, 2013.

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

**54030102R2. Timber Coal Co., LLC**, (P. O. Box 188, Sacramento, PA 17968), renewal of an existing anthracite surface mine operation in Hegins and Porter Townships, **Schuylkill County** affecting 316.7 acres, receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: July 16, 2013.

**54030102C2. Timber Coal Co., LLC**, (P. O. Box 188, Sacramento, PA 17968), correction to an existing anthracite surface mine operation to change the post-mining land use to unmanaged natural habitat in Hegins and Porter Townships, **Schuylkill County** affecting 316.7 acres, receiving stream: East Branch Rausch Creek, classified for the following use: cold water fishes. Application received: July 16, 2013.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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**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.**

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E09-977. Pennsylvania Department of Transport, District 6**, 7000 Geerdes Blvd, King of Prussia, PA, 19406, Warminster and Warwick Townships, **Bucks County**. ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the roadway widening and other improvement of approximately 3.9 miles of State Route 263 (York Road) between Bristol Road (S.R. 2025) and just south of Sugar Bottom Road (S.R. 2113) in Warminster and Warwick Townships:

1. To realign the confluence of two unnamed tributaries to Neshaminy Creek to facilitate the natural meandering of the stream at that point and prevent sediment deposits.

2. To remove and replace approximately 13 cubic yards of existing R-6 scour protection around pier 2 of the SR 0263 bridge over the Little Neshaminy Creek (WQ Designation??).

3. To place and maintain fill along approximately 31 linear feet of an unnamed tributary to the Little Neshaminy Creek to facilitate temporary construction easement in the vicinity of Road Station 183+50.

4. To place and maintain fill along approximately 79 linear feet of an unnamed tributary to the Little Neshaminy Creek on the southbound side of SR 0263 (Road Station 184+00) to accommodate slope stability improvements.

5. To construct and maintain an 18-inch corrugated metal pipe (CMP) enclosure replacing an existing 18-inch reinforced concrete pipe (RCP) enclosure of an unnamed tributary to the Little Neshaminy Creek at River Station 197+38.

6. To fill approximately 70.36 linear feet (709.96 square feet) of an existing stormwater channel discharging into an unnamed tributary to Neshaminy Creek and divert

the source of the stormwater discharge from the existing 24-inch RCP by another route under SR 0263 to the proposed stormwater management BMP device at Sta. 237+50.

7. To construct and maintain a 31-inch by 51-inch arch RCP culvert and wingwalls in place of the existing 35-inch by 57-inch elliptical CMP culvert located approximately at Station 222+00. Work will involve the modification of the roadway approach grading to accommodate the replacement.

8. To construct and maintain a 19-inch by 30-inch reinforced concrete elliptical pipe (RCEP) and a 24-inch by 38-inch pipe in place of an existing 18-inch RCP storm sewer system that conveys an unnamed tributary to Neshaminy Creek which passes under SR 0263 located in the vicinity of Station 279+80.

9. To place and maintain fill within an unnamed tributary to the Neshaminy Creek located between Stations 328+75 and 330+00 to accommodate the proposed roadway widening.

10. To construct and maintain a 73-inch by 45-inch arch RCP culvert at Road station 290+50 replacing an existing 72-inch by 43-inch elliptical CMP culvert.

11. To replace and maintain a 24-inch RCP enclosure, in kind, along an unnamed tributary to Neshaminy Creek located approximately at Station 231+50.

12. To construct and maintain a temporary access road crossing over an unnamed tributary to the Little Neshaminy Creek approximately located at Station 184+00 to facilitate the project objectives.

13. To construct and maintain an 18-inch diameter RCEP stormwater outfall into the Little Neshaminy Creek approximately located at Station 167+97 associated with a proposed stormwater management basin.

14. To construct and maintain an 18-inch diameter RCP stormwater outfall and associated TRM located approximately at Station 196+66 which will discharge stormwater from a trench drain constructed under SR 0263, to an unnamed tributary to the Little Neshaminy Creek

15. To construct and maintain an 18-inch diameter RCP stormwater outfall discharging into an unnamed tributary to Neshaminy Creek approximately located at Station 238+53. The outlet of this pipe will include a proposed wingwall and will collect discharge stormwater from bypass runoff to Waterway T.

16. To construct and maintain an 18-inch RCP outfall structure to an unnamed tributary to Neshaminy Creek located approximately at Station 287+28. The outlet will discharge from a proposed vegetated swale.

17. To construct and maintain a 38-inch by 60-inch diameter RCEP outfall structure to an unnamed tributary to Neshaminy Creek, located approximately at Station 238+36 and discharging stormwater from a proposed stormwater management basin.

18. To place and maintain fill within an unnamed tributary of Neshaminy Creek, located approximately between Stations 265+00 and 266+00, to accommodate the proposed roadway widening.

19. To place and maintain temporary fill within an unnamed tributary to the Neshaminy Creek located approximately between Stations 289+50 and 290+10. The fill will accommodate a temporary erosion and sedimentation control device during construction.

20. To extend and maintain an existing 18-inch CMP outfall by 12 feet at the headwaters of an unnamed tributary to the Neshaminy Creek.

The project site commences at the intersection of Bristol Road and York Road (SR 0263) and ends approximately 3.9 north at the intersection of Sugar Bottom Road and York Road (SR 0263) in Warwick and Warminster Townships, Bucks County, (Latitude 40° 14' 33.95"; Longitude 75° 05' 23.83").

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

**E45-583. Victor & Accursia Bellino**, 10 West 15th Street, Apt 1011, New York, NY 10011, in Coolbaugh Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain a 12-ft wide × 15-ft long pile-supported wooden dock with a 3-ft long × 3-ft wide wooden gangway in Arrowhead Lake (EV). The project is located approximately 300-ft southeast of the intersection of Lake Shore Drive and Apache Drive (Thornhurst, PA Quadrangle, Latitude: 41°09'30.9"; Longitude: -75°34'17.9").

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

**E05-371: Fred Gonsman**, 167 Sunny Brook Lane, Bedford, PA 15522 in Hopewell Township, **Bedford County**, Baltimore ACOE District (Everett East, PA Quadrangle Latitude: 40°5'26.7" Longitude: -78°20'51.1").

To (1) install two (2) 15-foot long 36-inch diameter pipes in Pipers Run (WWF, MF), (2) place 30-linear feet of R-5 Rip-rap scour protection in Pipers Run (WWF, MF), (4) construct and maintain a driveway across a Palustrine Emergent (PEM) wetland impacting 0.04 ac, and (4) place 45-cubic yards over of fill to cover culverts within the floodway. The project proposes to directly affect 45-linear feet of stream channel and 0.04 ac of PEM wetland.

**E01-306: PA DCNR Bureau of Forestry**, 435 State Park Road, Schellsburg, PA 15559 in Franklin Township, **Adams County**, ACOE Baltimore District

To remove soil from and place and maintain fill in 0.10-acre of Palustrine Emergent (PEM) wetlands for the purpose of removing contaminated soil and restoring and rehabilitating a shooting range within a state forest. The project is located in Michaux State forest on Birch Run Road. (Caledonia Park, PA Quadrangle N: Latitude: 39°56'48", Longitude: 77°27'03"), in Franklin Township, Adams County. To compensate for wetland impacts, the Permittee shall provide a minimum of 0.11-acre of replacement wetlands onsite.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E41-647. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218 Montoursville, PA 17754-0218. S.R. 0042 Section 066, SR 004, SR 0118 Intersection Improvement, Jordan Township, **Lycoming County**, ACOE Baltimore District (Lairdsville, PA Quadrangle N: 41°14' 57"; W: -76° 31' 15").

PA DOT Engineering District 3-0 proposes to improve the intersection of SR 0042 and SR 0118. The project will include the relocation of the intersection and structure replacement. The existing structure is a single span

concrete T-Beam Bridge with a Normal Span of 27 ft., Skew of 45°, Roadway width of 30 ft., Underclearance of 6.6 ft., Low Chord of 1,013.88 ft. and Hydraulic Opening of 160 ft<sup>2</sup>. The proposed structure is a single span precast concrete rigid frame with a Normal Span of 30 ft., Skew of 70°, Roadway width of 57 ft., Underclearance of 7.17 ft., Low Chord of 1,015.77 ft. and Hydraulic Opening of 199 ft<sup>2</sup>. The proposed structure will be located approximately 325 ft. upstream of the existing structure. The existing structure will be used as a detour route during construction and removed after the proposed intersection is finished. The project will not impact any jurisdictional wetlands and does not require mitigation. The project is located over Little Muncy Creek. Little Muncy Creek is classified as an exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards. The project will require mitigation.

**F60-001. Lewisburg Borough**, 55 South 5th Street, Suite 1, Lewisburg, PA 17837. Floodplain encroachment demolitions in Lewisburg Borough, **Union County**, ACOE Baltimore District (Lewisburg PA Quadrangle, Latitude: 40° 57' 42.60"; Longitude: -76° 53' 13.99").

Lewisburg Borough is seeking authorization to demolish existing floodplain encroachments (flood-damaged structures) and to re-grade the floodplain. The properties are located at: 40, 102, 112/114, and 208/210 South 6th Street, Lewisburg, PA 17837. All work will be conducted within the right floodplain of Limestone Run.

*Southwest District Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

E65-07-002-A2

Name of applicant: Consol Gas Company

Address: 280 Indian Springs Rd Ste 333, Indiana, PA 15701

Twp/Boro: Washington Twp

County: Westmoreland

ACOE: Pittsburgh

Quadrangle: Slickville and Vandergrift

N: 40°30'04"; W: -79°34'47" Sub-basin: 18-B (Kiskiminetas River Watershed)

Chapter 93 Type: HQ-CWF

**Permit # E65-07-002-A2. CONSOL Gas Company**, 280 Indian Springs Road, Suite 333, Indiana, PA 15701. To construct 22,640 feet of new FlexSteel waterline and replace 6,870 feet of 12-inch diameter waterline with new 6-inch FlexSteel waterline (Mamont Produced Fluids Pipeline) from CNX's Kuhns Waterline to the Hutchinson Well Pad with a spur connecting the main waterline to the Aikens Well Pad and a Compressor Station in Washington Township, **Westmoreland County**, Pittsburgh ACOE District, State Water Plan Basin 18-B, (Slickville and Vandergrift, PA Quadrangle; Start at Latitude: N 40° 29' 39.5"; Longitude: W 79° 33' 55.88"; End at N 40° 31' 7.55"; Longitude: W 79° 33' 59.84"), Subbasin/Kiskiminetas River Watershed. The applicant proposes to install the waterline within an existing Mamont Pipeline right-of-way with the exception of a 1,855 linear-foot section that was re-routed. The project will consist of 18 utility line crossings of 17 streams and 14 wetlands, 29 temporary road crossings, 1 minor road crossing, and the replacement of three water obstructions (water pipeline). This project is proposed to avoid direct impacts to exceptional value (EV) wetlands by using directional bore method of installation. A total of 0.503 acre of wetland and 1,401 linear feet of numerous named and unnamed tributaries to Beaver Run and Poke Run (HQ-CWF) will be temporarily impacted.

| <i>Wetland Name</i>            | <i>Coordinates</i>                 | <i>Proposed Linear Impact</i> |
|--------------------------------|------------------------------------|-------------------------------|
| Wetland 2                      | 40° 30' 42.622"<br>79° 34' 4.506"  | 19 ft.                        |
| Wetland 3 B                    | 40° 30' 38.923"<br>79° 33' 55.288" | 26 ft.                        |
| Wetland 4                      | 40° 30' 36.129"<br>79° 33' 50.552" | 81 ft.                        |
| Wetland 5 B                    | 40° 30' 20.878"<br>79° 34' 15.142" | 73 ft.                        |
| Wetland 6                      | 40° 30' 19.516"<br>79° 34' 14.790" | 77 ft.                        |
| Wetland 7                      | 40° 30' 3.115"<br>79° 34' 41.877"  | 27 ft.                        |
| Wetland 8A                     | 40° 30' 4.101"<br>79° 34' 47.416"  | 5 ft.                         |
| Wetland 8B                     | 40° 30' 4.184"<br>79° 34' 48.369"  | 37 ft.                        |
| Wetland 9A                     | 40° 30' 1.402"<br>79° 34' 54.849"  | 109 ft. (directional bore)    |
| Wetland 9C                     | 40° 30' 1.402"<br>79° 34' 54.849"  | 10 ft. (directional bore)     |
| Wetland 10                     | 40° 29' 59.882"<br>79° 34' 56.792" | 12 ft.                        |
| Wetland 11A                    | 40° 29' 42.577"<br>79° 35' 9.436"  | 24 ft.                        |
| Wetland 11B                    | 40° 29' 42.577"<br>79° 35' 8.486"  | 23 ft.                        |
| Wetland 11C                    | 40° 29' 43.319"<br>79° 35' 9.436"  | 13 ft.                        |
| Wetland 12                     | 40° 29' 36.213"<br>79° 35' 19.160" | 8 ft.                         |
| Wetland 13                     | 40° 29' 35.000"<br>79° 35' 21.396" | 50 ft.                        |
| Wetland 15                     | 40° 29' 30.103"<br>79° 35' 30.725" | 208 ft. (bore)                |
| Wetland 16                     | 40° 29' 28.980"<br>79° 33' 54.985" | 29 ft.                        |
| Wetland 17                     | 40° 29' 26.114"<br>79° 34' 10.476" | 22 ft.                        |
| Wetland 18                     | 40° 29' 23.738"<br>79° 34' 28.005" | 37 ft.                        |
| Wetland 19                     | 40° 29' 24.144"<br>79° 34' 31.007" | 21 ft.                        |
| Wetland 20                     | 40° 30' 3.851"<br>79° 34' 53.495"  | 26 ft.                        |
| <i>Stream Name</i>             | <i>Coordinates</i>                 | <i>Proposed Linear Impact</i> |
| Tributary 42953 to Beaver Run  | 40° 30' 46.806"<br>79° 34' 6.808"  | 5 ft. (directional bore)      |
| Tributary 42958 to Poke Run    | 40° 29' 23.738"<br>79° 34' 28.005" | 51 ft.                        |
| Tributary 42961 to Poke Run    | 40° 30' 1.402"<br>79° 34' 54.849"  | 28 ft. (directional bore)     |
| Tributary 42965 to Poke Run    | 40° 29' 42.577"<br>79° 35' 9.436"  | 113 ft.                       |
| UNT to Trib. 42965 to Poke Run | 40° 29' 42.577"<br>79° 35' 9.436"  | 18 ft.                        |

| <i>Stream Name</i>            | <i>Coordinates</i>                 | <i>Proposed Linear Impact</i> |
|-------------------------------|------------------------------------|-------------------------------|
| Poke Run                      | 40° 29' 30.103"<br>79° 35' 30.725" | 100 ft. (bore)                |
| Unnamed Trib. 3 to Poke Run   | 40° 29' 23.558"<br>79° 35' 22.732" | 97 ft.                        |
| Unnamed Trib. 2 to Poke Run   | 40° 29' 34.774"<br>79° 35' 22.732" | 28 ft.                        |
| Unnamed Trib. 1 to Poke Run   | 40° 30' 4.101"<br>79° 34' 47.416"  | 91 ft.                        |
| Tributary 42957 to Poke Run   | 40° 30' 9.97"<br>79° 34' 26.825"   | 72 ft.                        |
| Tributary 42954 to Beaver Run | 40° 30' 20.878"<br>79° 34' 15.142" | 73 ft.                        |
| Unnamed Trib 3 to Beaver Run  | 40° 30' 36.129"<br>79° 33' 50.552" | 81 ft.                        |
| Unnamed Trib. 2 to Beaver Run | 40° 30' 38.923"<br>79° 33' 55.288" | 70 ft.                        |
| Unnamed Trib 1 to Beaver Run  | 40° 30' 42.622"<br>79° 34' 4.506"  | 78 ft.                        |
| Unnamed Trib. 4 to Poke Run   | 40° 29' 21.322"<br>79° 35' 14.278" | 77 ft.                        |
| Unnamed Trib. 5 to Poke Run   | 40° 29' 21.832"<br>79° 35' 6.314"  | 97 ft.                        |
| Unnamed Trib. 6 to Poke Run   | 40° 29' 22.479"<br>79° 35' 3.497"  | 75 ft.                        |
| Unnamed Trib. 7 to Poke Run   | 40° 29' 26.114"<br>79° 34' 10.476" | 75 ft.                        |
| Unnamed Trib. 8 to Poke Run   | 40° 29' 28.980"<br>79° 33' 54.985" | 106 ft.                       |
| Unnamed Trib. 1               | 40° 29' 36.213"<br>79° 35' 19.160" | 54 ft.                        |

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

**E56-371. Somerset County Commissioners**, 300 North Center Avenue, Suite 500, Somerset, PA 15501, Ogle Township, **Somerset County**; ACOE Pittsburgh District

Applicant proposes to remove the existing T-816, single lane, 12.8 ft width, single span bridge having a total clear span length of 43 ft, and having a minimum underclearance of 5.3 ft; and to construct and maintain adjacent to and downstream of the existing bridge a single span, single lane, 18.4 ft width replacement bridge and having a total clear span length of 46 ft, and having a minimum underclearance of 5.5 ft over the Clear Shade Creek (EV) with a drainage area of 17.1 square miles. In addition the project includes temporary encroachments to the stream and 0.016 acre of temporary encroachments to adjoining wetlands for construction and demolition, and encroachments associated with modification or replacement of stormwater facilities from the road alignment adjustment and new bridge. The project is located in a extensively forested area of Ogle Township (Ogletown Quadrangle, Latitude 40° 10' 14" and Longitude -78° 44' 47") in Somerset County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E25-750, James Aviation, Inc**, 2601 West 26th Street, Erie, PA 16506. Avonia Beach Boat Club Marina in

Fairview Township, **Erie County** (Fairview USGS Quad N: 42° 03', 29.832"; W: 80° 16', 21.22"):

To conduct the following activities associated with the removal and reconstruction of the Avonia Beach Club Marina within Lake Erie:

1. Remove the entire north marina bulkhead wall and concrete rubble and northeast marina bulkhead wall.
2. Remove the stacked 2' x 2' x 6' concrete blocks from the top of the northern end of the west marina bulkhead wall. The remaining western wall will remain as a groin structure.
3. Place rubble along the eastern side of the west bulkhead wall for approximately 105 feet landward from the northern end.
4. Place rubble fill along the entire western side of the east bulkhead wall that will remain as a groin structure.
5. Relocate approximately 1,500 cubic yards of alluvial deposits from within the existing marina to the existing shoreline between the east and west groin structures.

**E25-766, Summit Township Sewer Authority**, 8890 Old French Road, Erie PA 16509. New Road Pump Station, in Summit Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42°, 00', 57"; W: 80°, 03', 45").

To construct a pump station to convey wastewater from 17 homes along New Road in Summit Township, Erie County. The proposed construction will result in perma-



ment impact to 0.05 acre of wetland. No mitigation is proposed as the impacts are de minimus.

**E42-363, Columbia Gas of PA Inc.**, 4000 Energy Drive Bridgeville PA 15017. Bradford Township Gasline Installation, in Bradford Township, **McKean County**, ACOE Pittsburgh District (Bradford, Derrick City, PA Quadrangle N: 41°, 54', 33"; W: 78°, 38', 30").

To install 2" plastic natural gas pipeline along High Street and Highway 770 in Bradford Township, McKean County. Project will include 3 crossings of Minard Run (EV) to be installed by horizontal directional drill and to be located within the road shoulders.

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

**E5829-021 Mod. Williams Field Services Company, LLC.**, Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Harford and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. a 15 inch culvert minor road crossing impacting 83 lineal feet of an unnamed tributary to Partners Creek (CWF-MF) (Lenoxville, PA Quadrangle: Latitude 41° 44' 00"; Longitude -75° 42' 34").

Williams Field Services Company, LLC applied for a permit to construct, operate and maintain approximately 2.5 miles of twenty-inch diameter and 0.2 mile of eight-inch diameter natural gas pipeline, requiring 0.3 mile of temporary access roads to be utilized during construction. The pipeline will be constructed within a 75 foot right of way and will be maintained as a 50 foot permanent right of way. The project is located in Harford and Lenox Townships, Susquehanna County. The project modification will impact 83 lineal feet of stream channel, for supporting Marcellus Shale pipeline appurtenances.

#### DAM SAFETY

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D56-103. Indian Lake Dam**, Indian Lake Borough, 1301 Causeway Drive, Central City, PA 15926-7621. To modify, operate and maintain Indian Lake Dam across Calendars Run (CWF) for the purpose of modifying the Indian Lake embankment and spillway channel to safely control the Probable Maximum Flood (PMF). (Central City, PA Quadrangle N: 4.98 inches; W: 17.0 inches; Latitude: 40.0285; Longitude: -78.8719), Indian Lake Borough, **Somerset County**.

## ACTIONS

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

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

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

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

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

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

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

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

### I. NPDES Renewal Permit Actions

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

| NPDES No.<br>(Type)   | Facility Name &<br>Address  | County &<br>Municipality                 | Stream Name<br>(Watershed No.)                  | EPA Waived<br>Y/N? |
|-----------------------|---|--|---|--------------------|
| PA0021873<br>(Sewage) | Jim Thorpe Borough WWTP<br>1/2 Mile South Of Laurel Street<br>Jim Thorpe, PA 18229-2328           | Carbon County<br>Jim Thorpe Borough      | Lehigh River<br>(2-B)                           | N                  |
| PA0020940<br>(Sewage) | Tunkhannock Borough<br>Municipal Authority<br>201 West Tioga Street<br>Tunkhannock, PA 18657-0317 | Wyoming County<br>Tunkhannock<br>Borough | Tunkhannock Creek<br>Cold Water Fishes<br>(4-G) | Y                  |
| PA0060151<br>(Sewage) | Camp Na'arim<br>RR 1<br>Waymart, PA 18472   | Wayne County<br>Clinton Township         | Unnamed Tributary to<br>Van Auken Creek<br>(1B) | Y                  |

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

| NPDES No.<br>(Type) | Facility Name &<br>Address  | County &<br>Municipality                | Stream Name<br>(Watershed #)           | EPA Waived<br>Y/N ? |
|---------------------|---|---|--|---------------------|
| PA0020648<br>(Sew)  | Port Royal Municipal Authority<br>804 8th Street<br>Port Royal, PA 17082-9400               | Juniata County<br>Port Royal Borough    | Juniata River / 12-A                   | Y                   |
| PA0051748<br>(Sew)  | Tulpehocken Area School District<br>428 New Schaefferstown Road<br>Bernville, PA 19506-8939 | Berks County<br>Jefferson Township      | UNT to Little Northkill<br>Creek / 3-C | Y                   |
| PA0247421<br>(Sew)  | Rodney and Francine Groff<br>7723 Wertzville Road<br>Carlisle, PA 17013                     | Cumberland County<br>Middlesex Township | UNT to Conodoguinet<br>Creek / 7-B     | Y                   |

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

| NPDES No.<br>(Type)   | Facility Name &<br>Address  | County &<br>Municipality             | Stream Name<br>(Watershed #)                              | EPA Waived<br>Y/N ? |
|-----------------------|---|--------------------------------------|---|---------------------|
| PA0240010<br>(Sewage) | Catherine P & Paul L LaBrie SFTF<br>112 Wetmore Trail<br>Kane, PA 16735-2218          | McKean County<br>Hamilton Township   | Twomile Run<br>(16-F)                                     | Y                   |
| PA0240184<br>(Sewage) | Marilyn R & Robert E Jones SFTF<br>17473 State Highway 86<br>Saegertown, PA 16433     | Crawford County<br>Woodcock Township | un-named tributary to<br>Bossard Run<br>(16-A)            | Y                   |
| PA0238911<br>(IW)     | Titusville Dairy Products<br>217 South Washington Street<br>Titusville, PA 16354-0186 | Crawford County<br>Titusville City   | Oil Creek and Unnamed<br>Tributary to Oil Creek<br>(16-E) | Y                   |

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

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

**NPDES Permit No. PA0262030**, Sewage, **Samuel L. Shaffer, III**, 584 Bull Run Road, Wrightsville, PA 17368.

This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Bull Run in Watershed 7-I.

**NPDES Permit No. PA0032000 A-1**, Sewage, **PA DCNR, Bureau of State Parks**, Gifford Pinchot State Park, 2200 Rosstown Road, Lewisberry, PA 17339-9787.

This proposed facility is located in Warrington Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to Conewago Creek in Watershed 7-F.

**NPDES Permit No. PA0262021**, CAFO, **Joshua Akers, Joshua Akers Farm**, 562 Church Road, Quarryville, PA 17566.

This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 138.64 AEUs CAFO in Watershed 7-K.

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

**NPDES Permit No. PA0221899**, Sewage, **James H. Buchanan**, 202 Woods Road, Brockway, PA 15824.

This existing facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: Cancellation of individual permit replaced by general permit PAG041105.

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

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

**WQM Permit No. WQG02231306**, Sewage, **Thornbury Township**, 6 Township Drive, Cheyney, PA 19319.

This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Action/Activity: Construction and operation public sewers to serve existing properties on Fox Lair lane.

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

**WQM Permit No. 4811404**, Sewage, SIC Code 4952, **Bath Borough Authority**, PO Box 87, 160 Mill Street, Bath, PA 18014.

This proposed facility is located in Bath Borough, **Northampton County**.

Description of Proposed Action: Project involves modifications and upgrades to Bath Borough Authority's existing 0.510 MGD sewage treatment plant. The upgraded treatment plant will include the following unit operations and processes: screening, raw sewage pumping, flow equalization, anoxic zone, aeration zone, settling, ultra violet disinfection, post aeration, sludge thickening, aerobic sludge digestion and sludge dewatering.

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

**WQM Permit No. 3613403**, CAFO, **Joshua Akers**, 562 Church Road, Quarryville, PA 17566.

This proposed facility is located in East Drumore Township, **Lancaster County**.

Description of Proposed Action/Activity: The construction of a 644' x 63' duck barn with a slatted floor and an under-floor pit. Duck manure will fall to the pit as a liquid and be scraped by mechanical scrapers to gutters at each end of the barn. The gutters will convey the manure by 12-inch gravity pipes to the 145' x 205' x 12' deep HDPE and clay lined manure storage lagoon that will hold 1,686,321 gallons at a 1-foot freeboard. A 4-inch perforated pipe in a 12" x 18" stone filled trench at a 0.5% slope lined with 45 mil EPDM will be installed at the east side of the lagoon's sloped bottom and will serve as a leak detection system. The leak detection system will connect to a minimum 100 gallon observation well with shutoff valves placed on the outlet and inlet pipes which day lights to cropland vegetation to the west of the lagoon about 75 feet away.

**WQM Permit No. 6713401**, Sewerage, **Samuel L. Shaffer, III**, 584 Bull Run Road, Wrightsville, PA 17368.

This proposed facility is located in Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 1,500 gallon septic tank with a single pod AdvanTex treatment system, Ultraviolet filter, 2" diameter outfall line to Bull Run.

**WQM Permit No. 2813401**, Sewerage, **Washington Township Municipal Authority**, 11102 Buchanan Trail East, Waynesboro, PA 17268-9503.

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

Description of Proposed Action/Activity: Permit approval for the construction of sewage facilities consisting of the replacement of the Blue Ridge Summit pump station and the replacement of the existing force main.

**WQM Permit No. 3693401 A-1**, Sewerage, **Millersville Borough Lancaster County**, 100 Municipal Drive, Millersville, PA 17551-1424.

This proposed facility is located in Millersville Borough **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the modification of sewage facilities consisting of the replacement of the aerobic digester blowers at Millersville's WWTP.

**WQM Permit No. 5098402 A-1**, Sewerage, **New Bloomfield Borough**, PO Box 144, New Bloomfield, PA 17068.

This proposed facility is located in Bloomfield Borough, **Perry County**.

Description of Proposed Action/Activity: Permit amendment approving the modification of sewage facilities consisting of installation of a ferric chloride chemical feed system for chemical removal of phosphorous, and a new aerobic digester in place of the existing aerobic digester No. 1.

*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.*

**WQM Permit No. 1406403**, Sewage, SIC Code 7997, **Matchplay Management Inc.**, PO Box 132, State College, PA 16804.

This proposed facility will be located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: Transfer of permit authorizing the construction and operation of an SFTF to serve a golf course clubhouse and maintenance building.

**WQM Permit No. 4983401 A-1**, Sewage, SIC Code 4952, **Point Township Sewer Authority**, 759 Ridge Road, Northumberland, PA 17857-9623.

This existing facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: Upgrades to the existing Route 11 Pump Station and force main maintenance.

**WQM Permit No. 02491301**, Sewage, SIC Code 4952, **Point Township Sewer Authority**, 759 Ridge Road, Northumberland, PA 17857-9623.

This proposed facility is located in Point Township, **Northumberland County**.

Description of Proposed Action/Activity: The Authority is proposing the construction of a sewer extension containing three pump stations.

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

**WQM Permit No. 6188201**, Industrial Waste, **Amendment No. 1, Merisol Antioxidants LLC**, 292 State Route 8, Oil City, PA 16301-5626.

This existing facility is located in Cornplanter Township, **Venango County**.

Description of Proposed Action/Activity: Amendment to replace the activated sludge treatment plant with a new, extended aeration/clarification package treatment system that will also include an aerobic digestion tank.

**WQM Permit No. WQG018747**, Sewage, **Timothy S. & Valerie E. Drayer**, 11003 Route 19 N, Waterford, PA 16441-5109.

This existing facility is located in Waterford Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of ownership of an existing permit for a single residence sewage treatment plant.

**WQM Permit No. 3395401**, Sewage, **Transfer No. 1, James H. Buchanan**, 202 Woods Road, Brockway, PA 15824.

This existing facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: Transfer of ownership of an existing permit for a single residence sewage treatment plant.

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| NPDES Permit No. | Applicant Name & Address  | County | Municipality      | Receiving Water/Use                                  |
|------------------|---|--------|-------------------|--|
| PAI01<br>091207  | Rebecca River Road, LLC<br>3625 Quakerbridge Road<br>Hamilton, NJ 08619 | Bucks  | New Hope Borough  | Aquetong<br>Creek/Delaware River<br>HQ-CWF-MF        |
| PAI01<br>0913002 | Jerome Giuliano<br>2774 Sugan Road<br>Solebury, PA 18963                | Bucks  | Solebury Township | Paunacussing<br>Creek/Delaware<br>South<br>HQ-CWF-MF |

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

| NPDES Permit No. | Applicant Name & Address                                     | County                | Municipality      | Receiving Water/Use             |
|------------------|--|-----------------------|-------------------|---------------------------------|
| PAI024813001     | Galen Martin<br>721 E. Lincoln Avenue<br>Myerstown, PA 17067 | Northampton<br>County | Williams Township | UNT to Fyra Run<br>(HQ-CWF, MF) |

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Butler County Conservation District, 122 McCune Drive, Butler Pa 16001-6501*

| NPDES Permit No. | Applicant Name & Address                                     | County | Municipality     | Receiving Water/Use      |
|------------------|--|--------|------------------|--------------------------|
| PAI061003002R    | Maronda Homes Inc<br>1383 State Route 30<br>Clinton PA 15026 | Butler | Buffalo Township | Unt Sarver Run<br>HQ-TSF |

#### 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).

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**List of NPDES and/or Other General Permit Types**


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|             |   |
|-------------|---|
| PAG-1       | General Permit for Discharges From Stripper Oil Well Facilities   |
| PAG-2       | General Permit for Discharges of Stormwater Associated With Construction Activities   |
| PAG-3       | General Permit for Discharges of Stormwater From Industrial Activities  |
| PAG-4       | General Permit for Discharges From Small Flow Treatment Facilities  |
| PAG-5       | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems   |
| PAG-6       | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)  |
| PAG-7       | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application  |
| PAG-8       | General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site |
| PAG-8 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage   |
| PAG-9       | General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site   |
| PAG-9 (SSN) | Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage   |
| PAG-10      | General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines  |
| PAG-11      | (To Be Announced)   |
| PAG-12      | Concentrated Animal Feeding Operations (CAFOs)  |
| PAG-13      | Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)   |
| PAG-14      | (To Be Announced)   |
| PAG-15      | General Permit for Discharges From the Application of Pesticides  |

*General Permit Type—PAG-02*
*Facility Location:*

| <i>Municipality &amp;<br/>County</i>          | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>                 | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|----------------------|--|--|---|
| Richland Township<br>Bucks County             | PAG0200<br>0908077-R | Moyer Realty<br>266 E. Paletown Road<br>Quakertown, PA 18951                           | Tohickon Creek<br>TSF-MF                       | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| Warwick Township<br>Bucks County              | PAG0200<br>0913027   | Robert McClintock<br>878 Elbow Lane<br>Warrington, PA 18976                            | Unnamed Tributary<br>Neshaminy Creek<br>TSF-MF | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| East Caln Township<br>Chester County          | PAG0200<br>1513016   | Brandywine Gardens, Inc.<br>233 Spring Run Lane<br>Downingtown, PA 19335               | E. Branch<br>Brandywine Creek<br>WWF-MF        | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| East Brandywine<br>Township<br>Chester County | PAG0200<br>1510019-R | Carlino East Brandywine L.P.<br>875 Berkshire Blvd., Suite 102<br>Wyomissing, PA 19610 | Beaver Creek<br>CWF-MF                         | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| West Whiteland<br>Township<br>Chester County  | PAG0200<br>1511012-R | 290 National RD LP<br>224 E. Biddle St.<br>West Chester, PA 19380                      | Indian King Run<br>CWF-MF                      | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |

## NOTICES

4931

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>           | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>          | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|----------------------|--|---|---|
| Westtown Township<br>Chester County                                   | PAG0200<br>1511013-R | West Chester Area School<br>District<br>1181 McDermott Drive<br>West Chester, PA 19380 | Chester Creek<br>TSF                    | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| East Nottingham<br>Township<br>Chester County                         | PAG0200<br>1502004-R | Wilmer L. Hostetter<br>481 Limestone Road<br>Oxford, PA 19363                          | Tweek Creek<br>Blackburn Run<br>TSF-MF  | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| East Nottingham<br>Township<br>Chester County                         | PAG0200<br>1506034-R | Wilmer L. Hostetter<br>481 Limestone Road<br>Oxford, PA 19363                          | Tweek Creek<br>TSF                      | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| East Caln and<br>West Bradford<br>Townships<br>Chester County         | PAG0200<br>1511015-R | PA Dept. of Transportation<br>7000 Geerdes Blvd.<br>King of Prussia, PA 19406          | E. Branch<br>Brandywine Creek<br>WWF-MF | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| Upper Providence<br>Township<br>Montgomery County                     | PAG0200<br>4613053   | Brad Macy<br>2620 Egypt Road<br>Norristown, PA 19403                                   | Perkiomen Creek<br>WWF-MF               | Southeast Regional<br>Office<br>2 East Main Street<br>Norristown, PA<br>19401<br>484-250-5900 |
| Smithfield Township<br>Monroe County                                  | PAG02004511002R      | Westfield North LLC<br>4815 Tilghman Street<br>Allentown, PA 18104                     | Brodhead Creek<br>(TSF, MF)             | Monroe County<br>Conservation District<br>570-629-3060  |
| LaPlume Township<br>Lackawanna County                                 | PAG02003513009       | Keystone College<br>P. O. Box 50<br>(1 College Road)<br>LaPlume, PA 18440-0200         | Ackerly Creek<br>(TSF, MF)              | Lackawanna County<br>Conservation District<br>570-392-3086                                    |
| City of Scranton<br>Lackawanna County                                 | PAG02003513011       | Clark Companies<br>c/o Robb Champlin<br>41155 State Highway 10<br>Delhi, NY 13753      | Leggetts Creek<br>(TSF, MF)             | Lackawanna County<br>Conservation District<br>570-392-3086                                    |
| Great Bend Borough<br>Susquehanna County                              | PAG02005813003       | Carmen DiPietro<br>55 Keystone Industrial Park<br>Dunmore, PA 18512                    | Susquehanna River<br>(WWF, MF)          | Susquehanna County<br>Conservation District<br>570-278-4600                                   |
| Dimock Township<br>Susquehanna County                                 | PAG02005813005       | Joseph M. Woosman<br>P. O. Box 585<br>Great Bend, PA 18821                             | Burdick Creek<br>(CWF, MF)              | Susquehanna County<br>Conservation District<br>570-278-4600                                   |
| Orwigsburg Borough<br>West Brunswick<br>Township<br>Schuylkill County | PAG02005411010R      | Cabot Oil & Gas Corporation<br>8279 State Route 29<br>Montrose, PA 18801               | UNT to Mahannon<br>Creek<br>(CWF)       | Schuylkill County<br>Conservation District<br>570-622-3742                                    |
|   |                      | CBJF Realty<br>302 N. Washington St.<br>Orwigsburg, PA 17961                           |   |   |
|   |                      | Bartush Industries<br>302 N. Washington St.<br>Orwigsburg, PA 17961                    |   |   |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>              |
|---|-------------------|--|--------------------------------|--|
| Washington Township<br>Heidelberg Township<br>Lehigh County | PAG02003912008    | Joseph Kolarik<br>Joseph Rocco<br>Newside Estates LP<br>2288 Meadow Lane<br>Emmaus, PA 18049 | Mill Creek<br>(CWF, MF)        | Lehigh County<br>Conservation District<br>610-391-9583 |

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water/Use</i>            | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|---|---|
| Cumberland Township,<br>Adams County                        | PAG02000103018R   | Richard D. Leatham<br>Land Project Manager<br>S&A Homes, Inc.<br>2121 Gatesburg Road Ste 200<br>State College, PA 16803 | UNT to Marsh<br>Creek<br>(CWF, MF)        | Adams Co.<br>Conservation District<br>670 Old Harrisburg<br>Rd, Suite 201<br>Gettysburg, PA<br>17325<br>717.334.0636                |
| Mount Joy Township,<br>Adams County                         | PAG02000105013R   | Gary and Audrey Weiland<br>126 Heritage Drive<br>Gettysburg, PA 17325   | Rock Creek<br>(WWF)                       | Adams Co.<br>Conservation District<br>670 Old Harrisburg<br>Rd, Suite 201<br>Gettysburg, PA<br>17325<br>717.334.0636                |
| Lower Paxton<br>Township,<br>Dauphin County                 | PAG02002211025R   | Eastern Development &<br>Planning Inc<br>7300 Derry Street<br>Harrisburg, PA 17111                                      | Beaver Creek<br>(WWF)                     | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100                              |
| Lower Paxton<br>Township,<br>Dauphin County                 | PAG02002213026    | Charles Gilmore<br>4079 Derry Street<br>Harrisburg, PA 17111  | Beaver Creek<br>(WWF)                     | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100                              |
| Lower Paxton<br>Township,<br>Dauphin County                 | PAG02002213027    | Harrisburg Hunters & Anglers<br>Association<br>6611 Hunters Run Road<br>Harrisburg, PA 17111                            | Beaver Creek<br>(WWF)                     | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100                              |
| Susquehanna<br>Township,<br>Dauphin County                  | PAG02002211032R   | Metropolitan Development<br>Group<br>1030 Reed Avenue, Ste 100<br>Wyomissing, PA 19610                                  | Paxton Creek<br>(WWF)                     | Dauphin Co<br>Conservation District<br>1451 Peters<br>Mountain Rd<br>Dauphin, PA 17018<br>717.921.8100                              |
| Strausstown<br>Borough,<br>Berks County                     | PAG02000613032    | Scott Sechler, Sr.<br>Strausstown Vol. Fire Co. &<br>Community Campus<br>PO Box 50<br>Strausstown, PA 19559             | Birch &<br>Tulpehocken Creek<br>(CWF, MF) | Berks County<br>Conservation Dist.<br>1238 County Welfare<br>Rd, Ste 200<br>Leesport, PA<br>19533-9710<br>610.372.4657,<br>Ext. 142 |

## NOTICES

4933

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

*Facility Location:*

| <i>Municipality &amp; County</i>            | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i>            | <i>Contact Office &amp; Phone No.</i>  |
|---|-------------------|--|---------------------------------------|--|
| Ferguson Township<br>Centre County          | PAG02001413002    | J C Bar Development<br>415 Fallowfield Rd<br>Ste 301<br>Camp Hill PA 17011               | Spring Creek<br>CWF, MF               | Centre County<br>Conservation District<br>414 Holmes Avenue,<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817                |
| Mifflin Township<br>Columbia County         | PAG02001912009(1) | PA Dept of Transportation<br>District 3-0<br>PO Box 218<br>Montoursville PA 17754        | Trib to Nescopeck<br>Creek<br>CWF, MF | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, PA<br>17815<br>(570) 784-1310,<br>X 102 |
| City of Williamsport<br>Lycoming County     | PAG02004113007    | Wesley Schmidt<br>Danzer Veneer America's Inc<br>240 N Reach Rd<br>Williamsport PA 17701 | WB Susquehanna<br>River<br>WWF, MF    | Lycoming County<br>Conservation District<br>542 County Farm Rd<br>Suite 202,<br>Montoursville, PA<br>17754,<br>(570) 433-3003    |
| Old Lycoming<br>Township<br>Lycoming County | PAG02004113009    | Nicholas Bender<br>517 Alta Vista Dr<br>Williamsport PA 17701                            | Fox Hollow Run<br>WWF                 | Lycoming County<br>Conservation District<br>542 County Farm Rd<br>Suite 202,<br>Montoursville, PA<br>17754,<br>(570) 433-3003    |
| Mahoning Township<br>Montour County         | PAG02004711006R   | Geisinger System Services<br>100 N Academy Ave<br>Danville PA 17822                      | Trib to Sechler Run<br>CWF            | Montour County<br>Conservation District<br>112 Woodbine Ln<br>Ste 2<br>Danville PA 17821<br>Phone: (570)<br>271-1140             |

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*Facility Location:*

| <i>Municipality &amp; County</i>           | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>  | <i>Receiving Water/Use</i> | <i>Contact Office &amp; Phone No.</i>                  |
|--|-------------------|--|----------------------------|--|
| Cranberry Township<br>Butler County        | PAG02001012051(1) | Cranberry Woods Apartments<br>Inc<br>600 Grant Street, Suite 1410<br>Pittsburgh PA 15219         | Unt Brush Creek<br>WWF     | Butler County<br>Conservation District<br>724-284-5270 |
| City of Butler<br>Butler County            | PAG02001013014    | Butler Area Sewer Authority<br>100 Litman Road<br>Butler PA 16001                                | Sullivan Run WWF           | Butler County<br>Conservation District<br>724-284-5270 |
| Slippery Rock<br>Township<br>Butler County | PAG02001013017    | JT Properties<br>c/o Mr. Jack Marshall<br>12 Rutgers Road<br>PO Box 44089<br>Pittsburgh PA 15105 | Wolf Creek CWF             | Butler County<br>Conservation District<br>724-284-5270 |
| City of Corry<br>Erie County               | PAG02002513010    | Corry DG LLC<br>361 Summit Blvd, Suite 110<br>Birmingham AL 35243                                | Unt Bear Creek<br>CWF      | Erie County<br>Conservation District<br>814-825-6403   |
| Millcreek Township<br>Erie County          | PAG02002513012    | Millcreek Township Sewer<br>Authority<br>3608 West 26th Street<br>Erie PA 16506-2059             | Millcreek/Lake Erie<br>WWF | Erie County<br>Conservation District<br>814-825-6403   |



| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>        | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|---|---|
| Millcreek Township<br>Erie County                           | PAG02002512026    | O'Reilly Automotive Stores Inc<br>233 South Patterson<br>Springfield MO 65802-2298                                    | West Branch<br>Cascade Creek<br>WWF; MF | Erie County<br>Conservation District<br>814-825-6403  |
| Limestone Township<br>Warren County                         | PAG02006213004    | Cocca Development LTD<br>100 DeBartolo Place, Ste 400<br>Boardman OH 44512  | Allegheny River<br>WWF                  | Warren County<br>Conservation District<br>814-726-1441  |
| Sugarloaf Township<br>Luzerne County                        | PAG02-1140-13-002 | PA DEP<br>Bureau of Abandoned Mine<br>Reclamation<br>2 Public Square<br>Fifth Floor<br>Wilkes-Barre, PA<br>18701-0790 | Black Creek<br>(CWF, MF)                | PA DEP<br>Bureau of Abandoned<br>Mine Reclamation<br>2 Public Square<br>Fifth Floor<br>Wilkes-Barre, PA<br>18701-0790<br>(570) 826-2371 |

*General Permit Type—PAG-03*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>                      | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|---|---|
| Upper Merion<br>Township<br>Montgomery County               | PAR600035         | BFI Waste Service of PA LLC<br>372 South Henderson Road<br>King of Prussia, PA 19406                 | Unnamed Tributary<br>to Schuylkill<br>River—3-F       | Southeast Region<br>Clean Water Program<br>484.250.5970   |
| West Brunswick<br>Township<br>Schuylkill County             | PAR212244         | Hi-Way Paving, Inc.<br>4343 Weaver Court North<br>Hilliard, OH 43026                                 | Pine Creek—03A  | DEP Northeast<br>Regional Office<br>Clean Water Program<br>2 Public Square,<br>Wilkes-Barre, PA<br>18701-1915<br>570.826.2511 |
| Lancaster County<br>Denver Borough                          | PAR123526         | Gehman Feed Mill, Inc.<br>44 North Third Street<br>Denver, PA 17517                                  | Little Cocalico<br>Creek / Cocalico<br>Creek / WWF    | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |
| Lancaster County<br>East Hempfield<br>Township              | PAR803526         | Lancaster Truck Bodies<br>310 Richardson Drive<br>Lancaster, PA 17603                                | UNT to West Branch<br>Little Conestoga<br>Creek / TSF | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |
| Lancaster County<br>Columbia Borough                        | PAR203624         | Heisey Mechanical Ltd.<br>615 Florence Street<br>Columbia, PA 17512                                  | Shawnee Run /<br>WWF                                  | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |
| Lancaster County<br>East Hempfield<br>Township              | PAR223525         | Bird In Hand Woodworks, Inc.<br>3031 Industry Drive<br>Lancaster, PA 17603                           | Brubaker Run /<br>WWF                                 | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |
| Berks County<br>Muhlenberg<br>Township                      | PAR233543         | Air Liquide Industrial US LP<br>Reading Plant<br>PO Box 13577<br>Reading, PA 19612                   | UNT to Schuylkill<br>River / WWF                      | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |
| Franklin County<br>Guilford Township                        | PAR803658         | Target Corporation<br>DC Environmental<br>Representative<br>PO Box 111<br>Minneapolis, MN 55440-0111 | UNT of<br>Conococheague<br>Creek / WWF                | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707                                |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i>  | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i>  | <i>Contact Office &amp;<br/>Phone No.</i>  |
|--|-------------------|--|---|--|
| Franklin County<br>Antrim Township<br>Montgomery<br>Township | PAR403501         | Waste Management Disposal<br>Services of PA, Inc.<br>9446 Letzburg Road<br>Greencastle, PA 17225 | UNT to<br>Conococheague<br>Creek / UNT of<br>Conococheague<br>Creek / WWF | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707   |
| Freeport Boro<br>Armstrong Cnty                              | PAR216147         | Fuzion Technologies, Inc.<br>PO Box 338<br>Freeport, PA 16229                                    | Buffalo Creek &<br>UNT to Buffalo<br>Creek                                | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh, PA<br>15222-4745<br>412-442-4000 |

*General Permit Type—PAG-4**Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                                | <i>Receiving<br/>Water / Use</i>                       | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|--|--|
| Washington Township<br>Erie County                          | PAG048761         | John A. Jr. & Judith L. Boylan<br>6821 Route 6N,<br>Edinboro, PA 16412 | Unnamed Tributary<br>of the Cussewago<br>Creek<br>16-D | DEP<br>NWRO<br>Clean Water Program<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |
| Washington Township<br>Jefferson County                     | PAG041105         | James H. Buchanan<br>202 Woods Road,<br>Brockway, PA 15824             | Unnamed Tributary<br>of Wolf Run<br>17-C               | DEP<br>NWRO<br>Clean Water Program<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>814/332-6942 |

*General Permit Type—PAG-10*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i>                      | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|---|---|
| Bridgewater<br>Township<br>Susquehanna County               | PAG102293         | Williams Field Services Co.,<br>LLC<br>Park Place Corporate Center 2<br>2000 Commerce Drive<br>Pittsburgh, PA 15275 | Unnamed<br>Tributaries to<br>Meshoppen Creek<br>(04G) | DEP Northeast<br>Regional Office<br>Clean Water Program<br>2 Public Square,<br>Wilkes-Barre, PA<br>18701-1915<br>570.826.2511                 |
| Kingston Township<br>Luzerne County                         | PAG102287         | UGI Energy Services, Inc.<br>1 Meridian Boulevard<br>Wyomissing, PA 19610   | Unnamed Tributary<br>to Abrahams<br>Creek—(05B)       | DEP Northeast<br>Regional Office<br>Clean Water Program<br>2 Public Square,<br>Wilkes-Barre, PA<br>18701-1915<br>570.826.2511                 |
| Elizabeth Twp<br>Allegheny Cnty                             | PAG106163         | Columbia Gas Transmission,<br>LLC<br>1700 MacCorkle Avenue SE<br>Charleston, WV 25314                               | UNT to<br>Youghiogeny River                           | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA<br>15222-4745<br>(412) 442-4000 |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>   | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|---|----------------------------------|---|
| Cherryhill Twp<br>Indiana Cnty                              | PAG106164         | Columbia Gas Transmission,<br>LLC<br>1700 MacCorkle Avenue SE<br>Charleston, WV 25314 | UNT to Allen Run                 | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA<br>15222-4745<br>(412) 442-4000 |
| Brighton Twp<br>Beaver Cnty                                 | PAG106165         | Sunoco Pipeline, LP<br>525 Fritztown Road<br>Sinking Spring, PA 19608                 | UNT to Two Mile<br>Run           | Southwest Regional<br>Office:<br>Water Management<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA<br>15222-4745<br>(412) 442-4000 |

*General Permit Type—PAG-12*

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water / Use</i> | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|----------------------------------|--|
| Lancaster County<br>Rapho Township                          | PAG123753         | Bridge Valley Farm LLC<br>Bridge Valley Farm<br>500 Florin Avenue<br>Hershey, PA 17552 | Chickies Creek /<br>WWF          | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707 |
| Lancaster County<br>East Donegal<br>Township                | PAG123752         | Harold Shellenberger<br>Shel-Mar Acres<br>580 Colebrook Road<br>Mount Joy, PA 17552    | UNT Donegal<br>Creek / TSF       | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707 |
| Berks County<br>Bethel Township                             | PAG123754         | Mountain View Swine Farms<br>411 Chestnut Street<br>Lebanon, PA 17402                  | UNT Swatara<br>Creek / CWF       | DEP—SCRO—Clean<br>Water Program<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>717-705-4707 |

*General Permit Type—PAG-13*

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

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>                                    | <i>Receiving<br/>Water / Use</i>  | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|-------------------|--|-----------------------------------|--|
| Upland Borough<br>Delaware County                           | PAG130085         | Upland Borough<br>Delaware County<br>224 Castle Avenue<br>Upland, PA 19015 | Chester Creek—3-G                 | DEP Southeast<br>Regional Office<br>Clean Water Program<br>2 E Main Street,<br>Norristown, PA 19401<br>484.250.5970                      |
| Etna Boro<br>Allegheny Cnty                                 | PAG136269         | Etna Boro<br>437 Butler St<br>Etna, PA 15223                               | Little Pine Creek &<br>Pine Creek | Southwest Regional<br>Office:<br>Clean Water<br>Program Manager<br>400 Waterfront Drive<br>Pittsburgh PA<br>15222-4745<br>(412) 442-4000 |

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Bullskin Twp  
Fayette Cnty

PAG136301

Bullskin Twp  
178 Shenandoah Rd  
Connellsville, PA 15425

Mounts Creek, UNT  
to Mounts Creek &  
Whites Run

Southwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000

Versailles Boro  
Allegheny Cnty

PAG136230

Versailles Boro  
5100 Walnut St  
McKeesport, PA 15132

Long Run &  
Youghiogheny River

Southwest Regional  
Office:  
Clean Water  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA  
15222-4745  
(412) 442-4000

**PUBLIC WATER SUPPLY PERMITS**

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

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

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

Important legal rights are at stake, however, so individuals should show this document to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 # 0913509** issued to: **Borough of Quakertown** 35 North Third Street, P. O. Box 72, [(PWSID)] Quakertown, PA 18951. Richland Township, **Bucks County** on July 3, 2013 for the operation of Well #9 facilities approved under construction permit # 0908511.

**Operations Permit #0913510** issued to: **Warwick Township Water & Sewer Authority** 1733 Township Greene, P. O. Box 315, Jamison, PA 18929 [(PWSID)] Warwick Township, **Bucks County** on July 3, 2013 for the operation of North Wales Authority interconnection facilities approved under construction permit # 0912507.

**Operations Permit # 1513511** issued to: **Valley Township** 890 West Lincoln Highway, [(PWSID)] Valley Township name, **Chester County**, on July 12, 2013 for the operation of Hillview Interconnection with Pennsylvania America Water Company.

**Permit No. 1513505, Minor Amendment.** Public Water Supply.

|                            |   |
|----------------------------|---|
| Applicant                  | <b>Camp Hill Village USA, Inc.</b><br>1601 Pughtown Road<br>Kimberton, PA 19442 |
| Township                   | West Vincent  |
| County                     | <b>Chester</b>  |
| Type of Facility           | PWS   |
| Consulting Engineer        | Cawley Environmental Services, Inc.<br>637 Jeffers Circle<br>Exton, PA 19341    |
| Permit to Construct Issued | July 3, 2013  |

**Permit No. 0913508, Minor Amendment.** Public Water Supply.

|                          |   |
|--------------------------|---|
| Applicant                | <b>Township of Falls Authority</b><br>557 Lincoln Highway<br>Fairless Hills, PA 19030 |
| Township                 | Falls   |
| County                   | <b>Bucks</b>  |
| Type of Facility         | PWS   |
| Consulting Engineer      | Remington, Vernick, & Beach Engineers<br>922 Fayette Street<br>Conshohocken, PA 19428 |
| Permit to Operate Issued | July 12, 2013   |

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 3613504**, Public Water Supply.

Applicant **Columbia Water Company**  
 Municipality West Hempfield Township  
 County **Lancaster**  
 Responsible Official David T Lewis, General Manager  
 220 Locust Street  
 Columbia, PA 17512  
 Type of Facility Installation of chlorine booster station on Marietta Avenue.  
 Consulting Engineer David T Lewis, P.E.  
 Columbia Water Company  
 220 Locust Street  
 Columbia, PA 17512  
 Permit to Construct Issued: 8/7/2013

**Permit No. 0113502**, Public Water Supply.

Applicant **Koony's Barn**  
 Municipality Germany Township  
 County **Adams**  
 Responsible Official Mark Williams, Operator  
 999 Baltimore Road  
 York Springs, PA 17372  
 Type of Facility Installation of a nitrate removal treatment system.  
 Consulting Engineer Craig J Zack, P.E.  
 KPI Technology  
 143 Carlisle Street  
 Gettysburg, PA 17325  
 Permit to Construct Issued: 7/30/2013

**Operations Permit** issued to: **Hamburg Municipal Authority**, 3060035, Windor Township, **Berks County** on 7/24/2013 for the operation of facilities approved under Construction Permit No. 0612506.

**Operations Permit** issued to: **Martinsburg Municipal Authority**, 4070030, North Woodbury Township, **Blair County** on 8/5/2013 for the operation of facilities approved under Construction Permit No. 0712504.

**Operations Permit** issued to: **The Borough of Hanover**, 7670076, Conewago Township, **York County** on 8/5/2013 for the operation of facilities approved under Construction Permit No. 6713510 MA.

**Operations Permit** issued to: **Mountainview Thoroughbred Racing Association**, 7220059, East Hanover Township, **Dauphin County** on 8/12/2013 for the operation of facilities approved under Construction Permit No. 2213502 MA.

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

**Permit No. 1413503-MA—Construction and Operation** Public Water Supply.

Applicant **Bellefonte Borough Authority**  
 Township/Borough Spring Township  
 County **Centre**

Responsible Official Ralph Stewart, Manager  
 Bellefonte Borough Authority  
 236 West Lamb Street  
 Bellefonte, PA 16823  
 Type of Facility Public Water Supply  
 Consulting Engineer Eric S. Lundy, P.E.  
 Nittany Engineering & Associates, LLC  
 2836 Earlstown Road, Suite 1  
 Centre Hall, PA 16828  
 Permit Issued August 7, 2013  
 Description of Action Construction and Operation of the primary and back-up fire hydrant based bulk water loading stations located within Bellefonte Borough Authority's wastewater treatment plant site.

**Permit No. 1413501-MA—Operation** Public Water Supply.

Applicant **State College Borough Water Authority**  
 Township/Borough Patton Township  
 County **Centre**  
 Responsible Official John A. Lichman, Executive Director  
 State College Borough Water Authority  
 1201 West Branch Road  
 State College, PA 16801  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark V. Glenn, P.E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602  
 Permit Issued August 12, 2013  
 Description of Action Operation of the 2.0 MG finished water storage tank no. 6—Toftrees along with operation of the solar-powered mixer that has been installed within this tank, with solar panel and controls for the solar powered mixer installed on top of this tank.

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

**Permit No. 0310505GWR, Minor Amendment.** Public Water Supply.

Applicant **Manor Township Joint Municipal Authority**  
 2310 Pleasant View Drive  
 Ford City, PA 16226  
 [Borough or Township] Manor Township  
 County **Armstrong**  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051  
 Permit to Operate Issued August 2, 2013

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

**Operation Permit** issued to **Edward J. Gulick d/b/a E.J. Gulick Mobile Home Park**, PWSID #5100062, Winfield Township, **Butler County**. Permit Number 1097507-MA2 issued August 6, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Titusville Estates LLC**, PWSID #6200053, Oil Creek Township, **Crawford County**. Permit Number 2088507-T1-MA1 issued August 6, 2013 for the operation of 4-Log treatment of viruses for Entry Point 102. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Southside Northside Water Association**, PWSID #6420028, Hamilton Township, **McKean County**. Permit Number 4290502-MA1 issued August 7, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to H & H Property Investments, LLC, PWSID #5100043, Lancaster Township, **Butler County**. Permit Number 1088505-T3-MA1 issued August 7, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Riverview Communities LP**, PWSID #6620036, Conewango Township, **Warren County**. Permit Number 6207503-T1-MA2 issued August 9, 2013 for the operation of 4-Log treatment of viruses for Entry Point 120. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit** issued to **Borough of Zelienople**, PWSID #5100093, Borough of Zelienople, **Butler County**. Permit Number 1011505 issued August 13, 2013 for the operation of the hypochlorite solution feed system to maintain chlorine residuals in the distribution system during a chloramine burn. This permit is issued in response to a certificate of construction modification completion form received on July 5, 2013.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>          | <i>County</i> |
|----------------------------|---|---------------|
| Montgomery Township        | 11364 Ft Loudon Road, Mercersburg, PA 17236 | Franklin      |

*Plan Description:* Approval of a revision to the official plan of Montgomery Township, Franklin County. The project is known as Whitetail Mountain Resort. The plan provides for expanded recreational use of Whitetail Mountain Resort facilities that is anticipated to generate new sewage flows of 20,000 gallons per day, to be treated at the Whitetail Mountain Resort Wastewater Treatment Plant, with final disposal using spray irrigation. The proposed development is located on the east side of at 13805 Blairs Valley Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for

this planning module is DEP Code No. A3-28915-403-3 and the APS ID is 801415. Any permits must be obtained in the name of Whitetail Mountain Operating Corporation.

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>     | <i>County</i> |
|----------------------------|--|---------------|
| West Manheim Township      | 2412 Baltimore Pike, Hanover, PA 17331 | York          |

*Plan Description:* The approved plan provides for the continued implementation of a strengthened On-Lot Disposal System (OLD's) operation and management program, along with future sanitary sewer system extensions to serve the Fuhrman Mill Road and Woodridge Hunt areas in addition to the previously identified service areas 4, 5 and 6. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the

appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Maple Press Company**, 480 Willow Springs Lane, York, PA 17404, Manchester Township, **York County**. BL Companies, Inc., 4242 Carlisle Pike, Suite 260, Camp Hill, PA 17011, on behalf of The Maple Press Company, 480 Willow Springs Lane, York, PA 17406, submitted a Final Report concerning remediation of groundwater contaminated with petroleum hydrocarbons and chlorinated solvents. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Kreiser Fuel Service / Anna Brown Residence**, 1042 Horseshoe Pike, Lebanon, PA 17042, South Annville Township, **Lebanon County**. Brickstone Environmental, 515 South Franklin Street, West Chester, PA 19382, on behalf of Kreiser Fuel Service, Inc., 122 Race Horse Drive, Jonestown, PA 17038 and Anna Brown, 1042 Horseshoe Pike, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**CNH America Former UST L31 Area**, 120 Brubaker Avenue, New Holland, PA 17557, New Holland Borough, **Lancaster County**. Brown & Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of CNH America LLC, 700 State Street, Racine, WI 53404, submitted a Final Report concerning remediation of soil and groundwater contaminated with #2 fuel oil. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Armstrong Metalizing Company**, Second Avenue, Ford City, **Armstrong County**. Civil & Environmental Consultants, Inc.; 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Scott McDowell, P. O. Box 7159, New Castle, PA 16107 has submitted a Remedial Investigation/Final Report to remediate site soil for metals and groundwater for chlorinated compounds. The intended use of the site is non-residential. Notice of the submittal of the Remedial Investigation/Final Report was published in the *Valley News Dispatch* on July 26 2013.

**Lick Run #1 OG Well**, Gameland Road, St Clair Township, **Westmoreland County**. Hull & Associates, Inc., 300 Business Center Drive, Suite 300, Pittsburgh PA 15205 on behalf of XTO Energy—Appalachian Division, submitted a Final Report concerning remediation of site soils contaminated with well-produced water. The report is intended to document remediation of the site to meet the residential statewide health standard.

**Hyacinth Church**, 3201 Craft Place, Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110, on behalf of Hyacinth Place LLC, 12 Grandview Circle, Canonsburg, PA 15317 submitted a Remedial Investigation and Baseline Risk Assessment concerning the remediation of site soil and groundwater contaminated metals, VOCs and SVOCs.

The intended future use of the site is residential. The report is intended to document remediation of the site to meet a site specific and 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**CNH America Former UST L31 Area**, 120 Brubaker Avenue, New Holland, PA 17557, New Holland Borough,

**Lancaster County.** Brown & Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of CNH America LLC, 700 State Street, Racine, WI 53404, submitted a Final Report concerning remediation of groundwater contaminated with #2 fuel oil. The Final Report was not administratively complete and was disapproved by the Department on August 8, 2013.

*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**CORRECTION: NLMK Pennsylvania Corporation (Fmr. Duferco Farrell Corporation Facility),** 15 Roemer Boulevard, City of Farrell, Mercer County. Cummings/Riter Consultants, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of NLMK Pennsylvania Corporation, 15 Roemer Boulevard, Farrell, PA 16121, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Iron, Lead, Selenium, Silver, Zinc, PCB—Aroclor 1254, PCB—Aroclor 1260, and Mercury. The Report was disapproved by the Department on August 6, 2013.

#### 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 8471, Harrisburg, PA 17105-8471*

#### *Hazardous Waste Transporter License Renewed*

**Safety-Kleen Systems, Inc.,** 2600 North Central Expy, Suite 400, Richardson, TX 75080. License No. PA-AH 0172. Effective July 23, 2013.

**AEG Environmental Products & Services,** P. O. Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective July 23, 2013.

**First Piedmont Hauling, Inc.,** P. O. Box 1069, Chatham, VA 24531. License No. PA-AH S212. Effective July 24, 2013.

**Metro Environmental Contracting Company,** 690-A North Queens Avenue, Lindenhurst, NY 11757. License No. PA-AH 0785. Effective July 26, 2013.

**Fred Pugliese, DBA Plainfield Motor Services,** One Genstar, Joliet, IL 60435. License No. PA-AH 0573. Effective July 26, 2013.

**Barnett Transportation, Inc.,** P. O. Box 2468, Tuscaloosa, AL 35403. License No. PA-AH 0700. Effective August 1, 2013.

**Auchter Industrial Vac Service, Inc.,** 4801 South Wood Avenue, Linden, NJ 07036. License No. PA-AH 0444. Effective August 2, 2013.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

**Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 8471, Harrisburg, PA 17105-8471*

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Citiwaste, LLC,** 100-02 Farragut Road, Brooklyn, NY 11236. License No. PA-HC 0243. Effective July 31, 2013.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP5-58-005: PVR NEPA Gas Gathering LLC** (101 West Third Street, Williamsport, PA 17701) on June 28, 2013, for construction and operation of a Natural Gas Compression Station at their Susquehanna East Compressor Station in Lathrop Township, **Susquehanna County.**

**GP5-58-004: PVR Marcellus Gas Gathering LLC** (101 West Third Street, Williamsport, PA 17701) on June 28, 2013, for construction and operation of a Natural Gas Compression Station at their Auburn Compressor Station in Auburn Township, **Susquehanna County.**

**GP3-64-001: Grassie & Sons, Inc.** (PO Box 819, Hamlin, PA 18427) on June 28, 2013, for construction and operation of (1) Extec Crusher and (1) Extec Vibratory Screen with Water Sprays at their site in Sterling Township, **Wayne County.**

**GP9-64-001: Grassie & Sons, Inc** (PO Box 819, Hamlin, PA 18427) on June 28, 2013, for construction and operation of (1) Deutz Engine 365BHP and (1) Deutz Engine 100 BHP at their site in Sterling Township, **Wayne County.**

**GP14-54-001: Ringtown Wilbert Vault Works, Inc.** (710 West Main Street, Ringtown, PA 17967) on June 28, 2013, for construction and operation of (1) B&L Cremation System Model BLP-500 at their Concrete Vault Plant & Crematory site in Ringtown Borough, **Schuylkill County.**

**GP7-35-001: PA Hutchinson Company** (400 Penn Ave, Mayfield, PA 18433) on August 1, 2013 for construction and operation of (6) Heidelberg Sheetfed Presses at their site in Mayfield Borough, **Lackawanna County.**

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**GP14-36-03194: Cremation Services of Lancaster** (2024 Marietta Avenue, Lancaster, PA 17603) on August 6, 2013 for a new human crematory, under GP14, at the facility in East Hempfield Township, **Lancaster County.**

**GP3-67-05098H: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 9, 2013, for portable



nonmetallic mineral processing equipment under GP3 at their Penroc Quarry in West Manchester Township, **York County**.

**GP11-67-05098H: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 9, 2013, for two non-road internal combustion engines under GP11, to power portable nonmetallic mineral processing equipment, at their Penroc Quarry in West Manchester Township, **York County**.

**GP3-67-03146D: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 8, 2013, for portable nonmetallic mineral processing equipment, under GP3, at their Sand Bank Quarry in Springettsbury Township, **York County**.

**GP9-67-03146D: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 8, 2013, for five (5) diesel fired internal combustion engines, under GP9, to power portable nonmetallic mineral processing equipment, at their Sand Bank Quarry in Springettsbury Township, **York County**.

**GP3-06-03155B: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 8, 2013, for portable nonmetallic mineral processing equipment under GP3 at the Western Berks Landfill in Cumru Township, **Berks County**.

**GP9-06-03155B: Kinsley Construction, Inc.** (PO Box 2886, York, PA 17405) on August 8, 2013, for five (5) diesel-fired internal combustion engines under GP9, to power portable nonmetallic mineral processing equipment, at their Western Berks Landfill in Cumru Township, **Berks County**.

**GP14-06-03022A: Perkiomen Animal Hospital** (919 Gravel Pike, Palm, PA 18070) on August 7, 2013, for an animal crematory under GP14, in Hereford Township, **Berks County**. The general permit authorization was renewed.

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

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-65-01021: Mountain Gathering, LLC** (810 Houston Street, Suite 2000, Fort Worth, TX 76102) on August 5, 2013, received authorization for construction and/or operation of sources and controls associated with a natural gas production facility at its Spurlin Compressor Station located in Derry Township, **Westmoreland County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**46-0282: Titan International, Inc.** (700 Queen Street, Pottstown, PA 19464) on August 8, 2013, for installation of two (2) batch reactor tanks, two (2) natural gas cooking kettles, and related metal recovery equipment, including fume scrubbers, at a new facility located in Pottstown Borough, **Montgomery County**. The Hydrochloric (HCl) Fume Scrubber reduces Hazardous Air Pollutant (HAP) emissions to less than 0.034 ton of HCl per year. The

Ammonia Fume Scrubber reduces ammonia emissions to less than 0.075 ton per year. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**40-00124A: Letica, Corp.** (20 Commerce Road, Pittston Twp., PA 18640) on August 01, 2013, to operate a printing operation with bailer at their facility to be Pittston Township, **Luzerne County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-1039A: Glunt Funeral Home, Inc.** (210 Erie Street, Edinboro, PA 16412) on August 1, 2013, for construction and operation of a human crematory at their existing Glunt Funeral Home facility in Edinboro Borough, **Erie County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

*Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920*

**23-0003S: Monroe Energy, LLC.** (4101 Post Road, Trainer, PA 19061) on August 2, 2013, to operate a flare gas recovery system in Trainer Borough, **Delaware County**.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05069R: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on August 7, 2013, for modifications to the battery assembly plant 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*

**41-00084A: Moxie Patriot LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) on January 31, 2013, Plan Approval 41-00084A was issued to Moxie Energy LLC for construction of a natural gas-fired combined-cycle power plant to produce approximately 944 MW at the Moxie Patriot Generation Plant located in Clinton Township, **Lycoming County**. On April 2, 2013, the Department issued a revised Plan Approval 41-00084A for corrections to the owner's tax identification no. as well as revisions to the name of the facility's owner and plant

name. On August 13, 2013, the Department issued a revised Plan Approval 41-00084A to change the page 1, expiration date in order to reflect the construction completion date as specified by the company. The expiration date on page 1 of Plan Approval 41-00084A has been revised to January 30, 2017.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**63-00958A: Mark West Liberty Midstream and Resources, LLC** (1515 Arapahoe St., Tower 1, Suite 1600, Denver, CO 80202-2137) on August 9, 2013, Plan Approval PA-63-00958A extension is effective with expiration date of February 9, 2014, for installation and continued temporary operation of additional sources and for modifications to existing sources to accommodate an increase in maximum natural gas throughput at the MarkWest Welling Compressor Station located in Buffalo Township, **Washington County**.

**63-00965A: M3 Appalachia Gathering, LLC** ( 742 Fairmont Road, Suite E, Westover, WV 26501) on August 9, 2013, to modify the Plan Approval to initiate the period of temporary operation of one (1) Caterpillar G3612 LE, natural gas fired compressor engine rated 3,550 bhp at their Twilight Compressor Station located in West Pike Run Township, **Washington County**.

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**25-979A: National Fuel Gas Supply Corp.—Carter Hill Station** (1100 State Street, Erie, PA 16512) on August 12, 2013, effective August 31, 2013, to issue a plan approval extension for the installation of a non-selective catalytic reduction (NSCR) catalyst on an existing natural gas compressor engine at their Carter Hill Compressor Station facility in Wayne Township, **Erie County**.

**37-300B: North American Forgemasters** (710 Moravia Street, New Castle, PA 16101) on August 7, 2013, effective August 31, 2013, to issue a plan approval extension for the construction of two additional forge furnaces to provide capacity during the subsequent furnace removal and the construction of six new forge furnaces which will replace six existing forge furnaces in New Castle City, **Lawrence County**. This is a State Only facility.

#### **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*

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) on August 8, 2013, for renewal of the facility's Phase II (Title IV) Acid Rain Permit in Falls Township, **Bucks County**. The affected units at the facility consist of four (4) combined cycle gas turbines with duct burners. The affected units shall hold sufficient SO<sub>2</sub> allowances in accordance with 40 CFR § 72.9(c)(1). All monitoring, recordkeeping, and reporting shall be in conformance with 25 Pa. Code § 127.531 and the Acid Rain Permit application.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**01-05009: US DOD—Raven Rock Mountain Complex** (243 Beasley Drive, Suite 100, Fort Detrick, MD 21702-9229) on August 8, 2013 for the Raven Rock Mountain Complex located in Liberty Township, **Adams County**. The Title V permit was renewed.

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

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

**18-00011: Croda, Inc.** (8 Croda Way, Mill Hall, PA 17751) on July 31, 2013, issued a renewal Title V Operating Permit for their facility in Bald Eagle Township, **Clinton County**. The facility's main sources include a super refined oils process, chemical product synthesis, natural gas/#2 fuel oil-fired boilers, and several storage vessels. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**10-00021: Indspec Chemical Corp.** (PO Box 307, 133 Main Street, Petrolia, PA 16050) on August 7, 2013, to issue an administrative amendment to the Title V Operating Permit to incorporate the change in responsible official for the facility located in Petrolia Borough, **Butler County**.

**62-00012: NRG REMA LLC—Warren Generating Station** (121 Champion Way, Canonsburg, PA 15317) on August 8, 2013, to issue an administrative amendment to the Title V Operating Permit to incorporate the name change from GenOn REMA, LLC to NRG REMA LLC for their facility in Conewango Township, **Warren County**. The name change was a result of the merger between GenOn and NRG. The tax identification did not change.

#### **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 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00190: Dickson Investment Hardware, Inc.** (386 East Church Road, King of Prussia, PA 19406) on August 8, 2013, for a Non-Title V Facility, State-Only, Natural Minor Permit in Upper Merion Township, **Montgomery County**. Dickson Investment Hardware, Inc. manufactures metal castings from ceramic shells and the ceramic shells from wax molds. The sources of emissions include a residual wax burnout furnace equipped with a thermal oxidizer. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

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

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

**48-00096: Custom Laminating, Corp.** (5000 River Road, Mt. Bethel, PA 18343-5610) on August 13, 2013, for manufacture of laminated plastics and shape manufacturing in Upper Mount Bethel, **Northampton County**. The primary sources consist of four (4) laminating lines and one (1) mixer. The control devices for the sources are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a new State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**48-00097: Lamtec, Corp.** (5010 River Road, Mt. Bethel, PA 19343-5610) on August 13, 2013, for coated and laminated paper manufacturing in Upper Mount Bethel, **Northampton County**. The sources consist of thirteen (13) laminated lines, mixing processes, and flexographic and ink jet printers. The control devices for the sources are baghouses. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and volatile organic compounds (VOC) emissions. This is an initial State-Only Natural Minor operating permit. The State-Only operating permit includes applicable state and federal requirements, work practice standards, testing, monitoring, recordkeeping and reporting requirements.

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-03038: Evans Eagle Burial Vaults, Inc.** (15 Graybill Road, Leola, PA 17540-1910) on August 1, 2013, for three existing human crematory units at the facility in Upper Leacock Township, **Lancaster County**.

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

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**10-00345: Allegheny Mineral Corp.** (PO Box 1022, Kittanning, PA 16201-5022) on August 5, 2013, renewed the State Only operating permit for their Limestone processing facility in Marion Township, **Butler County**. The significant sources are stone crushing and sizing; storage piles; vehicle travel; and vehicle loading. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The potential emissions from the facility are as follows: 54.63 tpy PM and 20.96 tpy PM-10. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**37-00241: Laurel School District—Laurel High School** (RR 4, Box 30, New Castle, PA 16101) on August 2, 2013, to re-issue a Natural Minor Operating Permit to this educational facility in Hickory Township, **Lawrence County**. The facility's primary emissions are two (2) Boilers used to provide heat and hot water to the facility.

The coal-fired boiler (Source ID: 031) at this facility will be subject to the newly promulgated requirements of 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The other boiler (Source ID: 032) is excluded from this subpart because it is fueled exclusively with natural gas.

Neither of the Emergency Power Generators (Source ID: 101) are subject to the newly promulgated requirements of 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. One of the generators is excluded because of an exclusion for existing emergency generators at an institutional facility. The other generator (Source ID: 102) is excluded based on the date of installation.

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**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.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**46-00005: Merck Sharp & Dohme Corp.** (770 Sumneytown Pike, West Point, PA 19486) on August 8, 2013, for an amendment to incorporate plan approvals 45-0005AM and 46-0005AK, remove sources no longer in service (Source Numbers 320 and 340 and Maintenance Hoods in Source 378), incorporate changes made to the federal standards found in 40 CFR 63, Subpart ZZZZ (EPA updated on Jan 30, 2013) and in 40 CFR 60, Subpart IIII (EPA updated on January 30, 2013), document conversion of VOC ERCs to NO<sub>x</sub> ERCs, as well as the transfer of those ERCs under Plan Approval 46-0005AK for Source numbers 740 and 751, the removal of control device OX1 (Source C161), as approved under plan approval 46-0005AM, correction of typographical errors, and addressing several RFDs that have been submitted in Upper Gwynedd Township, **Montgomery County**. Administrative Amendment of the General Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

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

**08-00010: Global Tungsten & Powders Corp.** (1 Hawes Street, Towanda, PA 18848) on July 31, 2013, to issue a revised state only (synthetic minor) operating permit to incorporate an orifice plate into the exhaust of Cell-25 associated with the Sulfide Treatment/Tungsten Refining process at their facility in North Towanda Township, **Bradford County**. The revised state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636*

**62-00032: Ellwood National Forge** (One Front Street, Irvine, PA 16329) for its facility located in Brokenstraw Township, **Warren County**. The De minimis emission increase is for LNB replacement for furnaces 679, 682, & 464. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code

§ 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on August 1, 2012.

| Date                     | Source                           | PM <sub>10</sub> (tons)           | SO <sub>x</sub> (tons)             | NO <sub>x</sub> (tons)          | VOC (tons)                      | CO (tons)                         |
|--------------------------|----------------------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 8-7-13                   | LNB for furnaces 679, 682, & 464 | 0.2                               | 0.025                              | 0.35                            | 0.15                            | 2.17                              |
| Total Reported Increases |                                  | 0.2                               | 0.025                              | 0.35                            | 0.15                            | 2.17                              |
| Allowable                |                                  | 0.6 ton/source<br>3 tons/facility | 1.6 tons/source<br>8 tons/facility | 1 ton/source<br>5 tons/facility | 1 ton/source<br>5 tons/facility | 4 tons/source<br>20 tons/facility |

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1-1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

### Coal Permit Actions Received

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

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Morris Township, **Greene County** and related NPDES permit to install the 7 North 2 Airshaft site and Outfall 033. Surface Acres Proposed 11.9. Receiving stream: Browns Creek, classified for the following use: HQ-WWF. The application was considered administratively complete on November 20, 2012. Application received April 12, 2012. Permit issued August 9, 2013.

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

**Permit No. 56663069 and NPDES No. PA0120944. Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, Pa 15552, revision of an existing bituminous surface mine and auger mine to add 251 acres of additional mining area in Elk Lick and Summit townships, **Somerset County**, affecting 3040.0 acres. Receiving streams: unnamed tributaries to/and Casselman River and unnamed tributaries to/and Elk Lick Creek classified for the following use: cold water fishery. There are no

potable water supply intakes within 10 miles downstream. Application received September 26, 2011. Permit issued August 8, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63050101. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit transfer issued for continued reclamation of an existing bituminous surface mine previously permitted by Mulligan Mining, Inc., located in Smith Township, **Washington County**, affecting 55.9 acres. Receiving streams: Raccoon Creek, unnamed tributaries to Raccoon Creek and Little Raccoon Run. Application received: April 19, 2013. Permit issued: August 6, 2013.

**63080101 and NPDES Permit No. PA0251381. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit transfer issued for continued operation and reclamation of an existing bituminous surface mine previously permitted by Mulligan Mining, Inc., located in Smith Township, **Washington County**, affecting 124 acres. Receiving streams: unnamed tributaries to Raccoon Creek and Little Raccoon Run. Application received: April 19, 2013. Permit issued: August 6, 2013.

**63090104 and NPDES Permit No. PA0251836. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit transfer issued for continued reclamation of an existing bituminous surface mine previously permitted by Mulligan Mining, Inc., located in Smith Township, **Washington County**, affecting 219.3 acres. Receiving stream: unnamed tributary to Raccoon Creek. Application received: April 19, 2013. Permit issued: August 6, 2013.

**63090104 and NPDES Permit No. PA0250309. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Permit transfer issued for continued reclamation of an existing bituminous surface mine previously permitted by Mulligan Mining, Inc., located in Smith Township, **Washington County**, affecting 147.6 acres. Receiving streams: Raccoon Creek, unnamed tributaries to Raccoon Creek and Little Raccoon Run. Application received: April 19, 2013. Permit issued: August 6, 2013.

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

**10120105 and NPDES Permit No. PA0259373. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001) Commencement, operation and restoration of a bituminous surface mine in Buffalo Township, **Butler**

County affecting 84.0 acres. Receiving streams: Unnamed tributaries to Lardintown Run. Application received: November 13, 2012. Permit Issued: August 5, 2013.

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

**17980104 and NPDES No. PA0237922. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Permit renewal for reclamation only to an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 84.0 acres. Receiving stream(s): Unnamed Tributary to Moose Creek, Moose Creek and Orr's Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 24, 2013. Permit issued: August 7, 2013.

**17060102 and NPDES No. PA0256331. Strishock, LLC** (220 Hillcrest Drive, Dubois, PA 15801). Permit renewal for reclamation only to an existing bituminous surface mine located in Brady Township, **Clearfield County** affecting 140.0 acres. Receiving stream(s): Unnamed Tributary to Beech Run & East Branch Mahoning Creek classified for the following use(s): High Quality Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 11, 2013. Permit issued: August 7, 2013.

**17110107 and NPDES No. PA0257699. Bell Resources, Inc.** (1340 Hoyt Road, Curwensville, PA 16833). Commencement, operation and restoration of a bituminous surface mine located in Bloom, Brady, and Penn Townships, **Clearfield County** affecting 76.2 acres. Receiving stream(s): Unnamed Tributaries to Bell Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 8, 2011. Permit issued: July 31, 2013.

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

**40-305-011GP12. Heavy Media, Inc.**, (P. O. Box 27, Nanticoke, PA 18634), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40763206 in Larksville Borough, **Luzerne County**. Application received: July 31, 2012. Permit issued: August 7, 2013.

**54851336R5. EmberClear Reserves, Inc.**, (72 Glenmaura National Boulevard, Moosic, PA 18507), renewal of an existing anthracite underground mine, coal preparation plan and refuse disposal operation in Frailey and Porter Townships, **Schuylkill County** affecting 22.8 acres, receiving stream: Good Spring Creek Watershed. Application received: March 27, 2013. Renewal issued: August 8, 2013.

**54851336GP104. EmberClear Reserves, Inc.**, (72 Glenmaura National Boulevard, Moosic, PA 18507), NPDES General Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54851336 in Frailey and Porter Townships, **Schuylkill County**, receiving stream: Good Spring Creek Watershed. Application received: March 27, 2013. Permit issued: August 8, 2013.

**54-305-027GP12R. EmberClear Reserves, Inc.**, (72 Glenmaura National Boulevard, Moosic, PA 18507), general operating permit to operate a coal preparation plant on Underground Mining Permit No. 54851336 in Frailey and Porter Townships, **Schuylkill County**. Application received: March 27, 2013. Renewal issued: August 8, 2013.

**40823205R5. HUD, Inc. t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite coal refuse reprocessing operation in Hanover Township and Warrior Run Borough, **Luzerne County** affecting 239.2 acres, receiving stream: Nanticoke Creek. Application received: February 22, 2011. Renewal issued: August 8, 2013.

**40823205GP104. HUD, Inc. t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40823205 in Hanover Township and Warrior Run Borough, **Luzerne County**, receiving stream: Nanticoke Creek. Application received: February 22, 2011. Permit issued: August 8, 2013.

**40-305-010GP12. HUD, Inc. t/a Emerald Anthracite II**, (P. O. Box 27, Nanticoke, PA 18634), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40823205 in Hanover Township and Warrior Run Borough, **Luzerne County**. Application received: June 26, 2012. Permit issued: August 8, 2013.

#### *Noncoal Permit Actions Issued*

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

**43020103-GP-104. White Rock Silica Sand Company, Inc.** (331 Methodist Road, Greenville, PA 16125) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43020302 in Hempfield Township, **Mercer County**. Application received: June 11, 2013. Permit Issued: August 2, 2013.

**25122804. Munsee Sand & Gravel** (638 East Columbus Avenue, Corry, PA 16407) Commencement, operation and restoration of a small industrial minerals surface mine in Wayne Township, **Erie County** affecting 6.0 acres. Receiving streams: Bear Creek. Application received: August 14, 2012. Permit Issued: August 8, 2013.

**25122804-GP-104. Munsee Sand & Gravel** (638 East Columbus Avenue, Corry, PA 16407) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 25122804 in Wayne Township, **Erie County**. Application received: August 14, 2012. Permit Issued: August 8, 2013.

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

**57012801. L & H Lumber Co., Inc.** (5695 Route 154, Forksville, PA 18616). Final bond release for a small industrial minerals surface mine located in Forks Township, **Sullivan County**. Restoration of 1.0 acre completed. Receiving stream(s): Lick Creek. Application received on August 7, 2013. Final bond release approved August 7, 2013.

**08010814. LaVern Johnson** (1439 Old Stagecoach Road, Wyalusing, PA 18853). Final bond release for a small industrial minerals surface mine located in Wyalusing Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Unnamed Tributary to Susquehanna River. Application received on August 7, 2013. Final bond release approved August 7, 2013.

**14120301. New Enterprise Stone & Lime Company, Inc.** (Box 77, Church Street, New Enterprise, PA 16664). Commencement, operation and restoration of a large industrial minerals mine (sandstone and shale) located in Burnside Township, **Centre County** affecting 89.2 acres. Receiving stream(s): Unnamed Tributaries to Sevenmile

Run and Sevenmile Run classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: April 25, 2012. Permit issued: July 31, 2013.

**14120301GP-104. New Enterprise Stone & Lime Company, Inc.** (Box 77, Church Street, New Enterprise, PA 16664). General NPDES permit for stormwater discharge associated with mining permit no. 14120301 in Burnside Township, **Centre County**. Receiving stream(s): Unnamed Tributaries to Sevenmile Run and Sevenmile Run classified for the following use(s): Cold Water Fishes and Migratory Fishes. Application received: April 25, 2012. Permit issued: July 31, 2013.

**08132501GP-104. Black Knight Quarries, Inc.** (293 Beacon Light Road, Towanda, PA 18848). General NPDES permit for stormwater discharge associated with General Permit-105 No. 08132501 in Rome Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to Parks Creek classified for the following use(s): Cold Water Fishes. Application received: May 15, 2013. Permit issued: July 31, 2013.

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

**58130805. Johnson Brothers Quarries**, (468 Old Mill Park Road, Towanda, PA 18848), commencement, operation and restoration of a bluestone quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Wyalusing Creek. Application received: June 3, 2013. Permit issued: August 6, 2013.

**64112501 and NPDES Permit No. PA0225045. Robert A. Coleman**, (P. O. Box 3, Susquehanna, PA 18847), commencement, operation and restoration of General Permit for Bluestone in Scott Township, **Wayne County** affecting 10.0 acres, receiving stream: Sherman Creek Watershed. Application received: August 4, 2011. Permit issued: August 7, 2013.

#### 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 Actions Issued*

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

**14134105. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866). Blasting for farm manure pit located in Spring Township, **Centre County** with an expiration date of August 2, 2014. Permit issued August 8, 2013.

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

**06134107. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Willow Glen in Ontelaunee Township, **Berks County** with an expiration date of July 30, 2014. Permit issued: August 6, 2013.

**36134142. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Laurel Pond in Manheim Township, **Lancaster County** with an expiration date of July 30, 2014. Permit issued: August 6, 2013.

**58134143. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Weatherburn Commons in Manheim Township, **Lancaster County** with an expiration date of August 2, 2014. Permit issued: August 6, 2013.

**67134109. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting at Fairview Ridge in Fairview Township, **York County** with an expiration date of July 31, 2014. Permit issued: August 6, 2013.

**36134141. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Kolbacre Ridge in East Lampeter Township, **Lancaster County** with an expiration date of July 30, 2014. Permit issued: August 7, 2013.

**36134144. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Stonehenge Reserve in Manheim Township, **Lancaster County** with an expiration date of August 6, 2014. Permit issued: August 7, 2013.

**36134145. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Millersville Crossing in Millersville Borough and Lancaster Township, **Lancaster County** with an expiration date of August 6, 2014. Permit issued: August 7, 2013.

**38134121. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Stratford Meadows in South Lebanon Township, **Lebanon County** with an expiration date of August 2, 2014. Permit issued: August 7, 2013.

**40134114. Maurer & Scott Sales, Inc.**, (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Latona Trucking South Main Street Project in Jenkins Township, **Luzerne County** with an expiration date of December 31, 2014. Permit issued: August 7, 2013.

**58134142. Doug Wathen, LLC**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for Bishop Gas Pad in Springville Township, **Susquehanna County** with an expiration date of August 5, 2014. Permit issued: August 7, 2013.

**64134108. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Paupack Substation Poles in Paupack and Lake Townships, **Wayne County** with an expiration date of April 25, 2014. Permit issued: August 7, 2013.

**39134107. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Fogelsville Sheets in Upper Macungie Township, **Lehigh County** with an expiration date of August 5, 2014. Permit issued: August 8, 2013.

**46134111. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Northgate in Upper Hanover Township, **Montgomery County** with an expiration date of August 5, 2014. Permit issued: August 8, 2013.

#### 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<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|----------------------------------|---------------------------|---------------------------------|----------------------------------|
| Iron (Total)                     | 3.0 mg/l                  | 6.0 mg/l                        | 7.0 mg/l                         |
| Manganese (Total)                | 2.0 mg/l                  | 4.0 mg/l                        | 5.0 mg/l                         |
| Suspended solids                 | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| pH*                              |                           | greater than 6.0; less than 9.0 |                                  |
| Alkalinity greater than acidity* |                           |                                 |                                  |

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

#### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

| <i>Parameter</i>              | <i>30-day<br/>Average</i> | <i>Daily<br/>Maximum</i>        | <i>Instantaneous<br/>Maximum</i> |
|-------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids              | 35 mg/l                   | 70 mg/l                         | 90 mg/l                          |
| Alkalinity exceeding acidity* |                           |                                 |                                  |
| pH*                           |                           | greater than 6.0; less than 9.0 |                                  |

\* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

*Coal NPDES Draft Permits*

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

**NPDES No. PA0214761 (Mining Permit No. 56841605), Croner, Inc.**, (PO Box 260, 1576 Stoystown Road, Friedens, PA 15541). A renewal to the NPDES and mining activity permit for the Goodtown Preparation Plant in Brothersvalley Township, **Somerset County**. Surface Acres Affected 13.5. Receiving stream: Unnamed Tributary to Buffalo Creek, classified for the following use: CWF. Buffalo Creek Somerset County TMDL. The application was considered administratively complete on June 24, 2011. Application received February 8, 2011.

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

*Outfall 001* discharges to: Unnamed Tributary to Buffalo Creek. The proposed effluent limits for *Outfall 001* (Lat: 39° 53' 17" Long: 78° 58' 44") are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|-----------------------|----------------------|-------------------------|
| Flow (mgd)                    |                | -                     | 0.002                | -                       |
| Iron (mg/l)                   |                | 3.5                   | 7.0                  | 7.0                     |
| Manganese (mg/l)              |                | 2.0                   | 4.0                  | 5.0                     |
| Aluminum (mg/l)               |                | 0.75                  | 1.5                  | 1.9                     |
| Suspended Solids (mg/l)       |                | 35                    | 70                   | 90                      |
| Sulfates (mg/l)               |                | -                     | -                    | REPORT                  |
| Total Dissolved Solids (mg/l) |                | -                     | -                    | REPORT                  |

*Outfall 002* discharges to: Unnamed Tributary to Buffalo Creek. The proposed effluent limits for *Outfall 002* (Lat: 39° 53' 28" Long: 78° 58' 40") are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|-----------------------|----------------------|-------------------------|
| Flow (mgd)                    |                | -                     | 0.0002               | -                       |
| Iron (mg/l)                   |                | 3.5                   | 7.0                  | 7.0                     |
| Manganese (mg/l)              |                | 2.0                   | 4.0                  | 5.0                     |
| Aluminum (mg/l)               |                | 0.75                  | 1.5                  | 1.9                     |
| Suspended Solids (mg/l)       |                | 35                    | 70                   | 90                      |
| Sulfates (mg/l)               |                | -                     | -                    | REPORT                  |
| Total Dissolved Solids (mg/l) |                | -                     | -                    | REPORT                  |

*Outfall 003* discharges to: Unnamed Tributary to Buffalo Creek. The proposed effluent limits for *Outfall 003* (Lat: 39° 53' 21" Long: 78° 58' 45") are:

| <i>Parameter</i>              | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|-----------------------|----------------------|-------------------------|
| Flow (mgd)                    |                | -                     | 0.040                | -                       |
| Iron (mg/l)                   |                | 1.2                   | 2.4                  | 2.9                     |
| Manganese (mg/l)              |                | 1.0                   | 1.9                  | 2.4                     |
| Aluminum (mg/l)               |                | 0.75                  | 1.5                  | 1.9                     |
| Suspended Solids (mg/l)       |                | 35                    | 70                   | 90                      |
| Osmotic Pressure (mos/kg)     |                | 50                    | 60                   | 125                     |
| Sulfates (mg/l)               |                | -                     | -                    | REPORT                  |
| Total Dissolved Solids (mg/l) |                | -                     | -                    | REPORT                  |
| Chlorides (mg/l)              |                | -                     | -                    | REPORT                  |

*Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0594326 on Surface Mining Permit No. 39870302. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for a limestone quarry operation in South Whitehall Township, **Lehigh County**, affecting 63.7 acres. Receiving stream: Jordan Creek classified for the following use: trout stock fishes. Application received: April 17, 2013.

The outfall(s) listed below discharge to Jordan Creek.

| <i>Outfall No.</i> | <i>New Outfall Y/N</i> | <i>Type</i>        |
|--------------------|------------------------|--------------------|
| 001                | N                      | O.D. (groundwater) |



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

| Parameter              | Minimum | 30-Day<br>Average | Daily<br>Maximum | Instantaneous<br>Maximum |
|------------------------|---------|-------------------|------------------|--------------------------|
| pH <sup>1</sup> (S.U.) | 6.0     |                   |                  | 9.0                      |
| Total Suspended Solids |         | 35.0              | 70.0             | 90.0                     |
| Iron (mg/l)            |         | 3.5               | 7.0              |                          |
| Manganese (mg/l)       |         | 2.0               | 4.0              |                          |

<sup>1</sup> The parameter is applicable at all times.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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*

**E51-011T-1. Philadelphia Energy Solutions PES,** 3144 W. Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County,** ACOE Philadelphia District.

To maintain an existing steel sheet pile bulkhead and an existing crib structure (Case Wharf) along the east bank of the Schuylkill River, beginning at a point immediately south of the Passyunk Avenue Bridge in the City and County of Philadelphia.

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)].

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

**E36-918: Strasburg Railroad Company,** PO Box 96, Strasburg, PA 17579-0096 in Paradise Township, **Lancaster County,** ACOE Baltimore District

To abandon an existing concrete culvert and to install and maintain a 48 inch high density polyethylene pipe outfall with concrete endwall and riprap apron along Eshleman Run (CWF) (Latitude 40°00'11", Longitude -76°06'45"). The project is to improve drainage conditions for the railroad, preventing the tracks from becoming inundated with stormwater. No wetlands will be disturbed as a result of the project. The permit was issued on August 7, 2013.

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

**E02-1679. Aiello's Automotive,** 2738 Lincoln Way, White Oak, PA 15131, White Oak Borough, **Allegheny County;** ACOE Pittsburgh District

Applicant has been given consent to construct and maintain a 106.0 foot long × 26.0 feet wide addition to the existing building along the right bank of Long Run (TSF) for the purpose of expanding the existing garage on applicant's property. The project is located on the south side of Lincoln Way, approximately 1,100.0 feet east from the intersection of Lincoln Way and Coulterville Road (McKeesport, PA Quadrangle N: 13.25 inches; W: 5.1 inches, Latitude: 40° 32' 35"; Longitude: 79° 78' 44") in White Oak Borough, Allegheny County.

**E03-459. Freeport Borough,** 414 Market Street, Freeport, PA 16229, Freeport Borough, **Armstrong County.** ACOE Pittsburgh District

Applicant has been given consent to place and maintain approximately 89.4 cubic yards of fill and to construct and maintain an access ramp on the right bank and in the floodplain of the Allegheny River (WWF,N), to construct and maintain a boat docking facility approximately 180.0 ft. in length and 36.0 feet in width (average width as measured from the normal pool elevation) in the

channel and along the right bank of said stream and to place and maintain R-4 riprap in the channel and along the right bank of said stream for a distance of approximately 52.0 feet for the purpose of providing boater access to Freeport Borough and Riverfront Park. The project site is located approximately 200.0 feet south from the intersection of Fifth Street and Water Street (Freeport, PA Quadrangle; N: 8.42 inches; W: 8.22 inches; Latitude: 40° 40' 16.94"; Longitude: 79° 41' 3.29") in Freeport Borough, Armstrong County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E10-483, PA Department of Transportation, District**, P. O. Box 429, Indiana, PA 15701 in Cranberry Township, **Butler County**, ACOE Pittsburgh District

to permanently impact 328 ft of a Tributary to Brush Creek (WWF) associated with its realignment and relocation to the south to facilitate the roadway widening and intersection improvement project of State Route 3020—Freedom Road, State Route 0228—Freedom Road and State Route 0019 intersection (Mars, PA Quadrangle N: 40°, 41', 04.5"; W: 80°, 06', 10.5").

**E43-358, Grove City College**, 100 Campus Drive, Grove City, PA 16127 in Grove City, **Mercer County**, ACOE Pittsburgh District (Grove City, PA Quadrangle N: 41°, 9', 31"; W: 80°, 4', 59.9").

to conduct the following activities associated with the streambank stabilization of Wolf Creek:

a. Removal and reconstruction of approximately 260 feet of streambank. The reconstructed streambank will consist of a combination of rock and reinforced earth fill with planting underlain with class 2, type A geotextile. The rock shall consist of Class R-7 and Class R-4.

b. Placement of R-6 rock in two isolated sections of streambank measuring approximately 75 feet that exhibit undercutting and exposed roots to prevent future erosion.

*Northcentral Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-064: Anadarko E&P Company LP**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Pine Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain one 24-inch diameter, 30-foot-long culvert and associated fill for a permanent access road impacting 58 linear feet of an unnamed tributary to Bonnell Run (EV) and 738 square feet of adjacent palustrine emergent (PEM) wetland (English Center Quadrangle 41°28'55"N 77°16'38"W). The project will result in 58 linear feet of stream impacts and 0.02 acre of wetland impacts all for the purpose of installing access roadway for Marcellus well development.

**E5829-053; SW Gathering, LLC**; 6000 Town Center Blvd., Suite 300, Canonsburg, PA 15317; Liberty Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch water line, a 12-inch natural gas pipeline, timber bridge crossing impacting 44 lineal feet of unnamed tributary to Rhiney Creek (CWF-MF) (Franklin Forks, PA Quadrangle; N 41° 58' 41" Lat., W - 75° 52' 15" Long.),

2) a 12-inch water line, a 12-inch natural gas pipeline, timber mat crossing impacting 1,802 sq. ft. (0.04 acre) of PEM wetlands (Franklin Forks, PA Quadrangle; N 41° 58' 41" Lat., W - 75° 52' 15" Long.),

3) a 12-inch water line, a 12-inch natural gas pipeline, timber bridge crossing impacting 43 lineal feet of unnamed tributary to Rhiney Creek (CWF-MF) (Franklin Forks, PA Quadrangle; N 41° 58' 40" Lat., W - 75° 52' 15" Long.),

4) a 12-inch water line, a 12-inch natural gas pipeline, timber mat crossing impacting 1,531 sq. ft. (0.04 acre) of PEM wetlands (Franklin Forks, PA Quadrangle; N 41° 58' 40" Lat., W - 75° 52' 15" Long.).

The project consists of constructing approximately 0.5 mile of 12" waterline and 12" natural gas gathering line from the Wooton East Well Pad routed in a Southeasterly direction to the Northeast Phase 3—Line 418 in Liberty Township, Susquehanna County. The project will result in 87 lineal feet of stream impacts and 0.08 acre of wetland impact, all for the purpose of conveying Marcellus Shale natural gas to market.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-1 #ESX12-121-0018A—W. L. Harris Project 1 Oil Lease—Major Modification  
Applicant Vista Operating, Inc  
Contact Mr. Joel Hoffman  
Address 61 McMurray Road, Suite 300  
City Pittsburgh State PA Zip Code 15241  
County Venango Township(s) Richland & Rockland(s)  
Receiving Stream(s) and Classification(s) Bear Run—CWF and Pine Run—CWF

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX11-015-0147 (02)  
 Applicant Name Talisman Energy USA, Inc.  
 Contact Person Lance Ridall  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Wells  
 Receiving Stream(s) and Classification(s) Beckwith Creek,  
 UNTs to Beckwith Creek (All CWF/MF);  
 Secondary: Seeley Creek (CWF/MF)

ESCGP-1 # ESG12-115-0036 (02)  
 Applicant Name Bluestone Pipeline Co of PA, LLC  
 Contact Person Chris Zona  
 Address One Energy Plaza, WCB 2084  
 City, State, Zip Detroit, MI 48226  
 County Susquehanna  
 Township(s) Harmony  
 Receiving Stream(s) and Classification(s) Roaring Run  
 (CWF/MF)

ESCGP-1 # ESX12-117-0031 (02)  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 101 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming, Tioga and Bradford Counties  
 Township(s) Jackson, Liberty, Union and Canton Townships  
 Receiving Stream(s) and Classification(s) UNT to Roaring  
 Branch, Roaring Branch, Little Elk Run, UNT Brion  
 Creek, Brion Creek, UNT Salt Spring Run, Salt Spring  
 Run, French Lick Run, UNT French Lick Run, West  
 Mill Creek, Mill Creek, Sugar Works Run, UNT Lycom-  
 ing Creek, Towanda Creek (HQ-EV)

ESCGP-1 # ESX13-115-0073  
 Applicant Name PVR Marcellus Gas Gathering, LLC  
 Contact Person Kevin Roberts  
 Address 101 West Third Street  
 City, State, Zip Williamsport, PA 17701  
 County Susquehanna  
 Township(s) Auburn  
 Receiving Stream(s) and Classification(s) UNT to White  
 Creek (CWF/MF)

ESCGP-1 # ESG13-081-0043  
 Applicant Name EXCO Resources (PA), LLC  
 Contact Person Brian Rushe  
 Address 3000 Ericsson Drive, Suite 200  
 City, State, Zip Warrendale, PA 15086  
 County Lycoming & Clinton Counties  
 Township(s) Watson & Gallagher Townships  
 Receiving Stream(s) and Classification(s) UNT Chatham  
 Run, UNT Gamble Fork, Gamble Fork (All HQ-CWF/  
 MF);  
 Secondary: Chatham Run, Gamble Fork, Gamble Run  
 (All HQ-CWF/MF)

ESCGP-1 # ESG13-081-0034  
 Applicant Name Anadarko Marcellus Midstream, LLC  
 Contact Person Rane Wilson  
 Address 33 West Third Street, Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Lycoming County  
 Township(s) Cascade Township

Receiving Stream(s) and Classification(s) Slacks Run  
 (HQ-CWF) Salt Run (EV), West Branch Willis Run  
 (EV);

Secondary: Loyalsock Creek

ESCGP-1 # ESG13-081-0041  
 Applicant Name Seneca Resources Corp.  
 Contact Person Michael Clinger  
 Address 51 Zents Blvd.  
 City, State, Zip Brookville, PA 15825  
 County Lycoming County  
 Township(s) Gamble Township  
 Receiving Stream(s) and Classification(s) UNT to Mill  
 Creek (TSF-EV/MF);  
 Secondary: Loyalsock Creek (TSF-EV)

#### OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483.

*Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222*

Well Permit #: 051-24584  
 Well Farm Name: Fay-Penn Unit 47H  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Anna Shumaker  
 Address: 800 Mountain View Drive Smithfield, PA 15478  
 County: Fayette  
 Municipality Name/City, Borough, Township: Springhill  
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Unnamed Tributary to Grassy Run

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

Well Permit #: 083-56216-00-00  
 Well Farm Name Warrant 3122, 3068

Applicant Name: Catalyst Energy, Inc.  
 Contact Person: Douglas E. Jones Address: 424 South  
 27th Street, Suite 304, Pittsburgh, PA 15203  
 County: McKean  
 Municipality Wetmore Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Kane, PA, South Branch  
 Kinzua Creek.

Well Permit #: 115-21384-00-00  
 Well Farm Name Knosky 63, 2H  
 Applicant Name: WPX Energy Appalachia, LLC.  
 Contact Person: David R. Freudenrich  
 Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317  
 County: Susquehanna  
 Municipality Rush Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Lawton, Middle Branch  
 Wyalusing Creek.

Well Permit #: 115-21385-00-00  
 Well Farm Name Knosky 63 4H  
 Applicant Name: WPX Energy Appalachia, LLC.  
 Contact Person: David R. Freudenrich  
 Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317  
 County: Susquehanna  
 Municipality Rush Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Lawton, Middle Branch  
 Wyalusing Creek.

Well Permit #: 115-21386-00-00  
 Well Farm Name Knosky 63 6H  
 Applicant Name: WPX Energy Appalachia, LLC.  
 Contact Person: David R. Freudenrich  
 Address: 6000 Town Center Boulevard, Suite 300,  
 Canonsburg, PA 15317  
 County: Susquehanna  
 Municipality Rush Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Lawton, Middle Branch  
 Wyalusing Creek.

Well Permit #: 015-22695-00-00  
 Well Farm Name Hattie N. Bra 2H  
 Applicant Name: Chesapeake Appalachia, LLC.  
 Contact Person: Eric Haskins  
 Address: 14 Chesapeake Lane, Sayre, PA 18840  
 County: Bradford  
 Municipality Wilmot Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Laceyville, unnamed tribu-  
 tary to Susquehanna River

Well Permit #: 039-25780-00-00  
 Well Farm Name Raber Unit 1  
 Applicant Name: Kastle Resources Ent, Inc.  
 Contact Person: Steve Fleischer  
 Address: P O Box 1085, Wooster, OH 44691  
 County: Crawford  
 Municipality Summerhill Township:  
 Name of Stream, Spring, Body of Water as identified on  
 the most current 7 1/2 minute topographic quadrangle  
 map of the United States Geologic Survey subject to the  
 Section 3215(b)(4) waiver: Harmonsburg, UNT to  
 Rundelltown Creek.

**STORAGE TANKS**

**SITE-SPECTIFIC 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 &amp; Address</i>   | <i>County</i> | <i>Municipality</i>  | <i>Tank Type</i>        | <i>Tank Capacity</i> |
|------------------------|---|---------------|----------------------|-------------------------|----------------------|
| 13-51-019              | Philadelphia Energy Solutions Refining & Marketing LLC<br>3144 Passyunk Avenue<br>Philadelphia, PA 19145-5299<br>Attn: James Keeler | Philadelphia  | City of Philadelphia | 1 AST storing crude oil | 6,346,200 gallons    |

[Pa.B. Doc. No. 13-1589. Filed for public inspection August 23, 2013, 9:00 a.m.]

**Storage Tank Advisory Committee Meeting Cancellation**

The September 10, 2013, meeting of the Storage Tank Advisory Committee (Committee) is cancelled. The next meeting is scheduled for December 3, 2013, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Committee can be directed to Charles M. Swokel at (717)

772-5806 or cswokel@pa.gov. The agenda and meeting materials for the December 3, 2013, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984

(TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-1590. Filed for public inspection August 23, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Advanced Center for Surgery for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Advanced Center for Surgery has requested an exception to the requirements of 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1591. Filed for public inspection August 23, 2013, 9:00 a.m.]

### Application of DuBois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that DuBois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-7.2.2.1(1), 3.1-7.2.2.3(a) and (b), 3.1-3.8, 3.1-3.2.2.2(1) and (2) and 3.1-3.2.3.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1592. Filed for public inspection August 23, 2013, 9:00 a.m.]

### Application of Jeanes Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Jeanes Hospital has requested an exception to the requirements of 28 Pa. Code § 131.1 (relating to principle).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1593. Filed for public inspection August 23, 2013, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Beaver Valley Nursing and Rehabilitation Center  
257 Georgetown Road  
Beaver Falls, PA 15010

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1594. Filed for public inspection August 23, 2013, 9:00 a.m.]

### **Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting**

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold its quarterly meeting on Wednesday, September 25, 2013, from 9 a.m. to 12 p.m. at the Giant Super Food Store Community Center, Second Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so,

contact Sharon H. Sowers, Plan and Policy Section Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 783-1457, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-1595. Filed for public inspection August 23, 2013, 9:00 a.m.]

## **FISH AND BOAT COMMISSION**

### **Temporary Changes to Fishing Regulations; Lake Nessmuk, Tioga County**

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Lake Nessmuk, Tioga County, in anticipation of scheduled repairs to the dam. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective immediately. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director will cause these temporary modifications to fishing regulations to be posted in the vicinity of the lake and the modified regulations will be fully effective and enforceable when so posted. These temporary modifications will remain in effect until October 1, 2014.

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 13-1596. Filed for public inspection August 23, 2013, 9:00 a.m.]

## **INDEPENDENT REGULATORY REVIEW COMMISSION**

### **Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

| <i>Final-Form<br/>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public<br/>Meeting</i> |
|--------------------------------|--|-----------------|---------------------------|
| 18-425                         | Department of Transportation<br>Vehicle Equipment Standards and Safety<br>Inspection Process | 8/9/13          | 9/19/13                   |
| 11-251                         | Insurance Department<br>Surplus Insurance Lines  | 8/13/13         | 9/19/13                   |

| <i>Final-Omit<br/>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public<br/>Meeting</i> |
|--------------------------------|--|-----------------|---------------------------|
| 54-75                          | Pennsylvania Liquor Control Board<br>Municipal Noise Ordinance | 8/9/13          | 9/19/13                   |

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-1597. Filed for public inspection August 23, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### 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. § 1171.8) 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; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a 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 Richard Bracciodieta; file no. 13-114-144263; Liberty Insurance Corporation; Doc. No. P13-08-009; September 24, 2013, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-1598. Filed for public inspection August 23, 2013, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Westmoreland County, Wine & Spirits Store #6508 (Relocation), North Huntingdon, PA

*Lease will expire on:* August 31, 2015

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 6,000 net useable square feet of new or existing retail commercial space in a shopping center environment along Route 30 west of Irwin in North Huntingdon Township. The storeroom should have access to free parking and be able to accommodate tractor trailer deliveries.

*Proposals due:* September 13, 2013, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real State  
Real Estate Region #3  
158 Purity Road, Suite B  
Pittsburgh, PA 15235-4441  
**Contact:** George D. Danis  
(412) 723-0124  
gdanis@pa.gov

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 13-1599. Filed for public inspection August 23, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 9, 2013. 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.**

**(Corrected) A-2013-2362064. Williamsport Area Ambulance Service Cooperative, t/a Susquehanna Regional EMS** (700 High Street, Williamsport, Lycoming County, PA 17701) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Sullivan, Lycoming, Tioga, Clinton, Union and Northumberland Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Christina M. Mellott, Esq., Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

**A-2013-2371143. Providence Transportation, Inc.** (29 North 4th Street, Emmaus, Lehigh County, PA 18049) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points within Bucks and Berks Counties.

**Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2013-2359335. William Visellis** (535 South Stone Base Road, New Wilmington, Lawrence County, PA 16142)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in Mercer and Lawrence Counties, and from points in said counties, to points in Pennsylvania, and return.

**A-2013-2363633. Stephen L. Lower** (162 East Market Street, Berrysburg, Dauphin County, PA 17005)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Dauphin, Northumberland and Schuylkill, to points in Pennsylvania, and return.

**A-2013-2366631. Medcross Ambulance, Inc.** (2179 Bennett Road, Philadelphia, Philadelphia County, PA 19116)—discontinuance of service and cancellation of its certificate—persons, in paratransit service, in the City and County of Philadelphia and the Counties of Bucks, Chester, Delaware and Montgomery. *Attorney:* David Hollar, 8 Tower Bridge, Suite 400, Conshohocken, PA 19428.

**A-2013-2375368. Stacia H. Grove, t/d/b/a Central Pennsylvania Limousine Service** (12451 High Point Road, Felton, York County, PA 17322) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in limousine service, from points in the Counties of Dauphin, Lancaster, York and Cumberland, and from points in said counties, to points in Pennsylvania, and return.

**A-2013-2371143. Stacia H. Grove, t/d/b/a Central Pennsylvania Limousine Service** (12451 High Point Road, Felton, York County, PA 17322) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver,

from points in the Counties of York, Adams, Dauphin, Cumberland and Lancaster, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1600. Filed for public inspection August 23, 2013, 9:00 a.m.]

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**Telecommunications**

**A-2013-2378723. Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Time Warner Cable Information Services (Pennsylvania), LLC.** Joint petition of Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Time Warner Cable Information Services (Pennsylvania), LLC for approval of an opt-interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Time Warner Cable Information Services (Pennsylvania), LLC by its counsel, filed on August 14, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an opt-in 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 Commonwealth Telephone Company, d/b/a Frontier Communications Commonwealth Telephone Company and Time Warner Cable Information Services (Pennsylvania), LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1601. Filed for public inspection August 23, 2013, 9:00 a.m.]

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**Telecommunications**

**A-2013-2378650. Frontier Communications of Pennsylvania, Frontier Communications of Breezewood, Frontier Communications of Canton, Frontier Communications of Lakewood, Frontier Communications of Oswayo and Time Warner Cable Information Services (Pennsylvania), LLC.** Joint petition of Frontier Communications of Pennsylvania, Frontier Communications of Breezewood, Frontier Communications of Canton, Frontier Communications of Lakewood, Frontier Communications of Oswayo and Time Warner Cable Information Services (Pennsylvania), LLC for ap-



proval of an adoption of an opt-in interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Frontier Communications of Pennsylvania, Frontier Communications of Breezewood, Frontier Communications of Canton, Frontier Communications of Lakewood, Frontier Communications of Oswayo and Time Warner Cable Information Services (Pennsylvania), LLC by its counsel, filed on August 13, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an adoption of an opt-in 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 Frontier Communications of Pennsylvania, Frontier Communications of Breezewood, Frontier Communications of Canton, Frontier Communications of Lakewood, Frontier Communications of Oswayo and Time Warner Cable Information Services (Pennsylvania), LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-1602. Filed for public inspection August 23, 2013, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. Yuliya Kalita has applied to transfer 100% of the stock of Prikol, Inc. (CPC No. 1021109, Medallion P-0178 and 1592) held by Taras Kalita. Prikol, Inc. holds medallion rights 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.

**Yuliya Kalita**, 15120 Kallaste Drive, Philadelphia, PA 19116, Prikol, Inc. registered with the Department of State on December 14, 2007.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 9, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1603. Filed for public inspection August 23, 2013, 9:00 a.m.]

### Motor Carrier Medallion Stock Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant. Sukhwant Sahib has applied to transfer 50% of the stock of Narwal Sahib Co. (CPC No. 1022514, Medallion P-1412) held by Deep Kamal. Narwal Sahib Co. holds medallion rights 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.

**Sukhwant Sahib**, 165 Overhill Road, Upper Darby, PA 19082, Narwal Sahib Co. registered with the Department of State on June 23, 2008.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by September 9, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-1604. Filed for public inspection August 23, 2013, 9:00 a.m.]