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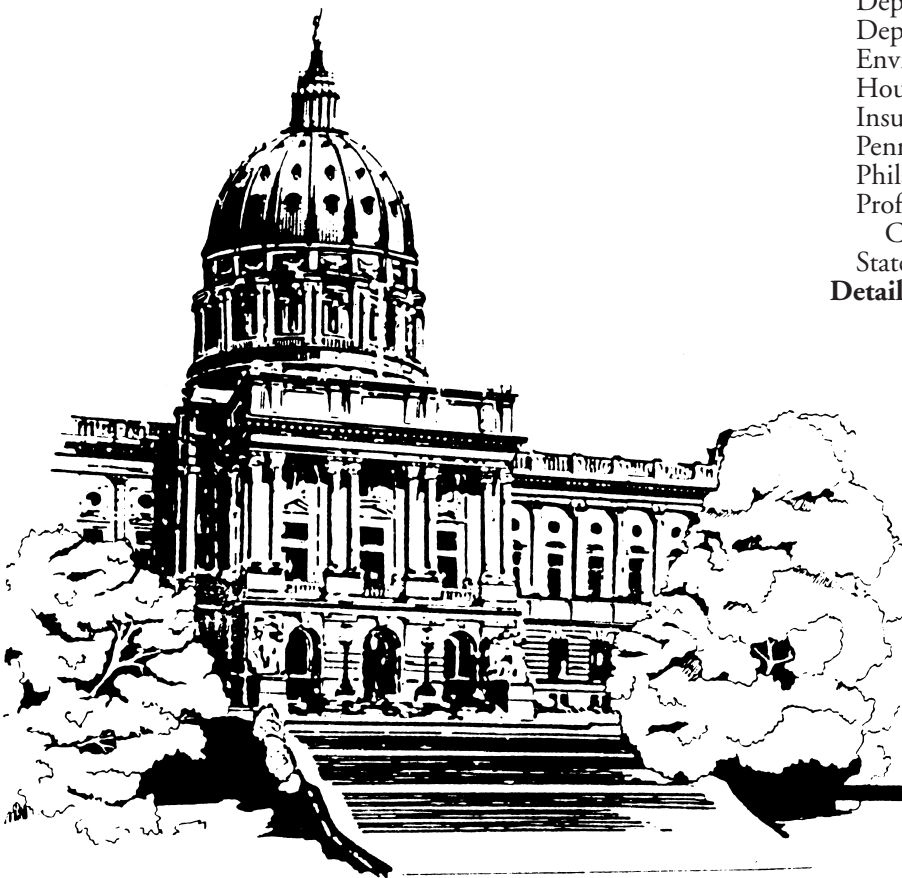
# PENNSYLVANIA BULLETIN

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

**No. 490, September 2015**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde\\_index.cfm](http://www.legis.state.pa.us/cfdocs/legis/CH/Public/pcde_index.cfm).

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### FAYETTE COUNTY

#### Local Rule 212.1: Pre-Trial Statements; No. 1706 of 2015GD

##### Order

*And Now*, this 26th day of August, 2015, pursuant to Rule 239 of the Pennsylvania Rules of Civil Procedure, it is hereby ordered that Local Rule 212.1 is amended as set forth as follows.

The Prothonotary is directed as follows:

(1) One certified copy of the Local Rule shall be filed with the Administrative Office of Pennsylvania Courts.

(2) Two certified copies and diskette of the Local Rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

(3) One certified copy of the Local Rule shall be sent to the State Civil Procedural Rules Committee.

(4) One certified copy shall be sent to the Fayette County Law Library.

(5) One certified copy shall be sent to the Editor of the *Fayette Legal Journal*.

This Local Rule shall be continuously available for public inspection and copying in the Office of the Prothonotary. Upon request and payment of reasonable costs of reproduction and mailing, the Prothonotary shall furnish to any person a copy of any local rule.

This Local Rule shall be effective 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

JOHN F. WAGNER, Jr.,  
*President Judge*

#### Rule 212.1. Pre-trial Statements.

(a) *Time tables:*

(1) All plaintiffs, within twenty (20) days after the 240 day period, or the extension thereof, shall file their pre-trial statements with the Prothonotary.

(2) All original defendants, within twenty (20) days of the filing of the plaintiff's pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(3) All other parties, within twenty (20) days of the filing of original defendants' pre-trial statements, shall file their pre-trial statements with the Prothonotary.

(b) The pre-trial statement shall contain:

(1) A brief narrative statement of the essential facts upon which liability is asserted or denied.

(2) The legal issues involved and legal authorities relied upon.

(3) A list of the names and addresses of all witnesses the party expects to call, which witnesses shall be classified as liability or damage witnesses.

(4) A specific description of damages.

(i) Any party seeking to recover damages for personal injuries shall attach to their pre-trial statement, if not previously provided to all parties, a written authorization to inspect and make copies of the records and reports of any physician, hospital or clinic by whom or where said party may have been examined, treated, or hospitalized for the injuries or disabilities complained of, and covering prior injuries or disabilities where the same may be relevant.

(ii) A list of the damages that the party intends to claim and prove at trial.

(5) The settlement status of the case.

(6) A realistic estimate of the trial time required for presentation of their case, as well as total trial time required.

(7) There shall be attached to the pre-trial statement:

(i) A copy of all reports containing findings or conclusions of any physician who has treated or examined the party or has been consulted in connection with any injuries complained of and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such physician shall be excluded at the trial except upon consent of all parties or upon express order of the Court.

(ii) A copy of all reports containing findings or conclusions of any expert who has been consulted in connection with the matters involved in the case and whom the party expects to call as a witness at the trial of the case. If timely production of any report is not made, the testimony of such expert shall be excluded at the trial except upon consent of all parties or upon express order of Court.

(8) Upon failure of any party to file a pre-trial statement within the time required, upon motion the Court may impose the sanctions provided in Pa.R.C.P. Sec. 4019(c). Also, the Court may order other appropriate relief including, but not limited to, the barring of testimony, assessment and awarding of attorney fees, and expenses and costs to opposing counsel.

(9) Counsel, upon agreement of all parties, or upon Order of Court, may file a supplemental pre-trial statement up to the time of trial as long as such filing does not delay trial. Supplemental statements may include additional claims for damages, additional damage and/or liability witnesses, expert witnesses, and/or exhibits intended to be used at trial.

[Pa.B. Doc. No. 15-1646. Filed for public inspection September 11, 2015, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 22—EDUCATION

### PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

[ 22 PA. CODE CH. 233 ]

#### Bylaws

The Professional Standards and Practices Commission (Commission) amends Chapter 233 (relating to bylaws—statement of policy) to read as set forth in Annex A.

Chapter 233 delineates the Commission's internal governance procedures, including the duties and responsibilities of Commission members and staff, and procedures for the Commission's adjudication of educator misconduct complaints and applications for reinstatement. The Educator Discipline Act (act) (24 P. S. §§ 2070.1a—2070.18c) was significantly amended by the act of December 18, 2013 (P. L. 1205, No. 120), thereby necessitating amendments to the Commission's bylaws. These amendments are intended to ensure the Commission's bylaws reflect the changes to the act, streamline procedures, and provide guidance to the Department of Education (Department), educators and the public with respect to the Commission's interpretation and administration of the act. The most significant changes are summarized as follows.

#### Summary

Section 233.113(c) (relating to disciplinary proceedings) sets forth the purposes of professional discipline and the factors the Commission considers in crafting disciplinary sanctions. The factors are intended to promote consistency, fairness and transparency by providing a framework to guide the exercise of discretion in determining sanctions which meet the general sanctioning objectives. They are also intended to assist Department prosecutors and educators in the negotiation of settlement agreements and hearing officers in issuing proposed adjudications by informing the parties as to the considerations that the Commission believes are relevant to any sanctioning decision.

Section 233.113(d) clarifies the Commission's interpretation and administration of the act with regard to settlement agreements and, specifically, the necessity of Commission approval of settlement agreements. The act contemplates that the Commission, as the body charged with overseeing the educator discipline system and as the adjudicator with exclusive authority to impose professional discipline, must approve settlement agreements entered between the Department and educators prior to implementation.

In § 233.123 (relating to reinstatements), the Commission streamlined the procedures regarding reinstatement of certificates suspended, surrendered or revoked by simplifying the rules for providing public notice of reinstatement applications.

#### Affected Parties

Chapter 233 affects primarily educators over whom the Commission has jurisdiction to discipline for misconduct. The amendments clarify the interpretation and administration of the act for these educators.

#### Cost and Paperwork Estimates

The amendments to Chapter 233 do not impose additional reporting or paperwork requirements beyond those

specified by the act or 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and will not engender additional costs.

#### Effective Date

These amendments are effective upon publication.

#### Sunset Date

Although not subject to sunset, the Commission will review Chapter 233 on an ongoing basis.

#### Regulatory Review

As a statement of policy, Chapter 233 is not subject to the Regulatory Review Act (71 P. S. §§ 745.1—745.14). The Commission adopted the amendments after consultation with interested representatives of affected parties at public meetings.

#### Contact Person

Interested persons are invited to submit written comments or suggestions to Shane F. Crosby, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333.

SHANE F. CROSBY,  
*Executive Director*

*(Editor's Note: Title 22 of the Pennsylvania Code is amended by amending statements of policy in §§ 233.101, 233.102, 233.106, 233.107, 233.109, 233.113—233.115 and 233.117—233.124 to read as set forth in Annex A.)*

**Fiscal Note:** 6-335. No fiscal impact; (8) recommends adoption.

#### Annex A

### TITLE 22. EDUCATION

#### PART XIV. PROFESSIONAL STANDARDS AND PRACTICES COMMISSION

#### CHAPTER 233. BYLAWS—STATEMENT OF POLICY

##### § 233.101. Definitions.

The definitions in section 1.2 of the act (24 P. S. § 2070.1b) are incorporated by reference. The following word, when used in this chapter, has the following meaning, unless the context clearly indicates otherwise:

*Act*—The Educator Discipline Act (24 P. S. §§ 2070.1a—2070.18c).

##### § 233.102. Purpose.

The Commission is committed to providing leadership for improving the quality of education in this Commonwealth by establishing high standards for preparation, certification, practice and ethical conduct in the teaching profession. As the body charged with the oversight and enforcement of the educator discipline system, the primary goal of the Commission is to ensure the health, safety and welfare of students and other individuals in schools in this Commonwealth while facilitating the fair, efficient and transparent adjudication of complaints against educators.

##### § 233.106. Commission staff.

(a) *Executive Director of the Commission.* Under the act, there is an Executive Director of the Commission who serves as the executive officer and secretary of the Commission. The Commission and the Secretary jointly employ and fix the compensation of the Executive Director. The Executive Director, with approval of the Commis-

sion and the Secretary, may employ additional professional and clerical personnel as may be necessary to carry out the duties and responsibilities of the Commission. The Department will provide adequate space and equipment to facilitate the activities of the Commission. The duties of the Executive Director are as follows:

(1) The Executive Director will serve as the executive officer of the Commission without the right to vote.

(2) The Executive Director will serve as the administrative liaison of the Commission with the Legislature, agencies and bureaus of the Department and the State and Federal government, local education agencies and organizations with which the Commission has common interests.

(3) The Executive Director will manage the administrative details of meetings of the Commission and committees established by the Commission, including the preparation of agendas, minutes and records of action, and the proper circulation of notices of meetings of the Commission.

(4) The Executive Director will obtain, organize and provide information and materials pertinent to and prepare reports for the work of the Commission.

(5) The Executive Director will assist committees of the Commission involved in studies and hearings, research projects and literature reviews.

(6) The Executive Director will monitor and inform the Commission of actions of the State Board, the Department, and other agencies and organizations whose actions and interests are congruent with those of the Commission.

(7) The Executive Director will monitor and inform the Commission of legislation affecting the responsibilities of the Commission.

(8) The Executive Director will supervise Commission staff persons.

(9) The Executive Director will, with the advice and consent of the Commission's ad hoc budget committee, prepare and present budgets on behalf of the Commission to the Department.

(10) The Executive Director will act as the public relations officer of the Commission, as directed by the Chairperson and the Commission.

(11) The Executive Director will perform related work as required by the Commission.

(b) *Commission counsel.* Under the act, the Governor, through the Office of General Counsel, will provide legal advice and assistance as the Commission may require.

#### § 233.107. Meetings of the Commission.

(a) Under the act, meetings will be held at least five times per year at the call of the Chairperson or upon request in writing of a majority of the seated members of the Commission. A majority of the Commission members then seated constitutes a quorum, and a majority of a quorum has authority to act upon any matter properly before the Commission unless otherwise specified in the act. Meetings of the Commission will be open to the public in accordance with 65 Pa.C.S. Chapter 7 (relating to Sunshine Act), when applicable.

(b) The Commission will conduct its meetings in accordance with the act and 2 Pa.C.S. (relating to administrative law and procedure), when applicable. If an inconsistency arises, the provisions of the act are controlling. The Commission will enter as a matter of record the

minutes of each meeting, every vote taken by the Commission and every official act of the Commission.

(c) The annual reorganization meeting will take place during the first meeting after the Governor appoints the Chairperson. At that meeting, a Vice Chairperson will be appointed by the Chairperson with the consent of the Commission.

(d) Notification of Commission meetings will be mailed to the commissioners at least 2 weeks in advance. An agenda and supportive data will be included with written notification.

(e) Upon the written request of a majority of the Commissioners, the Chairperson will call a special meeting within 5 days of the receipt of the request. Commissioners will be notified by phone and provided with the date, time, place and agenda. Written notification will follow.

(f) Meetings of the Commission are ordinarily held at the Department's Harrisburg offices. Meetings may be called at other locations to accommodate larger public groups or for other specific purposes.

(g) A roll call vote of the Commissioners present at a meeting is required for actions taken on recommendations to the State Board, for statements of policy and for actions taken in fulfillment of the duties of the Commission as prescribed by law. A voice vote is sufficient for all other matters unless a roll call vote is requested by two or more Commissioners. Unless otherwise required by law, a majority of those present and voting is sufficient for a motion to pass.

(h) Proxy voting will be permitted only if the following conditions are met:

(1) The Chairperson announces an intention to permit proxy voting and a majority of those Commissioners present do not object.

(2) The proxy vote applies only to questions that appear clearly on the meeting agenda or to motions that have been presented for consideration during the meeting.

(3) The Commissioner is present at the meeting but is required to leave prior to a vote.

(4) The Commissioner requests permission to vote by proxy.

(5) The Commissioner presents a proxy in writing to the Chairperson indicating how the vote is to be cast.

(6) Proxy voting will not be permitted in matters of discipline and reinstatement.

(i) The Commission may declare an executive session as allowed under 65 Pa.C.S. § 708 (relating to executive sessions) to the extent applicable. Executive sessions of the Commission will be held only in accordance with 65 Pa.C.S. Chapter 7.

(j) Rules and procedures not specifically adopted by the Commission will be in accordance with the latest edition of *Robert's Rules of Order*.

#### § 233.109. Methods of operation for Commission and committee meetings.

(a) The order of business for Commission meetings will be set forth in an agenda, which will reflect all action items.

(b) Only matters assigned to the Commission by law will be considered as agenda items.



(c) Business will be conducted in accordance with this chapter and the latest edition of *Robert's Rules of Order*.

(d) Except as provided in paragraph (3), a person or organization, other than the Commissioners and the staff of the Commission, will not be permitted to participate in a Commission or committee meeting unless that person or organization has been placed on the agenda. The Commission or committee may establish limits to the content and length of speeches by persons who wish to address the Commission or committee.

(1) A person disturbing, interrupting or preventing the conduct of a public meeting may be requested to leave the meeting or may be removed upon failure to comply with the meeting rules of the Commission.

(2) Visitors to meetings are allowed to record the proceedings using audio or video recording equipment, but must first inform the Commission of their intent to record.

(3) For a brief period at each meeting, prior to consideration of the action items, time will be allotted on the agenda for hearing public comment. Public comments may be entertained at other times during a meeting at the discretion of the Chairperson. A Commissioner may request a member of the public who has spoken to an issue to clarify a position.

(e) The Commission and committees will receive and record into the minutes written proposals submitted by associations, individuals representing the teaching profession and other interested persons.

(f) The Commission or a committee may request the services of resource persons to facilitate the work of the Commission or committee.

(g) Action items may be submitted to the Commission or committee by agencies of the Commonwealth, a Commissioner or an interested party. The Commission or committee may take the item under advisement or may table, refer, dismiss or act upon the item.

(h) Any commissioner may submit agenda items for discussion or new business for the next Commission or committee meeting. This will not prohibit a commissioner from initiating items under new business in a current meeting.

(i) Public notice will be issued at least 36 hours prior to a meeting of the Commission or a committee and at least 24 hours before a reconvened or rescheduled Commission or committee meeting. Public notice is not required for emergency meetings. Emergency meetings are those called to deal with "a real or potential emergency involving a clear and present danger to life or property."

(j) Except when specifically prohibited by law, votes on action items taken at a Commission or committee meeting are publicly cast and, in the case of roll call votes, recorded in the minutes of the Commission or committee.

(k) Formal hearings will be conducted in accordance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and other rules or procedures which might be promulgated by the Commission.

(l) A copy of the minutes of Commission and committee meetings will be made available to any individual or organization so requesting.

(m) Materials and statements released in the name of the Commission will be approved by the Commission.

(n) Executive sessions will be held as follows:

(1) The Commission or committees may admit to an executive session persons necessary to carry out the purpose of the meeting. The persons may include staff persons, legal and technical advisors, and individuals and their representatives who may be affected by matters to be discussed.

(2) An executive session may be held during an open meeting or at the conclusion of an open meeting, or may be announced for a future time at an open meeting.

(3) At the open meeting occurring immediately prior to or subsequent to an executive session, the Commission or committee will announce and include within its minutes, the date, time, location and purpose of an executive session. The purpose of an executive session may be explained by a general reference to the types or categories of subjects discussed at the session and need not identify with specificity persons or matters considered during the meeting.

(4) Unless otherwise provided by law, a meeting at which a quorum of the members of the Commission or committees takes official action with regard to matters discussed at an executive session will be open to the public.

#### § 233.113. Disciplinary proceedings.

(a) Disciplinary proceedings will be initiated and conducted in accordance with sections 9 and 9.2—9.5 of the act (24 P. S. §§ 2070.9 and 2070.9b—2070.9e) and §§ 233.114—233.122.

(b) At any disciplinary proceeding conducted by or on behalf of the Commission, the affected educator is entitled to represent himself or be represented by legal counsel. No other designated representative other than legal counsel will be permitted to appear on behalf of the affected educator.

(c) The Commission considers allegations of misconduct on a case-by-case basis, taking into consideration the details specific to each case. The overall purposes of the educator discipline system and the Commission's responsibility in imposing sanctions are as follows: protecting the public from educators who are unfit to discharge their professional duties and ensuring the safety and security of students and others in schools in this Commonwealth; preserving the integrity and reputation of the teaching profession and the public's confidence in the profession; declaring and upholding proper standards of conduct and performance; determining the continued fitness of an educator to remain in the profession and, whenever possible, rehabilitating the educator; and deterring further unethical conduct. The discipline, if any, to be imposed in a particular case will depend upon the facts and circumstances of the case, will be fashioned in light of the purposes of educator discipline in this subsection and will take into account aggravating or mitigating circumstances. The Commission strives to ensure that similar violations result in similar outcomes and that the sanction or combination of sanctions that it decides to impose is both sufficient and no more than is necessary to achieve the purposes of sanctions. When applying these principles and crafting appropriate sanctions, the Commission may consider one or more of the following factors, as it deems appropriate:

(1) The seriousness and circumstances surrounding the misconduct.

(2) The extent, severity and imminence of danger to students, other educators or the public.

(3) Whether the misconduct involved sexual misconduct, or sexual abuse or exploitation.

(4) The status of the victim, if any, including the victim's age or special vulnerability.

(5) The harm or adverse impact to students or other persons.

(6) The harm or adverse impact to the educator's employer and to the profession.

(7) If the misconduct or violation is an isolated occurrence, part of a continuing pattern or one of a series of incidents.

(8) The educator's state of mind at the time of the misconduct (that is, negligent, reckless or intentional).

(9) The pecuniary benefit or other gain inuring to the educator by virtue of the misconduct.

(10) Whether the conduct was criminal in nature.

(11) The likelihood of a recurrence of the misconduct or violation.

(12) The age and level of maturity of the students served by the educator.

(13) The danger that students will imitate the educator's behavior or use it as a model.

(14) The educator's level of experience.

(15) The educator's past performance and performance following the misconduct or violation.

(16) The educator's prior disciplinary record, including warnings, or absence of a prior disciplinary record.

(17) Timely good faith effort to make restitution or to rectify the consequences of the misconduct.

(18) Meaningful and sustained period of successful rehabilitation.

(19) Impositions of other penalties or sanctions, including local disciplinary action.

(20) The educator's attitude and conduct during the disciplinary proceedings.

(21) The deterrence impact of the sanction.

(22) Penalties imposed in other cases for similar violations.

(23) Other extenuating circumstances or other factors bearing on the appropriate nature of a disciplinary sanction.

(d) After completion of a preliminary or full investigation, the Department may enter into a written settlement agreement with the educator.

(1) Settlement agreements will be presented to the Commission or a panel of members of the Commission for approval or disapproval.

(2) The Commission will promptly approve the settlement agreement if it is deemed by the Commission to be fair and just and the interests of the parties and the public interest have been considered.

(3) Once approved by the Commission, a settlement agreement will become a final order of the Commission.

(4) If the Commission disapproves a settlement agreement, the agreement will not be enforceable and the parties retain all rights they had prior to the execution of the agreement.

(5) Admissions made by an educator in a settlement agreement that is ultimately rejected by the Commission

may not be used against the educator in a formal disciplinary proceeding. This subsection does not prevent the Department from offering, at a formal disciplinary hearing, other evidence to prove factual matters disclosed in a settlement agreement.

(6) Whenever an educator surrenders his educator certification or employment eligibility, the Department will request an order from the Commission accepting the educator's surrender.

#### **§ 233.114. Confidentiality and unauthorized release of information.**

(a) Under section 17.2 of the act (24 P. S. § 2070.17b), information relating to complaints, or proceedings relating to or resulting from complaints, including the identity of the complainant, will remain confidential unless discipline, other than a private reprimand or a supplemental sanction deemed private by the Commission, is ordered. If proceedings, after the exhaustion of all appeals, result in discipline, other than a private reprimand or a supplemental sanction deemed private by the Commission, all records pertaining thereto will become public. Records relating to immediate discipline are public at the time the immediate discipline is imposed.

(b) Disclosure of information previously made public as a result of action by a school entity to discipline or dismiss an educator for cause or as a result of an educator having been formally charged with or convicted of a crime is permitted. The confidentiality provisions of the act are not intended to prohibit a school entity from using information previously known, or received through its own investigation, in fulfillment of its duties under the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702), including those duties associated with local dismissal proceedings.

(c) Members, staff and employees of the Commission, the Department, local school entities and participants in disciplinary proceedings shall comply with the confidentiality requirements of the act. Correspondence between and among the Commissioners and staff persons containing confidential material will be marked as personal and confidential, and precaution will be taken to avoid unauthorized disclosure.

(d) Under section 17.2 of the act, a person who releases or gives out information deemed confidential under the act, without the authorization of the Commission or as authorized by the act, commits a misdemeanor of the third degree, unless the information was known to the person or available independently of the disciplinary proceeding.

(e) Petitions for authorization to release information under section 17.2 of the act shall be filed with the Commission in accordance with 1 Pa. Code § 35.17 (relating to petitions generally). Petitions shall be served on all interested parties, including the Department and the affected educator. Interested parties shall have 20 days or the number of days set by the Commission from the date of service to respond to the petition. In determining whether to grant the petition, the Commission will consider the public interest and the interests of all affected parties, including the petitioner, the educator and the Department.

(f) This section does not apply to reinstatement proceedings or to proceedings under section 9.2 or 9.5 of the act (24 P. S. §§ 2070.9b and 2070.9e).

(g) Nothing in this section is intended to deny an educator access to information necessary to prepare a



defense in a disciplinary proceeding or to protect an individual from civil liability if the individual participated in the disciplinary process under the act maliciously or provided false information that the individual knew, or had reason to know, was false.

(h) The Commission, in releasing information to the public, will take all steps reasonably possible to protect the identity of any child or student involved in the disciplinary proceeding.

**§ 233.115. Notice and hearings.**

(a) *Written notice.* Upon determination to initiate hearing procedures, section 13(a) of the act (24 P. S. § 2070.13(a)) requires the Department, within 30 days, to send a written notice to the affected educator and to the governing board of the school entity in which the educator is or was last employed. The notice will be treated by the Commission as an order to show cause under 1 Pa. Code § 35.14 (relating to orders to show cause). The notice should contain a statement of the particulars of the charges against the educator, the right of the educator to respond and to request a hearing within 30 days after service of the notice of charges, and the right of the governing body of the school entity in which the educator is or was last employed to intervene under section 13(c)(4) of the act and 1 Pa. Code § 35.28 (relating to eligibility to intervene).

(b) *Docket number and notice.* After the Department files a copy of the notice of charges with the Commission, the Commission will immediately establish a docket number. The Commission will provide notice thereof to the Department, the educator and the governing board of the school entity by which the affected educator is or was last employed. The Commission will also provide to the governing board a copy of the notice of charges and will inform the governing board of its opportunity to file a petition to intervene under section 13(c)(4) of the act and 1 Pa. Code § 35.28.

(c) *Failure to respond.*

(1) If the educator fails to timely respond to the notice of charges, the educator is deemed in default under 1 Pa. Code § 35.37 (relating to answers to orders to show cause), and the Commission may, upon motion of any party, deem admitted the relevant facts stated in the notice of charges and proceed to consideration of discipline based upon the admitted facts and exhibits, if any, to the notice of charges.

(2) The Commission will not in these cases appoint a hearing officer or hold a hearing unless the Commission determines that the appointment of a hearing officer is necessary for the Commission to decide the matter. In these cases, the Commission will determine the scope of the hearing officer's authority.

(3) The Executive Director will provide notice to the parties of the meeting at which the Commission intends to consider the matter.

(d) *Right to an evidentiary hearing.*

(1) If the educator timely responds in writing to the notice of charges by specifically admitting or denying the allegations of the notice of charges, setting forth the facts upon which the educator relies, and stating concisely the matters of law relied upon in compliance with 1 Pa. Code § 35.37, the Commission will appoint a hearing officer to conduct proceedings in accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and other rules which the Commission might prescribe.

(2) If the educator timely responds in writing to the notice of charges but expressly waives the right to an evidentiary hearing under section 13(c)(3) of the act or fails to comply with 1 Pa. Code § 35.37, the Commission may appoint a hearing officer to conduct the proceedings as the Commission or its legal counsel might direct or, upon motion of a participant, the Commission may proceed directly to consider the matter of discipline based upon the notice of charges, the response to the notice of charges and other documents as might be part of the formal record.

(e) *Review of notice.* Whenever the Commission has determined, after review of the notice of charges and a certified copy of the verdict, judgment or sentence that an educator has been convicted of a crime involving moral turpitude or a crime listed in section 111(e)(1)—(3) of the Public School Code of 1949 (24 P. S. § 1-111(e)(1)—(3)), the Commission will direct the Department to revoke the educator's certificates or employment eligibility in accordance with section 9.2(a)(2) of the act (24 P. S. § 2070.9b(a)(2)). In determining whether a crime involves moral turpitude, the Commission may elect to consider the matter directly or may appoint a hearing officer to assist with disposition of the case.

**§ 233.117. Hearing procedures.**

Hearings will be held in accordance with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), as follows:

(1) *Hearing officer appointed.* Within 15 days of the filing of a notice of charges and response thereto requiring the services of a hearing officer, the Commission will appoint a hearing officer from a list of impartial third parties qualified to conduct hearings as provided by section 13(c)(1) of the act (24 P. S. § 2070.13(c)(1)).

(2) *Burden of proof.* Under section 13(c)(2) of the act, the burden of proof is on the Department, which acts as prosecutor, to establish by a preponderance of the evidence that grounds for discipline exist.

(3) *Right to counsel.* Under section 13(c)(3) of the act, an educator against whom a charge is made has the right to be represented by legal counsel and to present evidence and argument under 1 Pa. Code Part II and other rules of procedure promulgated by the Commission.

(4) *Closed hearings.* Under section 13(c)(5) of the act, hearings will be closed, and only the Department, Commission members and staff, the educator and his counsel, any intervener or its counsel, and witnesses will be permitted to attend. When a witness is a child or student, the Commission or its hearing officers may in their discretion permit a parent or guardian to be in attendance during the testimony of the child or student.

(5) *Department recommendation.* Under section 13(c)(6) of the act, the Department may recommend to the hearing officer and Commission appropriate discipline.

**§ 233.118. Hearing officer's decision and exceptions.**

(a) Under section 13(c)(7) of the act (24 P. S. § 2070.13(c)(7)), the hearing officer will issue a proposed report concerning whether the Department has met its burden of establishing that misconduct has occurred and whether discipline should be imposed within 90 days after the conclusion of the hearing, including the submissions of briefs and oral argument. A proposed report will include proposed findings of fact and conclusions of law, and will specify the discipline recommended.

(b) Under section 14(a) of the act (24 P. S. § 2070.14(a)), the decision of the hearing officer will

become final unless excepted to by the Department or the educator within 30 days after the proposed report is mailed or unless the Commission initiates a review of the proposed report in the absence of exceptions or reopens the proceeding for the reception of further evidence within 60 days of the date the proposed report was mailed.

(c) The Commission will promptly consider exceptions to the hearing officer's proposed report. After receiving the proposed report of the hearing officer, the written exceptions thereto and the written response to exceptions, the Commission will set the matter for oral argument before the Commission. The Executive Director will provide notice to the parties of the meeting at which the Commission intends to consider the matter.

(d) When exceptions are filed or when the Commission initiates a review of the proposed report in the absence of exceptions, the Commission, by a majority vote of its full membership, will accept, modify or reject the hearing officer's proposed report.

#### § 233.119. Appeal.

(a) *Educator or Department appeal.* Under section 15(a) of the act (24 P. S. § 2070.15(a)), an order of the Commission regarding discipline or reinstatement of an educator may be appealed only by the Department or the educator as an adjudication by a State agency in the manner provided by law.

(b) *Appeal stays discipline.* Under section 15(b) of the act, an appeal filed under section 15(a) of the act operates as a stay of the discipline until the determination of the appeal, except when the grounds for discipline include sexual misconduct or sexual abuse or exploitation, the Commission's decision to discipline is accompanied by a finding that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth, or when the discipline imposed is the result of a negotiated settlement between the parties or is imposed under section 9.2 of the act (24 P. S. § 2070.9b).

#### § 233.120. Expedited hearing procedures.

(a) Notwithstanding another provision of the act, if the Department determines that immediate discipline is necessary to protect the health, safety or welfare of students or other persons in the schools of this Commonwealth, section 13(b) of the act (24 P. S. § 2070.13(b)) permits the Department to request that the Commission modify the hearing procedures set forth in section 13(c) of the act and schedule an expedited hearing.

(b) A written request by the Department that the Commission modify the procedures in section 13(c) of the act will be treated by the Commission as a petition under 1 Pa. Code §§ 35.17 and 35.18 (relating to petitions generally; and petitions for issuance, amendment, waiver or deletion of regulations). An answer to the petition shall be filed with the Commission within 15 days after service of the petition, or at another time as directed by the Commission.

(c) If an educator is indicted for a crime set forth in section 111(e)(1)—(3) of the Public School Code of 1949 (24 P. S. § 1-111(e)(1)—(3)) and the Department believes that the educator poses a threat to the health, safety or welfare of a student or other individuals in a school, the Commission will expedite consideration of the suspension of the educator's certificate or eligibility under section 9.2(a)(1) of the act (24 P. S. § 2070.9b(a)(1)) as follows:

(1) The educator's response to the notice of charges is due within 15 days of service of the notice of charges. If the educator requests a hearing in his response, the Commission or a committee thereof shall hold a hearing within 30 days of the receipt of the request for hearing. If the educator fails to request a hearing, the Commission or a panel of members of the Commission promptly will convene a meeting to consider the request for immediate suspension. The meeting may be conducted by telephone.

(2) Within 20 days after the conclusion of the hearing, including receipt of the transcript or the filing of briefs, the Commission or the committee will issue a decision.

(3) The educator may appeal the decision of the Commission as an adjudication of a State agency in accordance with section 15 of the act. An appeal of a suspension imposed under section 9.2(1) of the act does not operate as a stay of the discipline.

#### § 233.121. Reciprocity.

(a) Upon receipt of certified copies of an adjudication from the licensing authority in another state, territory or nation imposing discipline for grounds that are comparable to grounds for discipline under the act, the Department may issue an order to show cause why the imposition of identical or comparable discipline would be unwarranted in this Commonwealth. The order to show cause will:

(1) Contain a statement of the particulars of the charges against the educator.

(2) Advise the educator of the right to respond within 30 days after receipt of the notice.

(b) The final adjudication by the licensing authority in another state, territory or nation shall be conclusive as to the misconduct of the educator.

(c) The Commission may direct the Department to impose identical or comparable discipline unless the educator demonstrates that one or more of the following applies:

(1) The discipline would result in a grave injustice.

(2) The discipline is substantially different from what would have been imposed for similar conduct in this Commonwealth.

(3) The procedure used in the other jurisdiction did not provide due process.

#### § 233.122. Expungement.

If the final decision of the Commission or appellate court of proper jurisdiction in a disciplinary proceeding conducted under the act does not find educator misconduct, section 15(c) of the act (24 P. S. § 2070.15(c)) requires that the charges pertaining to the Commission's disciplinary proceeding be expunged from any personal or professional file of the educator maintained by the Department and the local school entity, unless the school entity has taken or is pursuing local disciplinary action against the educator.

#### § 233.123. Reinstatements.

(a) *Application for reinstatement.*

(1) Under section 16 of the act (24 P. S. § 2070.16), an educator whose certificate or employment eligibility has been suspended, surrendered or revoked may apply to the Commission for an order lifting the suspension or reinstating the certificate or employment eligibility. The application should be filed with the Commission, served upon the Department in accordance with 1 Pa. Code Part

II (relating to General Rules of Administrative Practice and Procedure) and be in the form prescribed by the Commission. The educator shall indicate expressly whether the educator wishes to invoke or waive the right to a hearing.

(2) The Commission will immediately assign a docket number and inform the educator, the Department and the governing board of the school entity or entities where the educator was employed at the time the misconduct occurred, as well as the school entity by which the applicant was last employed, if different.

(3) In accordance with section 16(b) of the act, the Commission will not consider any application for reinstatement of any educator whose certificate or employment eligibility was revoked or suspended as a result of a finding of guilt for sexual abuse or exploitation, or who surrendered a certificate or employment eligibility for conduct related to sexual abuse or exploitation.

(4) In accordance with section 16(c) of the act, the Commission will not consider any application for reinstatement of a certificate or eligibility of an educator convicted of a crime under 18 Pa.C.S. (relating to Crimes Code) set forth in section 111(e)(1)—(3) of the Public School Code of 1949 (24 P. S. § 1-111(e)(1)—(3)) for the time period established in that section.

(b) *Recommendation of the Department and local school entity.*

(1) Under section 16 of the act, the Department and the school entity or entities in which the educator was employed at the time of the misconduct may review the application and, based upon the information in the application and any investigation the Department or school entity or entities might deem appropriate, make a recommendation regarding the application within 90 days, or the time designated by the Commission, after their receipt of the application.

(2) The recommendation of the Department and of the school entity or entities should be served upon the educator in accordance with 1 Pa. Code Part II.

(3) The Executive Director will verify that the Department and the school entity or entities in which the educator was employed at the time of the misconduct have received the application for purposes of making a recommendation. If the Commission has not received the Department's or the school entity's or entities' recommendation or a request for additional time in which to respond within the time prescribed, the Commission will presume that the Department or the school entity or entities has no position on the application.

(4) The decision making of the Commission will be best served if the Department conducts an investigation of the justification and propriety of the relief requested by the educator and provides complete information to support its recommendation.

(c) *Notices.*

(1) The confidentiality provisions of section 17.2 of the act (24 P. S. § 2070.17b) do not apply to applications for reinstatement. It is the policy of the Commission to conduct proceedings involving applications for reinstatement in public and to provide the public with a full opportunity to comment upon these applications by publishing the appropriate notice in the *Pennsylvania Bulletin* consistent with the format prescribed by 1 Pa. Code §§ 11.31 and 11.32 (relating to sample notice of opportunity for hearing; and sample notice of hearing). The notice will describe the application and will provide interested

persons and entities 30 days within which to petition to intervene or file protests with the Commission.

(2) The Executive Director will provide copies of all notices prescribed by this subsection to the applicant educator, the Department, the school entity or entities where the misconduct occurred, and the governing board of the school entity by which the applicant was last employed, if known.

(d) *Waiver of hearing.* Notwithstanding the educator's waiver of a hearing, the Department may request a hearing or the Commission may appoint a hearing officer to prepare a proposed report or proceed directly to consider the application.

(e) *Hearing procedures.*

(1) *Hearing officer appointed.* If it has been determined that a hearing will be held, the Commission will appoint a hearing officer from a list of impartial third parties qualified to conduct hearings from the list agreed upon jointly by the Governor's General Counsel and at least two-thirds of the Commission under section 13(c)(1) of the act (24 P. S. § 2070.13(c)(1)).

(2) *Burden of proof.*

(i) *Burden of proof on applicant.* The burden of proof is on the applicant to establish that the relief the applicant seeks is just and proper. The applicant may not contest the allegations of misconduct that resulted in the revocation, suspension or surrender of the applicant's certificate or employment eligibility.

(ii) *Just and proper standard.* For purposes of determining whether it is just and proper to lift a suspension or reinstate a certificate, at a minimum, the Commission may consider the following:

(A) The conduct which resulted in discipline or which led to the surrender.

(B) Other past conduct of the applicant.

(C) The applicant's current attitude towards past conduct.

(D) Rehabilitation efforts and activities.

(E) References and letters of support or opposition.

(3) *Right to counsel.* An applicant has the right to be represented by counsel and to present evidence and argument in accordance with 1 Pa. Code Part II and other rules of procedure promulgated by the Commission.

(4) *Hearing officer's proposed report.* Within 90 days after the conclusion of the hearing, including briefing and oral argument, the hearing officer will issue a proposed report concerning whether relief should be granted. A proposed report will include proposed findings of fact and conclusions of law, and will specify the relief, if any, proposed.

(5) *Exceptions to hearing officer's decision.*

(i) The proposed report of the hearing officer will become final unless excepted to by a party within 30 days after the date the proposed report was mailed or unless the Commission initiates a review of the hearing officer's proposed report in the absence of exceptions or reopens the proceeding for the reception of further evidence within 60 days of the date the proposed report was mailed. If no timely exceptions are filed and the Commission does not initiate a review of the proposed report in the absence of exceptions or reopen the proceeding for the reception of further evidence, the Commission will at its next regularly scheduled meeting consider the report of

the hearing officer and issue an order implementing the hearing officer's proposed report.

(ii) If timely exceptions are filed or the Commission initiates a review of the proposed report in the absence of exceptions or reopens the proceeding for the reception of further evidence, the Commission, within a reasonable time, will by a majority vote of its full membership accept, modify or reject the hearing officer's proposed report and issue a written decision.

(6) *Automatic reinstatement.*

(i) Any certificate or employment eligibility suspended or revoked pursuant to a criminal indictment or conviction under section 9.2 of the act (24 P. S. § 2070.9b) will be reinstated upon notice to the Commission that the criminal indictment has been dismissed or that the conviction was overturned and the underlying charges dismissed.

(ii) Notice to the Commission means the filing of court records reflecting the dismissal. The court records shall be certified or bear comparable written indicia of validity.

(iii) The Commission authorizes its legal counsel to enter reinstatement orders under this subsection. Legal

counsel shall report all reinstatement orders to the Commission at its regularly scheduled meetings.

§ 233.124. **Power of subpoena.**

In all investigations and disciplinary proceedings, the Commission is authorized by section 18(b) of the act (24 P. S. § 2070.18(b)) to issue subpoenas as provided for by law for the purposes of assisting the Department in reviewing complaints and investigating educator misconduct and to compel the attendance and testimony of witnesses and the production of books, records, documents and other evidentiary material. Petitions for the issuance of subpoenas shall be filed with the hearing officer, if one has been appointed, or with the Commission under 1 Pa. Code § 35.142 (relating to subpoenas). Objections to a petition for the issuance of subpoenas, which shall be filed within 5 days from service, will be ruled upon by the hearing officer or, if none has been appointed, by the legal counsel to the Commission. A decision of the legal counsel may be appealed to the Commission under 1 Pa. Code § 35.20 (relating to appeals from actions of the staff).

[Pa.B. Doc. No. 15-1647. Filed for public inspection September 11, 2015, 9:00 a.m.]



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending September 1, 2015.

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>
8-26-2015	Citizens Financial Services, Inc. Mansfield Tioga County  Application for approval to acquire 100% of The First National Bank of Fredericksburg, Fredericksburg.	Filed

### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
8-26-2015	First Citizens Community Bank Mansfield Tioga County  Application for approval to merge The First National Bank of Fredericksburg, Fredericksburg, with and into First Citizens Community Bank, Mansfield.	Filed

### Branch Applications De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-24-2015	Somerset Trust Company Somerset Somerset County	8796 Lincoln Highway Bedford Bedford County	Opened
8-27-2015	Clarion County Community Bank Clarion Clarion County	436 Allegheny Boulevard Franklin Venango County	Authorization Surrendered
8-28-2015	Meridian Bank Malvern Chester County	1719A Easton Road Doylestown Bucks County	Approved

### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-20-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1161 Wilmington Pike West Chester Chester County	Closed
2-20-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	111 West Lincoln Highway Exton Chester County	Closed
4-15-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	700 Haddonfield Berlin Road Voorhees Camden County, NJ	Closed
4-15-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	1150 Welsh Road Lansdale Montgomery County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-15-2014	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	2761 West Ridge Pike Norristown Montgomery County	Closed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
8-31-2015	The Dime Bank Honesdale Wayne County  Amendment to Article Third of the institution's Articles of Incorporation amended to remove fiduciary powers.	Effective

**CREDIT UNIONS**

No activity.

The Department's web site at [www.dobs.pa.gov](http://www.dobs.pa.gov) includes public notices for more recently filed applications.

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 15-1648. Filed for public inspection September 11, 2015, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Execution of Oil and Gas Lease for Publicly- Owned Streambeds

Effective January 9, 2015, an Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102014-08, was executed by and between the Commonwealth of Pennsylvania, acting through the Department of Conservation and Natural Resources (Department) (lessor), and Hilcorp Energy I, LP (lessee), with its principal place of business located at 1201 Louisiana Street, Suite 1400, Houston, TX 77002.

The lease is for Streambed Tract 2014, encompassing approximately 184 acres of submerged lands located in Shenango Township, Mercer County and Union and Neshannock Townships, Lawrence County. A Memorandum of Lease was recorded at the Lawrence County Courthouse on June 9, 2015, document no. 2015-004157. A Memorandum of Lease was recorded at the Mercer County Courthouse on July 20, 2015, file no. 2015-00007014. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of the Shenango River (formerly known as Shenango Creek) solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102014-08 may be viewed online at <http://contracts.patreasury.gov/View.aspx?ContractID=299387>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division, (717) 787-2703.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 15-1649. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Retention of Professional Design Firms; Project Reference No. FDC-500-806

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional design firms (Consultant) for an open-end contract or contracts for various architectural, landscape architectural and engineering design services. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis. The contract or contracts will be managed by the Department's Bureau of Facility Design and Construction (Bureau).

The number of open-end contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4 years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of professional design. If an individual, firm or corporation not authorized to engage in the practice of architecture or engineering, or both, wishes to submit a Letter of Interest, the individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of architecture or engineering, or both, in this Commonwealth. The professional design firm may be an architectural/engineering firm and engineering/architectural firm, an architectural firm with an engineering subconsultant or an engineering firm with an architectural subconsultant.

#### *Background*

Established on July 1, 1995, the Department is charged with: maintaining and preserving the 120 State Parks; managing the 2.1 million acres of State forest land; providing information on the State's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.



The Bureau provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of three divisions: Dams, Bridges and Roadways; Environmental Engineering and Design; and Field Engineering and Contract Management.

The Bureau's Central Office (located in Harrisburg) is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway, and civil and environmental projects required to support the Department's facility construction and maintenance program. The Central Office is comprised of five sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management, and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operation in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium; Western Office in Moraine State Park; Southcentral Office in Shawnee State Park; and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and Forests field operation staff in each area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents as well as some project design.

### **PART I GENERAL REQUIREMENTS**

I-1. *Specific Requirements.* The open ended design services work will primarily be architectural in nature but will also include building related sites, civil, landscape, structural, mechanical, plumbing and electrical. It may occasionally include other related engineering work such as bridges, roadway, geotechnical, alternative energy and utility infrastructure. Project types may include new construction and renovation, alteration or addition to existing structures, while structure types cover a broad range of facilities typically found at State Parks and may include picnic pavilions, toilet facilities, shower houses, maintenance and storage buildings, visitor centers, and Park and Forest District office and administration buildings.

Many of the projects may be for buildings less than 5,000 square feet in size and small in terms of project scope. Construction budgets for typical projects have ranged from as low as \$25,000 to as high as \$7 million. The average construction budget is likely to be less than \$2 million. Consultants should give strong consideration to the typical project size when considering submitting for this Request for Proposal (RFP).

The services anticipated under the contract may include project planning, scoping and programming, budget estimating, site visits, existing facility review, assessment and documenting, life cycle cost analysis, computer energy and daylight modeling, conceptual design, design development, construction documentation including preparation of drawings and specifications, cost estimating, permit preparation and submission, construction administration including construction submission review and construction inspection, and existing building code and facility condition reviews. Permitting services may include Pennsylvania Uniform Construction Code build-

ing permits, 25 Pa. Code Chapter 105 (relating to dam safety and waterway management) sanitary permits, National Pollutant Discharge Elimination System permits, erosion and sedimentation control plans, water encroachment plans, storm water management plans and land development plans.

All work will be performed with a focus on environmentally sustainable design and construction principles and practices. All projects designed under this contract must achieve a high level of environmental performance, durability and healthy indoor air quality through integrated design and sustainable practices, features and technologies. Designs should implement financially feasible and technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management and recycling. Furthermore, the quality of the indoor environment (including quality of indoor air, light, acoustics and personal controllability of building systems) must be of primary consideration. Sustainability should be incorporated into the earliest design decisions. Projects may require certification through the Leadership and Energy and Environmental Design (LEED) Green Building Rating system, Green Globes or other similar certification program.

Projects will be located throughout this Commonwealth. Travel to the project sites will be required. Project assignment will be through individual project Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project such as conceptual design or for all phases of the entire project. The work shall be identified in the Work Order by a series of tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the Sketch (10%), Preliminary (50%), Preliminary (95%) and Final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion for the project. A Bureau Project Coordinator will be assigned to each Work Order. The Project Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of the Work Order and used in assigning additional projects to the Consultant.

The Department's standard contract method is multiple prime, design-bid-build, although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the construction method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's Computer-Aided Design (CAD) Standard. Three-dimensional drawings will be expected throughout the design process and presentation renderings may be required at the completion of design.

I-2. *Qualifications.* The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualification will be expected of all Consultants:

- Possess current professional registrations required to perform required services.
- Be licensed to conduct business in this Commonwealth
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.
- Have specialized experience in the field of sustainable building design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have LEED certified designers as current members of staff and available for assigned projects.
- Have design capabilities in digital format (AutoCAD and Revit).
- Have the ability to produce three-dimensional drawings in to further illustrate design intent.

I-3. *Addenda to the RFP.* If the Department deems it necessary to revise any part of this RFP before the proposal response date, the Issuing Office will post an addendum to the Department's web site at <http://www.dcnr.state.pa.us>. It is the Offeror's responsibility to periodically check the web site for any new information or addenda to the RFP. Answers to the questions asked during the Questions and Answers period also will be posted, as necessary, to the web site as an addendum to the RFP.

I-4. *Small Diverse Business (SDB) Information.* The Department encourages participation by SDBs as prime contractors and encourages all prime contractors to make a significant commitment to use SDBs as subcontractors and suppliers.

An SDB is a Department of General Services (DGS) verified minority-owned business, woman-owned business, veteran-owned business or service-disabled veteran-owned business.

A small business is a business in the United States which is independently owned, not dominant in its field of operation, employs no more than 100 full-time or full-time equivalent employees, and earns less than \$7 million in gross annual revenues for building design, \$20 million in gross annual revenues for sales and services and \$25 million in gross annual revenues for those businesses in the information technology sales or service business.

Questions regarding this program can be directed to the Department of General Services, Bureau of Small Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, (717) 783-3119, fax (717) 787-7052, [gs-bsbo@pa.gov](mailto:gs-bsbo@pa.gov), [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

The DGS' directory of Bureau of Small Business Opportunities (BSBO) verified minority, women, veteran and service disabled veteran-owned businesses can be accessed by searching for "Small Diverse Businesses" at [www.dgs.state.pa.us](http://www.dgs.state.pa.us).

I-5. *Notification of Selection.* Offerors whose proposals are not selected will be notified when contract negotiations have been successfully completed and the Department has received the final negotiated contract signed by the selected Offeror.

I-6. *Type of Contract.* The type of contract as a result of this RFP shall be an open-end, requirements contract. Work shall be assigned on an as-needed basis as determined by the Department. The initial term of the agreement shall be 1 year and renewable for up to four subsequent years. Reimbursement for services shall be by fixed fee percentage based upon project allocation or hours of service and qualifying expenses and may vary from project to project. The reimbursement type shall be at the Department's discretion. Direct costs for travel and subsistence will be based on current State rates. Miscellaneous expenses such as copies, prints or postage will be reimbursed at cost. The work shall be reviewed by the staff of the Bureau and, when applicable, approved by same staff.

## PART II PROPOSAL REQUIREMENTS

Offerors must submit their proposals in the format, including heading descriptions, outlined as follows. To be considered, the proposal must respond to all requirements in this part of the RFP. Offerors should provide any other information thought to be relevant, but not applicable to the enumerated categories, as an appendix to the Proposal.

II-1. *Requirements.* Proposals shall include the following items and information:

- Letter of Interest including the Consultant's Federal identification number and the project reference number.
- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.
- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of the project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.
- A description of the consultant's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning; sustainability performance standards for the building; energy efficiency; water efficiency; indoor air quality; environmentally sound materials; construction waste management and prevention; low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Consultant's building design process.
- A detailed description of the consultant's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.

- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, and the like. Describe roles and experience of proposed subconsultants.

- Resumes of personnel who will actually be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services and percent of time they will be committing to Department-assigned projects. The resumes must include their Professional Education and Professional Registrations and Licenses. Provide resumes of subconsultant's personnel.

- A description of the consultant's ability to work on multiple projects of various sizes at the same time.

- A list of at least three of the consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of the work which the firm designed, the firm's Project Manager, and the names of all of the firm's personnel who made contributions to the project. If the Consultant has experience with LEED projects, at least one LEED project should be added to the list. In addition to the previous information, a summary of the sustainable features, the LEED rating achieved and a description of the integrated design process shall accompany the LEED project.

- A standard DGS Form 150-ASP indicating the individual in charge. The Form 150-ASP is available for downloading from DGS home page at <http://www.dgs.state.pa.us>. Form 150-ASP shall be submitted in hard copy format per Part II, II-2 of the RFP. The electronic submission instructions on the DGS web site are for the DGS projects only. Additional information pertinent to this firm's qualifications to do the work of this contract may be included.

II-2. *Number of Copies.* Two copies of the SDB participation section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on October 14, 2015. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice or readvertise solicitation, or both, for this service.

### II-3. *SDB Participation Submittal.*

A. To receive credit for being an SDB or for subcontracting with an SDB, an Offeror must include proof of SDB qualification in the SDB participation submittal of the proposal, as indicated as follows:

An SDB verified by the BSBO as a Small Business must provide a photocopy of their verification letter.

B. In addition to the above verification letter, the Offeror must include in the SDB participation submittal of the proposal the following information:

1. All Offerors must include a numerical percentage which represents the total percentage of work.

2. All Offerors must include a numerical percentage which represents the total percentage of work that the Offeror commits to the SDBs as subconsultants. To support its total SDB Commitment, the Offeror must also include:
  - a. Percentage of each subcontract commitment to an SDB.
  - b. The name of each SDB. The Offeror will not receive credit for stating that after the contract is awarded it will find an SDB.
  - c. The services each SDB will provide.
  - d. The location where each SDB will perform services.
  - e. The time frame for each SDB to provide or deliver the goods or services.
  - f. A subcontract or Letter of Intent signed by the Offeror and the SDB for each SDB identified in the SDB Submittal. The subcontract or Letter of Intent must identify the specific work, or services the SDB will perform, how the work or services relates to the Project, and the specific time frame during the term of the contract and any option/renewal periods when the work, good or service will be performed or provided.
  - g. The name, address and telephone number of the primary contact person for each SDB.

- a. Percentage of each subcontract commitment to an SDB.

- b. The name of each SDB. The Offeror will not receive credit for stating that after the contract is awarded it will find an SDB.

- c. The services each SDB will provide.

- d. The location where each SDB will perform services.

- e. The time frame for each SDB to provide or deliver the goods or services.

- f. A subcontract or Letter of Intent signed by the Offeror and the SDB for each SDB identified in the SDB Submittal. The subcontract or Letter of Intent must identify the specific work, or services the SDB will perform, how the work or services relates to the Project, and the specific time frame during the term of the contract and any option/renewal periods when the work, good or service will be performed or provided.

- g. The name, address and telephone number of the primary contact person for each SDB.

3. Each SDB subconsultant commitment will become contractual obligations once the contract is fully executed.

4. The name and telephone number of the Offeror's project (contact) person for the SDB information.

C. The Offeror is required to submit two copies of its SDB participation submittal. The submittal shall be clearly identified as SDB Information and sealed in its own envelope, separate from the remainder of the proposal.

D. An SDB can be included as a subconsultant with as many prime consultants as it choose.

E. An Offeror that qualifies as an SDB and submits a proposal as a prime contractor is not prohibited from being included a subconsultant in separate proposals submitted by other Offerors.

F. Refer to Appendix A for sample SDB Letter of Intent.

### II-4. *Contract Requirements—SDB Participation*

All contracts containing SDB participation must also include a provision requiring the selected contractor to meet and maintain those commitments made to SDB at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BSBO. All contracts containing SDB participation must include a provision requiring SDB subcontractors to perform at least 50% of the subcontracted work.

The selected contractor's commitments to SDBs made at the time of proposal submittal or contract negotiation shall, to the extent so provided in the commitment, be maintained throughout the term of the contract and through any renewal or extension of the contract. Any proposed change must be submitted to the BSBO, which will make a recommendation to the Contracting Officer regarding a course of action.



If a contract is assigned to another contractor, the new contractor must maintain the SDB participation of the original contract.

The selected contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the Issuing Office within 10 workdays at the end of each quarter the contract is in force. This information will be used to determine the actual dollar amount paid to SDB subcontractors and suppliers. Also, this information will serve as a record of fulfillment of the commitment the selected contractor made and for which is received SDB participation points. If there was no activity during the quarter then the form must be completed by stating "No activity in this quarter."

*Note:* Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past contract compliance practices do not constitute proof of SDB status or entitle an Offeror to receive credit for SDB utilization.

II-5. *Debriefing.* The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

### Part III CRITERIA FOR SELECTION

III-1. *Selection Criteria.* The engineering consulting firm will be evaluated upon, but not limited to, the following criteria:

A. Consultant's experience on past projects of similar scope, type and size.

B. Consultant's staff qualifications, experience and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.

C. Consultant's understanding of the problem and the services required.

D. Consultant's project approach and methodology.

E. Knowledge and experience with environmentally sustainable design and LEED accreditation.

F. Quality control and assurance program and procedures.

G. Equitable distribution of contracts.

H. SDB Participation (evaluated by the BSBO), the BSBO has established the weight for the SDB participation criterion for the RFP as 20% of the total points. Each SDB participation submittal will be rated for its approach to enhancing the utilization of SDB's in accordance with the listed priority ranking and subject to the following requirements:

1. A business submitting a proposal as a prime contractor must perform 60% of the total contract value to receive points for this criterion under any priority ranking.

2. To receive credit for an SDB subcontracting commitment, the SDB subcontractor must perform at least 50% of the work subcontracted to it.

3. A significant subcontracting commitment is a minimum of 5% of the estimated total contract value.

4. A subcontracting commitment less than 5% of the total estimated contract value is considered nominal and will receive reduced or no additional SDB points depending on the priority ranking.

*Priority Rank 1:* Proposals submitted by SDBs as prime Offerors will receive 150 points. In addition, SDB prime Offerors that have significant subcontracting commitments to additional SDB's may receive up to an additional 50 points (200 points total available).

Subcontracting commitments to additional SDBs are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. All other Offerors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. See following formula.

*Priority Rank 2:* Proposals submitted by SDBs as prime contractors, with no or nominal subcontracting commitments to additional SDB's will receive 150 points.

*Priority Rank 3:* Proposals submitted by non-SDBs as prime contractors, with significant subcontracting commitments to SDBs, will receive up to 100 points. Proposals submitted with nominal subcontracting commitments to SDBs will receive points equal to the percentage level of their total SDB subcontracting commitment.

SDB subcontracting commitments are evaluated based on the proposal offering the highest total percentage SDB subcontracting commitment. All other Offerors will be scored in proportion to the highest total percentage SDB subcontracting commitment within this ranking. See following formula.

*Priority Rank 4:* Proposals by non-SDBs as prime contractors with no SDB subcontracting commitments shall receive no points under this criterion.

To the extent that there are multiple SDB Participation submittals in Priority Rank 1 or Priority Rank 3, or both, that offer significant subcontracting commitments to SDBs, the proposal offering the highest total percentage SDB subcontracting commitment shall receive the highest score (or additional points) available in that Priority Rank category and the other proposal(s) in that category shall be scored in proportion to the highest total percentage SDB subcontracting commitment. Proportional scoring is determined by applying the following formula:

$$\text{SDB \% Being Scored} \times \frac{\text{Points/Additional}}{\text{Additional}}$$

$$\frac{\text{Highest \% SDB Commitment} \quad \text{Points Available*}}{\text{SDB Points}}$$

$$\text{Priority Rank 1} = 50 \text{ Additional Points Available}$$

$$\text{Priority Rank 3} = 150 \text{ Total Points Available}$$

For an illustrative chart which shows SDB scoring based on a hypothetical situation in which the Commonwealth receives proposals for each Priority Rank, see [http://www.portal.state.pa.us/portal/server.pt/community/rfp\\_scoring\\_formulas\\_overview/20124](http://www.portal.state.pa.us/portal/server.pt/community/rfp_scoring_formulas_overview/20124).

III-2. *Number of Contracts.* It is the intent of the Department to select more than one firm for projects to be assigned on a regional basis.

**PART IV  
MAILING AND CONTACT INFORMATION**

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Alfred Uzokwe, PE, Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451 Harrisburg, PA 17105-8451. Contact Mike Twigg at (717) 787-2401 for general information concerning this RFP.

CINDY ADAMS DUNN,  
*Secretary*

**APPENDIX A  
SMALL DIVERSE BUSINESS  
LETTER OF INTENT**

[DATE]

[SDB Contact Name  
Title  
SDB Company Name  
Address  
City, State, Zip]

Dear [SDB Contact Name]:

This letter serves as confirmation of the intent of [Offeror] to utilize [Small Diverse Business (SDB)] on RFP [RFP number and Title] issued by the [Commonwealth agency name].

If [Offeror] is the successful vendor, [SDB] shall provide [identify the specific work, goods or services the SDB will perform, and the specific timeframe during the term of the contract and any option/renewal periods when the work, goods or services will be performed or provided].

These services represent [identify fixed numerical percentage commitment] of the total cost in the [Offeror's] cost submittal for the initial term of the contract. Dependent on final negotiated contact pricing and actual contract usage or volume, it is expected that [SDB] will receive an estimated [identify associated estimated dollar value that the fixed percentage commitment represents] during the initial contract term.

[SDB] represents that it meets the small diverse business requirements set forth in the RFP and all required documentation has been provided to [Offeror] for its SDB submission.

We look forward to the opportunity to serve the [Commonwealth Agency Name] on this project. If you have any questions concerning our small diverse business commitment, please feel free to contact me at the number below.

Sincerely,

Offeror Name  
Title  
Company  
Phone Number

Acknowledged,

SDB Name  
Title  
Company  
Phone Number

[Pa.B. Doc. No. 15-1650. Filed for public inspection September 11, 2015, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### 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**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0038920— Sewage	Burnham Borough Authority 200 First Avenue Burnham, PA 17009	Mifflin County/ Burnham Borough	Kishacoquillas Creek/12-A	Y
PA0070271— Sewage	Maidencreek Township Authority 1 Quarry Road Blandon, PA 19510	Berks County/ Ontelaunee Township	Willow Creek/3-B	Y
PA0082333— Sewage	Conestoga Hills Community 1230 Stony Lane Conestoga, PA 17515	Lancaster County/ Conestoga Township	UNT Stehman Run/7-J	Y
PA0087955— Sewage	Cassville Water & Sewer Authority Box 48 Cassville, PA 16623	Huntingdon County/ Cass Township	UNT Little Trough Creek/11-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0002038 (Industrial Waste)	OMG Americas Chemical Manufacturing 240 Two Mile Run Road Franklin, PA 16323-0111	Venango County Sugarcreek Borough	Allegheny River and Two Mile Run and UNT Two Mile Run (16-E)	Y



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

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

**PA0266132**, Sewage, SIC Code 8811, **Jenny D Clark**, 476 Madison Street, Boyertown, PA 19512. Facility Name: Clark Residence. This proposed facility is located in Washington Township, **Berks County**.

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

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

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	XXX
				Geo Mean		

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

- Clean UV light unit and replace light bulb according to manufacturer instructions.

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.

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

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

**WQM Permit No. WQG02441501**, Sewerage, **Granville Township Sewer & Water Department**, 100 Helen Street, Lewistown, PA 17044.

This proposed facility is located in Granville Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to pump station #9.

**WQM Permit No. WQG01281501**, Sewerage, **Samuel Lantz**, 9031 Otterbein Church Road, Newburg, PA 17240.

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

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of small flow sewage treatment system to serve their residence on Otterbein Church Road.

**WQM Permit No. 2295201, Amendment No. 1**, Industrial Waste, **ArcelorMittal Steelton, LLC**, 215 South Front Street, Steelton, PA 17113-2538.

This proposed facility is located in Steelton Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the modifications to the Vacuum Degasser Blowdown Treatment System. Addition of pH control to process source to maximize insoluble zinc and minimize soluble zinc.

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

**WQM Permit No. 0215411**, Sewage, **Stowe Township**, 3300 Preble Ave, Pittsburgh, PA 15233.

This proposed facility is located in Stowe Township, **Allegheny County**.

Description of Proposed Action/Activity: Replace existing pump station.

## 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.*

**PAI132249**, MS4, **Archbald Borough**, 400 Church Street, Archbald, PA 18403. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Archbald Borough, **Lackawanna County**. The receiving streams, Aylesworth Creek, White Oak Run and Wild Cat Creek, are located in State Water Plan watershed 5-A and are classified for Cold Water Fishes and Migratory Fishes.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be

extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

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

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

*Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021315003	Tim Markley Surreal Properties, Inc. 600 Flagstaff Rd. Jim Thorpe, PA 18229	Carbon	Jim Thorpe Borough	Beaver Run (HQ-CWF) Lehigh River (TSF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0328-15-002	Divinity Investments, LLC 418 Epic Drive Chambersburg, PA 17201	Franklin	Antrim Township	UNT to Muddy Run/HQ CWF; Wetlands/EV

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

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI051115001	Westmont Hilltop School District 827 Diamond Blvd Johnstown, PA 15905	Cambria County	Upper Yoder Township	Mill Creek (HQ-CWF) and Stonycreek River (WWF)
PAI051115002	Westmont Hilltop School District 827 Diamond Blvd Johnstown, PA 15905	Cambria County	Upper Yoder Township	Mill Creek (HQ-CWF) and Stonycreek River (WWF)
PAI052615002	The Historic National Road 65 W Main St. Uniontown, PA 15401	Fayette County	Point Marion Borough	Monongahela River (WWF-N)
PAI055615005	Hidden Valley Development Group, LLC 777 Waterwheel Drive Seven Springs, PA 15622	Somerset County	Jefferson Township	Crise Run (HQ-CWF) and Gross Run (HQ-CWF)
PAI056315006	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	Washington County	North Strabane Township and Somerset Township	UNT to Little Chartiers Creek (HQ-WWF)
PAI056515002	Bushy Run Investments, LP P. O. Box 507 Murrysville, PA 15668	Westmoreland County	Salem Township	Beaver Run (HQ-CWF)

## STATE CONSERVATION COMMISSION

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

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

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

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

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

#### APPLICATIONS

##### NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Longacre Farm Path Valley Road Dry Run, PA 17220	Franklin	69, 0 acres available for manure	576.82	Swine	NA	Renewal
Hillandale Gettysburg, LP— Bailey Farms, Site 1&2 2820 Daron Road Spring Grove, PA 17362	York	282.1	10,280.64	Poultry-Layers	NA	Renewal
We Kings Farm 6028 Guitner Road Greencastle, PA 17225	Franklin	144.67	529.37	Beef and Poultry	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

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

**Permit No. 0115511**, Public Water Supply.

Applicant	<b>Biglerville Borough Authority</b>
Municipality	Butler Township
County	<b>Adams</b>
Responsible Official	Neil Ecker, Borough President 33 Musselman Avenue Biglerville, PA 17307
Type of Facility	Public Water Supply
Consulting Engineer	Craig J. Zack, P.E. KPI Technology 143 Carlisle Street Gettysburg, PA 17325

Application Received: 8/19/2015

Description of Action: Installation of corrosion control through the injection of sodium hydroxide at Well No. 5.

**Permit No. 0115510**, Public Water Supply.

Applicant	<b>M&amp;G Realty, Inc.</b>
Municipality	Tyrone Township
County	<b>Adams</b>
Responsible Official	Tim Rutter, President 2100 North George Street York, PA 17404
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401

Application Received: 8/17/2015  
 Description of Action Installation of a new treatment system including greensand filtration, softening, sodium hypochlorite disinfection, GWR 4-log inactivation of viruses, storage tank, activated carbon filtration and reverse osmosis.

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

**Application No. 4115509—Construction** Public Water Supply.

Applicant **Timberend Estates MHP, LLC**  
 Township/Borough Fairfield Township  
 County **Lycoming**  
 Responsible Official Shelley Umphress  
 Vice President Operations  
 Timberend Estates MHP, LLC  
 2131 Epsay Court, Suite 1  
 Crofton, MD 21114  
 Type of Facility Public Water Supply  
 Consulting Engineer Edward J. Brown, P.E.  
 Larson Design Group  
 1000 Commerce Park, Suite 201  
 Williamsport, PA 17701

Application Received August 31, 2015  
 Description of Action New well pump and new chlorination and chemical feed at Well 2. New treatment water storage tanks and new booster pumps.

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

**Permit No. 1015505**, Public Water Supply

Applicant **Rolling Valley Estates**  
 Township or Borough Connoquenessing Township  
 County **Butler**  
 Responsible Official Ronald Krenitsky  
 Type of Facility Public Water Supply  
 Consulting Engineer Mark Urbassik, P.E.  
 KU Resources, Inc.  
 22 South Linden Street  
 Duquesne, PA 15110

Application Received August 14, 2015  
 Date  
 Description of Action Addition of new well source.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

**Application No. 2660018, Minor Amendment.**

Applicant **Aqua Pennsylvania, Inc.**  
 762 W. Lancaster Ave.  
 Bryn Mawr, PA 19010  
 [Township or Borough] Clinton Township,  
**Wyoming County**

Responsible Official Steve E. Tagert, President  
 Type of Facility Public Water Supply  
 Consulting Engineer Anthony L. Fernandes, PE  
 Aqua Pennsylvania, Inc.  
 762 W. Lancaster Ave.  
 Bryn Mawr, PA 19010

Application Received 8/14/2015  
 Date  
 Description of Action Transfer of PWS Permit  
 2660018.

#### Application No. 2450009, Minor Amendment.

Applicant **Cresson Point Properties, LLC**  
 P.O. Box 53  
 Ashfield, PA 18212  
 [Township or Borough] Hamilton Township,  
**Monroe County**  
 Responsible Official Mr. Cole Pepper, Owner  
 Type of Facility Public Water Supply  
 Consulting Engineer NA  
 Application Received 7/24/2015  
 Date  
 Description of Action Transfer of PWS operations  
 permit 4588510.

#### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA 22-1037**, Water Allocations. **Pennsylvania-American Water (PWS ID No. 7220017), Lebanon County.** The applicant is requesting the right to purchase up to a maximum of 800,000 gpd, based on a 30-day average, from the City of Lebanon Authority to serve customers in Annville Township through an existing interconnection. Applicant Address: David R. Kauffman, Pennsylvania-American Water, 800 West Hershey Park Drive, Hershey, PA 17033. Consulting Engineer: Dale R. Glatfelter, P.E. Gannett Flemming, Inc., PO Box 67100, Harrisburg, PA 17106. Application Received: 8/12/2015.

#### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to



Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Maverick Residence**, 402 Reservoir Ridge Road, East Stroudsburg, PA 18302, Middle Smithfield Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Karl Maverick, 402 Reservoir Ridge Road, East Stroudsburg, PA 18302, submitted a Notice of Intent to Remediate. A release of kerosene from an above-ground storage tank impacted soils and groundwater. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in Pocono Record on July 17, 2015.

## DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGR098SC003. Anvil International, Inc.**, 1411 Lancaster Avenue, Columbia, PA 17512.

The Southcentral Regional Office, Waste Management Program received a determination of applicability (DOA) under Residual Waste General Permit No. WMGR098 for Anvil International, Inc., 1411 Lancaster Avenue, Columbia, PA 17512 in Columbia Borough, **Lancaster County**. This general permit is for the beneficial use of waste foundry system sand and sand system dusts generated by ferrous metal foundries and steel foundries for use as a construction material, or as a soil amendment or soil additive. The DOA was determined to be complete on August 18, 2015.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Permits Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit No. 100081. Southern Alleghenies Landfill**, Southern Alleghenies Landfill, Inc, 843 Miller Picking Road, Davidsville, PA 15928. An application for permit renewal for the operation of a municipal waste landfill in Conemaugh Township, **Somerset County** was received in the Regional Office on August 5, 2015 and deemed to be complete on August 26, 2015.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

The Department has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the general public. This approach allows the owner or operator of a facility to submit permitting documents relevant to its application for all sources related to a facility or a proposed project, affords an opportunity for public input, and provides for a decision on the issuance of the necessary permits.

The Department received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of the application, the Department's analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-03199A: Doodad Printing LLC** (72 Industrial Circle, Lancaster, PA 17601) for construction of a printing operation at a new facility to be located in East Lampeter Township, **Lancaster County**. The operation will consist of four heatset presses controlled by a regenerative thermal oxidizer, one coldest press, and parts washers. Expected potential emissions at the new plant are expected to be approximately 11.58 tpy VOCs, 0.37 tpy HAPs, 0.33 tpy PM, 0.03 tpy SO<sub>x</sub>, 4.29 tpy NO<sub>x</sub> and 3.60 tpy CO. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1, 127.12 and 129.67b. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into a State Only Operating Permit.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**41-00019: VT Hackney, Inc.** (914 Saegers Station Road, Montgomery, PA 17752-8501) has submitted an application to the Pennsylvania Department of Environmental Protection for the significant modification to the State Only (Synthetic Minor) operating permit SMOP 41-00019 to incorporate terms and conditions contained in the previously issued Plan Approval 41-00019A. The proposed significant modification authorizes for the construction and operation of a spray booth equipped with an 11 million Btu per hour, natural gas-fired drying area (Source P321) at the Montgomery facility located in Clinton Township, **Lycoming County**. VT Hackney, Inc. has the following potential emissions for all sources at the facility: 19.70 TPY of carbon monoxide; 49.90 TPY of nitrogen oxides; 2.11 TPY of sulfur oxides; 3.14 TPY of particulate matter; <50 TPY of volatile organic compounds and 18,345 TPY of greenhouse gases.

VT Hackney, Inc. has demonstrated compliance with all applicable air quality regulatory requirements pertaining to the operation of all air contamination sources and the emission of air contaminants authorized by the previously issued plan approval. Based on these findings, the Department intends to modify the State only (Synthetic Minor) operating permit SMOP 41-00019 in order to authorize the continued operation of a spray booth equipped with an 11 million Btu per hour, natural gas-fired drying area (Source P321) at the Montgomery facility located in Clinton Township, Lycoming County.

The following is a summary of the conditions contained in the previously issued plan approval the Department proposes to place in the State Only (Synthetic Minor) operating permit to be issued to ensure compliance with all applicable air quality regulatory requirements. The total combined volatile organic compound emissions from the Spray Booth Systems, Inc. shall not exceed 7.13 tons in any 12 consecutive month period. This limitation does not include the volatile organic compound emissions generated by surface coating cleanup in or associated with the small parts spray booth or Booth #1 incorporated



in Source P305. All containers of volatile organic compound-containing, volatile hazardous air pollutant-containing and acetone-containing materials shall be kept closed except when material is being added or removed from the containers.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

*Contact: Dave Balog, New Source Review Chief—  
Telephone: 814-332-6328*

**10-171E: Butler Color Press** (119 Bonnie Drive, Butler, PA 16002), for the modification of plan approval 10-171D conditions associated with the construction of a new web offset pressline controlled by a new dryer/afterburner control system in Summit Township, **Butler County**. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

The proposed modification of plan approval 10-171D conditions associated with the construction of the new web offset pressline controlled by a new dryer/afterburner control system will result in projected actual emissions of 17.37 tpy for VOC, 3.14 tpy for NO<sub>x</sub>, 2.64 tpy for CO, 0.239 tpy for PM, and 0.019 tpy for SO<sub>x</sub>. This Plan Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source including, but are not limited to, the following:

- The NMHC destruction and removal efficiency shall meet at least 98.0% or a post-control NMHC concentration of 7 ppmvds or less as propane @ 20.5% O<sub>2</sub>, whichever is less stringent. [Compliance with this requirement will show compliance with 25 Pa. Code § 129.67b(d)(1)(i)(B).] [This condition replaces the following condition from plan approval 10-171D: The VOC control efficiency of the afterburner shall meet at least 98%. [Compliance with this requirement will show compliance with 25 Pa. Code § 129.67b(d)(1)(i)(B).]]

- Within 12 to 18 months prior to the State Only operating permit expiring, a stack test shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for either NMHC destruction efficiency or NMHC outlet concentration using Method 25 or another Department approved method and FPM using Method 5 or another Department approved method at the outlet of the control device. The testing shall be conducted in accordance with part (a) above. [This condition replaces the following condition from plan approval 10-171D: Within 12 to 18 months prior to the State Only operating permit expiring, a stack test shall be performed in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection. The stack test shall be per-

formed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted for VOC destruction efficiency using Method 25 or another Department approved method and FPM using Method 5 or another Department approved method at the outlet of the control device. The testing shall be conducted in accordance with part (a) above.]

- The company shall calculate the VOC emissions from this source on a monthly basis using information contained in the daily logs of inks and coatings used and information from the latest stack test results. [This condition replaces the following condition from plan approval 10-171D: The company shall calculate the VOC emissions from this source on a monthly basis using the information contained in the daily logs of inks and coatings used and the control efficiency of 98%. The control efficiency results from the most recent stack test of the control equipment shall be used once the initial stack test has been completed.]

- Control device operating parameters, including dryer pressure relative to press room and combustion chamber temperature, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range of the combustion chamber shall be operated prior to testing at a minimum of 1,400 F and thereafter at a 3-hour average temperature not lower than 50 F below the average temperature demonstrated during the most recent compliance source test approved by the Department. The operating range of the dryer pressure relative to press room shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit. The initial normal operating range for the afterburner prior to testing shall be defined as greater than 1,400 F. The normal dryer pressure relative to the press room shall be defined as greater than minus 10 Pascals with normal operation at approximately minus 15 Pascals. [This condition replaces the following condition from plan approval 10-171D: Control device operating parameters, including dryer pressure relative to press room and combustion chamber temperature, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range of the combustion chamber shall be operated at a minimum temperature of 1,400 degrees F or shall be determined within 90 days after startup of the control device. The operating range of the dryer pressure relative to press room shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit. [The normal operating range for the afterburner shall be defined as greater than 1,400 degrees F. The normal dryer pressure relative to the press room shall be defined as greater than minus 10 Pascals with normal operation at approximately minus 15 Pascals.]

- This plan approval will supersede plan approval 10-171D upon issuance.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-171E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

**16-149C: Clarion Laminates** (143 Fiberboard Road, Shipperville, PA 16254), for the construction of a 3rd profiling line with baghouse in Paint Township, **Clarion County**. This is a State Only facility; however it is part of an aggregated facility (Clarion Boards). The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the facility operating permit at a later date.

Plan approval No 16-149C is for the proposed construction of a third profiling line controlled by a new fabric filter and will also modify a condition associated with VE observations from plan approval 16-149B for the Bonding Line #3. This construction/modification will result in an emission increase at the facility of 9.04 tpy of PM<sub>10</sub>. This Plan Approval will contain emission restriction, testing, recordkeeping, work practice standard and additional requirement conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology (BAT) for the source including, but are not limited to, the following:

- Source 106 (Bonding Line #3), Source 107 (Dust Transfer), & Source 108 (Dust Transfer Receiver Above Bin #2):

- The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading

every 15 seconds and if any visible emissions are observed, a Method 9 observation using certified observers (60 minutes in duration) shall be conducted to determine compliance with the opacity limitations. [This condition replaces the following condition from plan approval 16-149B: The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds and if any visible emissions are observed, a Method 9 observation (30 minutes in duration) shall be conducted to determine compliance with the opacity limitations.]

- This plan approval will supersede plan approval 16-149B upon issuance.

- Source 109 (Profiling Line #3):

- Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor, and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of particulate matter in a manner that the concentration of filterable particulate matter in the effluent gas exceeds 0.0050 grain per dry standard cubic foot.

- Emissions shall not exceed the following:

- PM: 9.04 tpy based on a 12-month rolling total
- PM<sub>10</sub>: 9.04 tpy based on a 12-month rolling total
- PM<sub>2.5</sub>: 9.04 tpy based on a 12-month rolling total

- Conduct stack test for filterable PM initially and every 5 years at operating permit renewal.

- All recordkeeping shall commence upon startup of the source/control device. All records shall be kept for a period of five (5) years and shall be made available to the Department upon request.

- The permittee shall maintain a record of all preventive maintenance inspections of the control device. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the baghouse (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure differential—daily defined as once per calendar day

- Visible emission check—daily defined as once per calendar day

- The permittee shall perform a daily operational inspection of the control device. As part of this operational inspection the facility shall monitor the pressure drop across the baghouse and shall conduct a visible emission (VE) observation of the baghouse stack. The VE observation shall be 60 seconds in length with reading every 15 seconds and if any visible emissions are observed, a Method 9 observation using certified observers (60 minutes in duration) shall be conducted to determine compliance with the opacity limitations.

- The permittee shall perform a monthly preventive maintenance inspection of the control device.

- A magnehelic gauge or equivalent shall be maintained and operated to monitor the pressure differential across the baghouse. All gauges employed shall have a scale such that the expected normal reading shall be no less than ten percent (10%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

- The permittee shall adhere to the approved indicator range for the baghouse so that operation within the range shall provide reasonable assurance of compliance. A departure from the specified indicator range over a specified averaging period shall be defined as an excursion. The approved indicator range for the following shall be determined during the initial performance test or any subsequently approved performance tests unless otherwise stated:

- Pressure drop: 1.0 to 7.0 inches water gauge or as established during compliant testing

- Opacity greater than 20%

- The permittee, with prior Departmental approval, may conduct additional performance tests to determine a new pressure drop range. Within 24-hours of discovery of a reading outside of the prescribed range the permittee shall perform a maintenance inspection on the control device and take corrective action. Records of all maintenance inspections on the control device, and corrective actions taken, shall be maintained on site for a minimum period of five years. In the event of more than one documented excursion outside the prescribed range in any calendar quarter the permittee shall submit a corrective measure plan to the Department. Corrective measures may include an increase of the frequency of required preventative maintenance inspections of the control device, a modification of the prescribed range, or other appropriate action as approved by the Department. Upon receipt of a corrective measure plan the Department shall determine the appropriate corrective measure on a case-by case basis.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

In accordance with 25 Pa. Code § 127.44(f)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(f)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [16-149C] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that

such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

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

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

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

**45-00007: National Electric Carbon Products/East Stroudsburg** (100 Mill Creek Road, East Stroudsburg, PA 18301-1222) for manufacture of Carbon and Graphite Products in East Stroudsburg Borough, **Monroe County**. The sources consist of kilns, mixers and bake ovens. The control devices are baghouses and afterburners on the bake ovens. 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 VOC's. This is a renewal of the 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.

**54-00077: Northeast Prestressed Products, LLC.** (121 River Street, Cressona, PA 17929-1108) The Department intends to issue a State-Only Operating Permit for the operation of a precast concrete operation in North Manheim Township, **Schuylkill County**. The sources consist of one (1) concrete forms coating operation and three (3) parts washers. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

**40-00101: Pennsy Supply Inc., Pittston West Quarry** (1001 Paxton Street, Harrisburg, PA 17104-3331) for operation of a drum mix asphalt plant and stone manufacturing facility in Jenkins Township, **Luzerne County**. The sources consist of feed bins, screens, belts, and conveyors. The control devices are baghouses and a cyclone. 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 VOC's. This is a renewal of the State-Only Synthetic 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 Elmerston Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05094: Reading Alloys, Inc.** (220 Old West Penn Avenue, P. O. Box 53, Robeson, PA 19551) to issue a State Only Operating Permit for their specialty alloy manufacturing facility controlled by various fabric collectors, a wet scrubber and three (3) venturi scrubbers in South Heidelberg Township, **Berks County**. Actual emissions from the facility are estimated at 7.13 tons PM<sub>10</sub>, 3.08 tons VOC and 3.08 tons of combined HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-00549: Comptec, Inc./Irwin Plant** (8291 Pennsylvania Ave., Irwin, PA 15642) Natural Minor Operating Permit is for the manufacturing of fiberglass impregnated electric insulators. The operation of the facility's air contamination source consisting of 3 grinding booths, 6 machining lathes, 3 mixers, 2 resin mixers, sander, paint booth, and 2 parts washers. The facility is limited to a particulate matter rate of 0.04 grain/dry standard cubic foot from any exhaust point. The facility provided potential emissions of 0.59 tpy PM, 1.19 tpy VOC and 0.04 tpy HAPs. The permit includes emission, restrictions, operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in North Huntingdon Township, **Westmoreland County**.

**63-00624: Golden Eagle Construction Co. Eighty Four Plant** (Route 519, Eighty Four, PA 15330) for the operation of an asphalt facility located in North Strabane Township, **Washington County**. Golden Eagle operates a hot mix asphalt plant rated 300 tps. Emissions are controlled through the use a baghouse. The potential emissions are estimated at: 13 tpy NO<sub>x</sub>, 60 tpy CO and 8 tpy VOC. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

**65-00856: Ligonier Stone & Lime Co./Horn Mine Plant** (17 Marcia Street, Latrobe, PA 15650) Natural Minor Operating Permit is for the surface mining operation of shale and sandstone. The operation of the facility's air contamination source consisting of various crushers, screens, feeders, stackers, and unloading/loading of trucks. The potential emissions are estimated at: 11.14 tpy NO<sub>x</sub>, 7.05 tpy CO, 0.60 tpy SO<sub>x</sub>, 1.20 tpy VOC, and 7.42 tpy PM. The proposed permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in Derry Township, **Westmoreland County**.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

### *Coal Applications Received*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32051301 and NPDES No. PA0235857 and GP12-32051301. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Barrett Deep Mine in Buffington and Brush Valley Townships, **Indiana County** and related NPDES permit. A new Bureau of Air Quality GP12 Permit will be issued in conjunction with the permit renewal. No discharges. The application was considered administratively complete on August 25, 2015. Application received February 28, 2014.



**03991301 and NPDES No. PA0235407. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201-1504). To revise the permit for the Logansport Mine in Bethel, Gilpin, Parks, Burrell Townships, **Armstrong County** and related NPDES permit to add underground and subsidence control plan acres. Underground Acres Proposed 4,812.3, Subsidence Control Plan Acres Proposed 4,812.3. Receiving Stream: Unnamed Tributary "A" to Allegheny River, classified for the following use: WWF. Receiving Stream: Unnamed Tributary "VV" to Allegheny River, classified for the following use: WWF. Receiving Stream: Allegheny River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Municipal Authority of Buffalo Township and intake Allegheny River. The application was considered administratively complete on August 26, 2015. Application received April 20, 2015.

**30841307 and NPDES No. PA0213438. Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin Township, **Greene County** and related NPDES permit for stream restoration to eliminate pooling in Jackson Run. No additional discharges. The application was considered administratively complete on August 27, 2015. Application received May 4, 2015.

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

**Permit No. 32990110 and NPDES No. PA0235164. KMP Associates, Inc.**, 3756 State Route 981, Saltsburg, PA 15681, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Young Township, **Indiana County** affecting 41.3 acres. Receiving streams: Unnamed tributary to/and Harpers Run, Blacklegs Creek, Kiskiminetas River classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received August 19, 2015.

**Permit No. 11130104 and NPDES No. PA279331. Hoffman Mining, Inc.**, P.O. Box 130, 118 Runway Road, Friedens, PA 15541, transfer of an existing bituminous surface mine from Rampside Collieries, Inc., 527 Slate Hill Road, Berlin, PA 15530 located in Richland Town-

ship, **Cambria County**, affecting 18.0 acres. Receiving stream: Solomon Run classified for the following use: warm water fishery. The first downstream potable water supply intake from the point of discharge is Buffalo Township municipal Authority intake at Freeport, PA on Allegheny River. Application received August 5, 2015.

**Permit No. 11100101 and NPDES No. PA0262986. Hoffman Mining, Inc.**, P.O. Box 130, 118 Runway Road, Friedens, PA 15541, transfer of an existing bituminous surface mine from Rampside Collieries, Inc., 527 Slate Hill Road, Berlin, PA 15530 located in Richland Township, **Cambria County**, affecting 14.0 acres. Receiving streams: unnamed tributaries to/and Solomon Run classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2015.

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

**Permit No. 19950101C13 & GP104. Blaschak Coal Corp.**, (PO Box 12, Mahanoy City, PA 17948), correction to an existing anthracite surface mine and coal preparation plant in Conyngham Township and Centralia Borough, **Columbia County** to increase the permitted acres from 846.0 to 878.65 acres, receiving streams: Shamokin and Mahanoy Creeks, classified for the following uses: cold water and migratory fishes. Application received: August 19, 2015.

*Coal Applications Withdrawn*

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

**Permit No. 22851602T. RR Coal, Inc.**, (PO Box 6, Lykens, PA 17048), transfer of an existing anthracite coal preparation plant operation in Wiconisco Township, **Dauphin County** affecting 23.4 acres, receiving stream: Wiconisco Creek. Application received: August 13, 2013. Application Withdrawn: August 25, 2015.

**Permit No. 22-305-001GP12. RR Coal, Inc.**, (PO Box 6, Lykens, PA 17048), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 22851602 in Wiconisco Township, **Dauphin County**. Application received: May 28, 2014. Application Withdrawn: August 25, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

#### *Effluent Limits for Coal Mining Activities*

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

#### *Effluent Limits for Noncoal Mining Activities*

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**NPDES No. PA0236241 (Mining Permit No. 65131301), LCT Energy, LP**, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904). A new NPDES and mining activity permit for the Rustic Ridge #1 Mine in Donegal Township, Donegal Borough, **Westmoreland County**, Saltlick Township, Fayette County a new underground coal mine. Surface Acres Affected 67.7, Underground Acres Affected 2,886.5. Receiving stream: Champion Creek, classified for the following use: CWF. Monongahela River. The application was considered administratively complete on October 7, 2014. Application received September 23, 2014.

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

The facility location of the non-discharge alternatives are listed below:

Outfall 003 discharges to: UNT to #38337 Champion Creek

The proposed effluent limits for Outfall 003 (Lat: 40° 06' 05" Long: -79° 23' 40") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)		-	-	2.96
Iron (mg/l)		1.5	3.0	3.75
Suspended Solids (mg/l)		35	70	90
Manganese (mg/l)		1.0	2.0	2.5
Aluminum (mg/l)		0.75	0.75	0.75
Osmotic Pressure (mos/kg)			Monitor & Report	
Sulfates (mg/l)			Monitor & Report	
Selenium (mg/l)			Monitor & Report	
Total Dissolved Solids (mg/l)			Monitor & Report	

Outfall 001 discharges to: #38337 Champion Creek

The proposed effluent limits for Outfall 001 (Lat: 40° 05' 50" Long: -79° 23' 49") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)				1.73
Iron (mg/l)		3.0	6.0	7.0
Settleable Solids (mg/l)		35	70	90
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)			Monitor & Report	
Total Dissolved Solids (mg/l)			Monitor & Report	

Outfall 002 discharges to: #38337 Champion Creek

The proposed effluent limits for Outfall 002 (Lat: 40° 06' 05" Long: -79° 23' 43") are:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (mgd)				1.73
Iron (mg/l)		3.0	6.0	7.0
Settleable Solids (mg/l)		35	70	90
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)			Monitor & Report	
Total Dissolved Solids (mg/l)			Monitor & Report	

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

**NPDES No. PA0212954 (Mining Permit No. 32940109), KMP Associates, Inc.**, 3756 Route 981, Saltsburg, PA 15681, renewal of an NPDES permit for post mining water treatment at a bituminous surface mine in Young Township, **Indiana County**, affecting 6.6 acres. Receiving stream: unnamed tributary to Whiskey Run, classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: June 8, 2015.

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

The outfall listed below discharge to unnamed tributary to Whiskey Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
010	N

The proposed effluent limits for the above listed outfall is as follows:

<i>Outfall: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (mOsm/kg)		Monitor Only	
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

This mine site also contains or is hydrologically connected to substandard discharges for which there is no responsible party. Pursuant to 25 Pa. Code § 87.201, effluent limits for those discharges will be based upon the existing baseline pollution load, or the standards found at 25 Pa. Code § 87.102(a) Group A, whichever is least stringent.

The proposed effluent limits for these outfalls are as follows:

<i>Outfall: MD-1 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (lbs/day)	1.7	XX	3.9
Manganese (lbs/day)	0.13	XX	0.20
Aluminum (mg/l)		Monitor Only	
Acidity (lbs/day)	22.0	XX	33.0
<i>Outfall: MD-6 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (lbs/day)	0.15	XX	0.34
Manganese (lbs/day)	0.08	XX	0.18
Aluminum (mg/l)		Monitor Only	
Acidity (lbs/day)	4.9	XX	9.0

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**NPDES No. PA0278084 (Mining permit no. 03130102), Reichard Contracting, Inc.,** 212 Olean Trail, New Bethlehem, PA 16242.

New NPDES permit for a bituminous surface mine in Boggs & Wayne Townships, **Armstrong County**, affecting 112 acres. Receiving streams: unnamed tributaries to Scrubgrass Creek, classified for the following use(s): CWF. Application received August 28 2014.

The stormwater outfall(s) listed below discharge to unnamed tributaries to Scrubgrass Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
A	Y	SW
B	Y	SW
C	Y	SW
D	Y	SW
E	Y	SW

The proposed effluent limits for the above listed outfall(s) are as follows: for dry weather discharges

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the above listed outfall(s) are as follows: for precipitation events less than or equal to a 10 year/24 hour storm event

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	NA	NA	7.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The treated wastewater outfall(s) listed below discharge to unnamed tributaries to Scrubgrass Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>TYPE</i>
S/T	Y	MDT
TA	Y	MDT
TB1	Y	MDT
TB2	Y	MDT
TC	Y	MDT
TD	Y	MDT
TE	Y	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0



<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum (mg/l)	2.0	2.0	5.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E46-1126. Township of Cheltenham**, 8230 Old York Road, Elkins Park, PA 19027-1589, Cheltenham Township, **Montgomery County**.

To stabilize and maintain approximately 560 linear feet of the existing Bank of Rock Creek, a tributary to Tookany Creek, utilizing eco-structural methods which includes native species, low head stream sill, and log cribs. This permit will include a cable concrete stream ford crossing for the township's access to the park. The

site is located at Rock Creek Park which is located near Curtis Arboretum and Dog Park (Germantown, PA, USGS map; Latitude: 40.0808; Longitude: -75.1497).

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

**E50-256: Newport Borough Municipal Authority**, 231 Market Street, Newport, PA 17074 in Newport Borough, **Perry County**, U.S. Army Corps of Engineers Baltimore District.

The Newport Borough Municipal Authority (NBMA) proposes the removal of the clarigester, drying beds, chlorine storage building, chlorine contact tank, and other ancillary structures. NBMA proposes to modify and repurpose the existing contact stabilization tanks and process building. NBMA plans to construct a new process building, biological treatment tanks, post equalization/post-aeration tank, and other ancillary structures needed to treat wastewater. The project includes improvements to the existing access drive, parking areas, and stormwater management facilities, as well as construction of a 24-inch diameter outfall pipe into Little Buffalo Creek (WWF). The resulting earth disturbance is 2.9 acres. No wetlands will be disturbed during this project. The project occurs in the floodplains of the Juniata River and Little Buffalo Creek (WWF). The project is located approximately 300 feet south of the intersection of South Penn and Mulberry Streets along the east side of South Penn Street (Newport, PA Quadrangle; Latitude: 40° 28' 34", Longitude: -77° 7' 40") in Newport Borough, Perry County. This project is a result of a Consent Order and Agreement (COA) between NBMA and PA Department of Environmental Protection.

**E21-444: Silver Spring Township**, 8 Flowers Drive, Mechanicsburg, PA, 17050 in Silver Spring Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To place and maintain approximately (1) 80 linear feet of a 6-foot wide stone walkway, (2) a 28-foot by 20-foot picnic pavilion and (3) playground equipment in a 78-foot by 46-foot area at Hidden Creek Park in the floodplain of the Conodoguinet Creek (WWF), impacting approximately 0.2 acre of floodplain. The project site is located on Millfording Road, 0.2 mile southeast of the intersection of Millfording Road and Balfour Drive (Latitude: 40° 15' 21.8"; Longitude: -77° 00' 38.4") in Silver Spring Township, Cumberland County.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E18-494. First Quality Products, Inc.**, 2209 Youngdale Road, McElhattan, PA 17748. McElhattan Warehouse 10, in Wayne Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41° 09' 12.4"; W: -77° 21' 26.4").

The applicant is proposing to construct a 279,000 square foot commercial warehouse for the storage of finished products associated with the manufacturing facil-

ity. The project includes but is not limited to the construction of the warehouse, 30 bay tractor trailer loading dock, employee parking and stormwater management facilities.

The project will require fill to be placed and maintained in 0.03 acre (1,123 square feet) of Palustrine Emergent (PEM) wetland located in the watershed for the West Branch of the Susquehanna River, a Chapter 93 designated Warm Water Fishery (WWF) and Migratory Fishery (MF). No impacts to streams are proposed.

Due to the small size, isolated nature and low quality of the wetland to be impacted, no mitigation is proposed.

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

**E02-1709. Municipality of Mt. Lebanon**, 710 Washington Road, Pittsburgh, PA, 15228; Mt. Lebanon Township, **Allegheny County**: ACOE Pittsburgh District.

The applicant is proposing to construct and maintain an approximately 112' long and 10.5' high retaining wall, along the right descending bank of an unnamed tributary to Painters Run (WWF), for the purpose of protecting and stabilizing the stream bank, to prevent further erosion, along Lindendale Drive, near its intersection with Cedar Boulevard (Bridgeville, PA USGS topographic quadrangle; Latitude: 40° 22' 4.57"; Longitude: -80° 3' 42.07"; Pittsburgh District U.S. Army Corps of Engineers), in the Municipality of Mount Lebanon, in Allegheny County. Riprap protection will be installed within the UNT, along the base of the retaining wall. In addition, fill will be placed and maintained within the floodway, behind the retaining wall. The project will also include approximately 60' of grouted riprap placement on the left

descending bank to protect a proposed manhole, modifications to existing utilities and outfall structures, and will temporarily impact an additional 150' of watercourse.

**E02-1714, McKees Rocks Harbor Service, LLC**, 109 Nichol Ave., McKees Rocks, PA 15136; Stowe Township, **Allegheny County**: ACOE Pittsburgh District.

The applicant is proposing to operate and maintain an existing concrete structure, an existing concrete intake structure and two (2) existing brick river cells;

Construct and maintain seven (7) breasting dolphins (constructed of steel sheet pile) in the Ohio River (WWF);

Construct and maintain two anchor cells (constructed of steel sheet pile) located at the upstream end of the fleeting area;

Place and maintain a captive barge (to be used as a docking device), which will be anchored to the aforementioned, existing, concrete structure, which will also provide access to the entire barge fleet (170,625 ft<sup>2</sup> mooring area).

For the purpose of storing twenty-five (25) hopper river barges, to handle the increased barge traffic from the existing expansion of the existing McKees Rocks Harbor Service, LLC dock. The project is located near Mile Marker 4, upstream from the existing McKees Rocks Harbor Service, LLC dock, on the left descending bank of the Ohio River, near the intersection of Graham Street and Sexton Road (Pittsburgh West PA USGS Topographic Quadrangle; Latitude: 40°28'53"; Longitude: -80°3'19"; Sub-basin: 19A; Chapter 93 Type: WWF), in Stowe Township, Allegheny County. The project will permanently impact 1,000 linear feet of the Ohio River.

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

Sections I—VI contain actions regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions in each General Permit. The approval of coverage for land application of sewage sludge or residential septage under applicable general permit is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions in the respective permit. The permits and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted before the action.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users

may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0112054 (Sewage)	Mifflin Manor Development STP Walnut Lane Jersey Shore, PA 17740	Lycoming County Mifflin Township	Larrys Creek (10-A)	Y
PA0208922 (Sewage)	Woodward Township Sewage & Water Authority 131 Punkin Hollow Road Houtzdale, PA 16651-9651	Clearfield County Woodward Township	Whiteside Run (8-D)	N

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0263656 (Sewage)	Daniel H Preston SFTF 100 3rd Lane Kane, PA 16735	McKean County Sergeant Township	Sevenmile Run (17-A)	Y

### II. New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Actions

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

**NPDES Permit No. PA0034746**, Sewage, SIC Code 5271, 6515, **MHC Li'l Wolf LP**, 2 North Riverside Plaza, Suite 800, Chicago, IL 60606-2682.

This existing facility is located in North Whitehall Township, **Lehigh County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

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

**NPDES Permit No. PA0254991**, SIC Code 8811, **Melanie Muehlbauer**, 446 Main Street, Clarksville, PA 15332.

This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sanitary sewage.

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

**PA0026301 A-1**, Sewage, SIC Code 4952, **Erie City Sewer Authority Erie County**, 68 Port Access Road, Erie, PA 16507. Facility Name: Erie City STP. This existing facility is located in Erie City, **Erie County**.

Description of Existing Activity: An NPDES permit amendment to extend the compliance date for meeting the final bacteria (fecal coliform & E. coli) limitations seven additional months.

**NPDES Permit No. PA0273139**, SIC Code 4952, 6513, 8800, **Dennis & Diann Frampton**, 246 Devore Drive, Meadville, PA 16335.

This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

**NPDES Permit No. PA0273082**, SIC Code 8800, **Larry Hollabaugh**, 6275 Route 62, Irvine, PA 16329.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.



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


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*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401, 484.250.5900*

**WQM Permit No. 0915403**, Sewage, **Chalfont-New Britian Township Joint Sewer Authority**, 1646 Upper State Road, Doylestown, PA 18901-2666.

This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Modifications to increase the plant's hydraulic design capacity from 6.0 mgds to 7.0 mgds.

**WQM Permit No. WQG02231504**, Sewage, **Southwest Delaware County Municipal Authority**, P. O. Box 2466, Aston, PA 19014.

This proposed facility is located in Aston Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a pump station.

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

**WQM Permit No. WQG01651502**, SIC Code 8811, **Michael Nath**, 746 Bethel Church Road, Latrobe, PA 15650.

This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: To construct a small flow treatment facility to replace a malfunctioning on-lot sewage treatment facility.

**WQM Permit No. 1115402**, Sewage, **City of Johnstown**, 401 Main Street, Johnstown, PA 15901.

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

Description of Proposed Action/Activity: Proposed construction of sewer rehabilitation project to correct existing defective sanitary sewers in the Cambria City, Coopersdale, and Minersville Areas of the City of Johnstown.

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 Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6315404**, Sewage, SIC Code 8811, **Melanie Muehlbauer**, 446 Main Street, Clarksville, PA 15332.

This proposed facility is located in East Bethlehem Township, **Washington County**.

Description of Proposed Action/Activity: Construction of a single residence sewage treatment facility replacing a malfunctioning on-lot system.

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

**WQM Permit No. WQG01251505**, Sewage, **Brandi & Nicholas Casbohm**, 9730 Crane Rd, Albion, PA 16401.

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

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

**WQM Permit No. WQG01201503**, Sewage, **Dennis & Diann Frampton**, 246 Devore Drive, Meadville, PA 16335.

This proposed facility is located in East Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Small Flow Treatment Facility.

**WQM Permit No. 6215402**, Sewage, SIC Code 8800, **Larry Hollabaugh**, 6275 Route 62, Irvine, PA 16329.

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

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

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01091003R	Mr. James C. Baker 1748 Central Park Orefield, PA 18069	Bucks	Springfield Township	Cooks Creek EV-MF
PAI011515001	SEPTA 1234 Market Street Philadelphia, PA 19107	Chester	West Whiteland Township	Unnamed Tributary to Valley Creek CWF-MF
PAI011515007	Mr. Wilmer Weaver 2017 Little Conestoga Road Elverson, PA 19520	Chester	East Nantmeal Township	Unnamed Tributary to Marsh Creek HQ-TSF



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014613001	DC Ambler Properties, LLC 254 South Main Street Ambler, PA 19002	Montgomery	Ambler Borough	Wissahickon Creek TSF-MF

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036715001	Dale Pritz 1243 Roosevelt Avenue York, PA 17404	York	Shrewsbury and Springfield Townships	Seaks Run (HQ-CWF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041414007	Columbia Gas of PA Inc 1600 Colony Dr York, PA 17408	Centre	Burnside & Snow Shoe Townships	North Beech Creek CWF, MF Little Sandy Run CWF, MF

*Snyder County Conservation District: 403 West Market Street, Middleburg, PA 17842, (570) 837-0007, X 5*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045515001	Mike Kurtz 1576 Fultz Rd McClure, PA 17841	Snyder	Spring Township	Ulsh Gap Run, Wetlands HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI052614002	PennDOT District 12 825 Galatin Avenue Ext. Uniontown, PA 15401	Fayette County	Wharton Township	Deadman Run (HQ-CWF)
PAI055613006	CSX Transportation, Inc. 500 Water Street Jacksonville, FL 32202-4423	Somerset County	Lower Turkeyfoot Township	UNT to Laurel Hill Creek (HQ-CWF)
PAI056314010	First Pennsylvania Resources, LLC, 380 Southpointe Boulevard, Plaza II, Suite 405, Canonsburg, PA 15317	Washington County	West Finley Township	Robinson Fork (WWF) and Beham Run (WWF)

## **VII. Approvals to Use NPDES and/or Other General Permits**

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site

PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

*Facility Location:*

<i>Municipality &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>
Dallas Township Luzerne County	PAG02004014014(1)	C&N Dining, LLC Perry Dunford P. O. Box 70 Dallas, PA 18612	UNT to Huntsville Reservoir (CWF, MF)	Luzerne Conservation District 570-674-7991

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

*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>
Bedford Township Bedford County	PAG02000515005 Issued	Bedford County Humane Society 1108 Lutzville Road Everett, PA 15537	UNT to Dunning Creek/WWF, MF	Bedford County Conservation District 702 West Pitt Street, Suite 4 Bedford, PA 15522 814-623-8099
Greenwich Township Berks County	PAG02000615031(1) Issued	Trumbull Corporation PO Box 6774 Pittsburgh, PA 15212	UNT to Mill Creek/TSF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Leacock Township Lancaster County	PAG02003615034 Issued	Elmer B Beiler 327 New Holland Road Gordonville, PA 17529	Muddy Run/ WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Manheim Township Lancaster County	PAG02003615041 Issued	G. Investments, LP 2166 Waterford Drive Lancaster, PA 17601	Conestoga River UNT/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121

<i>Facility Location &amp; 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>
Manheim Township Lancaster County	PAG02003615084 Issued	Lancaster Country Club 1466 New Holland Pike Lancaster, PA 17601	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Clay Township Lancaster County	PAG02003615089 Issued	Mike Martin 2050 Main Street Ephrata, PA 17522	UNT To Middle Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Heidelberg Township Lebanon County	PAG02003815021 Issued	Moses S. Lapp 255 Gibble Road Myerstown, PA 17067	UNT to Hammer Creek & Tulpehocken Creek/CWF & TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275
Jackson Township Lebanon County	PAG02003815017 Issued	Curt Zimmerman 310 West Reistville Road Myerstown, PA 17067	Tulpehocken Creek/CWF, TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275
South Lebanon Township Lebanon County	PAG02003815020 Issued	Brian Doutrich 750 Whitman Road Lebanon, PA 17042	UNT to Snitz Creek/TSF	Lebanon County Conservation District 2120 Cornwall Road, Suite 5 Lebanon, PA 17042 717-277-5275

*Northcentral Region: Waterways & Wetlands Program Manager; 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Snyder County Union Twp	PAG02005515014	James Stahl 4089 Produce Rd Selinsgrove, PA 17870	UNT to Silver Creek WWF, MF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Tioga County Rutland Twp	PAG02005915004	Murus Company 3234 Route 549 Mansfield, PA 16933	Mill Creek TSF, MF	Tioga County Conservation District 50 Plaza Ln Wellsboro, PA 16901 (570) 724-1801 X 5

## NOTICES

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Richland Township Cambria County	PAG02001115012	Johnstown Construction Services, LLC 124 Donald Lane Johnstown, PA 15904	UNT to Little Paint Creek (CWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931 (814) 472-2120
City of Johnstown Cambria County	PAG02001115013	Carlos Gunby 401 Main Street Johnstown, PA 15901	Conemaugh River (WWF) Hinckston Run (WWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931 (814) 472-2120
Cumberland Township Greene County	PAG02003015003	D. J. Realty Holdings 15 Industrial Park Carmichaels, PA 15320	Little Whiteley Creek (WWF)	Greene County Conservation District 19 South Washington Street Waynesburg, PA 15370-1839 (724) 852-5278
Morgan Township Greene County	PAG02003015004	Southwestern Pennsylvania Water Authority 1442 Jefferson Road P. O. 187 Jefferson, PA 15344	South Fork Tenmile Creek, UNT to South Fork Tenmile Creek, UNT to Ruff Creek, Grimes Run (WWF)	Greene County Conservation District 19 South Washington Street Waynesburg, PA 15370-1839 (724) 852-5278
Armstrong Township Indiana County	PAG02003215004	Pennsylvania Department of Transportation 2550 Oakland Avenue, P. O. Box 429 Indiana, PA 15701	Curry Run (CWF) UNT to Curry Run (CWF)	Indiana County Conservation District 625 Kolter Drive, Suite 8 Indiana, PA 15701-3571 (724) 471-1506
Cecil Township Washington County	PAG02006315023	Canon-McMillan School District One North Jefferson Avenue Canonsburg, PA 15317	UNT to Brush Run (WWF)	Washington County Conservation District 2800 North Main Street, Suite 105, Washington, PA 15301 (724) 705-7098
Union Township Washington County	PAG02006315027	W. G. Tomko, Inc. 2559 State Route 88 Finleyville, PA 15332	UNT to Peters Creek (TSF)	Washington County Conservation District 2800 North Main Street, Suite 105, Washington, PA 15301 (724) 705-7098
Fallowfield Township Washington County	PAG02006315028	Gulisek Construction, LLC 1145 State Route 31 Mount Pleasant, PA 15666	Maple Creek (WWF)	Washington County Conservation District 2800 North Main Street, Suite 105, Washington, PA 15301 (724) 705-7098
Smith Township Washington County	PAG02006315029	MarkWest Liberty Midstream and Resources, LLC 4600 J. Barry Court, Suite 500, Canonsburg, PA 15317	UNT to Raccoon Creek (WWF)	Washington County Conservation District 2800 North Main Street, Suite 105, Washington, PA 15301 (724) 705-7098



*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*Elk Creek Township  
Erie County*Permit No.*  
PAG041190*Applicant Name &  
Address*Brandi & Nicholas Casbohm  
9730 Crane Road  
Albion, PA 16401*Receiving  
Water/Use*Unnamed Tributary  
of East Branch  
Conneaut  
Creek—15-A*Contact Office &  
Phone No.*DEP Northwest  
Regional Office  
Clean Water Program  
230 Chestnut Street,  
Meadville, PA  
16335-3481  
814.332.6942*General Permit Type—PAG-8**Facility Location &  
County/Municipality*Spring Creek Joint  
Sewer Authority  
WWTP  
8809 Hudson Street  
Three Springs, PA  
17264*Permit No.*  
PAG083595*Applicant Name &  
Address*Spring Creek Joint Sewer  
Authority  
PO Box 373  
Three Springs, PA 17264*Site Name &  
Location*Spring Creek Joint  
Sewer Authority  
WWTP  
8809 Hudson Street  
Three Springs, PA  
17264*Contact Office &  
Phone No.*DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707Huntingdon  
County/Clay  
TownshipHuntingdon  
County/Clay  
Township*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*Adams County/  
Mount Pleasant  
Township*Permit No.*  
PAG083596*Applicant Name & Address*Hanover Borough WWTF  
44 Frederick Street  
Hanover, PA 17331*Site Name &  
Location*

Daniel Musser Farm

*Contact Office &  
Phone No.*DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707*General Permit Type—PAG-9**Facility Location &  
County/Municipality*Franklin County/  
Antrim Township*Permit No.*  
PAG093531*Applicant Name &  
Address*S.R. Daley Sons Septic Service  
PO Box 670  
Greencastle, PA 17225*Site Name &  
Location*S.R. Daley Sons  
Septic Service  
PO Box 670  
Greencastle, PA  
17225*Contact Office &  
Phone No.*DEP—SCRO—Clean  
Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707*General Permit Type—PAG-12**Facility Location  
Municipality &  
County*Kelly Township  
Union County*Permit No.*  
PAG124801*Applicant Name &  
Address*Gary A & Sandra L Pflieger  
560 Goodman Road  
Lewisburg, PA 17837*Receiving  
Water/Use*Unnamed Tributary  
of Little Buffalo  
Creek—10-C*Contact Office &  
Phone No.*DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530Franklin Township  
Lycoming County*Permit No.*  
PAG124816Robert Boyles  
258 Mountain Road  
Muncy Valley, PA 17758-9548Unnamed Tributary  
to Beaver Run—10-DDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

**STATE CONSERVATION COMMISSION  
NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES  
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN  
PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Skyline Acres Inc. 381 Skyline Drive Bernville, PA 19506	Berks	776.8	1,216.18	Dairy	NA	Approved
Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks	2,313	2,449.02	Dairy	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

The Department has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

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

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

**Permit No. 3114502**, Public Water Supply.

Applicant	<b>Mapleton Municipal Water Authority</b>
Municipality	Union Township
County	<b>Huntingdon</b>
Responsible Official	Michael Corbin, Chairman PO Box 306 Mapleton Depot, PA 170582
Type of Facility	Installation of a softening system for Well No. 1.
Consulting Engineer	Mark V. Glenn, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Dr. Altoona, PA 16602-4475

Permit to Construct 8/19/2015  
Issued

**Permit No. 6715504 MA, Minor Amendment, Public Water Supply.**

Applicant **United Water Pennsylvania**  
Municipality Newberry Township  
County **York**  
Responsible Official John D. Hollenbach, Vice  
President  
4211 East Park Circle  
Harrisburg, PA 17111-0151

Type of Facility Repainting of the Dupont Tank

Consulting Engineer Arthur C. Saunders, P.E.  
United Water Pennsylvania  
4211 East Park Circle  
Harrisburg, PA 17111

Permit to Construct 8/28/2015  
Issued

**Permit No. 3615506, Public Water Supply.**

Applicant **Kinsey's Archery Products, Inc.**

Municipality Mount Joy Township  
County **Lancaster**  
Responsible Official Sherri L. Gorman, Vice  
President  
1660 Steel Way Drive  
Mt. Joy, PA 17552

Type of Facility New nontransient community  
water system including the  
installation of sodium  
hypochlorite disinfection systems  
and a nitrate treatment system.

Consulting Engineer Charles A. Kehew II, P.E.  
James R. Holley & Associates,  
Inc.  
18 South George Street  
York, PA 17401

Permit to Construct 8/28/2015  
Issued

**Permit No. 3815502, Public Water Supply.**

Applicant **The Church of Jesus Christ  
of Latter-day Saints**

Municipality North Cornwall Township  
County **Lebanon**  
Responsible Official Lanford Gatts, Facilities  
Manager  
PO Box 483  
Hollidaysburg, PA 16648

Type of Facility Installation of softening and  
nitrate removal systems.

Consulting Engineer David R. Pollock, P.E.  
BSEG, LLC  
4949 Liberty Lane  
Allentown, PA 18106

Permit to Construct 8/19/2015  
Issued

**Operation Permit No. 4340008** issued to: **Mifflintown Municipal Authority (PWS ID No. 4340008)**, Milford Township, **Juniata County** on 8/24/2015 for facilities submitted under Application No. 4340008.

**Operation Permit No. 4340011** issued to: **Juniata MHP, LLC (PWS ID No. 4340011)**, Milford Township, **Juniata County** on 8/25/2015 for facilities at Juniata Haven Mobile Home Park submitted under Application No. 4340011.

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

**Permit No 1415502MA—Operation—Public Water Supply.**

Applicant **State College Borough Water Authority**

Township/Borough Ferguson Township

County **Centre**

Responsible Official Mr. Brian C. Heiser  
Assistant 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 26, 2015

Description of Action Operation of the 1.0 MG finished  
water storage tank no. 5, in  
which a mixing system has been  
installed, and has been  
repainted, along with various  
improvements.

**Permit No 5915503MA—Construction—Public Water Supply.**

Applicant **Knoxville Borough Water System**

Township/Borough Knoxville Borough

County **Tioga**

Responsible Official Carl Cox, Council President  
Knoxville Borough  
301 East Main Street  
Knoxville, PA 16946

Type of Facility Public Water Supply

Consulting Engineer Gregory Cummings  
Larson Design Group  
8836 State Route 434  
Appalachian, NY 13732

Permit Issued August 31, 2015

Description of Action Rehabilitation of Knoxville  
Borough's concrete reservoir for  
finished water storage.

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

**Permit No. 6515509**, Public Water Supply.  
 Applicant **Latrobe Municipal Authority**  
 104 Gueirrier Road  
 Latrobe, PA 15650  
 [Borough or Township] Derry Township  
 County **Westmoreland**  
 Type of Facility Kingston Club Road booster station  
 Consulting Engineer Lennon, Smith,  
 Souleret Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108  
 Permit to Construct August 26, 2015  
 Issued

**Permit No. 0315503**, 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 treatment plant  
 Consulting Engineer Black & Veatch  
 4 Penn Center West Suite 326  
 Pittsburgh, PA 15276  
 Permit to Construct August 18, 2015  
 Issued

**Operations Permit** issued to: **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, (PWSID #4110003) Northern Cambria Borough, **Cambria County** on August 20, 2015 for the operation of facilities approved under Construction Permit # 1113510MA.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on August 20, 2015 for the operation of facilities approved under Construction Permit # 0214525MA.

**Permit No. 0215517MA, Minor Amendment.** Public Water Supply.  
 Applicant **Aleppo Township Authority**  
 100 North Drive  
 Suite 2  
 Sewickley, PA 15143  
 [Borough or Township] Glenfield Borough  
 County **Allegheny**  
 Type of Facility Old Hill Road transmission main  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024  
 Permit to Construct August 26, 2015  
 Issued

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

**Permit No., 4303502-MA1** Public Water Supply  
 Applicant **Reynolds Water Company**  
 Township or Borough Pymatuning Township  
 County **Mercer**  
 Type of Facility Public Water Supply  
 Consulting Engineer Thomas L. Thompson, P.E.  
 Gannett Fleming, Inc.  
 554 South Erie Street  
 Mercer, PA 16137  
 Permit to Construct August 26, 2015  
 Issued

**Operation Permit** issued to **Tay Development, LLC, PWSID No. 6330866**, Perry Township, **Jefferson County**. Permit Number 3315502 issued August 27, 2015 for the operation of the "Hoover's Subs and More" Public Water Supply system. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on August 25, 2015.

#### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

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

**WA 67-1000A, Water Allocations. Dover Borough (PWS ID No. 7670072), York County.** Requesting the right to purchase up to 150,000 gallons per day from Dover Township. Permittee Contact: Bradley Lentz, Dover Borough Manager, Dover Borough, 46 Butter Road, Dover, PA 17315. Consulting Engineer: Charles A. Kehew II, P.E. James R. Holley & Associates, Inc., 18 South George Street, York, PA 17401. Permit Issued: 8/28/2015.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Longswamp Township	1112 State St. Mertztown, PA 19539-9101	Berks

*Plan Description:* The request for an exception to the requirement to revise the Official Plan for the Diehl Subdivision, DEP Code No. A3-06939-148-1, APS Id 876606, consisting of creating one new single family residential building lot to be served by an on-lot sewage disposal system, is disapproved. This request was denied because it proposed the use of onlot sewage disposal systems in an area that is within 1/4 mile of water supplies documented to exceed 5 PPMs nitrate-nitrogen as per Chapter 71, Section 71.55(a)(2) and Chapter 71, Section 71.62(c)(2)(iii). The project is located northwest of the junction of Mary Ann Drive and Eric Lane.



*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bern Township	1069 Old Bernville Rd, Reading, PA 19605	Berks

*Plan Description:* The proposed Component 2 Official Plan revision for the Carriage House, DEP Code No. A3-06920-166-2, APS Id 870516, is disapproved. This submission consisted of renovating a farmstead for use as a special event venue for hosting private parties. Total proposed sewage flows were 1,913 gallons per day to be served by an existing onlot sewage disposal systems and new holding tanks. The project is located in between Bernville Road and Old Bernville Road, east of Fairview Drive. This request was denied because the following technical deficiencies were not addressed:

1. The proposed use of holding tanks for this project was not consistent with the regulatory requirements of Chapter 71, Section 71.63. Sections 71.63(c)(1) and (2) require the replacement of the holding tanks by adequate sewerage facilities under a schedule and municipal financial assurances of the replacement project's implementation. Section 71.63(e) provides an exception to these requirements; however, the project did not qualify because the proposed sewage flow exceeded 800 gallons per day.

2. Insufficient documentation was provided to demonstrate compliance with Section 71.63(c)(3). In particular, an administrative entity with the responsibility to receive, review and retain pumping receipts was not identified, and the requirement for the completion and retention of annual inspection reports was not clearly stated in either the maintenance agreement of the ordinance submitted with this planning module.

3. The holding tanks were proposed to be within 10 feet of the driveway/parking spaces. The holding tanks must comply with the minimum horizontal isolation distances specified for tanks in Chapter 73.13(b).

4. The plan did not provide documentation that the pre-regulatory onlot disposal system that currently serves the existing farmhouse was capable of accepting and treating the flows that it was proposed to accept (600 gallons per day). It should not be assumed that this capacity exists based solely on the number of bedrooms in the farmhouse.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

**The following plans and reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).**

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the

selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the environmental cleanup program manager in the Department regional office under which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**AERC Recycling Solutions Facility**, 2591 Mitchell Avenue, City of Allentown, **Lehigh County**. Environmental Consulting Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406, on behalf of AERC Recycling Solutions, 2591 Mitchell Avenue, Allentown, PA 18103, submitted a Final Report, concerning remediation of site soils contaminated with Mercury. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Maverick Residence**, 402 Reservoir Ridge Road, East Stroudsburg, PA 18302, Middle Smithfield Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Karl Maverick, 402 Reservoir Ridge Road, East Stroudsburg, PA 18302, submitted a Final Report concerning remediation of site soils and groundwater contaminated with MTBE, Benzene, Ethylbenzene, Cumene, Toluene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Prior Coated Metals**, 2233 26th Street SW, City of Allentown, **Lehigh County**. Langan Engineering & Environmental Services, PO Box 1569, Doylestown, PA 18901, on behalf of Prior Coated Metals, Inc., 2233 26th Street SW, Allentown, PA 18103, submitted a Final Report concerning remediation of site soils and groundwater contaminated with acetone, aluminum, barium, beryllium, benzo(a)anthracene, benzo(a)pyrene, benzo(b)-fluoranthene, iron, isopropylbenzene, lead, 2-methylphenol, methylene chloride, 3&4-methylphenol, 2-methylnaphthalene, methylcyclohexane, nickel, phenanthrene, pyrene, selenium, 1,1,2-trichloroethane, 1,1,2-trichlorodichloroethane, 1,2-dichloroethane, 2-butanone, carbon disulfide, chlorobenzene, chloroform, chloromethane, cyclohexane, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, isopropylbenzene, methylcyclo-

hexane, trans-1,2-dichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1,2-trichloroethane, 1,2,3-trichlorobenzene, 1,2,4-trichlorobenzene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, toluene, trichloroethane, ethylbenzene, naphthalene, tetrachloroethene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, 1,1,2,2-tetrachloroethane, and cis-1,2-dichloroethane. The report is intended to document remediation of the site to meet the Site Specific Standard and Statewide Health Standard.

**Nanticoke MGP**, Arch and Walnut Streets, City of Nanticoke, **Luzerne County**. Stantec Consulting Services Inc., 400 David Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of UGI Penn Natural Gas, 2525 North 12th Street, Reading, PA 19612, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with SVOCs, arsenic, and lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Allentown School District—Sumner Ave Parking Lot**, 1301 Sumner Avenue, Allentown, PA 18102, City of Allentown, **Lehigh County**. Element Environmental Solutions, 61 Willow Street, Adamstown, PA 19501, on behalf of Allentown School district, 1301 Sumner Avenue, Allentown, PA 18102, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethyl Benzene, Isopropylbenzene, Naphthalene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene and MTBE. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Jaffin Residence**, 27 3rd Lane, Salem Township, **Luzerne County**. James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407, on behalf of Datom Products, Inc., 113 Monahan Avenue, Dunmore, PA 18512, 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 Statewide Health Standard.

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

**Vallorbs Jewel Company**, 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, East Lampeter Township, **Lancaster County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of Vallorbs Jewel Company and Steudler Real Estate II, both at 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with TCE. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Custom Tool & Die (former)**, 2970 Old Tree Drive, Lancaster, PA 17603, East Hempfield Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of William Woratyla, 3932 Marietta Avenue, Columbia, PA 17512, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard.

**Oxford Commons**, Route 30 and Turkey Lane, New Oxford, PA, Oxford Township, **Adams County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Oxford Commons Holdings 4, LLC, 775 Durlach Road, Stevens, PA 17578, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils contaminated

with antimony and arsenic from an unregulated municipal dump. The Report and Plan are intended to document remediation of the site to meet the Site Specific Standard.

*Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Former Defense Logistics Agency—Strategic Materials Stockpile Site**, Peters Creek Road, Jefferson Hills Borough, **Allegheny County**. PARS Environmental, Inc., 500 Horizon Drive, Suite 540, Robbinsville, NJ 08691 on behalf of Defense Logistics Agency-Strategic Materials, 8725 John J. Kingman Road, Fort Belvoir, VA 22060-6221 has submitted a Risk Assessment Report/Cleanup Plan/Final Report (RA/CP/FR) concerning the remediation of site soils and groundwater contaminated with arsenic, chromium, manganese, lead and selenium. The RA/CP/FR is intended to document remediation of the site to meet a combination of the Statewide Health and Site Specific standards. Notice of the RA/CP/FR was published in the *Pittsburgh Post-Gazette* on August 6, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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**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).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports



submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Vallorbs Jewel Company**, 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, East Lampeter Township, **Lancaster County**. Brownfield Science & Technology, 3157 Limestone Road, Cochranville, PA 19330, on behalf of Vallorbs Jewel Company and Steudler Real Estate II, both at 2599 Old Philadelphia Pike, Bird-in-Hand, PA 17505, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with TCE. The report is intended to document remediation of the site to meet the Site Specific Standard. The Remedial Investigation Report was administratively incomplete and was disapproved by the Department on August 26, 2016.

**Warriors Mark Fuel Tanker Release**, approximately 1.1 miles south of SR 350 and SR 550, Warriors Mark Township, **Huntingdon County**. Cardno ATC Associates, 103 North Meadows Drive, Suite 211, Wexford, PA 115090, on behalf of Sel-Lo Oil, 703 Ellenberger Drive, Altoona, PA 16601, and Steven and Marilee Ormsby, 4296 Warriors Mark Path, Warriors Mark, PA 16877, submitted a Final Report concerning remediation of site soils and groundwater contaminated with unleaded gasoline that was released in a truck accident. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on August 28, 2015.

*Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960. Charline Bass 484-250-5787*

**375 Commerce Drive**, 375 Commerce Drive, Upper Dublin Township, **Montgomery County**. Michael A. Christie, Penn Environmental & Remediation, 275 Bergey Road, Hatfield, PA 19440 on behalf of Marc Weinberg, Weinberg family Trust, Terra Pacific Properties, P. O. Box 3157, Westlake, CA 91359 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation and Final Report were approved by the Department on August 14, 2015. PF726307.

**Lincoln Point Shopping Center**, 830 West Trenton Avenue, Falls Township, **Bucks County**. Richard S. Werner, PG, Environmental Consulting, Inc., 2002 Renaissance Blvd, Suite 100, King of Prussia, PA 19406 on behalf of Jon Lubert, JLM Ventures, 2929 Arch Street, Philadelphia, PA 19104 has submitted a Risk Assessment/Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Risk Assessment/

Cleanup Plan and Remedial Investigation Report were approved by the Department on August 5, 2015. PF785061.

**Conover Residence**, 730 Buttonwood Avenue, Pennel, **Bucks County**. Brain Lettink, JK Environmental Services LLC, P. O. Box 509, Lafayette Hill, PA 19444, Kristien Wolansky, EISCO-NJ, 43 New Brunswick Avenue Unit 3 Hopelawn, NJ 08861 on behalf of Wayne and Lowri Conover, 730 Buttonwood Avenue, Langhorne, PA 190476 has submitted a Final Report concerning the remediation of site soil contaminated with no.2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 4, 2015. PF784347.

**Fite Residence**, 37 Linden Avenue, Rutledge Borough, **Delaware County**. Michael Kern, P.G., Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of David Fite, 37 Linden Avenue, Rutledge, PA 19070 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 11, 2015. PF784740.

**US Steel Fairless Work Facility**, Western end of the Keystone Industrial Port Complex, Falls Township, **Bucks County**. Francis T. Adams, Golder Associates, Inc., 20 Century Parkway, Suite C, Mount Laurel, NJ 08054, Brain Bolvin, P. E., Waste Management of Fairless, LLC, 1000 New Ford Mill Road, Morrisville, PA 19067 on behalf of Michael H. Leon, M.S., CPEA, United State Steel Corporation, Penn Liberty Plaza, I, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved on August 7, 2015. PF699185.

**St Gobain Abrasives, Inc.**, 200 Commerce Drive, Montgomery Township, **Montgomery County**. Jeffery Wilson, Patriot Environmental Management, LLC, P. O. Box 629, Douglasville, PA 19518, Hudson Green, Patriot Environmental Management, LLC, P. O. Box 629, Douglasville, PA 19518 on behalf of Joe Sternberg, MTI Holding Group, Inc., 500 Office Center Drive, Suite 400, Fort Washington, PA 19034 has submitted a Final Report concerning the remediation of site Soil and groundwater contaminated with inorganics. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 11, 2015. PF77726.

**Weymouth Residence**, 86 Rockyhill Road, Chadds Ford Township, **Delaware County**. Richard D. Williams, Suburban Propane, P. O. Box 4833, Syracuse, NY 13221, Frank Lynch, Envirolink, Inc., 165 Daleville Road, Cochranville, PA 19330 on behalf of George Weymouth, 86 Rocky Hill Road, Chadds Ford, PA 193176 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 12, 2015. PF779231.

**833 Joeck Circle**, 833 Joeck Circle, West Goshen Township, **Chester County**. Patrick S. Crawford P.G., Crawford Environmental Services, 20 Cardinal Drive, Birdsboro, PA 19508 on behalf of Rob Bloxton, 833 Joeck Circle, West Chester, PA 19382 has submitted a Final Report concerning the remediation of site soil contami-

nated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 6, 2015. PF794067.

**Church Street Apartments LLC**, 440 Church Street, Royersford Borough, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 on behalf of Bill Bondi, Church Street Apartments, LLC, 3940 Landis Road, Colledgeville, PA 19426 has submitted a Final Report concerning the remediation of site Soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 123, 2015. PF803377.

**JT Brewskis Pub**, 510 South Oak Avenue, Upper Darby Township, **Delaware County**. John Krinis, JK Environmental Services, P. O. Box 509, Lafayette, PA 19444 on behalf of Thomas Smith, Service One LLC, 510 South Oak Avenue, Primos, PA 19018 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 14, 2015. PF784409.

**Young Residence**, 33 Schoolhouse Lane, Bristol Township, **Bucks County**. Jeremy W. Bolyn Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Robert Young, 33 Schoolhouse Road, Levittown, PA 19055 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 12, 2016. PF781842.

**Cardone Industrial Plant 15 & 16**, City of Philadelphia, **Philadelphia County**. REPSG, Inc., 6910 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Gen DePalantino, Cardone Industrial, Inc., 5501 Whitaker Avenue, Philadelphia, PA 19124 has submitted a Clean Plan, Risk Assessment and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Clean Plan, Risk Assessment and Remedial Investigation Report were disapproved by the Department on July 7, 2015. PF758576.

**Frankford & Darrah Site (Rite Aid)**, 5129-5135 Frankford Avenue, City of Philadelphia, **Philadelphia County**. Kenneth M. Yoder, PG, BL Companies, Inc., 4232 Carlisle Pike, Suite 260, Camp Hill, PA 17001 on behalf of Loren Aloï, Rite Aid of Pennsylvania Inc., 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Final Report concerning the remediation of site groundwater contaminated with no 2 fuel oil. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 10, 2015. PF716772.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

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

**PAD002390961. Bethlehem Apparatus Company, Inc.**, 890 Front Street, Hellertown, PA 18055. A permit

renewal for the continued operation of this hazardous waste storage and treatment facility located in Hellertown Borough, **Northampton County**. Permit issued on August 21, 2015.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### AIR QUALITY

#### General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**GP3-21-KR-15-1: B. R. Kreider & Son, Inc.** (63 Kreider Land, Manheim, PA 17545) on August 26, 2015, for a portable nonmetallic mineral processing plant, under GP3, at the Pennsy Supply Silver Spring Quarry, in Silver Spring Township, **Cumberland County**.

**GP11-21-KR-15-1: B. R. Kreider & Son, Inc.** (63 Kreider Land, Manheim, PA 17545) on August 26, 2015, for a non-road engine, under GP11, to power portable nonmetallic mineral processing equipment, at the Pennsy Supply Silver Spring Quarry, in Silver Spring Township, **Cumberland County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Program Manager, 570-327-3648*

**GP1-12-01A: Emporium Hardwoods Operating Company, LLC** (15970 Route 120, Emporium, PA 15834-3756), issued August 25, 2015, for the operation of a natural gas-fired boiler pursuant to the General Plan Approval and General Operating Permit for Small Gas & No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1), located in the Borough of Emporium, **Cameron County**.

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

*Contact: Mark Gorog, New Source Review Chief—Telephone: 412-442-4150*

**GP4-32-00408: MGK Technologies, Inc.** (57 Cooper Avenue, Homer City, PA 15748) on August 25, 2015, for the operation of a natural gas-fired burn off oven in Homer City Borough, **Indiana County**.

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

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**GP2-62-017F/G: United Refining** (15 Bradley Street, Warren, PA 16365) on August 7, 2015, for the authority to construct and/or operate one (1) VOC containing storage tank, Tank ID 401A, 45,318 gallons capacity, non-pressurized with internal floating roof, and one (1) VOC



containing storage tank, Tank ID 647A, 1,465,000 gallons capacity, non-pressurized with internal floating roof (BAQ-GPA/GP2) located at their facility in the City of Warren, **Warren 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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*Southcentral Region: Air Quality Program, 909 Elmer-ton Avenue, Harrisburg, PA 17110*

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**67-03172A: Panebaker Funeral Home, Inc.** (43 Amy Way, Hanover, PA 17331) on August 19, 2015, for construction of a human crematory controlled by an after-burner at the funeral home in Heidelberg Township, **York County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**60-00023A: Custom Container Solutions LLC** (391 Wolfland Road, Lewisburg, PA 17837), on August 19, 2015, has issued a plan approval for the construction of a surface coating operation consisting of two spray booths equipped with panel filters and a welding operation at their facility in located West Buffalo Township, **Union County**.

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

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

**40-00129A: Moxie Freedom, LLC** (612 Center Street South, Suite 200, Vienna, VA 22180) On September 1, 2015 for the construction and operation the Moxie Freedom Generation Plant (The Project) at their facility in Salem Township, **Luzerne County**.

The Project consists of two identical 1 x 1 power blocks, each consisting of a combustion gas turbine (CGT or CT) and a steam turbine (ST) configured in single shaft alignment, where each CT and ST train share one common electric generator. The turbine to be used for this project are two General Electric (GE) 7HA.02 CTs, each in 1 x 1 single shaft combined-cycle power islands.

Duct burners (DBs) will be installed in the heat recovery steam generators (HRSGs) of the proposed new units. Each CT and duct burner will exclusively fire pipeline-quality natural gas. The HRSGs will be equipped with selective catalytic reduction (SCR) to minimize nitrogen oxide (NO<sub>x</sub>) emissions and oxidation catalysts to minimize carbon monoxide (CO) and volatile organic compound (VOC) emissions from the CTs and DBs.

The Project will also include several pieces of ancillary equipment. Moxie Freedom has provided typical specifications based on certain vendors and will procure equipment equivalent to the equipment detailed in the application. The list of equipment includes:

One fuel gas dew-point heater—natural gas fired, common for all CTs  
Two CT inlet evaporative coolers—one for each CT (not emissions sources)

Two air-cooled condensers (ACCs)—one for each HRSG (not emissions sources)

One auxiliary boiler, natural gas-fired  
One diesel engine powered emergency generator  
One diesel engine powered fire water pump  
Diesel fuel, lubricating oil, and aqueous ammonia storage tanks

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**22-05047C: Dura-Bond Pipe, LLC** (2716 South Front Street, Steelton, PA 17113), on August 26, 2015, for the replacement of the two (2) baghouses controlling emissions from the outside diameter shot blast operations with a single baghouse and the replacement of the existing outside blowout baghouse with a baghouse removed from the shot blast operations, at the metal pipe manufacturing facility in Steelton Borough, **Dauphin County**. The plan approval was extended.

**06-05069R: East Penn Manufacturing Co., Inc.** (Deka Road, PO Box 147, Lyon Station, PA 19536) on August 24, 2015, 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*

**49-00064A: Milton Sewer Regional Authority** (5585 State Route 405, PO Box 433, Milton, PA 17847), located in West Chilisquaque Township, **Northumberland County**, on July 20, 2015, for the construction and operation of a waste water to energy plant at their wastewater plant until February 14, 2016. The plan approval has been extended.

**08-00051A: Seaboard International, Inc.** (13815 South Freeway, Houston, TX 77047) on August 27, 2015 to extend the authorization to operate a wellhead equipment repair operation located in Athens Township, **Bradford County** on a temporary basis to February 23, 2016. The plan approval has been extended.

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**32-00059E: GenOn Northeast Management Company** (121 Champion Way, Suite 200, Canonsburg, PA 15317) Extension effective September 3, 2015, to extend the period of temporary operation of the Unit 1 and 2 SCR systems and limestone/SO<sub>3</sub> sorbent storage silos controlled by bin vent filters authorized under PA-32-00059E, until March 3, 2016, at the Conemaugh Power Plant located in West Wheatfield Township, **Indiana County**.

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

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**67-05033: Gichner Systems Group, Inc.** (490 E. Locust Street, PO Box 481, Dallastown, PA 17313) on August 28, 2015, for the metal shelter manufacturing and repair facility located in York City, **York County**. The Title V permit was renewed.

**36-05028: CNH Industrial America, LLC** (500 Diller Avenue, New Holland, PA 17557-9301) on August 25, 2015, for the hay tool manufacturing facility located in New Holland Borough, **Lancaster County**. The Title V permit was renewed.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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

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

**48-00092: ASSA ABOLY Service Center** (1000 Conroy Place, Easton, PA 18040) issued on 08/31/2015, for the operation of a paint coating operation in Forks Township, **Northampton County**. The source(s) consist of one spray booth. The particulate emissions are controlled by panel filters. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-03052: Boose Aluminum Foundry Co., Inc.** (77 N. Reamstown Road, PO Box 261, Reamstown, PA 17567-0261) on August 25, 2015, for the aluminum foundry located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**60-00003: Pilling's FRP** (2525 Old Route 15, New Columbia, PA 17856) on August 24, 2015, for a State Only (Synthetic Minor) operating permit for their facility located in White Deer Township, **Union County**. The operating permit includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable Federal and State regulations.

**08-00032: Talisman Energy USA, Inc.** (50 Pennwood Place, Warrendale, PA 15086) on August 27, 2015 issued a state only operating permit for their Thomas Compressor Station facility located in Troy Township, **Bradford County**. The state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**17-00018: Harmony Area School District** (5239 Ridge Road, Westover, PA 16692) on August 13, 2015 for their high school located in Burnside Township, **Clearfield County**. The operating permit renewal includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable state and federal air quality regulations.

**14-00009: Mount Nittany Medical Center** (1800, E Park Avenue, State College, PA 16803) on August 20, 2015, for their general medical and surgical hospital facility located in College Township, **Centre County**. The operating permit renewal includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable state and federal air quality regulations.

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

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

**48-00092: ASSA ABOLY Service Center** (1000 Conroy Place, Easton, PA 18040) issued on 08/31/2015, for the operation of a paint coating operation in Forks Township, **Northampton County**. The source(s) consist of one spray booth. The particulate emissions are controlled by panel filters. This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-03052: Boose Aluminum Foundry Co., Inc.** (77 N. Reamstown Road, PO Box 261, Reamstown, PA 17567-0261) on August 25, 2015, for the aluminum foundry located in East Cocalico Township, **Lancaster County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00036: Stella-Jones Corporation** (392, Larkeytown Road, Dubois, PA 15801) issued a revised State Only operating permit, Revision No. 1 on August 5, 2015, for their facility in Sandy Township, **Clearfield County**. This operating permit modification allows increase of Boulton Cycles associated with the Wood Preserving Operation (Source ID P101) from 980 cycles to 1,092 cycles in any 12 consecutive month period. The operating permit is effective through July 30, 2018. This revised State Only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.



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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**32-00335: C&J Well Services, Inc. Black Lick Facility** (8300 Route 119 N, Black Lick, PA 15716) on August 28, 2015 the Department Administratively Amended the State Only Operating Permit to incorporate the change in ownership as well as the Responsible Official and Permit Contact Person. All sources, control devices, and conditions remain the same as in the previous issued operating permit. This facility is located in Black Lick Township, **Indiana County**.

#### **De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**67-05041: Defense Distribution Center, Susquehanna** (5750 3rd Street, Building 750, New Cumberland, PA 17070) Pursuant to 25 Pa. Code § 127.449(d)(2), this *Pennsylvania Bulletin* Notice is for the de minimis emissions increase of 0.69 tpy NO<sub>x</sub>, 0.69 tpy SO<sub>x</sub>, and 0.28 tpy CO resulting from the new 350 kws emergency generator at the facility's WWTP in Fairview Township, **York County**. The engine combusts No. 2 fuel oil and is required to operate less than 500 hours per year. This is the first De Minimis emissions increase at the facility during the term of the current operating permit.

### **ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).**

#### *Coal Permits Issued*

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**32991301 and NPDES No. PA0215228. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Nolo Deep Mine in Buffington, Cherryhill, Pine Townships, **Indiana County** and related NPDES permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administra-

tively complete on March 4, 2015. Application received December 31, 2014. Permit issued August 24, 2015.

**32051301 and NPDES No. PA0215228. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Barrett Deep Mine in Buffington Township, **Indiana County** and related NPDES permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued August 24, 2015.

**32961302 and NPDES No. PA0214949. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Ondo Mine in Brush Valley Township, **Indiana County** and related NPDES permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued August 24, 2015.

**11841601 and NPDES No. PA0069143 and GP12-11841601-R7. E. P. Bender Coal Company, Inc.**, (PO Box 594, Carrolltown, PA 15722). To renew the permit for the Fallentimber Preparation Plant in Reade Township, **Cambria County** includes renewal of Bureau of Air Quality GPA/GP-12 Authorization. Approval is authorized under General Permit BAQ-GPA/GP12 and is required to meet all applicable limitations, terms, and conditions of authorization GP12-11841601-R7. Receiving Stream: Unnamed Tributary to Clearfield Creek, classified for the following use: CWF. Receiving Stream: Clearfield Creek, classified for the following use: CWF. The application was considered administratively complete on July 14, 2011. Application received January 28, 2011. Permit issued August 21, 2015.

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

**33120104. Twin Brook Coal, Inc.** (P. O. Box 225, Clymer, PA 15728) Revision to an existing bituminous surface and auger mine to change the post-mining land use from forestland to unmanaged natural habitat on the Homer, Shawn P. & Chris E. Cameron property in Knox Township, **Jefferson County**, affecting 29.0 acres. Receiving streams: Unnamed tributaries to Indiancamp Run. Application received: June 25, 2015. Permit Issued: August 24, 2015.

**24990102 and NPDES Permit No. PA0241580. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1149, Clearfield, PA 16830) Renewal of an existing bituminous surface and auger mine and associated NPDES permit in Fox Township, **Elk County**, affecting 136.0 acres. Receiving streams: Limestone Run. Application received: January 7, 2015. Permit Issued: August 25, 2015.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**17080117 and NPDES PA0257010. Frantz Brothers Resources, LLC** (24 Wilgus Road, P. O. Box 145, Hillsdale, PA 15746). Permit renewal to continue operation and restoration of a bituminous surface mine located in Burnside Township, **Clearfield County** affecting 148.0 acres. Receiving stream(s): Rock Run and West Branch Susquehanna River classified for the following use(s): CWF and WWF, respectively. There are no potable water supply intakes within 10 miles downstream. Application received: October 28, 2014. Permit issued: August 19, 2015.

**17990124 and NPDES PA0242802. River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847). Permit renewal for reclamation only of a bituminous surface mine located in Bigler Township, **Clearfield County** affecting 73.7 acres. Receiving stream(s): Unnamed Tributaries to Muddy Run and Muddy Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 18, 2015. Permit issued: August 19, 2015.

**17100103 and NPDES PA0257290. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Permit renewal for reclamation only of a bituminous surface and auger mine located in Bradford Township, **Clearfield County** affecting 219.8 acres. Receiving stream(s): Unnamed Tributaries to Sulphur Run and Abes Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 6, 2015. Permit Issued: August 21, 2015.

**17980123. AMFIRE Mining Company, LLC** (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370). Permit renewal for reclamation only with water supply liability of a bituminous surface mine located in Knox Township, **Clearfield County** affecting 66.6 acres. Receiving stream(s): Unnamed Streams to Dunlap Run and Cherry Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2015. Permit Issued: August 24, 2015.

**17030116. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for reclamation only of a bituminous surface and auger mine located in Jordan Township, **Clearfield County** affecting 142.2 acres. Receiving stream(s): North Witmer Run, Unnamed Tributaries to North Witmer Run, and Unnamed Tributaries to Wilson Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 19, 2015. Permit issued: August 27, 2015.

#### *Noncoal Permits Issued*

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

**Permit No. 07152801. Glass Bagging Enterprises, Inc.**, P. O. Box 120, Duncansville, PA 16635, commencement, operation and restoration of a small noncoal operation in Frankstown Township, **Blair County** affecting 8.0 acres. Receiving stream: Frankstown Branch of the Juniata River. Application received: March 6, 2015. Permit issued: August 20, 2015.

**Permit No. 07152801-GP104. Glass Bagging Enterprises, Inc.**, P. O. Box 120, Duncansville, PA 16635. General NPDES Permit for stormwater discharges associated with mining activities on No-Coal Permit no. 07152801 located in Frankstown Township, **Blair County**. Receiving stream: Frankstown branch of the Juniata River classified for the following use: warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 6, 2015. Coverage approved August 20, 2015.

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

**Permit No. 43090801. Stanley Snyder VFW Post 7465** (1470 Brent Road, Mercer, PA 16156-1702). Final bond release for a small industrial minerals surface mine in Springfield Township, **Mercer County**. Restoration of

3.0 acres completed. Receiving streams: Unnamed tributary to Neshannock Creek. Application Received: July 2, 2015. Final bond release approved: August 21, 2015.

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

**Permit No. 7973SM2C13 and NPDES Permit No. PA0043901. Hanson Aggregates BMC, Inc.**, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 154.9 acres, receiving stream: unnamed tributary to Neshaminy Creek. Application received: October 4, 2012. Renewal issued: August 27, 2015.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

#### *Blasting Permits Issued*

*New Stanton District Office: 131 Broadview Road, New Stanton, PA 15672, 724-925-5500*

**63154102. Wampum Hardware Company** (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the commercial development for WG Tomko, located in Union Township, **Washington County**. Blasting permit issued: August 24, 2015.

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

**Permit No. 06154107. Douglass Explosives Inc.**, (P. O. Box 77, Philipsburg, PA 16866), construction blasting at Conestoga Landfill in New Morgan Borough, **Berks County** with an expiration date of August 15, 2016. Permit issued: August 25, 2015.

**Permit No. 06154108. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting at Glenwood Estates in Amity Township, **Berks County** with an expiration date of August 20, 2016. Permit issued: August 25, 2015.

**Permit No. 39154108. Maine Drilling & Blasting, Inc.**, (P. O. Box 1140, Gardiner, ME 04345), construction blasting at Liberty At Mill Creek in Lower Macungie and Upper Macungie Townships, **Lehigh County** with an expiration date of August 5, 2016. Permit issued: August 25, 2015.

**Permit No. 46154108. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting at Madison Phase 2 in Upper Providence Township, **Montgomery County** with an expiration date of August 13, 2016. Permit issued: August 25, 2015.

**Permit No. 45154001. Dyno Nobel, Inc.**, (2795 E. Cottonwood Parkway, Suite 500, Salt Lake City, UT 84121), construction blasting for Franklin Loop (11.5 miles 42" pipeline) in Tunkhannock and Tobyhanna Townships, **Monroe County** with an expiration date of December 15, 2015. Permit issued: August 26, 2015.

#### **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

The Department has taken the following actions on previously received permit applications, requests for Envi-



ronmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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**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.**

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511*

**E39-535. Jaindl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069. Lower Macungie Township, **Lehigh County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the Spring Creek Road and Mertztown Road Improvements Project:

1. Removal of a portion of Weilers Road within the floodway of Little Lehigh Creek (HQ-CWF, MF).
2. Reconstruction and widening of a portion of Spring Creek Road within the floodway of Little Lehigh Creek (HQ-CWF, MF).

3. A stormwater outfall consisting of a 24-inch reinforced concrete pipe, concrete endwalls, and an R-4 riprap apron in the floodway of Little Lehigh Creek (HQ-CWF, MF).

The project is located immediately south of the intersection of Spring Creek Road and Weilers Road (Allentown West, PA Quadrangle Latitude: 40°31'40.5"; Longitude: -75°36'33.70").

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

**E22-609: Derry Township**, 600 Clearwater Road, Hershey, PA 17033 in Derry Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structures and to install and maintain (1) 120.0-foot long by 50-foot 8 inch wide bridge over Spring Creek (WWF, MF); (2) a 26.0-foot long swale in the floodway of Spring Creek (WWF, MF); and (3) a 24-inch diameter outfall with endwall and riprap scour protection in Spring Creek (WWF, MF). The project is located along Park Boulevard (Latitude: 40° 17' 4.3"N; Longitude: 76° 39' 41.7"W) in Derry Township, Dauphin County. No wetlands will be impacted by this project.

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

**E02-1706, Bethel Park Municipal Authority**, 3100 Piney Fork Road, South Park, PA 15129, South Park Township, **Allegheny County**, ACOE Pittsburgh District.

Has been given consent to construct and maintain a clarifier unit, a bio-retention pond, grade changes, utility lines and future nutrient removal tanks within the floodplain of Piney Fork (TSF) and a de minimis area of wetland (approximately 0.04 acre), to construct and maintain an extension of a retaining wall, with riprap protection, along approximately 85.0 linear feet of Piney Fork, to construct and maintain an outfall structure and approximately 265.0 linear feet of riprap along another reach of Piney Fork; and to construct and maintain another outfall structure along 13 feet of Piney Fork for the purpose of expanding and upgrading an existing wastewater treatment plant which is located at 3100 Piney Fork Road, approximately 2,500.0 feet northwest from the intersection of Piney Fork Road and Single Track Road (Glassport, PA USGS Topographic Quadrangle; Latitude: 40°-17'-6.51"; Longitude: -79°-59'-23.59"), in South Park Township, Allegheny County.

**E26-370, Pennsylvania Department of Transportation—District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Wharton Township, **Fayette County**, ACOE Pittsburgh District.

Has been given consent to replace 78' of the existing SR 381 36" corrugated metal pipe enclosure with an existing total length of 293', and construct and maintain an additional 55' of 36" reinforced concrete pipe for a final total enclosure length of 348', carrying an unnamed tributary to Deadman Run (HQ-CWF) with a drainage area less than 100 acres. In addition, place and maintain fill in a de minimis 0.014 acre of PEM wetland, construct and maintain associated replacement stormwater controls, and temporarily impact 314' of stream for the purpose of constructing the encroachments. Stream mitigation will occur off-site on SR 381 on Linn Run (HQ-CWF; Ligonier Quadrangle, North 12.75 inches, West 15.8 inches, Latitude 40°11'45", Longitude -79°14'26") and Laughlinton Run (HQ-CWF; Ligonier Quadrangle,

North 17 inches, West 13 inches, Latitude 40°13'18", Longitude -79°13'8") in Ligonier Township, Westmoreland County. The encroachments are associated with the US40/SR 381 Intersection Improvement Project located in Wharton Township, Fayette County (Fort Necessity Quadrangle, North 10.25 inches, West 9.25 inches, Latitude 39° 48' 20.78", Longitude -79° 33' 57.65").

**E30-246, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Cumberland Township, **Greene County**, ACOE Pittsburgh District.

Has been given consent to:

1. Remove the existing SR 21, 136 ft long, 18 inch plastic/24 inch RC pipe enclosure; construct and maintain a relocated replacement 250 ft long 45 inch elliptical culvert on an unnamed tributary to Muddy Creek (WWF) with a drainage area of less than 100 acres. As part of the culvert replacement, place and maintain fill in 37 ft of the unnamed tributary to Muddy Creek;

2. Extend by 36 ft and maintain an existing SR 21, 136 ft long, 42 inch RC pipe enclosure with a final length of 172 ft on a second unnamed tributary to Muddy Creek (WWF) with a drainage area of less than 100 acres;

3. Place and maintain fill in 250 feet of the second unnamed tributary to Muddy Creek; construct and maintain 248 feet of mitigation channel;

4. Remove and replace 30 feet of an 18 inch pipe carrying a third unnamed tributary to Muddy Creek (WWF) with a drainage area of less than 100 acres;

5. In addition install and maintain road associated stormwater outfalls; place and maintain fill in a de minimis 0.013 acre of PEM wetland; and temporarily impact 636 ft of stream and 0.027 acre of PEM/PSS wetland for construction of the encroachments. Stream mitigation will take place onsite.

These encroachments are associated with the SR 21 and SR 1019 intersection improvement project, located approximately 1.5 mile southwest of Carmichaels, PA in Cumberland Township, Fayette County (Carmichaels quadrangle, North 1.0 inches and West 16.75 inches, Latitude 39° 52' 49" and Longitude -79° 59' 37").

**E56-373. CSX Transportation, Inc.**, 500 Water Street St, J-275, Jacksonville, FL 32202-4423, Jefferson Township, **Somerset County**, ACOE Pittsburgh District.

Has been given consent to operate and maintain approximately 1,565 lf of an unnamed tributary to Laurel Hill Creek (HQ-CWF) that was relocated and reconstructed under an Emergency Permit (DEP File No. EP5613201), to prevent water within this watercourse from infiltrating into a railroad tunnel, referred to as the Brook Tunnel. The project site is located along SR 281, near the intersection of Kingwood Road and Colfelsh Road, in Lower Turkeyfoot Township, Somerset County (USGS Confluence, PA Quadrangle, N: 13.92 inches; W: 7.05 inches; Lat: 39°49'0.9"; Long: -79°18'0.9").

Also to stabilize approximately 500 lf of stream bank along Laurel Hill Creek (HQ-CWF), and 140 lf of stream bank along an unnamed tributary to Laurel Creek (HQ-CWF) to compensate for the approximately 420 lf of the relocated channel that was reconstructed with a concrete lining and 135 lf of the channel that was extensively riprapped. The streams to be stabilized are in Jefferson Township, Somerset County (USGS Bakersville, PA Quadrangle N: 3.11 inches; W: 15.65 inches; Latitude: 40°1'1.6"; Longitude: -79°4'12.5").

*District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA*

**E0829-107: Chief Oil and Gas, LLC**, 1720 Sycamore Road, Montoursville, PA, 17754 Overton Township, **Bradford County**, USACE Baltimore District.

To construct, operate, and maintain:

1. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°35'15"N, 76°39'56"W).

The project will result in approximately 2 linear feet of temporary stream impacts for the purpose of installing temporary waterlines for Marcellus Shale gas development in Overton Township, Bradford County.

**E5729-083: Chief Oil and Gas, LLC**, 1720 Sycamore Road, Montoursville, PA, 17754 Fox and Elkland Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

1. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'00"N, 76°40'40"W);

2. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 1 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'02"N, 76°40'44"W);

3. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 6 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'05"N, 76°40'50"W);

4. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'10"N, 76°40'58"W);

5. A 12 inch diameter temporary waterline and a 16 inch diameter temporary waterline impacting 2 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°34'25"N, 76°41'01"W).

The project will result in approximately 13 linear feet of temporary stream impacts for the purpose of installing temporary waterlines for Marcellus Shale gas development in Elkland and Fox Township, Sullivan County.

**E5729-082: Appalachia Midstream Services, LLC**, 400 1st Center, Suite 404, Horseheads, NY, 14845 Fox Township, **Sullivan County**, USACE Baltimore District.

To construct, operate, and maintain:

(1) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 4,325 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Grover, PA Quadrangle 41°32'29"N, 76°45'36"W);

(2) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 1,236 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Grover, PA Quadrangle 41°32'31"N, 76°45'16"W);

(3) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 814 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 208 linear feet of Fall Run (EV) (Grover, PA Quadrangle 41°32'32"N, 76°45'8"W);

(4) A temporary road crossing using timber mats impacting 224 linear feet of an unnamed tributary to Fall Run (EV) (Grover, PA Quadrangle 41°32'33"N, 76°45'6"W);

(5) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 825 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'30"N, 76°44'51"W);

(6) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 806 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'31"N, 76°44'48"W);

(7) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 613 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'34"N, 76°44'44"W);

(8) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 1,570 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'34"N, 76°44'38"W);

(9) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 122 linear feet of an unnamed tributary to Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'38"W);

(10) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 386 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 201 linear feet of Hoagland Branch (EV) (Shunk, PA Quadrangle 41°32'34"N, 76°44'37"W);

(11) A temporary road crossing using timber mats impacting 978 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'32"N, 76°44'36"W);

(12) A temporary road crossing using timber mats and a 16 inch diameter gas line impacting 3,429 square feet of an exception value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°32'34"N, 76°44'22"W).

The project will result in 14,982 square feet of temporary wetland impacts and approximately 755 linear feet of temporary stream impacts for the purpose of installing a well line for Marcellus Shale gas development in Fox Township, Sullivan County.

#### ENVIRONMENTAL ASSESSMENTS

*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*

**D66-062EA. Mr. Frank Crane**, 1090 Glemboski Road, Springville, PA 18844. Nicholson Township, **Wyoming County**, USACOE Baltimore District.

Project proposes to remove the McNamara Dam for the purpose of eliminating a threat to public safety and restoring approximately 900 feet of stream channel to a free-flowing condition. The project is located across a tributary to Field Brook (CWF, MF) (Hop Bottom, PA Quadrangle, Latitude: 41.6299; Longitude: -75.8044).

**D66-022EA. Jack Vaow**, Vice President, Meshoppen Borough Water Company, P. O. Box 225, Meshoppen, PA 18630. Meshoppen Township, **Wyoming County**, USACOE Baltimore District.

Project proposes to remove the Meshoppen Water Supply Dam for the purpose of eliminating a threat to public safety and restoring approximately 150 feet of stream channel to a free-flowing condition. The project is located across Little Meshoppen Creek (CWF, MF) (Auburn Center, PA Quadrangle, Latitude: 40.6318; Longitude: -76.0520).

#### 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*

**D64-054. Duck Harbor Pond, Duck Harbor Company** (102 Schnakenberg Road, Equinunk, PA 18417). Permit issued to modify, operate and maintain the Duck Harbor Dam across Little Equinunk Creek (HQ-CWF), having a temporary impact to 0.05 acre of waterways or wetlands, for the purpose of complying with the Commonwealth's regulations. (Long Eddy, PA Quadrangle Latitude: 41.7530°; Longitude: -75.1994°) in Damascus Township, **Wayne County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0000515002	Dominion Transmission, Inc. 707 East Main Street Richmond, VA 23219	Armstrong County	Valley Township	UNTs to Cowanshannock Creek (WWF)



## NOTICES

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<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESG0012514001-1	Range Resources 3000 Town Center Boulevard Canonsburg, PA 15317	Washington County	Donegal Township	UNTs to Dutch Fork Lake, UNTs to Dutch Fork, UNTs to Buck Run, Buck Run (HQ-WWF)
ESG0012514002-1	National Fuel Gas Supply 1100 State Street Erie, PA 16501	Washington County	Mount Pleasant Township, Robinson Township, Smith Township	Burgets Fork, Raccoon Creek, Little Raccoon Run, Saint Patrick Run, Bigger Run, Potato Garden Run, Service Creek, UNT to Cross Creek (HQ-WWF, CWF)
ESG0012514002-1	National Fuel Gas Supply 1100 State Street Erie, PA 16501	Allegheny County	Findlay Township	Burgets Fork, Raccoon Creek, Little Raccoon Run, Saint Patrick Run, Bigger Run, Potato Garden Run, Service Creek, UNT to Cross Creek (HQ-WWF, CWF)
ESG0012514002-1	National Fuel Gas Supply 1100 State Street Erie, PA 16501	Beaver County	Independence Township	Burgets Fork, Raccoon Creek, Little Raccoon Run, Saint Patrick Run, Bigger Run, Potato Garden Run, Service Creek, UNT to Cross Creek (HQ-WWF, CWF)
ESG00059150005	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue Southeast P. O. Box 1273 Charleston, WV 25314	Greene County	Richhill Township	UNT to Stone Coal Run, Stone Coal Run, UNT to Crabapple Creek (WWF); UNT to Enlow Fork (TSF)
ESG00059150002	Equitrans, LP 625 Liberty Avenue Pittsburgh, PA 15222	Greene County	Franklin Township; Morgan Township	Ruff Creek, Grimes Run, Smith Creek, South Fork Tenmile (WWF)
ESG0012515003	MarkWest Liberty Midstream and Resources, LLC 4600 J. Barry Court, Suite 500 Canonsburg, PA 15317	Washington County	Smith Township	UNT to Raccoon Run (WWF)
ESG0012515005	Columbia Gas Pipeline Group 5151 San Felipe Street, Suite 2500 Houston, TX 77056	Washington County	Amwell Township	Redd Run, Little Tenmile Run, Horne Run, Bane Creek, Tenmile Creek (TSF); Ruff Creek, Wallers Run (WWF); South Fork Tenmile Creek, Wisecarver Run, Mud Lick Run, Browns Creek (HQ-WWF)
ESG0012515005	Columbia Gas Pipeline Group 5151 San Felipe Street, Suite 2500 Houston, TX 77056	Greene County	Franklin Township; Washington Township	Redd Run, Little Tenmile Run, Horne Run, Bane Creek, Tenmile Creek (TSF); Ruff Creek, Wallers Run (WWF); South Fork Tenmile Creek, Wisecarver Run, Mud Lick Run, Browns Creek (HQ-WWF)



*Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335*

ESCGP-2 #ESX11-065-0037B-RC Winslow 1H Well Pad—  
Major Modification

Applicant XTO Energy Inc.  
Contact Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Jefferson Township(s) McCalmont  
Receiving Stream(s) and Classification(s) UNT to Little Sandy Creek (CWF, MF)

ESCGP-2 #ESG15-019-0024—Geibel C&D Gas Pipeline  
Applicant Mountain Gathering LLC

Contact Dewey Chalos  
Address 810 Houston Street  
City Fort Worth State TX Zip Code 76102  
County Butler Township(s) Summit  
Receiving Stream(s) and Classification(s) UNT to Bonnie Brook (WWF), UNT to Little Buffalo Run (HQ-CWF)/  
Connoquenessing Creek, Buffalo Creek

ESCGP-2 #ESX15-019-0029—Sculptor Well Pad

Applicant EM Energy Pennsylvania LLC  
Contact Hugh Caperton  
Address 1800 Main Street, Suite 220  
City Canonsburg State PA Zip Code 15317

County Butler Township(s) Allegheny  
Receiving Stream(s) and Classification(s) Trib 49124 to  
North Branch Bear Creek

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-2 # ESX10-033-0002

Applicant Name Energy Corporation of America  
Contact Person Travis Wendel  
Address 101 Heritage Run Road, Suite 1  
City, State, Zip Indiana, PA 15701-2490  
County Clearfield  
Township(s) Goshen Twp  
Receiving Stream(s) and Classification(s) Stump Lick  
Run, Trout Run, West Branch Susquehanna (HQ)

ESCGP-2 # ESG29-117-15-0022

Applicant Name HEP Tioga Gathering, LLC  
Contact Person Kevin Williams  
Address 512 Towne Plaza, Ste 120  
City, State, Zip Tunkhannock, PA 18657  
County Tioga  
Township(s) Liberty Twp  
Receiving Stream(s) and Classification(s) UNT to Black  
Creek (CWF, EV)  
Secondary—Blockhouse Creek

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of August 2015 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Ken Ball	PO Box 731 North East, MD 21901	Testing
James Budzeak	201 Penn Center Blvd. Ste. 400 Pittsburgh, PA 15235	Testing
Anthony Carrozza, Jr.	369 Nottingham Rd. Quarryville, PA 17566	Testing
David Chopyak	15 Westminster Dr. Dallas, PA 18612	Mitigation
George Curry	PO Box 33450 Philadelphia, PA 19142	Mitigation
Richard Delaney	275 Pioneer Rd. Franklin, PA 16323	Testing
Tony Domingues Integra Home Inspections, LLC	5477 Reppert Ln. Allentown, PA 18106	Testing
Joseph Hancaviz	PO Box 354 Nazareth, PA 18064	Testing
Ross Hartley	115 Hospital Rd. Gettysburg, PA 17325	Testing
Brian Kampi	2175 Ridge Dr. Mars, PA 16046	Testing
Kevin Kerr	363 Hill Rd. Honey Brook, PA 19344	Testing
Joshua Kratsa	237 Little Deer Creek Rd. Cheswick, PA 15024	Testing & Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Anthony LaMastra A.B.E. Radiation Measurement Labs	1005 Old 22 Lenhartsville, PA 19534	Testing & Laboratory Analysis
Jarrold Lape	109 Sunset St. Monongahela, PA 15063	Testing
Selena Ling Precision Radon Solutions	1460 Ryland Dr. Mechanicsburg, PA 17050	Testing
Stephen Maurer	3633 Buttonwood Dr. Doylestown, PA 18902	Testing
Robert Meyer, Jr.	247 Mine Bank Rd. Wellsville, PA 17365	Testing
Robert Morrow	150 River Rd. Templeton, PA 16259	Testing
Lawrence Nies	11021 May Rd. Wattsburg, PA 16442	Testing
Dominick Peda	40 N. Feathering Ln. Media, PA 19063	Testing
Tryggue Ronnquist Landauer Nordic	Box 6522 Uppsala, Sweden SE75128	Laboratory Analysis
Kyle Rupp	121 S. Spruce St. Lititz, PA 17543	Testing
Lynne Russell	80 Cedar Ridge Hawley, PA 18428	Testing
Fred B. Smith, II	282 Longstreet Dr. Gettysburg, PA 17325	Testing & Mitigation
Martin Smith US Inspect, Inc.	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Laboratory Analysis
SWAT of PA	8020 Mine St. Fogelsville, PA 18051	Mitigation
Edward Verna, Sr.	1703 S. 5th Ave. Lebanon, PA 17042	Mitigation

[Pa.B. Doc. No. 15-1651. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Aggregate Advisory Board; Regulatory, Legislative and Technical Subcommittee Meeting

The Department of Environmental Protection's (Department) Aggregate Advisory Board's Regulatory, Legislative and Technical Subcommittee will meet on Tuesday, September 22, 2015, at 8 a.m. in the 8th Floor Conference Room, Rachel Carson State Office Building, Harrisburg, PA. The purpose of the meeting is to discuss changes to 25 Pa. Code Chapter 77 regulations (relating to noncoal mining), regarding noncoal fees and other related matters.

Questions concerning this meeting should be directed to Dan Snowden, (717) 783-8846, dsnowden@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8846 through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1652. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.e-library.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular

document should call the contact person whose name and phone number is listed with each document.

*Final TGD: New Guidance*

*DEP ID:* 580-0100-001. *Title:* Accident Reporting Requirements. *Description:* The purpose of this guidance is to outline guidelines relative to the reporting of accidents/incidents at underground bituminous coal mine sites. Underground bituminous coal mining is highly specialized, technical and complex, and requires frequent review, refinement and improvement of standards to protect the health and safety of miners. It is the purpose of the Bituminous Coal Mine Safety Act (act) (52 P. S. §§ 690-101—690-708) to use the full extent of the Commonwealth's powers to protect the lives, health and safety of miners and others in and about underground bituminous mines, and to enable the Commonwealth to respond as necessary and appropriate to accidents and other emergencies at underground bituminous coal mines. It is the policy of the Department for mine operators to report all accidents as both generally defined and specifically delineated in the act and to encourage mine operators to report unanticipated incidents if there is any doubt that it may fall within the scope of an "accident" as that term is defined in section 104 of the act (52 P. S. § 690-104) and used in section 109 of the act (52 P. S. § 690-109). Notice of availability of the interim final guidance was published at 39 Pa.B. 5276 (September 5, 2009), with provision for a 30-day public comment period that ended on October 5, 2009. The Department received comments on the draft technical guidance document, which did not result in modifications to the final technical guidance. A comment and response document was developed that includes a summary of the comments received and the modifications that were made to the document. The comment and response document is available, in addition to the final guidance, on the Department's web site.

*Contact:* Craig Carson, (724) 404-3154, cocarson@pa.gov

*Effective Date:* Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1653. Filed for public inspection September 11, 2015, 9:00 a.m.]

**Nutrient Credit Trading Program; Inter-Basin Trading Request**

The Department of Environmental Protection (Department) provides notice of the following request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

*Inter-Basin Trading Request*

The Department has received a request under the Trading Program to register credits generated from a pollutant reduction activity in the Potomac River basin for use in the Susquehanna River Basin. See 25 Pa. Code § 96.8.

*Applicant*

Greencastle (Franklin County) (NPDES Permit No. PA-0020834)

*Pollutant Reduction Activity Description*

This request is for nutrient credits generated at this facility to be used in another basin.

*Written Comments*

The Department must receive comments on this request no later than Wednesday, September 30, 2015. Commentators are urged to submit electronic comments using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, [ecomment@pa.gov](mailto:ecomment@pa.gov). Use "Greencastle" as the subject line in written communication.

For further information about this request or the Trading Program contact Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, [jbraund@pa.gov](mailto:jbraund@pa.gov), or visit the Department's web site at [http://www.depweb.state.pa.us/Nutrient\\_Trading](http://www.depweb.state.pa.us/Nutrient_Trading).

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1654. Filed for public inspection September 11, 2015, 9:00 a.m.]

**Solicitation of Comments to Develop the Commonwealth's Compliance Plan for the United States Environmental Protection Agency's Final Rule for Carbon Pollution Emissions Guidelines for Existing Stationary Sources; Electric Generating Units (Clean Power Plan); Listening Sessions**

On August 3, 2015, the United States Environmental Protection Agency (EPA) released the final Carbon Pollution Emissions Guidelines for Existing Stationary Sources: Electric Utility Generating Units (Clean Power Plan), accessible at <http://www2.epa.gov/sites/production/files/2015-08/documents/cpp-final-rule.pdf>. The Clean Power Plan sets carbon dioxide emission standards for power plants and establishes customized goals for states to reduce carbon dioxide. Carbon dioxide is the primary pollutant affecting climate disruption, accounting for approximately 84% of all United States greenhouse gas emissions. Under the Clean Air Act (42 U.S.C.A. §§ 7401—7671q), each state is required to develop a state-specific compliance plan to meet individual state targets set by the EPA or be subject to the Federal Plan.

The Commonwealth will draft a State Plan to comply with the Clean Power Plan that is tailor-made for this Commonwealth's economy and people, protecting indigenous resources and position as a net energy exporter. To develop a specific State Plan, the Department of Environmental Protection (Department) will seek the comments and feedback of many stakeholders including the Legislature, industry and citizens throughout this process, with the goal of submitting a plan to the EPA by the September 6, 2016, deadline.

### A. Public Comments

To start this dialogue, the Department will be accepting comments on the Commonwealth's compliance with the EPA's Clean Power Plan through November 12, 2015. The Department is soliciting comments on the Clean Energy Incentive Program component of the Clean Power Plan. The Department will also accept comments on the EPA-proposed Federal Plan that serves as a model rule for states developing state plans, accessible at <http://www.epa.gov/airquality/cpp/cpp-proposed-federal-plan.pdf>.

While there will be no formal comment-response document as a result of the written comments or listening sessions, the Department will make all comments received available through eComment, accessible at <http://www.ahs.dep.pa.gov/eComment/>. Comments received by the Department will be used to develop the Commonwealth's compliance plan. Those who wish to comment on the EPA's proposals must submit comments to the EPA directly.

Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at [www.ahs.dep.pa.gov/eComment/](http://www.ahs.dep.pa.gov/eComment/). Written comments should be submitted to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, [ecomment@pa.gov](mailto:ecomment@pa.gov).

Specifically, the Department is soliciting comments on the following questions for the State Plan:

#### Compliance Targets/Timeline

- Should the State Plan use rate-based (expressed in pounds of carbon dioxide emissions per megawatt-hour) or mass-based (total tons of carbon dioxide) targets?
- How should allowances be allocated under a mass-based approach?
- Should new natural gas plants be included within a mass-based target?
- What methods should be used to measure compliance?

#### Participation in Trading

- Should the Commonwealth adopt a trade-ready program without a formal multistate agreement?
- Should the Commonwealth join a formal multistate trading collaborative?
- Should the Commonwealth manage carbon emissions without trading at all?

#### Energy Efficiency and Renewables

- How can the Commonwealth best use renewable energy in meeting its compliance obligations?
- How can the Commonwealth best use energy efficiency in meeting its compliance obligations?
- Should the Commonwealth participate in the Clean Energy Incentive Program?

- Should the Commonwealth set aside allowances or credits to participate in the Clean Energy Incentive Program?

- What other energy conservation measures could be considered?

#### Least-Cost Compliance and Reliability Issues

- What compliance pathway represents the least-cost option for the Commonwealth?
- How can the Commonwealth meet its objective of prioritizing indigenous resources?
- How can the Commonwealth maintain a diverse fuel mix?
- How can the Commonwealth protect the Commonwealth's position as a net energy exporter?
- How can the Commonwealth ensure electric reliability?

#### Vulnerable, Over-Burdened and Environmental Justice Communities

- What specific communities of this Commonwealth may currently be experiencing adverse, disproportionate impacts of climate change and air pollution?
- What specific communities of this Commonwealth may experience economic concerns over the implementation of the State Plan?
- What additional steps can be taken by the Department to effectively reach out to these vulnerable communities to ensure that their concerns are taken into consideration?
- How can the Commonwealth ensure that these communities are not disproportionately impacted by the State Plan?

### B. Listening Sessions

In addition to accepting written comments, the Department will be holding 14 listening sessions around this Commonwealth to take comments on the Clean Power Plan and the questions previously listed. Persons wishing to present at a listening session are requested to contact the Department's Policy Office at (717) 783-8727, at least 1 week in advance to reserve time. Verbal testimony is limited to 5 minutes for each witness. Witnesses are requested to submit two written copies of their verbal testimony. Organizations are limited to designating one witness to present testimony on their behalf at each listening session.

The listening session schedule is as follows:

September 15, 2015 6 p.m.—9 p.m.	Dauphin County Department of Environmental Protection South Central Regional Office Susquehanna Rooms A and B 909 Elmerton Avenue Harrisburg, PA 17110
September 21, 2015 6 p.m.—9 p.m.	Allegheny County Carnegie Mellon University Roberts Hall—Singleton Room, 4th Floor 5000 Forbes Avenue Pittsburgh, PA 15213
September 22, 2015 9 a.m.—12 p.m.	Cambria County Conference Center at Pitt—Johnstown Heritage Hall A 450 Schoolhouse Road Johnstown, PA 15904



- September 22, 2015  
6 p.m.—9 p.m.      Greene County  
Waynesburg Central High School  
Auditorium  
30 Zimmerman Drive  
Waynesburg, PA 15370
- September 28, 2015  
6 p.m.—9 p.m.      Luzerne County  
Wilkes University  
Henry Student Center Ballroom,  
2nd Floor  
84 West South Street  
Wilkes-Barre, PA 18701
- September 30, 2015  
1 p.m.—4 p.m.      Philadelphia County  
University of Pennsylvania  
Kleinman Center  
Fisher Fine Arts Building,  
Room 401  
220 South 34th Street  
Philadelphia, PA 19104
- September 30, 2015  
6 p.m.—9 p.m.      Delaware County  
Marcus Hook Community Center  
7 West Delaware Avenue  
Marcus Hook, PA 19061
- October 5, 2015  
2 p.m.—5 p.m.      York County  
Wyndham Garden York  
White Rose Event Center  
Crystal Ballroom  
2000 Loucks Road  
York, PA 17408
- October 22, 2015  
6 p.m.—9 p.m.      Lehigh County  
Muhlenberg College  
Trumbower 130  
2238 Chew Street  
Allentown, PA 18104
- October 28, 2015  
6 p.m.—9 p.m.      Schuylkill County  
Penn State Schuylkill  
John E. Morgan Auditorium  
200 University Drive  
Schuylkill Haven, PA 17972
- October 29, 2015  
6 p.m.—9 p.m.      Erie County  
Hirt Auditorium at Blasco  
Library  
160 East Front Street  
Erie, PA 16507
- October 30, 2015  
9 a.m.—12 p.m.      Clarion County  
Clarion University  
Gemmell Student Center  
Multi-Purpose Room—2nd Floor  
Corner of Payne Street and  
Wilson Avenue  
Clarion, PA 16214
- October 30, 2015  
2 p.m.—5 p.m.      Clearfield County  
Penn State Dubois  
7 Hiller Building—Auditorium  
One College Place  
Dubois, PA 15801
- November 4, 2015  
6 p.m.—9 p.m.      Lycoming County  
Penn College  
Mountain Laurel Room  
One College Avenue  
Williamsport, PA 17701

*C. Contact*

Questions concerning the comment period and listening sessions can be directed to the Department's Policy Office at (717) 783-8727. The schedule for the sessions is also available through the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Keyword: Climate Change).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1655. Filed for public inspection September 11, 2015, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Retail Space to the Commonwealth Berks County

Proposals are invited to provide the Department of General Services with 5,500 to 6,500 net usable square feet of retail space for the Liquor Control Board in Shillington, Berks County. For more information on SFP No. 94761, which is due on Monday, September 28, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1656. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Chester County

Proposers are invited to provide a proposal to the Department of General Services for 8,000 to 12,000 net usable square feet of retail space for the Liquor Control Board located in Downingtown, Chester County due on or before 3 p.m. Friday, October 30, 2015. For more information on SFP No. 094760 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1657. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Lawrence County

Proposers are invited to provide a proposal to the Department of General Services for 5,000 to 7,000 ± net usable square feet of retail space for the Liquor Control Board located in New Castle, Lawrence County due on or before 3 p.m. Friday, October 23, 2015. For more information on SFP No. 94759 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1658. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Perry County

Proposals are invited to provide the Department of General Services with 3,000 to 4,000 usable square feet of retail space for the Liquor Control Board in Shermansdale, Perry County. For more information on SFP No. 94758, which is due on Friday, October 16, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1659. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Lease Retail Space to the Commonwealth Schuylkill County

Proposals are invited to provide the Department of General Services with 4,000 to 5,000 usable square feet of retail space for the Liquor Control Board in St. Clair, Schuylkill County. For more information on SFP No. 94757, which is due on Friday, October 16, 2015, visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or contact the Bureau of Real Estate at (717) 787-4394.

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 15-1660. Filed for public inspection September 11, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following request for exception relates to regulations governing ASF licensure at 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Valley Eye Surgery Center	28 Pa. Code § 553.31(a) (relating to administrative responsibilities)

The request previously listed 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](mailto: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).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1661. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Hospitals; Requests for Exceptions

The following hospital has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b). The following request for an exception relates to regulations governing hospital licensure at 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Monongahela Valley Hospital	28 Pa. Code § 138.18(b) (relating to EPS studies)

The following hospital is requesting an exception under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Aria Health	2.2-2.6.2.6(1)	Toilet room or human waste disposal room	2014

All requests previously listed are 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).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1662. Filed for public inspection September 11, 2015, 9:00 a.m.]

### **Long-Term Care Nursing Facilities; Request for Exception**

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Holy Family Home  
5300 Chester Avenue  
Philadelphia, PA 19143  
FAC ID # 341602

York Nursing and Rehabilitation Center  
7101 Old York Road  
Philadelphia, PA 19126  
FAC ID # 023802

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1663. Filed for public inspection September 11, 2015, 9:00 a.m.]

### **Organ Donation Advisory Committee Meeting**

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert

P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on Thursday, October 29, 2015, from 10 a.m. to 3 p.m. This meeting is a rescheduling of the October 1, 2015, meeting, which has been cancelled. The purpose of the meeting is to review progress in the area of organ and tissue donation in this Commonwealth, recommend education and awareness activities, recommend priorities in expenditures from the Organ and Tissue Donation Awareness Fund (Fund) and advise the Secretary of Health on matters relating to the administration of the Fund. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 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 should contact Christine Bayuk, Program Administrator, Organ and Tissue Donation Program, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-6214, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1664. Filed for public inspection September 11, 2015, 9:00 a.m.]

### **Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); 2015-2016 WIC Food List**

#### **I. 2015-2016 WIC Food List**

Under 28 Pa. Code § 1103.5(a) (relating to minimum inventory), the WIC Program publishes notice of the 2015-2016 WIC Food List which contains the required types of foods and, if applicable, names of the allowable brands of foods. Effective October 1, 2015, the 2015-2016 WIC Food List authorizes the following as allowable foods for the purpose of the WIC Program.

*Cheese*

Regular, reduced fat, low fat or fat free, low cholesterol, low sodium, lactose free, smoked or calcium fortified. Cheese must be marked with weight, type and cost. Cheese must be in the form of a block, sliced, shredded, stick or string cheese. Package size must be 8 or 16 ounces.

American (Pasteurized Process)	Cheddar
Cheddarella	Cojack
Colby (Longhorn)	Monterey Jack
Mozzarella	Muenster
Provolone	Swiss

Kosher cheese must be specified on the WIC check to be purchased using a WIC check.

*Not Allowed:* Individually wrapped slices, imported, deli service, cheese foods, imitation cheese, cheese products or spreads, cheese with added ingredients, organic cheese, cheese packed in water.

*Cow's Milk*

Fluid (pasteurized; quart, 1/2 gallons or gallons), any fat level, allowed as specified on the WIC check. Acidophilus milk allowed. Lactose free milk allowed, if specified on the WIC check. Evaporated (12-ounce cans), if specified on the WIC check. Dry milk allowed, if specified on the WIC check.

*Not Allowed:* Flavored milk, buttermilk, goat's milk, milk with added calcium, protein or plant sterols, vitamin C, Omega 3s, organic milk, ultra high temperature processed milk, milk in glass bottles.

*Soy Beverage*

32-ounce or 64-ounce containers:	Pacific Natural Foods—Ultra Soy (Plain or Vanilla flavored)
	8th Continent Soymilk Original or Vanilla Flavor
	Silk Original

*Not Allowed:* Any other brand or type of soy beverage.

*Yogurt (32-ounce containers only)**Whole Fat Yogurts:*

Dannon	All Natural Plain
ShopRite	Plain

*Lowfat Yogurts:*

America's Choice	Plain, Strawberry, Vanilla
Best Yet	Plain, Vanilla
Coburn Farms	Vanilla
Dannon	Plain, Vanilla
Essential Everyday	Peach, Plain, Raspberry, Strawberry, Strawberry Banana, Vanilla
Food Club	Vanilla
Giant	Plain
Giant Eagle	Plain, Vanilla
Great Value	Peach, Strawberry, Strawberry Banana, Vanilla
ShopRite	Plain, Vanilla
Shurfine	Plain, Vanilla

Weis Quality	Peach, Plain, Strawberry
Yoplait	Harvest Peach, Strawberry, Strawberry Banana, Vanilla

*Nonfat Yogurts:*

America's Choice	Plain
Best Yet	Plain, Vanilla
Coburn Farms	Plain
Dannon	All Natural Plain
Essential Everyday	Plain
Food Club	Plain
Giant	Plain, Vanilla
Giant Eagle	Plain
Great Value	Plain
Market Pantry	Plain
ShopRite	Plain, Vanilla
Shurfine	Plain, Vanilla
Weis Quality	Plain, Vanilla
Yoplait	Plain

*Tofu*

16-ounce containers:	House Foods Premium—Medium Firm, Firm, Extra Firm
	Nasoya—Silken

*Not Allowed:* Any other brand or type of tofu.

*Chicken Eggs*

Any Brand Grade A or AA Regular: large, medium or small raw shell brown or white chicken eggs in 1-dozen package.

*Not Allowed:* Specialty eggs such as vegetarian fed, organic eggs, low cholesterol, fat modified, high in omega 3s, and the like.

*Legumes (Beans)*

Black beans, black eye peas, garbanzo beans, great northern beans, kidney beans, lima beans, navy beans, pinto beans, soybeans, butter beans, pink beans, split peas and lentils.

1 pound dry or 15 1/2-ounce to 16-ounce canned any brand (canned kidney beans may contain sugar)

*Not Allowed:* Green beans, green peas, green lima beans, snap beans, yellow beans, wax beans, pork-n-beans, beans with added seasonings, sugars, oils, fats, sauces, meats, organic beans.

*Fruits and Vegetables**Fruits Allowed:*

Fresh, whole or cut without added sugars. Frozen, without added sugars. Canned, jarred or multipack without added sugars, fats, oils or sodium (salt).

*Vegetables Allowed:*

Fresh, whole or cut without added sugars, fats or oils. Frozen, without added sugars, fats or oils.

Canned or jarred, without added sugars, fats or oils. Whole kernel corn and green peas can contain sugar. Organic fruits and vegetables can be purchased.



*Not allowed:*

- Party trays, fruit baskets, salad bar items
- Items that contain dips or sauces
- Ingredients other than fruit—sugar, honey, high fructose corn syrup, heavy or light syrup, dextrose, sucrose, maple syrup, artificial sweeteners, fats, oils or sodium (salt)
- Ingredients other than vegetables—sugar, honey, high fructose corn syrup, cheese sauce, noodles, rice, nuts, spices, fats or oils
- Sauerkraut, pickled vegetables, olives
- Jarred salsa, pasta sauce
- Fresh herbs and spices, edible blossoms
- Dried fruit, dried vegetables, trail mix
- Fruit leathers, fruit snacks, fruit roll-ups
- Fruit and nut mixtures
- Fruit cocktails, cranberry sauce, pie filling
- Baked goods containing fruit or vegetables
- Infant or toddler fruits and vegetables
- Maraschino cherries or products containing maraschino cherries
- Squeezable fruit or vegetable pouches

*Juice**Single Strength (48-ounce container, 100% pure juice):*

Apple	Apple & Eve, Essentials Everyday, Giant Eagle, Juicy Juice, Lucky Leaf, Musselman's, Red & White, Seneca, Shurfine
Cranberry	Apple & Eve: Naturally Cranberry, Northland Traditional Cranberry
100% Grape (purple or white)	Juicy Juice, Red & White, Shurfine
Juice Blends	Apple & Eve: Cranberry Apple and Cranberry Raspberry Nestle Juicy Juice: All flavors
Pineapple	Essentials Everyday, Shurfine
<i>Single Strength (64-ounce container, 100% pure juice):</i>	
Apple	America's Choice, Apple & Eve, Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hytop, Krasdale, Lucky Leaf, Mott's, Musselman's, Market Pantry, Old Orchard, Red & White, Seneca, Shop Rite, Shurfine, Tipton Grove, Weis Quality
Cranberry	Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Shurfine
Grape (purple, red or white)	America's Choice, Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Hytop, Krasdale, Market Pantry, Red & White, Shop Rite, Shurfine, Tipton Grove, Value Time, Weis Quality, Welch's
Orange	Any brand, calcium and vitamin D added allowed

Pineapple	Best Yet, Essential Everyday, Food Club, Giant, Giant Eagle, Great Value, Libby's, Shurfine
Tomato	Campbell's (regular or low sodium)
Vegetable	Campbell's V8 (regular or low sodium)
Juice Blends	Apple & Eve—all flavors (including Sesame Street) except Cranberry Juice & More Juicy Juice—all flavors Old Orchard—100% juice flavors, no premium flavors

*Frozen Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):*

Apple	America's Choice, Best Yet, Essential Everyday, Food Club, Giant, Hannaford, Great Value, Market Pantry, My Essentials, Old Orchard, Seneca, Shop Rite, Shurfine, Tipton Grove, Weis Quality
Apple Juice Blends	Old Orchard (all flavors with green pull tab top)
Orange	Any brand (including calcium and vitamin D added)
Grape	Essential Everyday, Food Club, Giant, Hannaford, Market Pantry, Welch's (all flavors with yellow pull tab top)
White Grape Juice Blends	Welch's (all flavors with yellow pull tab top)

*Shelf Stable Concentrated (11 1/2-ounce to 12-ounce container, 100% pure juice):*

Welch's any flavor with yellow trim

*Not Allowed:* Ciders, cocktails, artificial sweeteners, food colorings, added sugar, alcohol, carbonation, fiber, omega 3s, DHA, ARA, beta-carotene, vitamin A, vitamin E, organic juice.

*Cereal**Adult/Child Cereals:*

Minimum package size 12 ounces

<i>General Mills:</i>	Cheerios (regular, multigrain, dulce de leche) Chex (wheat, corn, rice) Dora the Explorer, Go Diego Go Kix (regular, honey or berry berry) Total (whole grain) Fiber One Honey Clusters Wheaties (regular flavor only)
<i>Kellogg Co.:</i>	All Bran Complete Wheat Flakes Corn Flakes Crispix Frosted Mini Wheats Original (Little Bite, Bite Size) Rice Krispies (regular) Special K (regular)
<i>Malto Meal, bag or box:</i>	Crispy rice, Honey & Oat Blenders (regular or almond)
<i>Maypo:</i>	Instant Maple Oatmeal
<i>Nabisco: Cream of Wheat:</i>	Instant original, 1 minute, 2 1/2 minutes, 10 minutes, Whole Grain or Healthy Grain

*Post:* Alpha-Bits  
Grape-Nuts & Grape-Nut Flakes  
Great Grains  
Bran Flakes  
Honey Bunches of Oats (Honey Roasted, with Almonds, Cinnamon Clusters, Vanilla Clusters)

*Quaker Co.:* Original Instant Grits  
Crunchy Corn Bran  
Life (regular flavor)  
Oatmeal Squares (cinnamon or brown sugar)

*Sunbelt Bakery:* Simple Granola

*Store Brand Cereal:* Corn Flakes, Corn Squares-Biscuits, Toasted Oats, Tostitos, Rice Squares-Biscuits: (America's Choice, Essentials Everyday, Food Club, Giant, Giant Eagle, Great Value, Hannaford, Ralston Foods, Shop Rite, Shurfine, Weis Quality)

*Not Allowed:* Individual serving boxes, organic cereal, any other brand or type of cereal.

*Peanut Butter*

16-ounce to 18-ounce container, labeled "Peanut Butter" only

*Not Allowed:* Reduced fat peanut butter, peanut butter spread, peanut butter mixed with jelly, marshmallow, chocolate or honey, organic peanut butter, added omega 3s, DHA, ARA or artificial sweeteners.

*Infant Formula*

*Contract Brand*

*Milk Based:* Similac Advance

*Soy Based:* Similac Soy Isomil

Other brands and types of formula must be specified on the WIC check.

*Infant Foods*

*Infant Cereal:* Brand specified on the WIC check: rice, oatmeal, barley, whole wheat or multigrain in 8-ounce or 16-ounce container.

*Not Allowed:* Organic varieties, variety pack, cereal with fruit, formula, yogurt, DHA or ARA.

*Infant Fruits and Vegetables:* Brand specified on the WIC check: 4-ounce containers of 100% fruits or vegetables.

*Not Allowed:* Desserts, organic varieties, mixed with salt, sugar, cereal, rice, noodles, meats, yogurt, DHA, ARA, flour, starch, any other ingredients or squeezable pouches.

*Infant Meats:* Brand specified on the WIC check: 2 1/2-ounce containers of single ingredient meats (with or without gravy or broth).

*Not Allowed:* Organic varieties, mixed with salt, sugar, cereal, rice, noodles, vegetables, fruit, DHA, ARA, flour, starch or any other ingredients.

*Canned Fish*

Chunk light tuna, pink salmon or sardines in 3 3/4-ounce, 5-ounce or 6-ounce cans only.

*Not Allowed:* Products packed in oil, albacore tuna, brisling sardines, red salmon, organic fish.

*Whole Grains*

*16-ounce packages:*

*Whole Wheat Bread and Rolls*

Store Brands 100% Whole Wheat Bread:  
Acme, America's Choice, Best Yet, Essential Everyday, Giant, Giant Eagle, Krasdale, Shoprite, Weis Quality

Arnold	100% Stoneground Whole Wheat Bread
Bimbo	100% Whole Wheat Bread
Gold Medal	100% Whole Wheat Bread
Gourmet	100% Whole Wheat Bread
Harvest Pride	100% Whole Wheat Bread
Hauswald	100% Whole Wheat Bread
Monks	Wheat Whole Grain Bread
Nature's Harvest	100% Stone Ground Whole Wheat Bread, Whole Wheat Hamburger Buns, and Whole Wheat Hot Dog Buns
Nature's Own	100% Whole Wheat with Honey
Nature's Promise	100% Whole Wheat
Nickles Country Style	100% Whole Wheat Bread
Pepperidge Farms	Stoneground 100% Whole Wheat Bread, Very Thin Soft 100% Whole Wheat Bread
Sara Lee	Classic 100% Whole Wheat Bread
Schmidt	Old Time—100% Whole Wheat Bread
Schwebel's	100% Whole Wheat Bread
Stern's	Whole Wheat Bread, Whole Wheat Rolls and Whole Wheat Hot Dog Buns
Stroehmann	Small 100% Whole Wheat Bread
Windmill Farms	100% Stoneground Whole Wheat Bread—Hamotzie, 100% Stoneground Whole Wheat Bread—Mezonot, 6 pack Whole Wheat Rolls
Wonder	100% Whole Wheat Bread

*Tortillas*

<i>Store Brands:</i>	Giant Eagle	Fajita Size Tortillas White Corn or Soft Taco size whole wheat tortillas
	Nature's Promise	Corn All Natural Tortillas
	Giant	Yellow or White Corn or Whole Wheat Tortillas
Celia's		Yellow or White Corn
Chi Chi's		White Corn Tortillas, Whole Wheat Fajita Style
Don Pancho		Yellow or White Corn Tortillas, Whole Wheat Tortillas
Guerrero		Corn Tortillas

La Banderita	Corn Tortillas, Whole Wheat Soft Taco, Whole Wheat Fajita Tortillas
La Burrita	Yellow Corn Tortillas
MexAmerican	Whole Wheat with Honey
MiCasa	Whole Wheat Tortillas
Mission	Yellow Corn Extra Thin Tortillas and Whole Wheat Tortillas
Ortega	Whole Wheat Tortillas
Siempre Autentico	Whole Wheat Tortillas

*Whole Grain Brown Rice:*

Blue Ribbon, Mahatma, Uncle Ben's: Natural Whole Grain Brown Rice

Store Brands: America's Choice, Best Yet, Essentials Every Day, Giant, Great Value, Rice on the Side, Shurfine, Weis Quality

*Oats:* 16-ounce packages: Mom's Best Natural Quick Oats  
General Mills Gluten Free Chex Oatmeal

*Whole Wheat Pasta 16-ounce*

Essential Everyday:	Whole Wheat Spaghetti Whole Wheat Thin Spaghetti Whole Wheat Macaroni Whole Wheat Penne
Shurfine:	100% Whole Wheat Pasta: Spaghetti, Penne Rigate
Weis Quality:	Whole Wheat Penne Rigate Whole Wheat Spaghetti Whole Wheat Angel Hair

*24-ounce packages:*

*Whole Wheat Bread and Rolls*

Archer Farms	100% Whole Wheat Bread
Arnold	100% Whole Wheat Bread
Brownberry	100% Whole Wheat Bread
Essential Everyday	100% Whole Wheat Bread
Freihofer	100% Whole Wheat Bread
Gold Medal	Natural or Premium 100% Whole Wheat Bread
Gourmet	100% Whole Grain Bread
Nature's Promise	Natural 100% Whole Grain Bread
Nickles	Country Style 100% Whole Wheat Bread
Pepperidge Farms	Double Fiber, Farmhouse Soft 100% Whole Wheat Bread, Honey Oat, Oatmeal Bread, Soft Honey Whole Wheat Bread, Whole Grain 100% Whole Wheat Bread
ShopRite	100% Stone Ground Wheat Bread, Premium 100% Whole Wheat Bread, Natural 100% Whole Wheat Bread

Stroehmann

Dutch Country 100% Whole Wheat Bread, Family Grains 100% Whole Wheat Bread

*Oats*—Quaker Steel Cut Oats

*Not Allowed:* Any other package size, brand or type of whole grain products, organic whole grains, items with added omega-3s, dried fruits, seeds, nuts, extra calcium, or vitamin D.

## II. Contract Brand of Formula

Under 28 Pa. Code § 1103.5(c), the WIC Program publishes notice of the name of the contract brand of infant formula. The WIC Program has entered into a contract with Abbott Laboratories to be the primary provider of infant formula for the WIC Program. The contract brand of infant formula is Similac Advance and Similac Soy Isomil. Other brands and types of formula must be specified on the WIC check to be authorized for purchase with a WIC check. The information contained herein is effective October 1, 2015.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7 West Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1665. Filed for public inspection September 11, 2015, 9:00 a.m.]

## Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Inventory Requirements

Under 28 Pa. Code § 1103.5(a)(3) (relating to minimum inventory), the WIC Program publishes notice of the minimum inventory requirements. Effective October 1, 2015, a store shall have available on the premises, at the time of an onsite review and at all times thereafter while participating as a WIC authorized store, the following foods at shelf prices equal to or less than the competitive prices:

### *Formula*

Seventeen 13-ounce cans of Similac Advance liquid concentrate.

Ten 12.4-ounce cans of Similac Advance powder.

Seventeen 13-ounce cans of Similac Soy Isomil liquid concentrate.

Ten 12.4-ounce cans of Similac Soy Isomil powder.

Other standard formulas specified on the WIC check are not minimum inventory requirements. The store must be able to provide these within 72 hours after a participant makes a request for other standard formula.

*Infant Foods*

Two varieties of infant cereal in 8-ounce containers, totaling at least 24 ounces.

Two varieties 100% fruit, any brand, with a total of 32 4-ounce containers.

Two varieties 100% vegetable, any brand, with a total of 32 4-ounce containers.

Two varieties 100% meat, any brand, with a total of 31 2 1/2-ounce containers.

*Fruits and Vegetables*

Two types of fruits and two varieties of vegetables, fresh, frozen or canned, totaling at least \$15 worth.

*Whole Grains*

Two WIC allowable varieties with a total of two 16-ounce packages.

*Cow's Milk*

Fluid Whole, Vitamin D Fortified: Eight 1/2 gallons.

Fluid Skim, Fat Free, 1%: 18 1/2 gallons.

*Chicken Eggs*

Grade "A" or "AA" Eggs: Three 1-dozen containers large or smaller raw shell eggs.

*Cheese*

Three WIC allowable types prepackaged in 8-ounce or 16-ounce containers, totaling at least 4 pounds of cheese.

*Juices*

Two WIC allowable single strength varieties with a total of five 48-ounce containers.

Two WIC allowable single strength varieties with a total of two 64-ounce containers.

Two WIC allowable varieties frozen concentrated or shelf stable concentrated, with a total of five 11 1/2-ounce to 12-ounce containers.

*Cereal*

Adult, five WIC allowable varieties, at least one whole grain variety, in 12-ounce or larger packages totaling at least 60 ounces.

*Peanut Butter*

Two 16-ounce to 18-ounce containers labeled "peanut butter."

*Dried Peas and Beans or Canned Beans*

Two varieties WIC allowable: 1 pound each dried or 15 1/2-ounce to 16-ounce canned with a total of four cans.

*Canned Fish*

At least 45 ounces in 3 3/4-ounce, 5-ounce or 6-ounce cans, chunk light tuna, pink salmon or sardines not packed in oil.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7 West Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons,

V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

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### Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Minimum Technology Standards

Under 28 Pa. Code § 1103.4(15) (relating to selection criteria for authorization and reauthorization), the WIC Program publishes notice of minimum technology standards. A store applying to become a WIC Authorized store must have all of the following to be considered for authorization:

*Minimum Technology Standards*

Have an existing active hard wire telephone line on the store's premises.

An active e-mail account for the store owner or manager.

Upon authorization a store must maintain an active WIC Vendor Assistant (VA) account

Internet connection on store premises (one of the following):

- Dial-up through an Internet provider
- Broadband DSL
- Broadband cable

A personal computer on store premises:

• Internet browser capable of accessing the WIC VA web site

• Adobe Reader software

• If using CheckScan, the following minimum software and hardware is required. *Note:* These are Windows XP minimum requirements. Newer operating systems may require additional hardware.

- Personal computer with 300 megahertz or higher processor clock speed
- Microsoft Windows XP, Vista or Windows 7 operating system
- Microsoft .Net Framework 2.0 or higher (software)
- 256 mb RAM
- 1.5 gigabytes of available hard drive space
- An available USB port (version 1.1 or 2.0)

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7 West Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

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# DEPARTMENT OF REVENUE

## Pennsylvania 50X the Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 50X the Money.

2. *Price:* The price of a Pennsylvania 50X the Money instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania 50X the Money instant lottery game ticket will contain one play area featuring a “WINNING NUMBERS” area and a “YOUR NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THRITY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THRITY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Money (MONEY) symbol, Bank (WIN50) symbol, and a 50X (50TIMES) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$25,000 (TWYFIVTHO) and \$300,000 (THRHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$15, \$20, \$40, \$50, \$100, \$400, \$500, \$1,000, \$5,000, \$25,000 and \$300,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania 50X the Money instant lottery game.

### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$300,000 (THRHUNTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$300,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$25,000 (TWYFIVTHO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 50X (50TIMES) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5,000 (FIV THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 50X (50TIMES) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$1,000 (ONE THO) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 50X (50TIMES) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “prize” area under the 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$500 (FIV HUN) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$500.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a 50X (50TIMES) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “prize” area under the 50X (50TIMES) symbol, on a single ticket, shall be entitled to a prize of \$500.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$400.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$400 (FOR HUN) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$400.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol

of \$100 (ONE HUN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$100 (ONE HUN) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$100.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$50.00 (FIFTY) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$50.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bank (WIN50) symbol, and a prize symbol of \$50.00 (FIFTY) appears under that Bank (WIN50) symbol, on a single ticket, shall be entitled to a prize of \$50.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(t) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$40.00 (FORTY) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$40.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$20.00 (TWENTY) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$20.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$15.00 (FIFTEEN) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$15.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$15.00 (FIFTEEN) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$15.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(z) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Money (MONEY) symbol, and a prize symbol of \$10.00 (TEN DOL) appears in the “prize” area under the Money (MONEY) symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:*

	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 10,800,000 Tickets</i>
\$10 w/ MONEY	\$10	10	1,080,000
\$10	\$10	20	540,000
\$15 w/ MONEY	\$15	20	540,000
\$15	\$15	60	180,000
\$10 × 2	\$20	300	36,000
\$20 w/ MONEY	\$20	40	270,000
\$20	\$20	200	54,000
\$10 × 4	\$40	600	18,000
\$20 × 2	\$40	600	18,000
\$40 w/ MONEY	\$40	300	36,000
\$40	\$40	600	18,000
\$10 × 5	\$50	300	36,000
\$50 w/ BANK	\$50	60	180,000
\$50 w/ MONEY	\$50	150	72,000
\$50	\$50	120	90,000
\$10 × 10	\$100	600	18,000
\$20 × 5	\$100	600	18,000
(\$50 w/ BANK) × 2	\$100	600	18,000
\$100 w/ MONEY	\$100	600	18,000
\$100	\$100	600	18,000
\$50 × 8	\$400	24,000	450
\$100 × 4	\$400	24,000	450
(\$40 × 5) + (\$20 × 10)	\$400	12,000	900
(\$50 w/ BANK) × 8	\$400	4,000	2,700

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
\$400 w/ MONEY	\$400	24,000	450
\$400	\$400	24,000	450
\$50 × 10	\$500	24,000	450
(\$40 × 10) + (\$20 × 5)	\$500	24,000	450
\$10 w/ 50X	\$500	3,429	3,150
(\$50 w/ BANK) × 10	\$500	17,143	630
\$500 w/ MONEY	\$500	24,000	450
\$500	\$500	24,000	450
\$500 × 2	\$1,000	24,000	450
(\$100 × 5) + (\$50 × 10)	\$1,000	24,000	450
(((\$50 w/ BANK) × 10) + \$500	\$1,000	24,000	450
\$20 w/ 50X	\$1,000	4,800	2,250
\$1,000 w/ MONEY	\$1,000	24,000	450
\$1,000	\$1,000	24,000	450
\$500 × 10	\$5,000	2,160,000	5
\$100 w/ 50X	\$5,000	720,000	15
\$5,000	\$5,000	1,080,000	10
\$500 w/ 50X	\$25,000	720,000	15
\$25,000	\$25,000	2,160,000	5
\$300,000	\$300,000	1,080,000	10

Reveal a "MONEY" (MONEY) symbol, win prize shown under that symbol automatically.

Reveal a "BANK" (WIN50) symbol, win \$50 instantly.

Reveal a "50X" (50TIMES) symbol, win 50 times the prize shown under that symbol.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania 50X the Money instant lottery game tickets.

10. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

11. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 50X the Money instant lottery game, prize money from winning Pennsylvania 50X the Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 50X the Money instant lottery game, the right of a ticket holder to claim

the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania 50X the Money or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 15-1668. Filed for public inspection September 11, 2015, 9:00 a.m.]

## Pennsylvania Ghostbusters™ Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Ghostbusters™.

2. *Price:* The price of a Pennsylvania Ghostbusters™ instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Ghostbusters™ instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR



NUMBERS” area. The play symbols and their captions located in the “WINNING NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the “YOUR NUMBERS” area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Telephone (PHONE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR NUMBERS” area are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$1,000 (ONE THO) and \$30,000 (TRY THO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$250, \$500, \$1,000 and \$30,000. The player can win up to 8 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct the Pumpkin Patch Payout Second-Chance Drawing for which non-winning Pennsylvania Ghostbusters™ instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 7,800,000 tickets will be printed for the Pennsylvania Ghostbusters™ instant lottery game.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$30,000 (TRY THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$30,000.

(b) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1,000 (ONE THO) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the “Prize” area under

the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$50.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Telephone (PHONE) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “Prize” area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “Prize” area under the



matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Telephone (PHONE) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Telephone (PHONE) symbol and a prize symbol of \$4<sup>00</sup> (FOR DOL)

appears in the "Prize" area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Telephone (PHONE) symbol and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under that Telephone (PHONE) symbol, on a single ticket, shall be entitled to a prize of \$2.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>When Any Of Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,800,000 Tickets</i>
\$2 w/ TELEPHONE	\$2	16.67	468,000
\$2	\$2	18.75	416,000
\$2 × 2	\$4	75	104,000
\$4 w/ TELEPHONE	\$4	50	156,000
\$4	\$4	75	104,000
\$5 w/ TELEPHONE	\$5	75	104,000
\$5	\$5	50	156,000
\$2 × 5	\$10	300	26,000
\$10 w/ TELEPHONE	\$10	150	52,000
\$10	\$10	375	20,800
\$5 × 4	\$20	1,500	5,200
\$10 × 2	\$20	375	20,800
\$20 w/ TELEPHONE	\$20	214.29	36,400
\$20	\$20	1,500	5,200
\$5 × 5	\$25	2,400	3,250
(\$5 × 3) + \$10	\$25	2,000	3,900
(\$10 × 2) + \$5	\$25	1,600	4,875
\$25 w/ TELEPHONE	\$25	1,000	7,800
\$25	\$25	1,600	4,875
\$25 × 2	\$50	4,800	1,625
(\$10 × 2) + (\$5 × 6)	\$50	1,412	5,525
(\$5 × 5) + \$25	\$50	4,800	1,625
\$50 w/ TELEPHONE	\$50	1,263	6,175
\$50	\$50	4,800	1,625
\$25 × 4	\$100	6,000	1,300
(\$20 × 2) + (\$10 × 6)	\$100	3,429	2,275
\$100 w/ TELEPHONE	\$100	4,000	1,950
\$100	\$100	6,000	1,300
\$50 × 5	\$250	12,000	650
(\$100 × 2) + \$50	\$250	12,000	650
(\$50 × 2) + (\$25 × 2) + \$100	\$250	30,000	260
\$250	\$250	30,000	260
\$250 × 2	\$500	120,000	65
(\$100 × 2) + (\$50 × 6)	\$500	60,000	130
\$500 w/ TELEPHONE	\$500	60,000	130
\$500	\$500	120,000	65
\$1,000	\$1,000	60,000	130
\$30,000	\$30,000	780,000	10

Reveal a "TELEPHONE" (PHONE) symbol, win prize shown under that symbol automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing: Pumpkin Patch Payout Second-Chance Drawings.*

(a) *Qualifying Tickets:* Non-winning PA-1167 Spooky Loot (\$5) and PA-1168 Ghostbusters™ (\$2) instant game tickets ("Qualifying Tickets") are eligible for entry into the Pumpkin Patch Second-Chance Drawings.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Pumpkin Patch Second-Chance Drawings. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Pumpkin Patch Second-Chance Drawings, entrants must choose to enter either the \$1,000 Pumpkin Patch Payout Second-Chance Drawing ("\$1,000 Drawing") or the \$50,000 Pumpkin Patch Payout Second-Chance Drawing ("50,000 Drawing") (collectively the "Drawings") and submit the identifying information from at least one Qualifying Ticket via the Pumpkin Patch Second-Chance Drawings promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery's official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted for only one of the Drawings, and may be submitted only once for the chosen drawing. Entries awarded will be applied to the selected drawing at the time of successful submission of the entry. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawings Description:*

(1) The Lottery will conduct two Pumpkin Patch Payout Second-Chance Drawings: the \$1,000 Drawing and the \$50,000 Drawing. A Qualifying Ticket can only be entered into one of the Drawings.

(i) The entry period for the Drawings begins after 11:59:59 p.m. September 13, 2015 and ends at 11:59:59 p.m. November 5, 2015. All time references are Eastern Prevailing Time.

(ii) The Drawings will be held between November 6, 2015 and November 10, 2015.

(2) The number of entries an entrant receives is determined by the purchase price of the Qualifying Ticket entered into the selected drawing. Each PA-1167 Spooky Loot (\$5) Qualifying Ticket will receive five (5) entries and each PA-1168 Ghostbusters™ (\$2) Qualifying Ticket will receive two (2) entries.

(3) Players may review their entries for the Drawings via the Pumpkin Patch Second-Chance Drawings promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) The first through the one hundredth entries selected from the entries submitted in the \$1,000 Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(3) The first entry selected from the entries submitted in the \$50,000 Drawing will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000.

(4) The odds of an entry being selected in the Drawings depend upon the number of entries received for the Drawings.

(5) A computer generated randomizer will be used to select the winning entries.

(e) *Drawings Restrictions:*

(1) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawings entry is selected as a winner and rejected during or following the Drawings, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery's sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(8) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no

claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in each of the Drawings. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Ghostbusters™ instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Ghostbusters™, prize money from winning Pennsylvania Ghostbusters™ instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Ghostbusters™ instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Ghostbusters™ or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 15-1669. Filed for public inspection September 11, 2015, 9:00 a.m.]

## Pennsylvania Spooky Loot '15 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Spooky Loot '15.

2. *Price:* The price of a Pennsylvania Spooky Loot '15 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Spooky Loot '15 instant game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Ghost (GHOST) symbol, and a Bat (WINALL) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Second-Chance Drawings:* The Pennsylvania Lottery will conduct the Pumpkin Patch Payout Second-Chance Drawing for which non-winning Pennsylvania Spooky Loot '15 instant lottery game tickets may be eligible as provided for in section 10.

7. *Approximate Number of Tickets Printed For the Game:* Approximately 6,000,000 tickets will be printed for the Pennsylvania Spooky Loot '15 instant game.



8. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50,000 (FTY THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the "PRIZE" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat (WINALL) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in two of the "PRIZE" areas and a prize symbol of \$40<sup>00</sup> (FORTY) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$400.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat (WINALL) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "PRIZE" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$400.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$100 (ONE HUN) appears

in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat (WINALL) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the "PRIZE" areas and prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat (WINALL) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in eight of the "PRIZE" areas and prize symbol of \$5<sup>00</sup> (FIV DOL) appears in four of the "PRIZE" areas, on a single ticket, shall be entitled to a prize of \$100.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$50.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$40.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$25.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the "WINNING NUMBERS" play symbols, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Ghost (GHOST) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "PRIZE" area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$20.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols, matches any of the



“WINNING NUMBERS” play symbols, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(w) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Ghost (GHOST) symbol and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the “PRIZE” area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$10.

(x) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols, matches any of the “WINNING NUMBERS” play symbols, and a prize symbol

of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(y) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Ghost (GHOST) symbol and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the “PRIZE” area to the right of the Ghost (GHOST) symbol, on a single ticket, shall be entitled to a prize of \$5.

9. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of Your Numbers Match  
Any Winning Number, Win Prize  
Shown To The Right Of The  
Matching Number. Win With:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 6,000,000 Tickets</i>	
\$5 w/ GHOST	\$5	10.91	550,000
\$5	\$5	40	150,000
\$5 × 2	\$10	60	100,000
\$10 w/ GHOST	\$10	30	200,000
\$10	\$10	60	100,000
\$5 × 4	\$20	300	20,000
\$10 × 2	\$20	300	20,000
\$20 w/ GHOST	\$20	150	40,000
\$20	\$20	300	20,000
\$5 × 5	\$25	300	20,000
(\$10 × 2) + \$5	\$25	600	10,000
\$20 + \$5	\$25	600	10,000
\$25 w/ GHOST	\$25	120	50,000
\$25	\$25	600	10,000
\$5 × 8	\$40	600	10,000
\$10 × 4	\$40	600	10,000
\$20 × 2	\$40	600	10,000
\$40 w/ GHOST	\$40	600	10,000
\$40	\$40	600	10,000
\$5 × 10	\$50	600	10,000
\$10 × 5	\$50	600	10,000
\$25 × 2	\$50	600	10,000
\$50 w/ GHOST	\$50	600	10,000
\$50	\$50	600	10,000
BAT w/ ((\$10 × 8) + (\$5 × 4))	\$100	558.14	10,750
BAT w/ ((\$25 × 2) + (\$5 × 10))	\$100	571.43	10,500
\$20 × 5	\$100	1,846	3,250
\$25 × 4	\$100	1,846	3,250
\$50 × 2	\$100	1,846	3,250
\$100 w/ GHOST	\$100	1,500	4,000
\$100	\$100	1,500	4,000
BAT w/ ((\$100 × 2) + (\$20 × 10))	\$400	60,000	100
\$40 × 10	\$400	120,000	50
\$50 × 8	\$400	120,000	50
\$100 × 4	\$400	120,000	50
\$400 w/ GHOST	\$400	120,000	50
\$400	\$400	120,000	50
BAT w/ ((\$50 × 2) + (\$40 × 10))	\$500	60,000	100
\$50 × 10	\$500	120,000	50
\$100 × 5	\$500	120,000	50
\$400 + \$100	\$500	120,000	50
\$500 w/ GHOST	\$500	120,000	50
\$500	\$500	120,000	50
BAT w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	200,000	30
\$500 × 2	\$1,000	200,000	30
\$1,000	\$1,000	200,000	30
\$50,000	\$50,000	600,000	10

Reveal a “GHOST” (GHOST) symbol, win prize shown to the right of that symbol automatically.  
Reveal a “BAT” (WINALL) symbol, win all 12 prizes shown!

Prizes, including top prizes, are subject to availability at the time of purchase.

10. *Second-Chance Drawing: Pumpkin Patch Payout Second-Chance Drawings.*

(a) *Qualifying Tickets:* Non-winning PA-1167 Spooky Loot (\$5) and PA-1168 Ghostbusters™ (\$2) instant game tickets (“Qualifying Tickets”) are eligible for entry into the Pumpkin Patch Second-Chance Drawings.

(b) *Participation and Entry:*

(1) Entrants must be members of the Pennsylvania Lottery VIP Players Club to participate in the Pumpkin Patch Second-Chance Drawings. To join the VIP Players Club, visit <http://www.palottery.state.pa.us/vipplayersclub/login.aspx>. Becoming a VIP Players Club member is free.

(2) To enter the Pumpkin Patch Second-Chance Drawings, entrants must choose to enter either the \$1,000 Pumpkin Patch Payout Second-Chance Drawing (“\$1,000 Drawing”) or the \$50,000 Pumpkin Patch Payout Second-Chance Drawing (“50,000 Drawing”) (collectively the “Drawings”) and submit the identifying information from at least one Qualifying Ticket via the Pumpkin Patch Second-Chance Drawings promotional website, available at <http://www.palottery.com>, or the Pennsylvania Lottery’s official mobile application, during the entry period. The identifying information from a Qualifying Ticket may be submitted for only one of the Drawings, and may be submitted only once for the chosen drawing. Entries awarded will be applied to the selected drawing at the time of successful submission of the entry. No other method of submission will be accepted. Entries submitted using any other method, including entries mailed or hand-delivered to the Pennsylvania Lottery, are not valid and will be disqualified.

(3) Each entry must be complete and the information supplied by the entrant must be accurate. Incomplete entries cannot be submitted.

(4) Only one claimant per entry allowed.

(5) Entrants must be 18 years of age or older.

(6) Players may submit the identifying information from an unlimited number of Qualifying Tickets.

(7) Once an entry has been submitted it cannot be withdrawn or changed.

(c) *Drawings Description:*

(1) The Lottery will conduct two Pumpkin Patch Payout Second-Chance Drawings: the \$1,000 Drawing and the \$50,000 Drawing. A Qualifying Ticket can only be entered into one of the Drawings.

(i) The entry period for the Drawings begins after 11:59:59 p.m. September 13, 2015 and ends at 11:59:59 p.m. November 5, 2015. All time references are Eastern Prevailing Time.

(ii) The Drawings will be held between November 6, 2015 and November 10, 2015.

(2) The number of entries an entrant receives is determined by the purchase price of the Qualifying Ticket entered into the selected drawing. Each PA-1167 Spooky Loot (\$5) Qualifying Ticket will receive five (5) entries and each PA-1168 Ghostbusters™ (\$2) Qualifying Ticket will receive two (2) entries.

(3) Players may review their entries for the Drawings via the Pumpkin Patch Second-Chance Drawings promotional website.

(d) *Prizes Available to be Won, Determination of Winners, and Odds of Winning:*

(1) The prize entitlements described below are subject to all restrictions and limitations described in section 10(e), or mentioned anywhere else in these rules.

(2) The first through the one hundredth entries selected from the entries submitted in the \$1,000 Drawing will be winning entries, and the entrants who submitted those winning entries shall each be entitled to a prize of \$1,000.

(3) The first entry selected from the entries submitted in the \$50,000 Drawing will be a winning entry, and the entrant who submitted the winning entry shall be entitled to a prize of \$50,000.

(4) The odds of an entry being selected in the Drawings depend upon the number of entries received for the Drawings.

(5) A computer generated randomizer will be used to select the winning entries.

(e) *Drawings Restrictions:*

(1) To be eligible to participate in the Drawings, entrants must have complied with the requirements of these rules.

(2) The Lottery is not responsible for late, lost or misdirected entries not entered into the Drawings. The Lottery is not responsible for entries that are not entered into the Drawings because of incompatible internet browsers, mobile lottery application failure or other technical issues. If a Drawings entry is selected as a winner and rejected during or following the Drawings, the Lottery will select another entry to replace the rejected entry in accordance with these rules and Lottery procedure.

(3) If any discrepancy exists between these rules and any material describing the Drawings, these rules shall govern.

(4) Employees of the Pennsylvania Lottery, MARC Advertising, MUSL, Scientific Games International, Inc., MDI Entertainment, LLC, and their subcontractors, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person are not eligible to participate in the Drawings. Offer void where prohibited or restricted.

(5) The Pennsylvania Lottery reserves the right, in its sole discretion, to cancel or suspend the Drawings and change these rules if the Drawings cannot be conducted as planned due to errors in these rules or advertising, unauthorized intervention, tampering, fraud, technical errors, viruses, worms, bugs, or any other cause beyond the control of the Pennsylvania Lottery that, in the Pennsylvania Lottery’s sole judgment, could corrupt or impair the administration, security, fairness, integrity, or proper conduct of the Drawings.

(6) All entries shall be subject to verification by the Pennsylvania Lottery.

(7) The Pennsylvania Lottery reserves the right, in its sole discretion, to disqualify an entrant found to be tampering with the operation of the Drawings or to be acting in violation of these rules or applicable law.

(8) The Drawings are governed by the laws of the Commonwealth of Pennsylvania. Applicable laws and regulations apply.

(9) Prizes must be claimed within 1 year of the drawing date of the drawing in which the prize was won. If no

claim is made within 1 year of the drawing date of the drawing in which the prize was won, the right of an entrant to claim the prize won, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided by statute.

(10) Final determination of winners will be made by the Secretary, whose judgment will be final and binding.

(11) The payment of a prize awarded in the Drawings to a person who dies before receiving the prize shall be paid according to 61 Pa. Code § 811.16 (relating to prizes payable after death of a prize winner).

(12) A winner is responsible for all taxes arising from or in connection with any prize won.

(13) A player may only win the prize for which the player is first selected in each of the Drawings. Subsequent entries, from the same individual, selected in the same drawing will be disqualified and a replacement entry will be selected.

(14) Prizes are not transferrable.

(15) Other restrictions may apply.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Spooky Loot '15 instant lottery game tickets.

12. *Retailer Bonus:* The Lottery may offer a retailer bonus in connection with the sale of Pennsylvania instant lottery game tickets. If a retailer bonus is offered, a Lottery retailer shall be eligible for a bonus as described in this section. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$100,000 and not exceeding \$500,000 shall be paid a bonus of \$500. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$500,001 and not exceeding \$1,000,000 shall be paid a bonus of \$5,000. Lottery retailers who sell a winning ticket that entitles the ticket holder to a prize, either payable in a single installment or having a guaranteed minimum payout, of at least \$1,000,001 and not exceeding \$10,000,000 shall be paid a bonus of \$10,000. A Lottery retailer is entitled only to the largest bonus for which he qualifies on a winning ticket. A bonus will be initiated for payment after the instant ticket is claimed and validated. A bonus will not be awarded to a Lottery retailer that sells a non-winning Pennsylvania Lottery instant ticket used to enter a Pennsylvania Lottery second-chance drawing or promotion that is subsequently selected to win a prize.

13. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Spooky Loot '15, prize money from winning Pennsylvania Spooky Loot '15 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Spooky Loot '15 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

14. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

15. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Spooky Loot '15 or through normal communications methods.

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 15-1670. Filed for public inspection September 11, 2015, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Merck Sharp & Dohme Corp. v. DEP; EHB Doc. No. 2015-123-L

Merck Sharp & Dohme Corp. has appealed the issuance by the Department of Environmental Protection of an NPDES permit (amendment) to Merck Sharp & Dohme Corp. for a facility in Upper Gwynedd Township, Montgomery County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
Chairperson

[Pa.B. Doc. No. 15-1671. Filed for public inspection September 11, 2015, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### 2016 Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the administrator of the Federal Low Income Housing Tax Credit Program for this Commonwealth, provides notice of a public hearing to obtain public comment on the proposed Pennsylvania 2016 Low Income Housing Tax Credit Allocation Plan (Plan). This public hearing will be held on Tuesday, September 22, 2015, at 9 a.m. at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed Plan are available upon written



request at the following address, by telephone at (717) 780-3876 or through the Agency's web site at [www.phfa.org](http://www.phfa.org).

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate should contact the Agency by Monday, September 21, 2015, to discuss how the Agency may best accommodate their needs.

Individuals wishing to comment on the Plan who are unable to attend the public hearing are invited to provide written comments to the Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869, no later than Monday, September 21, 2015.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing contact the Agency at (717) 780-3876.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1672. Filed for public inspection September 11, 2015, 9:00 a.m.]

policyholders of the following individual LTC forms: 2002-LTC-FAC and 2002-LTCR-HCC.

Unless formal administrative action is taken prior to November 26, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1674. Filed for public inspection September 11, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Bankers Life and Casualty Company (BNLB-130208372); Proposed Rate Increase for Several LTC Forms

Bankers Life and Casualty Company is requesting approval to increase the premium an aggregate 35% on 696 policyholders of the following individual LTC forms: GR-N340, GR-N380, GR-N370 and GR-N350.

Unless formal administrative action is taken prior to November 26, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1673. Filed for public inspection September 11, 2015, 9:00 a.m.]

### CMFG Life Insurance Company (CUNA-130205588); Proposed Rate Increase for Several LTC Forms

CMFG Life Insurance Company is requesting approval to increase the premium an aggregate 65% on 516

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Crista Blankenship; file no. 15-119-186306; Automobile Insurance Company of Hartford; Doc. No. P15-07-031; October 5, 2015, 9 a.m.

Appeal of Michael M. Gayle; file no. 15-119-183700; Automobile Insurance Company of Hartford; Doc. No. P15-05-016; October 5, 2015, 10 a.m.

Appeal of David M. Thomas; file no. 15-119-186871; State Farm Fire & Casualty Company; Doc. No. P15-08-013; October 6, 2015, 9 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured



wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a 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.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1675. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 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 Philadelphia, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Strawbridge and Clothier, Justice Hearing Room 4030, 801 Market Street, Philadelphia, PA 19107.

Appeal of Patricia A. Wenger; file no. 15-119-183453; Erie Insurance Exchange; Doc. No. P15-05-017; October 5, 2015, 11 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. 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 a 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.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1676. Filed for public inspection September 11, 2015, 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 28, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2015-2497690. Sapphire Transport, LLC** (7921 Deer Run Road, Laverock, Montgomery County, PA 19038) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Bucks, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2498800. Good Will Fire Company #1 of Minersville** (25 North Street, Minersville, Schuylkill County, PA 17901) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Carbon, Columbia, Dauphin, Lebanon, Lehigh, Luzerne, Northumberland and Schuylkill, to points in Pennsylvania, and return. *Attorney:* William C. Reiley, Esquire, Garfield Square, 510 West Market Street, Pottsville, PA 17901-2809.

**A-2015-2499051. Sexton Transport, LLC** (1148 Pilgrims Pathway, Peach Bottom, Lancaster County, PA 17563) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Chester, Lancaster and

York, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2015-2500332. Clarks Premier Limousine, LLC** (122 Altimori Court, Southampton, PA 18966) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in Pennsylvania. *Attorney:* Michael S. Henry, Esquire, 100 South Broad Street, Suite 650, Philadelphia, PA 19110.

**Application of the following for approval to begin operating as a broker for transportation of household goods as described under the application.**

**A-2015-2493039. Move Management, Inc.** (16456 East Airport Circle, Aurora, CO 80011) for the right to begin to arrange the transportation of household goods in use, between points in Pennsylvania.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1677. Filed for public inspection September 11, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 15-101.7, On-Call Rail Track Maintenance and Quarterly Inspections of Various PRPA Facilities, until 2 p.m. on Thursday, October 15, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1678. Filed for public inspection September 11, 2015, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-104.S, Window Cleaning at Port Administration Building (PAB), until 2 p.m. on Thursday, October 1, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1679. Filed for public inspection September 11, 2015, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Randy A. Rogers, RN; File No. 13-51-06971; Doc. No. 1431-51-13**

On July 30, 2015, Randy A. Rogers, RN, Pennsylvania professional nurse license no. RN347214L, last known of Albuquerque, NM, was reprimanded based on his having been disciplined by the Wyoming Board of Nursing.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, RN, BSN,  
*Chairperson*

[Pa.B. Doc. No. 15-1680. Filed for public inspection September 11, 2015, 9:00 a.m.]







