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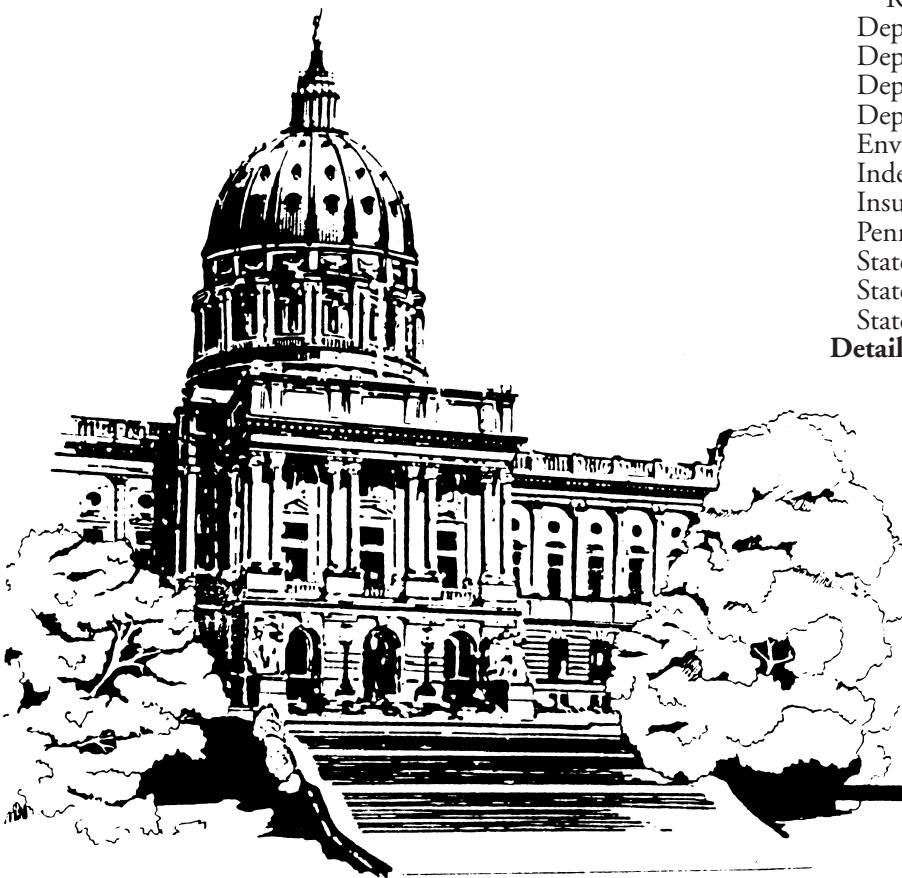
PENNSYLVANIA BULLETIN

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(Master Transmittal Sheet):**

No. 514, September 2017

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Proposed Amendments to the Comments to Pennsylvania Rules of Professional Conduct Relating to Competence and Confidentiality to Reference the Public Access Policy of the Unified Judicial System

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is planning to recommend to the Supreme Court of Pennsylvania that it adopt amendments to the comments to Pennsylvania Rules of Professional Conduct (“Rules”) 1.1 and 1.6 relating to competence and confidentiality, as set forth in Annex A.

By Order of January 6, 2017, the Supreme Court approved the Public Access Policy of the Unified Judicial System (“policy”) for case records filed in and maintained by the appellate and trial courts, which makes such records open and accessible to the public.¹ This policy takes effect on January 6, 2018, and represents a significant move to create a uniform standard for treatment of documents containing confidential and sensitive information about parties. Consequently, attorneys must familiarize themselves with and abide by the new policy, which places responsibility upon attorneys to safeguard confidential information in the documents they file with the courts. Specifically, policy sections 7.0(D) and 8.0(D) require parties and their attorneys to certify their compliance with the policy. Additionally, sections 7.0(F) and 8.0(F) provide that a court may sanction non-compliant parties.

Following the Court’s adoption of the policy, the Board analyzed the Rules to consider whether changes are required to conform to the policy’s requirements. We concluded that the black letter language of the Rules need not be amended to reference the policy. However, as the Board recognized the important and significant changes that the policy brings to the practice of law, we determined that reference to the policy should be made in the commentary to RPC 1.1 and RPC 1.6.

RPC 1.1 requires a lawyer to provide competent representation to a client, which entails the legal knowledge, skill, thoroughness and preparation reasonably necessary for representation. Current comment (8) to RPC 1.1 explains that in order to maintain the requisite knowledge and skill, the lawyer should keep abreast of changes in the law and its practice. The proposed amendment advises a lawyer that competent representation includes familiarity with the policies of courts in which the lawyer practices, including the Public Access Policy of the Unified Judicial System.

RPC 1.6(d) provides that a lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client. Such reasonable

efforts would include knowledge of the policy and compliance with the directives contained therein. Proposed amendment to comment (25) provides that, pursuant to paragraph (d), a lawyer should act in accordance with court policies governing disclosure of sensitive or confidential information, including the Public Access Policy of the Unified Judicial System.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before October 23, 2017.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS, Esq.,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.1. Competence.

* * * * *

Comment:

* * * * *

Maintaining Competence

(8) To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. **To provide competent representation, a lawyer should be familiar with policies of the courts in which the lawyer practices, which include the Public Access Policy of the Unified Judicial System.**

Rule 1.6. Confidentiality of Information.

* * * * *

Comment:

* * * * *

Acting Competently to Preserve Confidentiality

(25) **Pursuant to paragraph (d), a lawyer should act in accordance with court policies governing disclosure of sensitive or confidential information, including the Public Access Policy of the Unified Judicial System.** Paragraph (d) requires a lawyer to act

¹ <http://www.pabulletin.com/secure/data/vol46/46-49/2063.html>

competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See Rules 1.1, 5.1 and 5.3. The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (d) if the lawyer has made reasonable efforts to prevent the access or disclosure. Factors to be considered in determining the reasonableness of the lawyer's efforts include, but are not limited to, the sensitivity of the information, the likelihood of disclosure if additional safeguards are not employed, the cost of employing additional safeguards, the difficulty of implementing the safeguards, and the extent to which the safeguards adversely affect the lawyer's ability to represent clients (e.g., by making a device or important piece of software excessively difficult to use). A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to forgo security measures that would otherwise be required by this Rule. Whether a lawyer may be required to take additional steps to safeguard a client's information in order to comply with other law, such as state and federal laws that govern data privacy or that impose notification requirements upon the loss of, or unauthorized access to, electronic information, is beyond the scope of these Rules. For a lawyer's duties when sharing information with nonlawyers outside the lawyer's own firm, see Rule 5.3, Comments (3)-(4).

* * * * *

[Pa.B. Doc. No. 17-1568. Filed for public inspection September 22, 2017, 9:00 a.m.]

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

Proposed Amendments to Pennsylvania Rule of Professional Conduct 7.3 Relating to Solicitation of Clients in Domestic Relations Actions

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is planning to recommend to the Supreme Court of Pennsylvania that it adopt amendments to Pennsylvania Rule of Professional Conduct ("Rule") 7.3 relating to solicitation of clients in domestic relations actions, as set forth in Annex A.

Pennsylvania RPC 7.3 currently permits direct solicitation of clients through written communications, unless:

- (1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer;
- (2) the person has made known to the lawyer a desire not to receive communications from the lawyer; or
- (3) the communication involves coercion, duress, or harassment.

In November 2016, a legal practitioner in the Commonwealth alerted the Supreme Court and the Disciplinary Board to a troubling practice engaged in by some practitioners. Certain domestic relations attorneys have begun to monitor the court dockets and review county

legal journals to discover recently filed divorce actions. With this information, they promptly mail solicitation letters to the named defendants, informing the prospective client that a divorce has been filed against the defendant and offering legal counsel. In some situations, solicitations are sent and received before the complaint has been served. This practice has the potential for violent and even deadly consequences, where, for example, an abusive spouse, newly aware of the impending domestic action, is able to confront the plaintiff spouse, who has not yet served the action and has not yet taken safety precautions. Anecdotally, the Pennsylvania lawyer reported that she represented a woman who was a victim of abuse and who had planned her move from the marital home for the day after she filed the complaint in divorce. The defendant spouse, however, received a solicitation letter within 24 hours of the filing of the complaint, and on the evening before the plaintiff was to leave the marital home, the defendant spouse assaulted the plaintiff in front of their children.

The timing of domestic relations complaints and the details contained therein can be sensitive in nature; therefore, the service of such complaints is often strategically timed, with consideration for the plaintiff to take necessary protective steps. According to the Pennsylvania Coalition Against Domestic Violence, the time immediately after an individual leaves an abusive partner is the most dangerous time. Further, statistics show that more than half of domestic violence homicides occur during estrangement or while the victim is planning to leave the abuser.¹ In fact, "the extant research literature shows that women experience an increased risk of lethal violence when they leave intimate relationships with men."²

After this issue was brought to the Board's attention, the Board discussed the unfortunate role that legal practitioners may play in the escalation of violence and explored steps to address attorney conduct. Upon our review, Pennsylvania is not alone in experiencing this problem and is not alone in seeking a method to prevent escalation of domestic violence due to certain legal practices through regulation of attorney conduct.

The Ohio Rules of Professional Conduct permit targeted solicitation letters to prospective clients; however, pursuant to Rule 7.3(d), if a spouse files for divorce, a solicitation letter may not be sent to the defendant in divorce until the lawyer or law firm verifies that service is effectuated. Similarly, Tennessee Rule of Professional Conduct 7.3(b)(3) provides that in divorce or legal separation actions, an attorney must wait 30 days after the filing of the cause of action to solicit potential clients. Tennessee's comment to 7.3 explains that the prohibition against any solicitation within thirty (30) days of the filing of a complaint for divorce or legal separation is intended to reduce the risk of domestic violence and to allow the plaintiff spouse to take appropriate steps to seek shelter, obtain an order of protection, and/or pursue other relief.

Florida's Rule of Professional Conduct 4-7.18(b)(1)(G) is more limited in scope than the rules in Ohio and Tennessee. A Florida attorney is prohibited from sending an unsolicited written communication to a prospective client if the communication concerns a request for an injunction for protection against any form of physical violence; the communication is addressed to the

¹ Campbell, Jacqueline C., et al, "Accessing Risk Factors for Intimate Partner Homicide," *NIJ Journal* 250 (2003): 16. NCJ 196547.

² Websdale, Neil. *Understanding Domestic Homicide*. Boston, MA: Northeastern University Press (1999).

respondent in the injunction petition; and the lawyer knows or has reason to know that the respondent named in the injunction petition has not yet been served with notice of process in the matter.

Following consideration of the approaches taken in other jurisdictions, the Disciplinary Board proposes an amendment to 7.3 which, in effect, prohibits attorneys from soliciting defendants or respondents in domestic relations matters until 30 days have passed since the action was filed. The proposed amendment adds new paragraph (4) to provide that a lawyer may contact, or send written communication to, the target of the solicitation for the purpose of obtaining professional employment unless the communication is a solicitation to a party who has been named as a defendant or respondent in a domestic relations action. In such cases, the lawyer shall wait 30 days from the filing of the action before communicating with the named defendant or respondent. The Board proposes amending the commentary by adding new comment (8) to explain the reason for the 30-day prohibition against solicitation in domestic relations actions, specifically noting that the risk of violent confrontations may increase in these matters if a defendant or respondent is solicited prior to service of the action.

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, PO Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before November 22, 2017.

*By the Disciplinary Board of the
Supreme Court of Pennsylvania*

JULIA FRANKSTON-MORRIS, Esq.,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

INFORMATION ABOUT LEGAL SERVICES

Rule 7.3. Solicitation of Clients.

* * * * *

(b) A lawyer may contact, or send a written communication to, the target of the solicitation for the purpose of obtaining professional employment unless:

(1) the lawyer knows or reasonably should know that the physical, emotional or mental state of the person is such that the person could not exercise reasonable judgment in employing a lawyer;

(2) the person has made known to the lawyer a desire not to receive communications from the lawyer; [or]

(3) the communication involves coercion, duress, or harassment[.]; or

(4) the communication is a solicitation to a party who has been named as a defendant or respondent in a domestic relations action. In such cases, the lawyer shall wait 30 days from the filing of the action before communication with the named defendant or respondent.

Comment:

* * * * *

(7) This Rule is not intended to prohibit a lawyer from contacting representatives of organizations or groups that may be interested in establishing a group or prepaid legal plan for their members, insureds, beneficiaries or other third-parties for the purposes informing such entities of the availability of and details concerning the plan or arrangement which the lawyer or lawyer's firm is willing to offer. This form of communication is not directed to people who are seeking legal services for themselves. Rather, it is usually addressed to an individual acting in a fiduciary capacity seeking a supplier of legal services for others who may, if they choose, become prospective clients of the lawyer. Under these circumstances, the activity which the lawyer undertakes in communicating with such representatives and the type of information transmitted to the individual are functionally similar to and serve the same purpose as advertising permitted under Rule 7.2.

(8) Some domestic relations matters, including but not limited to: divorce, custody, protection from abuse, involve either an alleged history of domestic violence or a potential for domestic violence. In such cases, a defendant/respondent party's receipt of a lawyer's solicitation prior to being served with the complaint can increase the risk of a violent confrontation between the parties. The prohibition in RPC 7.3(b)(4) against any solicitation within thirty (30) days is intended to reduce any such risk and allow for the plaintiff to take any appropriate steps.

[Pa.B. Doc. No. 17-1569. Filed for public inspection September 22, 2017, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Proposed Amendment of Pa.R.C.P. No. 1910.16-4

The Domestic Relations Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Pa.R.C.P. No. 1910.16-4 for the reasons set forth in the accompanying publication report. Pursuant to Pa.R.J.A. No 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

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

Bruce J. Ferguson, Counsel
 Domestic Relations Procedural Rules Committee
 Supreme Court of Pennsylvania
 Pennsylvania Judicial Center
 PO Box 62635
 Harrisburg, PA 17106-2635
 Fax: 717-231-9531
 domesticrules@pacourts.us

All communications in reference to the proposal should be received by November 9, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Domestic Relations
 Procedural Rules Committee*

DAVID J. SLESNICK, Esq.,
Chair

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.3. Parties. Obligor. Obligee.

(a) An action may be brought:

* * * * *

(b) The trier of fact shall enter an appropriate order based upon the evidence presented, without regard to which party initiated the support action, filed a modification petition, or filed a petition for recovery of support overpayment. The **[determination of which party will be the obligee and which will be the obligor will be made by the]** trier of fact shall determine the party based upon the respective **monthly net** incomes of the parties, consistent with the support guidelines and existing law, and the custodial arrangements at the time of the initial or subsequent conference, hearing or trial. If supported by the evidence, the party named as the defendant in the initial pleading may be deemed to be the obligee, even if that party did not file a complaint for support. The provisions of this subdivision do not apply to parties seeking spousal support or alimony *pendente lite*. Parties seeking spousal support or alimony *pendente lite* must assert a claim in an appropriate pleading with proper notice served upon the other party.

(1) In general, the party who has primary custody of the children shall be the obligee of a child support order.

(2) **[When]** If the parties share custody of the children equally, the party with the higher income shall be the obligor as provided in **[Rule 1910.16-4(c)(2)] Pa.R.C.P. No. 1910.16-4(c)(3).**

* * * * *

Rule 1910.16-4. Support Guidelines. Calculation of Support Obligation, Formula.

(a) The following formula shall be used to calculate the obligor's share of basic child support, either from the schedule in **[Rule] Pa.R.C.P. No. 1910.16-3** or the

formula in **[Rule] Pa.R.C.P. No. 1910.16-3.1(a)**, as well as spousal support and alimony *pendente lite* obligations. In **[high income] high-income** cases, Part IV shall be used as a preliminary analysis in the calculation of spousal support or alimony *pendente lite* obligations[:].

* * * * *

(c) *Substantial or Shared Physical Custody.* **For purposes of this subdivision, the trier of fact shall calculate a party's percentage of time with the children by the number of overnights the children spend with the party during the year.**

(1) **[When]** If the children spend 40% or more of their time during the year with the obligor, a rebuttable presumption arises that the obligor is entitled to a reduction in the basic support obligation to reflect this time. This rebuttable presumption also applies in **[high income] high-income** cases decided pursuant to **[Rule] Pa.R.C.P. No. 1910.16-3.1**. Except as provided in subsection (2) below, the reduction shall be calculated pursuant to the formula set forth in Part II of subdivision (a) of this rule. **[For purposes of this provision, the time spent with the children shall be determined by the number of overnights they spend during the year with the obligor.]**

Example. If the obligor and the obligee have monthly net incomes of \$5,000 and \$2,300, respectively, their combined child support obligation is \$1,701 for two children. Using the income shares formula in Part I, the obligor's share of this obligation is 68%, or \$1,157. If the children spend 40% of their time with the obligor, the formula in Part II applies to reduce his or her percentage share of the combined support obligation to 58%, or \$987. If the children spend 45% of their time with the obligor, his or her percentage share of the combined obligation is reduced to 53%, or \$902. If the children spend equal time with both parents, the obligor's percentage share is reduced to 48%, or \$816.

(2) **If the obligor has little or no contact with the children, which for purposes of this rule is 10% or less of the children's time annually with the obligor, the trier of fact shall consider an upward deviation that increases the obligor's basic support obligation. In determining the amount of the upward deviation, the trier of fact shall consider substantial expenditures (e.g., meals, clothing, activities) incurred by the obligor for the benefit of the children. An upward deviation provided by this subdivision shall comply with Pa.R.C.P. No. 1910.16-5(a).**

[(2)] (3) Without regard to which parent initiated the support action, **[when]** if the children spend equal time with their parents, the Part II formula cannot be applied unless the obligor is the parent with the higher income. An order shall not be entered requiring the parent with the lower income to pay basic child support to the parent with the higher income. However, this subdivision shall not preclude the entry of an order requiring the parent with less income to contribute to additional expenses pursuant to Pa.R.C.P. No. 1910.16-6. Based upon the evidence presented, the trier of fact may enter an order against either party without regard to which party initiated the action. If the parties share custody equally and the support calculation results in the obligee receiving a larger share of the parties' combined **monthly net** income, then the court shall adjust the support obligation

so that the combined monthly net income is allocated equally between the two households. In those cases, spousal support or alimony *pendente lite* shall not be awarded.

* * * * *

PUBLICATION REPORT

Recommendation 167

The Domestic Relations Procedural Rules Committee (Committee) is proposing an amendment to Pa.R.C.P. No. 1910.16-4 as the rule relates to the calculation of child support. Specifically, the proposed amendment will provide for an upward deviation in the amount of child support when an obligor has little or no contact with the child, which the proposed rule text defines.

Currently, the Explanatory Comment to Pa.R.C.P. No. 1910.16-4 suggests that an upward deviation is appropriate in certain circumstances; however, the rule text is silent on this issue. As a result, the practice of awarding an upward deviation is inconsistent across the Commonwealth. The support schedule includes the basic assumptions that the obligor has 30% of the overnights with the child and during the custodial time, the obligor makes direct expenditures on behalf of the child. The Committee proposes requiring an upward deviation if the trier of fact makes a finding that (1) an obligor has 10% or less custody of the child; and (2) the obligor does not provide direct expenditures on behalf of the child.

The Committee's proposed rule provides that the trier of fact shall have the discretion to award an appropriate amount for an upward deviation based on the facts of the case rather than including a formulaic method for determining the amount of the deviation. As with other deviations, the trier of fact would be required to state the reasons for and identify the facts justifying the deviation in writing consistent with Pa.R.C.P. No. 1910.16-5.

[Pa.B. Doc. No. 17-1570. Filed for public inspection September 22, 2017, 9:00 a.m.]

PART II. ORPHANS' COURT RULES [231 PA. CODE PART II]

Proposed Adoption of New Pa. O.C. Rule 14.3, Form G-05 and Amendment of Index to Appendix

The Orphans' Court Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the adoption of new Pennsylvania Orphans' Court Rule 14.3 and Expert Report Form (G-05), together with the amendment of the Index to the Appendix, for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

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

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

All communications in reference to the proposal should be received by October 23, 2017. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Orphans' Court
Procedural Rules Committee*

JOHN F. MECK, Esq.,
Chair

Explanatory Report

The Orphans' Court Procedural Rules Committee (the "Committee") proposes the adoption of new Pennsylvania Orphans' Court Rule 14.3 and Expert Report Form (G-05), together with the amendment of the Index to the Appendix.

Background

In 2013, the Court constituted a 38-member Elder Law Task Force ("Task Force") to formulate a plan for substantive improvements in the way Pennsylvania's court system interacts with elders, including the topics of guardianship, elder abuse, and neglect, and overall access to justice. In 2014, the Task Force delivered a comprehensive 284-page report detailing 130 specific recommendations to help lay the foundation for improvements in the courts and by other government entities relating to elder issues. The report contained a number of specific recommendations for amendment of the Orphans' Court Rules.

The report also proposed modification of existing statewide forms for guardianship matters and the addition of several new forms, including a form for the written deposition of an expert in uncontested guardianship proceedings. The goal of the form was to relieve the expert of the burden of testifying in person, as well as avoiding unnecessary expert fees in uncontested cases. Moreover, the need for one less witness to appear would ease scheduling difficulties and shorten proceedings.

Prior Proposals

In 2015, the Committee published for comment the Task Force's proposed form entitled "Deposition by Written Interrogatories of Physician or Licensed Psychologist" as part of a larger package of forms. *See* 45 Pa.B. 1070 (March 7, 2015). Notably, the form was not accompanied with procedural rules governing the use and admissibility of the form. The Committee received four comments related to the proposed form. The Committee reviewed these comments and formed a subcommittee, which included a physician and experienced practitioners, to formulate and recommend responsive revisions to the form. Ultimately, the subcommittee submitted a revised form to the Committee.

The Committee also considered whether the form should be self-executing or require an enabling rule. The Committee believed a rule was necessary to govern the circumstances in which the form may be used and to provide commentary guiding its intended use. Therefore, the Committee developed a new rule to implement the form.

In 2016, the Committee published proposed new Rule 14.6 and a revised form for comment. *See* 46 Pa.B. 2306 (May 7, 2016). Retitled "written deposition," the proposed form was intended to be completed by the evaluator and reflect the evaluator's assessment of the capacity of the alleged incapacitated person ("AIP"). *See also* 20 Pa.C.S.

§ 5518. In uncontested matters, the form could be submitted to the court in lieu of live testimony. The Committee received eight comments.

The form-related comments were provided to the subcommittee for further assessment. To assist the subcommittee, a physician undertook a review of the comments and authored feedback from a physician's perspective. Further, there was one particular aspect of the form (Question 9) addressing the AIP's ability to perform various listed functions that received specific comments from four commenters. The Chair invited several of those commenters to supplement their comments by providing proposed revisions for the subcommittee's consideration. Those proposed revisions were then considered by the subcommittee and then by the Committee.

Regarding the proposed rule text, a significant question arose as to the procedure for using the form. The sole precondition that incapacity be uncontested lacked the necessary structure to provide for the orderly and timely use of the form. If uncontested capacity was a precondition for the use of the form, then the Rule must establish a point earlier in the process of knowing whether incapacity will be contested—learning of a contest at the time of hearing defeats the purpose of the form.

Current Proposal

Tasked with devising a procedural mechanism to establish that precondition prior to the hearing and recognizing that incapacity is infrequently contested and customary procedural devices only add time to an already time sensitive matter, the Committee considered methods in other procedural bodies. Upon review, Pa.R.Crim.P. 574, which permits the admission of a certified forensic laboratory report in lieu of expert testimony, offered a framework for consideration. Here, instead of criminal defendant's exercising his/her right under the Confrontation Clause, the proposed Rule would be based upon whether an alleged incapacitated person seeks to exercise his/her right of cross-examination pursuant to 20 Pa.C.S. § 5518.1 ("Testimony as to the capacity of the alleged incapacitated person shall be subject to cross-examination by counsel for the alleged incapacitated person.").

Embracing this approach, the Committee eliminated "uncontested" as a pre-condition for use of the form by the petitioner, relying instead on 20 Pa.C.S. § 5518.1. A "cross-examination" trigger arguably sets a lower threshold for live testimony than a "contest" trigger because cross-examination does not necessarily translate into a contest; however, the statute requires that testimony be subject to cross-examination.

Preliminarily, the Committee concluded that, to make a knowing, intelligent, and voluntary decision whether to demand the testimony of an expert witness, the completed form must first be provided to the alleged incapacitated person or his/her counsel. However, this consensus led to a searching discussion about whether a notice and demand approach may lead to the routine appointment of counsel for the alleged incapacitated person to assist in making the decision to demand testimony. Members from higher volume counties and those counties with institutional care facilities expressed concern about the financial burden associated with appointment of counsel in every case, especially when their experience suggested that a large majority of petitions involve uncontested incapacity. Ultimately, the Committee found that the notice and demand approach provided the necessary procedural device to trigger the admission of

the form in lieu of testimony notwithstanding the potential impact on those counties that do not routinely appoint counsel.

Regarding the name of the form and title of the Rule, it has been changed from "written deposition" to "expert report" to better reflect its substance.

The Committee discussed whether the Rule should address if the form may be used for emergency petitions. Members thought that the timeline for emergency petitions was too abbreviated to provide for a notice and demand procedure in those circumstances. Rather than entirely foreclose the use of the form in emergency petitions, the Committee believed it was best to leave its use to judicial discretion. This approach, as reflected in paragraph (a), permits the judge to determine on an *ad hoc* basis whether the form can be used for an emergency petition. The Committee did not consider this a burden on the judge because these cases are closely managed as a matter of practice.

Following the contours of Pa.R.Crim.P. 574, the Rule reflects a "notice and demand" approach at paragraphs (b) and (c). In order to provide timely notice, paragraph (b)(1) contains a ten-day notice in which a copy of the completed form must be served upon the alleged incapacitated person or his/her counsel, if counsel has been appointed, and all other counsel of record. The Committee deliberated on whether the other counsel of record should receive a copy of the completed form or whether notice of this form was sufficient. The Committee believed that if counsel had entered an appearance, then counsel should be served the same documents as the alleged incapacitated person. To ensure timely service upon the alleged incapacitated person, paragraph (b)(1) requires personal service by a competent adult as the alleged incapacitated person would be less likely to have access to email or a facsimile in order to benefit from the full penumbra of service options under Rule 4.3.

As set forth in paragraph (b)(2), other persons entitled to notice of the petition and hearing would only receive notice that the petitioner intends to proceed with a form rather than in-person testimony or a deposition. The notice-only language was intended to address privacy concerns about wider dissemination of the report.

Paragraph (c) provides for a rather expeditious five-day turnaround for filing a demand for live testimony at the hearing. However, this expedited requirement is necessary to ensure a timely hearing. If a demand is filed, then the petitioner must either present the expert at the hearing or conduct a deposition where the expert would be subject to cross-examination. A demand is likely going to require a continuance of the hearing unless the expert is unexpectedly available on short notice. Please note that the demand provision does not extend to those who are entitled to service of the notice of the petition and hearing. If anyone other than the alleged incapacitated person wishes to object, then he/she should seek permission to intervene rather than file a demand.

The Committee considered an alternative where there was no established deadline to file a demand. This concept reflected the practicality that a judge would not permit the use of a form in lieu of live testimony if the alleged incapacitated person contested incapacity and demanded the presence of an expert at the hearing, but either did not file a demand or filed an untimely demand. However, the Committee rejected this alternative believing the procedural rule should establish a requirement for

a timely demand, albeit aspirational, so that the petitioner may rely upon the absence of a timely demand in preparing for the hearing.

The Committee is cognizant that circumstances so differ among alleged incapacitated persons and guardianship proceedings that creating one rule and one form to be used in all proceedings may be challenging, especially for the timing and service requirements. The Committee proposed paragraph (e) to provide the court with flexibility in applying the requirements for notice and demand. While the "interest of justice" standard may escape precise definition, it is not a foreign concept in procedural rules. See, e.g., Pa.R.Crim.P. 567(B)(1) (failure of criminal defendant to file a notice of alibi). The Committee believes the phrase is sufficiently fluid to permit the judge to exercise his or her discretion to ensure a fair, just, and efficient proceeding.

On August 19, 2017, the Committee republished for comment a revised proposal that would rescind and replace Chapter XIV of the Pennsylvania Orphans' Court Rules, Pa. O.C. Rules 14.1—14.5, together with related forms. See 47 Pa.B. 4815 (August 19, 2017). The intention of that proposal was to respond to Elder Law Task Force recommendations and to provide more comprehensive statewide rules establishing uniformity and consistency for guardianship proceedings. Within that proposal is Rule 14.3 (Written Deposition). This proposal would replace Rule 14.3 and Form G-05 when both proposals are integrated and submitted to the Court.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART II. ORPHANS' COURT RULES

CHAPTER XIV. GUARDIANSHIPS OF INCAPACITATED PERSONS

Rule 14.3 Alternative Proof of Incapacity: Expert Report in Lieu of In-Person or Deposition Testimony of Expert.

(a) A petitioner may seek to offer into evidence an expert report for the determination of incapacity in lieu of testimony, in-person or by deposition, of an expert using the form provided in the Appendix to these rules. In an emergency guardianship proceeding, an expert report may be offered into evidence if specifically authorized by the court.

(b) *Notice.*

(1) If a petitioner seeks to offer an expert report permitted under paragraph (a), the petitioner shall serve a copy of the completed report upon the alleged incapacitated person's counsel and all other counsel of record pursuant to Rule 4.3 or, if unrepresented, upon the alleged incapacitated person, pursuant to Pa.R.C.P. No. 402(a) by a competent adult no later than ten (10) days prior to the hearing on the petition.

(2) If a petitioner seeks to offer an expert report, as permitted under paragraph (a), the petitioner shall serve pursuant to Rule 4.3 a notice of that fact upon those entitled to notice of the petition and hearing no later than ten (10) days prior to the hearing on the petition.

(3) The petitioner shall file a certificate of service with the court as to paragraphs (b)(1) and (b)(2).

(c) *Demand.*

(1) Within five (5) days of service of the completed report provided in paragraph (b)(1), the alleged incapacitated person's counsel or, if unrepresented, the alleged incapacitated person, may file with the court and serve upon the petitioner pursuant to Rule 4.3 a demand for the testimony of the expert.

(2) If a demand for testimony is filed and served as provided herein, then the expert report may not be admitted and the expert must provide testimony at the hearing.

(d) Unless otherwise demanded pursuant to paragraph (c)(2), in the sole discretion of the court, incapacity may be established through the admission of an expert report prepared in compliance with the form provided in the Appendix to these rules. The expert must be qualified by training and experience in evaluating individuals with incapacities of the type alleged in the petition. The expert must sign, date, and verify the completed interrogatories.

(e) In the interest of justice, the court may excuse the notice and demand requirements set forth in paragraphs (b) and (c).

Explanatory Comment: This rule is intended to permit the alleged incapacitated person to exercise the right to cross-examine testimony as to the capacity of the alleged incapacitated person. See 20 Pa.C.S. § 5518.1. Permitting the use of an expert report in compliance with this rule replaces the requirement of testimony, in-person or by deposition, of an expert. See 20 Pa.C.S. § 5518. The rule is permissive; whether an expert report is admitted in lieu of testimony is in the sole discretion of the court. Nothing in this rule is intended to preclude the court from requiring testimony from the expert or otherwise requiring supplementation.

INDEX TO APPENDIX

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

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

Orphans' Court and Administration Forms

* * * * *

B. Guardianship Forms

* * * * *

6. Guardianship of Minor: Petition for Adjudication/Statement of Proposed Distribution Pursuant to Pa. O.C. Rule 2.4 OC-04**

7. Expert Report..... G-05

C. Abortion Control Act Forms

* * * * *

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

INSTRUCTIONS FOR SUBMITTING AN EXPERT REPORT

To establish incapacity, the petitioner must present testimony from an individual qualified by training and experience in evaluating person with incapacities of the type alleged by the petitioner. As an accommodation to such expert witnesses, the court may accept a complete and legible expert report in accordance with the attached form in lieu of expert testimony, whether in person or by deposition, unless otherwise required by rule or order of court.

G-05 created XX-XX-XX

COURT OF COMMON PLEAS OF
 _____ COUNTY PENNSYLVANIA
 ORPHANS' COURT DIVISION

EXPERT REPORT

RE: _____
An Alleged Incapacitated Person (AIP)

No. _____

PART I: PROFESSIONAL BACKGROUND (You may attach your curriculum vitae, if it provides answers to Questions 1 through 5. Please answer those questions not covered by curriculum vitae.)

1. Name: _____ Title: _____

2. Professional Address: _____

3. Complete education information:

	Name of Institution	Type of Degree Received	Date Completed
Undergraduate			
Graduate			
Post-Graduate			

4. Do you have any active professional licenses? Yes No

If **yes**, indicate in what state or states you are licensed as well as the date(s) issued.

List any board certifications: _____

5. An Incapacitated Person is legally defined as: An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he/she is partially or totally unable to manage his/her financial resources or to meet essential requirements for his/her physical health and safety.

Do you have experience evaluating whether or not an individual is incapacitated? Yes No

If **yes**, indicate the basis of your experience.

PART II: ALLEGED INCAPACITATED PERSON (AIP)

6. a. Have you previously treated, assessed, or evaluated the AIP?

Yes No

b. Indicate the date(s) and location of any treatment, assessment, or evaluation you have provided or made over the last two (2) years:

c. If 6a. is yes, what tests have you or others administered, e.g., mini mental status exam (MMSE), Montreal Cognitive Assessment (MOCA), St. Louis University Mental Status Exam (SLUMS), etc.? List dates administered and the score. (Attach test results, not just the score.)

7. What is the present condition of the AIP? List all known medical and psychiatric diagnoses and current symptoms. (You may attach a list from your records.)

<u>Diagnosis</u>	<u>Symptoms/Manifestations</u>

8. List all known medications, including over-the-counter, that the AIP is taking. For each known medication, indicate, if known, the prescribing physician and the diagnosis for which the medication was prescribed or the reason for taking. (You may attach a list from your records.)

<u>Medication</u>	<u>Diagnosis/Reason Taken</u>	<u>Prescribing Physician</u>

9. Indicate the AIP’s ability to perform the following functions:

	Unimpaired	Needs Some Help (Explain in #10)	Totally Impaired	Not Assessed or Not Enough Information
Receiving and evaluating information effectively				
Communicating decisions				
Ability to give informed consent				
Short-term memory				
Long-term memory				
Activities of daily living				
Managing finances (including paying bills, making deposits, withdrawals and working with financial institutions)				
Managing health care (including following doctor’s orders and managing/taking medications)				
Providing for physical safety				
Responding to emergency situations				
Ability to resist scams				

10. For any response in Question 9 where the AIP “needs some help,” please describe the type and extent of assistance needed.

11. What recommendations have you made or would you make concerning services necessary to meet the essential requirements for the AIP’s physical health and safety?

12. What recommendations have you made or would you make concerning management of the AIP's finances?

13. As indicated in Question 5, an Incapacitated Person is legally defined as: An adult whose ability to receive and evaluate information effectively and communicate decisions in any way is impaired to such a significant extent that he/she is partially or totally unable to manage his/her financial resources or to meet essential requirements for his/her physical health and safety.

In your expert opinion, within a reasonable degree of professional certainty and based on your knowledge, skills, experience, and education, is the AIP incapacitated?

- Yes, totally impaired Yes, partially impaired No

14. In your opinion, the most appropriate, least restrictive living situation for the AIP is (check one):

- The AIP can be left alone without supervision
 Home (with part-time home health aide or 24/7 assistance)
 Independent living facility (room and board provided, emergency services readily available)
 Assisted living facility (room and board provided, assistance with some activities of daily living)
 Secure facility (Alzheimer's/Mental Health for safety and basic needs)
 Skilled nursing facility

15. If your responses in Question 9 indicated that the AIP is totally impaired or "needs some help", do you expect the AIP's abilities in the next 6 months to (Check best estimate):

- Stay the same Improve Decline

Please explain:

PART III: GUARDIANSHIP AND SERVICES

16. Are you aware of any circumstances, medical or otherwise, that create a need for the appointment of an emergency guardian for the AIP?

- Yes No

If yes, indicate reasons:

17. The AIP is required to be at the hearing, absent circumstances that could cause harm to the AIP. Putting aside whether the court proceeding may be moderately upsetting to, confusing to or not understood by the AIP, do you believe that the AIP's presence at the hearing would cause harm to the AIP's physical or mental condition?

Yes No

Indicate reason for response:

18. Please provide any additional information that could assist the court in determining incapacity.

I verify that the foregoing information is correct to the best of my knowledge, information and belief; and that this verification is subject to the penalties of 18 Pa.C.S. § 4904 relative to unsworn falsification to authorities.

Date

Signature

Name (type or print)

Address

City, State, Zip

Telephone

Email

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Deborah Steincolor (# 34086), having been suspended from the practice of law by Order of the Supreme Court of New Jersey dated November 17, 2016, the Supreme Court of Pennsylvania issued an Order dated September 8, 2017 placing Deborah Steincolor on temporary suspension from the practice of law in the Commonwealth of Pennsylvania, consistent with the Order of the Supreme Court of New Jersey, effective October 8, 2017. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 17-1572. Filed for public inspection September 22, 2017, 9:00 a.m.]

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF ACCOUNTANCY

[49 PA. CODE CH. 11]

Act 73 and Act 15 Amendments

The State Board of Accountancy (Board) amends §§ 11.1, 11.4, 11.5, 11.7, 11.8, 11.16, 11.55, 11.56, 11.63, 11.81 and 11.82 and adds §§ 11.23a and 11.57 (relating to competence to supervise attest services; and education requirements for CPA certification) to read as set forth in Annex A.

Effective Date

This final-form rulemaking is effective January 1, 2018.

Statutory Authority

Section 3(a)(10)—(12) of the CPA Law (act) (63 P.S. § 9.3(a)(10)—(12)) authorizes the Board to promulgate regulations. Specifically, section 3(a)(10) of the act authorizes the Board to promulgate and enforce rules and regulations consistent with the act establishing requirements of continuing education and peer review. Section 3(a)(11) of the act authorizes the Board to promulgate and amend rules of professional conduct. Section 3(a)(12) of the act provides the Board's general authority to promulgate and enforce regulations as necessary and proper to carry into effect the provisions of the act.

Description and Need for this Final-Form Rulemaking

The act of July 9, 2008 (P.L. 954, No. 73) (Act 73) amended the act in a number of significant ways. Act 73 provided for practice in this Commonwealth under substantial equivalency by persons licensed in other states. Act 73 also provided new education and experience standards for licensure. In addition, Act 73 increased from \$1,000 to \$10,000 the maximum civil penalty that the Board could levy in a disciplinary action and authorized the Board to assess the costs of investigation and made other technical revisions to the language of the act. Because the Board's existing regulations prohibit unlicensed practice without mention of substantial equivalency and address what experience and education is acceptable, the Board concluded that it should amend its regulations to implement Act 73. Therefore, the Board proposed, in addition to other amendments, to provide that those practicing under provisions of substantial equivalency would be permitted to use of designations such as "CPA" or "PA" without having a current license issued by the Board and would set the required experience standards for licensure.

The act of June 19, 2013 (P.L. 46, No. 15) (Act 15) also amended the act. Previously, a candidate was required to have at least 1 year of experience that, among other things, included at least 400 hours of experience in attest activity in public accounting, as an internal auditor meeting certain standards, or as an auditor with a unit of the Federal, state or local government. Act 15 replaced this with a requirement that the candidate's year of experience include "providing any type of service or advice involving the use of accounting, attest, compila-

tion, management advisory, financial advisory, tax or consulting skills, which were gained through employment in government, industry, academia or public practice." Additionally, a candidate had been required to have the experience "verified by an individual with a current license to practice public accounting as a certified public accountant or public accountant in this Commonwealth or another state." Act 15 amended this provision to require only that the experience be "verified by" a qualified individual. Because the Board's existing regulations address what experience is acceptable and set standards for the supervisor of that experience, the Board concluded that it should amend its regulations to implement Act 15. The Board proposed, in addition to other amendments, to set competence standards for those supervising attest services or signing an accountant's report and revise the minimum continuing professional education (CPE) requirements.

Summary of Comments to the Proposed Rulemaking and the Board's Response

Notice of proposed rulemaking was published at 45 Pa.B. 2878 (June 13, 2015), with a 30-day public comment period. The Board received comments from the Pennsylvania Institute of Certified Public Accountants (PICPA) and William J. Park, CPA. The Board received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

William J. Park, CPA indicated that he was overall in agreement with the proposed rulemaking, with certain exceptions. With the pace of change in the accounting profession and the increased importance of the attest function, he believes it would be prudent to require more than 80 hours in each year of experience before a certified public accountant (CPA) is permitted to sign an audit opinion, whereas proposed § 11.23a(b)(1) would require only 400 hours of experience in the previous 5 years in providing attest services. IRRC asked the Board to explain how its proposal sufficiently protects the public.

Prior to Act 15, a candidate was required to have at least 400 hours of experience in attest activity during the prior 5 years to qualify for a license; there were not additional qualifications required to supervise attest activity once licensed. This final-form rulemaking exceeds the prior standard by requiring ongoing attest experience of at least 400 hours within the immediately preceding 5 years before engaging in supervision of attest activity and by requiring 24 hours, not just 16 hours, of CPE within the prior 24 months and for every biennial renewal period, in addition to maintaining the level of education, experience and professional conduct required by applicable generally accepted professional standards as described in § 11.27 (relating to auditing standards and other technical standards). These standards are generally consistent with those applicable to CPAs in other states. For example, in New York, one who supervises attest services or signs or authorizes someone to sign an accountant's report on financial statements shall have maintained the level of education, experience and professional conduct required by generally accepted professional standards, have completed at least 40 hours of continuing education in the area of accounting, auditing or attest during the prior 3 calendar years, and either have at

least 1,000 hours of experience within the previous 5 years in providing attest services or reporting on financial statements or be employed by a firm that has undergone a satisfactory peer review. See 8 CRR-NY 29.10(a)(13)(ii). Comparatively, in California a CPA shall complete a minimum of 500 hours of experience in attest services to be authorized to sign reports on attest engagements. See Cal.Bus.&Prof. Code § 5095(a). The Board recognizes that, to the commentator's point, the experience requirement is less than that of New York, while it exceeds that of California by requiring ongoing experience and continuing education. However, the Board believes that the standards it is setting are both necessary and sufficient to protect the public interest without being overly burdensome.

Similarly, IRRC questioned why proposed § 11.23a(c) should exempt an accountant licensed before August 18, 2013, from the specific requirements of § 11.23a(b) otherwise required to show competence to supervise attest services or sign an accountant's report. In proposing the exemption, it appeared to the Board that an individual licensed before Act 15 would have already equally demonstrated competence through prior experience and ongoing CPE. However, having previously obtained that experience and completed appropriate CPE would not provide justification to waive the ethical requirement to maintain the level of education, experience and professional conduct required by generally accepted professional standards. Accordingly, upon further consideration, the Board determined the proposed exemption will be deleted from § 11.23a. Those licensed before Act 15 will be required to demonstrate competence to the same extent as later-licensed accountants to supervise the provision of attest services or sign an accountant's report for attest services.

Additionally, because the act defines "attest activity" in a way that he believes could only be performed in public accounting or to a lesser extent in government, the commentator suggested that industry and academia be deleted from the settings in § 11.23a(b)(1)(i) in which experience may be acquired to show competence in attest services. The Board disagrees that the definition of "attest activity" in section 2 of the act (63 P.S. § 9.2) necessarily excludes experience obtained in industry or academia. As defined, "attest activity" requires the issuance of a report expressing an opinion as part of the provision of any of various services, including audits in accordance with Statements on Auditing Standards, a review of a financial statement performed in accordance with Statements on Standards for Accounting and Review Services, an engagement performed in accordance with Statements on Standards for Attestation Engagements, an audit performed in accordance with government auditing standards issued by the Comptroller General of the United States or any other engagement performed in accordance with attestation standards established by an organization such as the American Institute of Certified Public Accountants or the Public Company Accounting Oversight Board. This definition does not limit the setting in which these services may be provided. Section 4.2(d)(2) of the act (63 P.S. § 9.4b(d)(2)) requires an applicant for certification to have appropriate experience "providing any type of service or advice involving the use of accounting, *attest*, compilation, management advisory, financial advisory, tax or consulting skills, *which were gained through employment in government, industry, academia or public practice*" (emphasis added). Reading these two provisions together, the Board believes that the General Assembly intended that appropriate experience in any type of professional services should be utilized to demon-

strate competence regardless of the venue in which it was obtained. Because a candidate or CPA might actually obtain attest experience in industry or academia, the Board believes that the provision should remain as proposed.

The commentator objected to § 11.55(c)(10) (relating to experience requirements for CPA certification) including teaching in the experience that qualifies one for certification, as the Board should assure that CPAs have real-life hands-on experience. The Board has not revised this paragraph, as it believes that teaching experience may also contribute to a candidate's own education and competence to practice public accounting.

PICPA objected to the Board's proposed requirement in § 11.55(a) that each year of experience shall include at least 1,600 hours of qualifying experience acquired over a period of no less than 12 months to satisfy the statutory requirement of at least 1 year of experience completed within 60 months prior to application. To illustrate its concern, PICPA hypothesized a tax preparer who works full-time through the first 4 months of the year acquiring over 2,000 hours of experience in 3 years, but would not have at least 1,600 hours in any 12-month period. The HPLC agreed with PICPA's comments. IRRC agreed with the concern of the HPLC and PICPA and recommended that the Board revise its requirement or explain why it is needed and reasonable. As PICPA alluded, the Board does not intend to keep part-time workers from qualifying for licensure. This provision was not intended to require a candidate to obtain 1,600 hours of experience in each 12-month period. Instead, the Board proposed this requirement to prevent those who gather more than 30 hours of experience each week from meeting the 1,600-hour requirement in less than the statutory 1 year. The comments demonstrate that the Board's proposed language was not sufficiently clear. Accordingly, the Board has revised this provision to require 1,600 hours of qualifying experience that shall be acquired over a period of not less than 12 months.

Additionally, IRRC looked at the provisions to implement substantial equivalency. It first questioned how the Board would know how many out-of-State accountants or firms are practicing in this Commonwealth under substantial equivalency and what mechanism the Board would use to obtain this information. The Board will not know how many out-of-State accountants or firms are practicing in this Commonwealth under substantial equivalency. Because in enacting Act 73 the General Assembly determined that it is appropriate to permit this practice and did not provide a mechanism to restrict the number of persons exercising this mobility of practice, the Board has no reason to determine the numbers or take action. IRRC further questioned who would make the important determination of substantial equivalency before services are rendered. It inquired whether all other states' requirements are substantially equivalent or, if not, whether the Board maintains a list of states whose standards are substantially equivalent that is available to the public. The National Qualification Appraisal Service of the National Association of State Boards of Accountancy reviewed the CPA licensure required of its member jurisdictions and determined that all states in the United States, as well as the District of Columbia, Guam and Puerto Rico, have CPA licensure requirements that are substantially equivalent to those of the Uniform Accountancy Act (a degree with 150 hours, minimum 1 year of experience and successful completion of the Uniform CPA Examination). Accordingly, because the education, experience and examination requirements of every other state

are comparable to those of the Commonwealth, a CPA licensed in any state is presumed to have qualifications substantially equivalent to the Commonwealth's requirements and may therefore practice in this Commonwealth under substantial equivalency.

IRRC also commented on the Board's proposed amendments to §§ 11.7 and 11.8 (relating to use of the designation "public accountant" and the abbreviation "PA"; and use of the designation "certified public accountant" and the abbreviation "CPA" in the practice of public accounting) to exempt those practicing under principles of substantial equivalency from the prohibitions against using certain designations unless licensed. Rather than exempting them from the general rule, IRRC recommended that substantial equivalency be added as a substantive requirement, as preferred in the *Pennsylvania Code & Bulletin Style Manual*. The Board revised §§ 11.7 and 11.8 accordingly.

IRRC commented on the clarity of the proposed rulemaking concerning the required amount of CPE. The Board proposed to amend § 11.63(a)(1) (relating to CPE subject areas; relevance to professional competence) so that instead of requiring all licensees to complete at least 16 CPE hours in accounting and attest, only those who participate in attest will be required to do so, although the minimum will increase to 24 CPE hours in these subjects. The Board also proposed adding a note that a licensee who supervises attest services and signs an accountant's report for attest services may also need to complete additional CPE in accounting and attest to comply with § 11.23a, which requires at least 24 CPE hours in the area of accounting, auditing or attest during the 24 months immediately preceding the issuance of the report. IRRC recommended that the Board review and amend these provisions as necessary to clarify how to comply with the CPE requirements. The Board does not perceive conflict or confusion with these provisions. Licensees are required under § 11.62(a) (relating to CPE requirement for issuance of license; waiver or extension) to complete a total of 80 hours of CPE each biennial cycle. A licensee who participates in attest activity is required under final-form § 11.63(a)(1) to complete at least 24 hours of the CPE hours in accounting and attest during each biennial renewal period. A licensee who supervises attest activity or who signs an accountant's report for attest services is required under § 11.23a(b) to complete at least 24 CPE hours in accounting, auditing or attest during the 24 months immediately preceding issuance of the report. Nothing in this final-form rulemaking suggests that a licensee who participates in attest activity by supervising attest activity or signing an account's report and who completes the required 24 hours of CPE within the 24 months prior to issuance of the report cannot also use that CPE to meet the biennial renewal requirements, so long as the CPE hours are applied to the appropriate biennium. However, to make the regulation clearer, the Board added an additional sentence to § 11.23a(b)(1)(i) to require that the CPE required to be competent to supervise attest shall comply with the general requirements for CPE and may be used to satisfy the biennial CPE obligation.

Fiscal Impact

This final-form rulemaking will not have fiscal impact on the regulated community, the general public or the Commonwealth and its political subdivisions.

Paperwork Requirements

This final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions, the regulated community or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 29, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2878, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 23, 2017, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 24, 2017, and approved the final-form rulemaking.

Additional Information

Further information may be obtained by contacting Sara Fox, Board Administrator, State Board of Accountancy, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-accountancy@pa.gov. Reference No. 16A-5513 (Act 73 and Act 15 amendments) when requesting information.

Findings

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 45 Pa.B. 2878.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under the act, orders that:

- (1) The regulations of the Board, 49 Pa. Code Chapter 11, are amended by adding §§ 11.23a and 11.57 and amending §§ 11.1, 11.4, 11.5, 11.7, 11.8, 11.16, 11.55, 11.56, 11.63, 11.81 and 11.82 to read as set forth in Annex A.
- (2) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (3) The Board shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (4) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (5) This final-form rulemaking shall take effect January 1, 2018.

BARRY M. BERKOWITZ, CPA,
Chairperson

(Editor's Note: See 47 Pa.B. 5761 (September 9, 2017) for IRRC's approval order.)

Fiscal Note: Fiscal Note 16A-5513 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

**CHAPTER 11. STATE BOARD OF ACCOUNTANCY
GENERAL PROVISIONS**

§ 11.1. Definitions.

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

AICPA—American Institute of Certified Public Accountants.

Act—The CPA Law (63 P.S. §§ 9.1—9.16b).

Attest activity—The provision of any of the following financial statement services together with the issuance of a report expressing or disclaiming an opinion or other assurance on the information:

(i) An audit or other engagement performed in accordance with Statements on Auditing Standards.

(ii) A review or compilation of a financial statement performed in accordance with SSARS.

(iii) An engagement performed in accordance with SSAE.

(iv) An audit or other engagement performed in accordance with Government Auditing Standards issued by the Comptroller General of the United States.

(v) Other engagement performed in accordance with attestation standards established by an organization granted authority by statute or regulation to establish attestation standards, such as the AICPA or the PCAOB.

Board—The State Board of Accountancy of the Commonwealth.

CPA—Certified public accountant.

CPE—Continuing professional education.

CPE program sponsor—An individual or entity that assumes responsibility for presenting a CPE program that is structured as a group study program, interactive individual study program or noninteractive individual study program.

Candidate—A person sitting for an examination.

Certificate—A certificate as a “certified public accountant” issued under the act or a corresponding right to practice as a certified public accountant issued after examination under the law of another jurisdiction.

Certificate of completion—A document prepared by a CPE program sponsor evidencing a participant's completion of a group study program, interactive individual study program or noninteractive individual study program.

Certified public accountant—An individual to whom a certificate has been issued.

Client—A person that agrees orally, in writing or in electronic form with a certified public accountant, public accountant or firm to receive a professional service.

Commission—

(i) Compensation for recommending or referring a product or service to be supplied by another person.

(ii) The term does not include a referral fee.

Compilation—A service performed in accordance with SSARS that presents, in the form of financial statements, information that is the representation of management or the owners without undertaking to express any assurance on the statements.

Contingent fee—A fee established for the performance of a service under an arrangement in which no fee will be charged unless a specified finding or result is attained, or in which the amount of the fee is otherwise dependent upon the finding or result of the service.

Engagement—An undertaking by a licensee embodied in an agreement between the licensee and the client which defines the scope and terms of the services.

Enterprise—A person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.

Financial statement—

(i) A statement and footnotes related to the statement that purport to show financial position which relates to a point in time or changes in financial position which relate to a period of time.

(ii) The term includes statements which use a cash or other incomplete basis of accounting.

(iii) The term also includes balance sheets, statements of income, statements of retained earnings, statements of changes in financial position and statements of changes in owner's equity.

(iv) The term does not include incidental financial data included in management advisory services reports to support recommendations to a client, tax returns or supporting schedules.

Firm—A qualified association that is a licensee.

GAAP—Generally Accepted Accounting Principles.

GAAS—Generally Accepted Auditing Standards.

GAGAS—Generally Accepted Government Auditing Standards.

Group study program—A CPE program that is designed to permit a participant to learn a given subject through interaction with an instructor and other participants.

Inactive status—

(i) Status of a CPA or public accountant who has returned his license to practice public accounting to the Board and who has requested in writing that the Board place his name on the inactive roll.

(ii) The term does not apply to the status of a CPA or public accountant whose license to practice public accounting has expired for failure to comply with requirements for biennial renewal of licensure.

Instructional design—A teaching plan that considers the organization and interaction of program materials as well as the method of presentation such as lecture, seminar, workshop or program instruction.

Interactive individual study program—A CPE program that is designed to use interactive learning methodologies that simulate a classroom learning process by employing software, other courseware or administrative systems that provide significant ongoing interactive feedback to the participant regarding the learning process.

Licensee—

(i) An individual who is certified by or registered with the Board and holds a current license to practice under section 8.2 of the act (63 P.S. § 9.8b) or a qualified association that holds a current license to practice under section 8.8 of the act (63 P.S. § 9.8h).

(ii) The term does not include an individual who is on inactive status under section 8.2(a.1) of the act or who does not otherwise hold a current license.

NASBA—National Association of State Boards of Accountancy.

New candidate—A candidate who is taking the examination in this Commonwealth for the first time.

Noninteractive individual study program—A CPE program that is designed to permit a participant to learn a given subject without interaction with an instructor or interactive learning methodologies and requires the participant to achieve a 70% minimum grade on a written examination or workbook.

PCAOB—Public Company Accounting Oversight Board.

Professional competence—Having requisite knowledge, skills and abilities to provide quality professional service as defined by the technical and ethical standards of the profession.

Professional services—Services performed by a certified public accountant, public accountant or firm as part of the practice of public accounting or services that would be part of the practice of public accounting except that the individual performing the services does not hold out as a certified public accountant or public accountant.

Public accounting—Offering to perform or performing for a client or potential client:

(i) Attest activity.

(ii) Other professional services involving the use of accounting skills, including management advisory or consulting services, business valuations, financial planning, preparation of tax returns or furnishing of advice on tax matters by a person holding out as a CPA, public accountant or firm.

Public communication—A communication made in identical form to multiple persons as to the world at large, such as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

Qualified association—An association as defined in 15 Pa.C.S. § 102 (relating to definitions) that is incorporated or organized under the laws of the Commonwealth or any other state or foreign jurisdiction if the organic law under which the association is incorporated or organized does not afford the shareholders, partners, members or other owners of equity interest in the association or the officers, employees or agents of the association greater immunity than is available to the shareholders, officers, employees or agents of a professional corporation under 15 Pa.C.S. § 2925 (relating to professional relationship retained).

SEC—Securities and Exchange Commission.

SSAE—Statements on Standards for Attestation Engagements.

SSARS—Statements of Standards on Accounting and Review Services.

Statements on auditing standards—The Statements on Auditing Standards of the Auditing Standards Board of the AICPA, or similar professional standard which supersedes these statements.

Substantial equivalency—Either of the following:

(i) The education, examination and experience requirements in the statutes and regulations of another jurisdiction are comparable to or exceed the education, examination and experience requirements in the act.

(ii) A certified public accountant's education, examination and experience qualifications are comparable to or exceed the education, examination and experience requirements in the act.

§ 11.4. Fees.

Following is the schedule of fees charged by the Board:

Certification and initial licensure of certified public accountant	\$65
Initial licensure of public accounting firm	\$45
Temporary practice permit	\$25
Biennial renewal of license of certified public accountant, public accountant or public accounting firm	\$100
Reinstatement of inactive or expired license	\$35
Certification of scores	\$25
Verification of certification, registration or licensure ..	\$15
Initial approval of program sponsor or reapproval of previously approved program sponsor	\$145
Biennial renewal of approval of program sponsor ...	\$150

§ 11.5. Temporary practice in this Commonwealth; practice under substantial equivalency.

(a) *Requirements for temporary practice.* Except as provided in subsection (e), a CPA or qualified association composed of CPAs of another state may temporarily practice public accounting in this Commonwealth, if the CPA or qualified association:

(1) Holds a current license or registration to practice public accounting in the other state.

(2) Concurrently practices public accounting in the other state.

(3) Obtains from the Board a temporary practice permit prior to performing the temporary work.

(b) *Temporary practice permit.* The temporary practice permit:

(1) Allows the permitholder to work for not more than 500 hours in this Commonwealth during a 12-month period, except that this 500-hour limitation does not apply if the permitholder is working only on a single, nonrecurring engagement.

(2) Is valid for not more than 12 months.

(3) Is renewable if the permit was not granted for a single, nonrecurring engagement in excess of 500 hours.

(c) *Failure to meet requirements for temporary practice.* Except as provided in subsection (e), a CPA or qualified association of CPAs of another state that desires to practice public accounting in this Commonwealth but does not qualify for a temporary practice permit shall

comply, as appropriate, with sections 5, 8.2 and 8.8 of the act (63 P.S. §§ 9.5, 9.8b and 9.8h).

(d) *Exemption from requirement of temporary practice permit.* Subsection (a) does not apply to a CPA or qualified association of CPAs of another state that, while not holding out as a CPA, public accountant or licensee, offers and renders in this Commonwealth bookkeeping and similar technical services or other services involving the use of accounting skills, including the preparation of tax returns and the preparation of financial information without issuing a report or other communication that expresses an opinion or assurance on the statements.

(e) *Practice under substantial equivalency.* An individual who satisfies the requirements of section 5.2 of the act (63 P.S. § 9.5b) may practice public accounting in this Commonwealth to the extent authorized by section 5.2 of the act without holding a registration, certificate or temporary practice permit from the Board. A firm that satisfies the requirements of section 5.4 of the act (63 P.S. § 9.5d) may practice public accounting in this Commonwealth to the extent authorized by section 5.4 of the act without holding a current license or temporary practice permit from the Board.

SUPERVISION

§ 11.7. Use of the designation “public accountant” and the abbreviation “PA.”

(a) Only the following individuals and entities may use the designation “public accountant,” the abbreviation “PA,” or any other title, designation, words, letters or abbreviation tending to indicate that the user is a public accountant or is composed of public accountants:

(1) An individual who holds a public accountant registration and a current license from the Board.

(2) An individual who holds a certificate of certified public accountant from the Board or who has received written notification from the Board that he is qualified to receive a certificate of certified public accountant.

(3) A qualified association that holds a current license from the Board.

(4) An individual or firm practicing under substantial equivalency in accordance with § 11.5(e) (relating to temporary practice in this Commonwealth; practice under substantial equivalency).

(b) An individual or qualified association engaged in the practice of public accounting may not use the designation “public accountant,” the abbreviation “PA,” or any other title, designation, words, letters or abbreviation tending to indicate that the user is a public accountant or composed of public accountants unless the user holds a current license from the Board or the user is practicing under substantial equivalency in accordance with § 11.5(e).

(c) The following are examples of unlawful use under this section:

(1) An individual who is registered by the Board as a public accountant but who does not hold a current license uses a business card bearing the designation “public accountant.” *Explanation:* The individual shall obtain a current license to use the designation “public accountant.”

(2) An individual who is certified by the Board as a CPA but who does not hold a current license signs tax returns that he prepares for clients as “John Doe, PA.” *Explanation:* The individual shall obtain a current license to use the abbreviation “PA” because the preparation of

tax returns while using such an abbreviation constitutes the practice of public accounting.

(d) An individual or entity that violates this section shall be subject to disciplinary action, as appropriate, under sections 9.1, 12, 14 and 16 of the act (63 P.S. §§ 9.9a, 9.9c, 9.14 and 9.16).

§ 11.8. Use of the designation “certified public accountant” and the abbreviation “CPA” in the practice of public accounting.

(a) Only the following individuals and entities may use the designation “certified public accountant,” the abbreviation “CPA,” or any other designation, title, words, letters or abbreviation tending to indicate that the user is a CPA or composed of CPAs while engaged in the practice of public accounting:

(1) An individual who holds a certificate of certified public accountant and a current license from the Board.

(2) An individual who holds a public accountant registration and current license from the Board and who has received written notification from the Board that he is qualified to receive a certificate of certified public accountant.

(3) A qualified association that holds a current license from the Board.

(4) An individual or firm practicing under substantial equivalency in accordance with § 11.5(e) (relating to temporary practice in this Commonwealth; practice under substantial equivalency).

(b) An individual or qualified association engaged in the practice of public accounting may not use the designation “certified public accountant,” the abbreviation “CPA,” or any other title, designation, words, letters or abbreviation tending to indicate that the user is a CPA or composed of CPAs unless the user holds a current license from the Board or the user is practicing under substantial equivalency in accordance with § 11.5(e).

(c) The following are examples of unlawful use under this section:

(1) An individual who is certified by the Board as a CPA but who does not hold a current license offers to establish a bookkeeping system for a potential client and tells the potential client that he is a “certified public accountant.” *Explanation:* The individual shall obtain a current license to use the designation “certified public accountant” because offering to perform a service related to accounting while using the designation constitutes the practice of public accounting.

(2) An unlicensed partnership comprised of two individuals—“Smith” and “Brown”—who possess certificates of certified public accountant and current licenses from the Board offers to perform tax preparation services for clients under the business name “Smith & Brown, CPAs.” *Explanation:* The partnership, being a qualified association, shall obtain a current license to use the designation “CPAs” because offering to prepare tax returns while using the designation constitutes the practice of public accounting.

(d) An individual or entity that violates this section shall be subject to disciplinary action, as appropriate, under sections 9.1, 12, 14 and 16 of the act (63 P.S. §§ 9.9a, 9.9c, 9.14 and 9.16).

EXAMINATIONS

§ 11.16. Examination completion requirement.

(a) The CPA examination will be administered during an examination window that consists of the first 2 months of each quarter of every year. An examination candidate may take the four parts of the examination individually or in combination, and in any order. A candidate may take each unpassed part of the examination once during each examination window. A candidate will receive conditional credit for passing each part of the examination without regard to the scores on the parts not passed.

(b) Unless extended by the Board as provided in subsection (c), an examination candidate shall pass all parts of the examination during a rolling 18-month period that begins on the date the candidate first passes one part of the examination. If the candidate does not pass all parts of the examination within the 18-month period, conditional credit for any part passed outside the 18-month period will expire, and the candidate shall retake that part of the examination.

(c) Notwithstanding the requirements of subsections (a) and (b), the Board may extend the term of a candidate's conditional credit upon the candidate's showing that the conditional credit expired by reason of circumstances beyond the candidate's control.

RELATIONS WITH CLIENTS AND PUBLIC

§ 11.23a. Competence to supervise attest services.

(a) A licensee may not supervise attest services and sign or authorize another to sign an accountant's report for attest services unless the licensee satisfies the competence requirements of this section.

(b) To be competent to supervise attest services and sign or authorize another to sign an accountant's report for attest services, a licensee shall:

(1) Meet at least one of the following:

(i) Have at least 400 hours of experience within the previous 5 years in providing attest services gained in government, industry, academia or public practice and at least 24 hours of CPE in the area of accounting, auditing or attest during the 24 months immediately preceding issuance of the report. This CPE must comply with the standards of §§ 11.61—11.64, 11.67, 11.68, 11.68a, 11.69a, 11.71, 11.71a and 11.72 and may be used to satisfy the requirements of §§ 11.62(a)—(c) and 11.63(a)(1) (relating to CPE requirement for issuance of license; waiver or extension; and CPE subject areas; relevance to professional competence).

(ii) Be a member of or employed by a firm registered with the Board that has met the requirements of § 11.82 (relating to peer review compliance).

(2) Have maintained the level of education, experience and professional conduct required by applicable generally accepted professional standards as described in § 11.27 (relating to auditing standards and other technical standards).

EXPERIENCE

§ 11.55. Experience requirements for CPA certification.

(a) *General requirements.* Except as provided in subsection (b), a candidate for CPA certification shall have completed at least 1,600 hours of qualifying experience during the 60-month period immediately preceding the

date of application that included providing any type of service or advice involving the use of accounting, attest, compilation, management advisory, financial advisory, tax or consulting skills which were gained through employment in government, industry, academia or public practice. The 1,600 hours of qualifying experience shall be acquired over a period of not less than 12 months.

(b) *Exceptions.*

(1) A candidate who sat for the CPA examination before December 31, 2011, but did not pass at least one part of the examination before that date and satisfies the requirements of § 11.57(a)(1) (relating to education requirements for CPA certification) shall have completed at least 1 year of qualifying experience meeting the requirements of subsections (a) and (c) during the 120-month period immediately preceding the date of application.

(2) A candidate who passed at least one part of the CPA examination before December 31, 2011, and satisfies the requirements of § 11.57(a)(2) shall have completed at least 2 years of qualifying experience meeting the requirements of subsections (a) and (c) during the 120-month period immediately preceding the date of application.

(3) A candidate who passed at least one part of the CPA examination before December 31, 2011, and satisfies the requirements of § 11.57(a)(3) shall have completed at least 1 year of qualifying experience meeting the requirements of subsections (a) and (c) during the 120-month period immediately preceding the date of application.

(c) *Acceptable areas of qualified experience.* A candidate's experience shall be of a caliber satisfactory to the Board and may include one or more of the following areas:

(1) Attest activity.

(2) Business valuations.

(3) Preparation of income and nonprofit tax returns.

(4) Tax research that is properly documented.

(5) Representation before a government agency on a tax matter.

(6) Financial forecasts, analyses and projections.

(7) Management advisory services that meet AICPA standards.

(8) Management and supervision of accounting functions and preparing financial statements for profit or not-for-profit entities.

(9) Professional accounting-related work in a public accounting firm.

(10) Teaching accounting, auditing, taxation and related courses for academic credit at an accredited college or university. Teaching must include at least two different courses above the introductory level. One year of experience must consist of no less than 24 semester hours, or the equivalent in quarter hours, taught in a period of not less than 12 months and not more than 36 months. Courses outside the fields of accounting, auditing, taxation and related courses will not be counted toward teaching. Nonqualifying courses include, for example, business law, finance, computer applications, personnel management, economics and statistics.

(11) Other areas of experience acceptable to the Board.

(d) *Nonqualifying experience.* A candidate will not receive credit for the following types of experience:

(1) Experience that is not verified in accordance with § 11.56 (relating to verification of experience).

(2) Experience comprising nonprofessional work, including recruiting, marketing, administration and appraisals.

(3) Paraprofessional work and bookkeeping that does not comply with subsection (c)(9).

§ 11.56. Verification of experience.

(a) To receive credit for experience under § 11.55 (relating to experience requirements for CPA certification), a candidate for CPA certification shall have the experience verified by an individual who meets the following conditions at the time the experience is acquired:

(1) Holds a current license to practice as a CPA or public accountant in this Commonwealth or another jurisdiction during the entire period of verification.

(2) Either employs the candidate or is employed by the same employer as the candidate, or has another similar relationship approved by the Board prior to the period of verification.

(3) Is directly or indirectly responsible for evaluating the candidate's work.

(b) An individual verifying a candidate's experience shall submit a verified statement regarding the candidate's experience on a form provided by the Board specifying the dates and the types and hours of experience acquired, along with information demonstrating that the individual satisfies the requirements of subsection (a).

(c) An individual who submits a verified statement shall be responsible for its accuracy. An individual who submits a false or inaccurate verified statement or who refuses to submit a verified statement when qualified experience has been acquired shall be subject to disciplinary action under section 9.1 of the act (63 P.S. § 9.9a).

(d) The Board may reject a verification when the Board questions the independent exercise of judgment by the individual making the verification.

EDUCATION

§ 11.57. Education requirements for CPA certification.

(a) *General requirements.* A candidate to sit for the CPA certification examination shall have graduated with any of the following:

(1) A baccalaureate or higher degree from a college or university accredited by a Nationally recognized accrediting agency recognized by the United States Department of Education or approved by the Board and completed a total of 150 semester credits of post-secondary education, including at least 24 semester credits of accounting and auditing, business law, finance or tax subjects of a content satisfactory to the Board, not necessarily as part of the candidate's undergraduate or graduate work, and an additional 12 semester credits in accounting, auditing and tax subjects of a content satisfactory to the Board, not necessarily as part of the candidate's undergraduate or graduate work.

(2) A baccalaureate or higher degree from a college or university accredited by a Nationally recognized accrediting agency recognized by the United States Department of Education or approved by the Board and completed at least 24 semester credits in accounting and auditing,

business law, finance or tax subjects of a content satisfactory to the Board, not necessarily as part of the candidate's undergraduate work.

(3) A master's degree or other post-graduate degree from a college or university accredited by a Nationally recognized accrediting agency recognized by the United States Department of Education or approved by the Board and completed at least 24 semester credits in accounting and auditing, business law, finance or tax subjects of a content satisfactory to the Board, not necessarily as part of the candidate's undergraduate or graduate work.

(b) *Issuance of certificate.* Except as provided in § 11.55(b) (relating to experience requirements for CPA certification), the Board will not issue a certificate to a candidate who qualified to sit for the CPA certification examination under subsection (a)(2) or (3) unless the candidate has also satisfied subsection (a)(1).

CONTINUING PROFESSIONAL EDUCATION

§ 11.63. CPE subject areas; relevance to professional competence.

(a) The CPE hours required under § 11.62 (relating to CPE requirement for issuance of license; waiver or extension) must be in the following subject areas and with the following minimum hours as noted:

(1) Accounting and attest—minimum of 24 CPE hours if participating in attest activity; otherwise no minimum. A licensee who supervises attest services and signs an accountant's report for attest services may also need to complete additional CPE as provided in § 11.23a (relating to competence to supervise attest services).

(2) Advisory services—no minimum.

(3) Management—no minimum.

(4) Professional skills development—no minimum.

(5) Specialized knowledge and applications—no minimum.

(6) Taxation—no minimum.

(7) Professional ethics—minimum of 4 CPE hours (effective as a condition of obtaining a license for the 2014-15 license period and thereafter).

(b) The CPE hours required under § 11.62 must be relevant to maintaining the professional competence of a certified public accountant or public accountant.

PEER REVIEW

§ 11.81. Definitions.

The following words and terms, when used in this section and §§ 11.82—11.86 have the following meanings, unless the content clearly indicates otherwise:

Administering organization—An entity that meets the standards specified by the Board for administering a peer review program.

Audit engagement—An audit as defined in the AICPA's Statement on Auditing Standards.

Engagement review—A peer review process which provides the reviewer with a reasonable basis for expressing limited assurance that:

(i) The financial statements or information and the related accountant's report on the accounting, review and attestation engagements submitted for review conform with the requirements of professional standards in all material respects.

(ii) The reviewed firm's documentation conforms with the requirements of SSARS and SSAE applicable to those engagements in all material respects.

Firm—A licensee who is a sole practitioner or a licensee that is a qualified association as defined in section 2 of the act (63 P.S. § 9.2).

Peer reviewer—An individual who conducts an engagement or system review. The term includes an individual who serves as captain of a system review team.

Review engagement—A review as defined in the AICPA's Statement of Standards on Accounting and Review Services.

Sole practitioner—A licensed certified public accountant or licensed public accountant who practices public accounting on his own behalf.

System review—A peer review process which provides the reviewer with a reasonable basis for expressing an opinion on whether, during the year under review:

(i) The reviewed firm's system of quality control for its accounting and auditing practice has been designed in accordance with quality control standards established by the AICPA.

(ii) Is being complied with to provide the firm with reasonable assurance of conforming with professional standards in all material respects.

§ 11.82. Peer review compliance.

(a) Unless subject to an exemption under section 8.9(g) of the act (63 P.S. § 9.8i(g)), a firm shall complete a peer review as required under section 8.9(a), (b) and (d) of the act as a condition of renewal of the firm's license.

(b) Unless required earlier under section 8.9(j) of the act, a new firm that is required to complete a peer review shall undergo its first peer review within 18 months after it is granted its initial license. A firm that had been exempt from the peer review requirement under section 8.9(g)(2) of the act or had otherwise not previously been required to undergo a peer review but begins an engagement to perform an attest activity other than a compilation shall complete a peer review within 18 months after commencing the engagement.

(c) A nonexempt firm that performs an audit or review engagement shall submit with its application for initial licensure or license renewal a letter from the peer review administering organization that evidences the firm's completion of a peer review.

(d) A firm that performs an audit or review engagement is entitled to an exemption from peer review if any of the three conditions in section 8.9(g) of the act apply. A firm claiming an exemption shall submit with its application for initial licensure or license renewal information that substantiates its entitlement to an exemption as follows:

(1) *Exemption under section 8.9(g)(1) of the act.* Both of the following:

(i) A letter from an out-of-State peer review administering organization evidencing the firm's completion of a peer review, within 3 years prior to the date of the application, that meets the requirements of the act and this chapter.

(ii) A statement that the firm's internal inspection or monitoring procedures require that the firm's personnel

from an out-of-State office to perform an inspection of the firm's offices in this Commonwealth at least once every 3 years.

(2) *Exemption under section 8.9(g)(2) of the act.* A notarized statement from the firm that the following conditions have been met:

(i) The firm has not accepted or performed any audit or review engagement during the preceding 2 years.

(ii) The firm does not intend to accept or perform any audit or review engagement during the next 2 years.

(iii) The firm agrees to notify the Board within 30 days of accepting an audit or review engagement and to undergo a peer review within 18 months of commencing the engagement.

(3) *Exemption under section 8.9(g)(3) of the act.* One or more of the following:

(i) A physician's statement that a specified medical condition prevents the firm from completing a timely peer review.

(ii) A statement from the appropriate military authority that military service prevents the firm from completing a timely peer review.

(iii) A notarized statement from the firm setting forth unforeseen exigent circumstances that prevent the firm from completing a timely peer review.

(e) A firm that performs no audit or examination engagements but does perform one or more review engagements is only required to undergo an engagement review.

[Pa.B. Doc. No. 17-1573. Filed for public inspection September 22, 2017, 9:00 a.m.]

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

[49 PA. CODE CH. 43b]

Schedule of Civil Penalties—Accountants

The Commissioner of Professional and Occupational Affairs (Commissioner) amends § 43b.10a (relating to schedule of civil penalties—accountants) to read as set forth in Annex A.

Effective Date

This final-form rulemaking is effective January 1, 2018.

Statutory Authority

Section 5(a) of the act of July 2, 1993 (P.L. 345, No. 48) (Act 48) (63 P.S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate a schedule of civil penalties for violations of the acts or regulations of the licensing boards.

Description and Need for this Final-Form Rulemaking

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. An individual who receives an Act 48 citation retains his due process right to a hearing

prior to the imposition of discipline. Under the authority of Act 48, the Commissioner previously published a schedule of civil penalties for certain violations of the CPA Law (63 P.S. §§ 9.1—9.16b) and the regulations of the State Board of Accountancy (Board). This schedule includes violations of the Board’s continuing professional education (CPE) regulations. Because the Board is amending its regulations concerning required CPE in a separate final-form rulemaking, the Commissioner, with approval of the Board, is similarly amending § 43b.10a to reflect the Board’s final-form rulemaking. See 47 Pa.B. 5940 (September 23, 2017).

Summary of Comments and Responses to Proposed Rulemaking

Notice of proposed rulemaking was published at 45 Pa.B. 2874 (June 13, 2015), with a 30-day public comment period. The Pennsylvania State Association of Township Supervisors commented that it did not have a position on the rulemaking, as it does not affect the organization’s members. The Commissioner received no other comments from the public. The Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) did not submit comments. The House Professional Licensure Committee (HPLC) notified the Commissioner that it would not take formal action until the final-form rulemaking is promulgated. The Independent Regulatory Review Commission (IRRC) notified the Commissioner that it did not have objections, comments or recommendations and that, if the final-form rulemaking was delivered without revisions and the Legislative committees do not take action, the final-form rulemaking would be deemed approved. In that there were no substantive comments on the proposed rulemaking, the Commissioner did not revise the final-form rulemaking.

Fiscal Impact

This final-form rulemaking will not have fiscal impact on the regulated community, the general public or the Commonwealth and its political subdivisions.

Paperwork Requirements

This final-form rulemaking will not impose additional paperwork requirements upon the Commonwealth, political subdivisions, the regulated community or the private sector.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on May 29, 2015, the Commissioner submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2874, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, the Commissioner shall submit to IRRC, the HPLC and the SCP/PLC copies of comments received during the public comment period, as well as other documents when re-

quested. In preparing the final-form rulemaking, the Commissioner has considered all comments from the HPLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on August 23, 2017, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective August 23, 2017.

Additional Information

Further information may be obtained by contacting Sara Fox, Board Administrator, State Board of Accountancy, P.O. Box 2649, Harrisburg, PA 17105-2649, RA-accountancy@pa.gov. Reference No. 16A-5514 (schedule of civil penalties—accountants) when requesting information.

Findings

The Commissioner finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law, and all comments were considered.
- (3) This final-form rulemaking does not include any amendments that would enlarge the scope of the proposed rulemaking published at 45 Pa.B. 2874.
- (4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the CPA Law and Act 48.

Order

The Commissioner, acting under Act 48, orders that:

- (a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by amending § 43b.10a to read as set forth in Annex A.
- (b) The Commissioner shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.
- (c) The Commissioner shall submit this order and Annex A to IRRC, the HPLC and the SCP/PLC as required by law.
- (d) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.
- (e) This final-form rulemaking shall take effect January 1, 2018.

IAN J. HARLOW,
Commissioner of Professional and Occupational Affairs

(Editor’s Note: See 47 Pa.B. 5761 (September 9, 2017) for IRRC’s approval order.)

Fiscal Note: Fiscal Note 16A-5514 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.10a. Schedule of civil penalties—accountants.

STATE BOARD OF ACCOUNTANCY

<i>Violation under 63 P.S.</i>	<i>Title/Description</i>	<i>Civil Penalty</i>
Section 9.8b(b)	Failure to complete 80 hours of acceptable continuing professional education during reporting period	1st offense—1 to 20 hour deficiency—\$300; 21 to 40 hour deficiency—\$600; 41 to 60 hour deficiency—\$800; 61 to 80 hour deficiency—\$1,000 ² 2nd or subsequent offense—formal action
Section 9.12(a)	Unlawful use of “certified public accountant,” “CPA” or similar representation by person who has not received a CPA certificate or whose certificate is revoked or suspended	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(c)	Unlawful use of “certified public accountant,” “public accountant,” “CPA,” “PA” or similar representation by a firm never licensed	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(j)	Unlawful use of “public accountant,” “PA” or similar representation by person who has not received a PA registration or CPA certificate	1st offense—\$1,000 ¹ 2nd or subsequent offense—formal action
Section 9.12(o)	Unlawful representation of membership in professional society, association or organization of CPAs or PAs by person not credentialed as CPA or PA or firm not licensed	1st offense—\$250 ¹ 2nd or subsequent offense—formal action
Section 9.12(q)	Engaging in the practice of public accounting in this Commonwealth when the individual’s license is expired	1st offense—less than 6 months—\$500; 6 months or more—formal action 2nd or subsequent offense—formal action
<i>Violation under 49 Pa. Code Chapter 11</i>		
Section 11.62(b)	Failure to complete 20 hours of acceptable continuing professional education during each year of reporting period	1st offense—\$300 2nd or subsequent offense—formal action
Section 11.63(a)(1)	Failure to complete 24 hours of acceptable continuing professional education in accounting and attest subjects during reporting period, if required	1st offense—\$50 per hour deficient, not to exceed \$1,000 ² 2nd or subsequent offense—formal action
Section 11.63(a)(7)	Failure to complete 4 hours of acceptable continuing professional education in professional ethics during reporting period	1st offense—\$300 ² 2nd or subsequent offense—formal action
Section 11.67(b)	Failure to timely submit documentation of continuing professional education during Board audit (assumes no other continuing education violation)	1st offense—\$500 2nd or subsequent offense—formal action

¹ The first offense provision does not apply to a situation involving multiple occurrences or a pattern or practice of misconduct.

² When there are violations of both 63 P.S. § 9.8b(b) and 49 Pa. Code § 11.63(a)(1) or (7) (relating to CPE subject areas; relevance to professional competence), a combined civil penalty will not be assessed for both sets of violations. The highest civil penalty will be assessed whether for the violation of 63 P.S. § 9.8b(b) or 49 Pa. Code § 11.63(a)(1) or (7).

PROPOSED RULEMAKING

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 28a]

Commercial Kennel Canine Health Regulations

The Department of Agriculture (Department) proposes to amend § 28a.8 (relating to flooring) to read as set forth in Annex A.

Authority

This proposed rulemaking is authorized under the Dog Law (act) (3 P.S. §§ 459-101—459-1205). Section 902 of the act (3 P.S. § 459-902) authorizes the Department to promulgate regulations as necessary to carry out the provisions and intent of the act.

Purpose and Description of this Proposed Rulemaking

This proposed rulemaking will delete § 28a.8(5) as Commonwealth Court determined this paragraph contradicts the express statutory provisions of the act and violates the Legislative intent of the act.

Section 28a.8(5), regarding nursing mothers, effectively allows for up to 50% of the floor area in certain primary enclosures used to house dogs at commercial kennels to be of a type that does not comply with section 207(i)(3) of the act (3 P.S. § 459-207(i)(3)). In effect, § 28a.8(5) allowed a portion of the floor of a primary enclosure in which nursing mothers and puppies were housed to be more permeable than otherwise allowed under section 207(i)(3) of the act.

After § 28a.8(5) became effective, a lawsuit was brought in Commonwealth Court against the Department seeking a determination that § 28a.8(5) conflicted with the act. See *Barbara Keith et al. v. Commonwealth of Pennsylvania, Department of Agriculture* (394 M.D. 2014). On September 9, 2016, Commonwealth Court granted summary judgment for the petitioners, and specifically determined that § 28a.8(5) directly contradicts express provisions of the act and violates the Legislative intent of the act.

Section 902 of the act provides that regulations are to be promulgated “after due notice and a public hearing.” In this instance—when Commonwealth Court has already determined that § 28a.8(5) is contrary to the act and the Legislative intent—the Department believes convening a public hearing on this proposed rulemaking would be unnecessary and contrary to the public interest. The Department published the intent to rescind § 28a.8(5) at 46 Pa.B. 6646 (October 22, 2016). Although the notice confirmed the Department did not believe it was necessary or in the public interest to convene a public hearing, it afforded interested persons a window within which to request a public hearing. The Department did not receive any requests for a public hearing.

Need for this Proposed Rulemaking

This proposed rulemaking will rescind § 28a.8(5), which Commonwealth Court determined contradicts the express statutory provisions of the act and violates the Legislative intent behind the act.

In summary, the Department is satisfied there is a need for this proposed rulemaking and that it is otherwise consistent with Executive Order 1996-1, “Regulatory Review and Promulgation.”

Persons Likely to be Affected

This proposed rulemaking will apply to operators of Department-licensed commercial kennels. There are currently about 68 licensees. The Department is aware, through onsite inspection, that: 1) 14 of these kennels are in compliance with flooring requirements so that a change or expense will not be necessary when § 28a.8(5) is rescinded; and 2) 26 of these kennels will have to make some changes to flooring when § 28a.8(5) is rescinded. The Department will be inspecting the remaining 28 kennels over the next several months. With respect to a licensed commercial kennel that needs to replace flooring when § 28a.8(5) is rescinded, the Department expects these costs to be modest and notes that to the extent a commercial kennel licensee bears costs associated with replacing flooring to bring it into compliance with the requirements of the act, it is the act, rather than the regulation, which imposes these costs. This is particularly so when Commonwealth Court has effectively concluded that the Department lacked statutory authority to promulgate § 28a.8(5).

Fiscal Impact

Commonwealth

This proposed rulemaking will not have appreciable fiscal impact upon the Commonwealth.

Political subdivisions

This proposed rulemaking will not have appreciable fiscal impact on political subdivisions.

Private sector

This is addressed under the “Persons Likely to be Affected” in this preamble.

General public

This proposed rulemaking will not have appreciable fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will not have impact on the paperwork handled by the Department or the impacted kennels.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior to final publication of the rulemaking by the Department, the General Assembly and the Governor.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Kristen Donmoyer, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 705-8896 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions regarding this proposed rulemaking is Kristen Donmoyer, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 705-8896.

RUSSELL C. REDDING,
Secretary

Fiscal Note: 2-190. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART II. DOG LAW ENFORCEMENT BUREAU

CHAPTER 28a. COMMERCIAL KENNEL CANINE HEALTH REGULATIONS

GENERAL PROVISIONS

§ 28a.8. Flooring.

For dogs over 12 weeks of age, the flooring in commercial kennels must meet the following standards:

* * * * *

(4) *Additional flooring requirements.*

* * * * *

(viii) Flooring may not be made of or coated with materials that can be chewed and readily ingested, or are toxic to dogs, or both.

[(5) *Nursing mothers.* Primary enclosures, including whelping boxes, housing bitches with nursing litters or housing dams or foster dams with puppies under 12 weeks of age must be constructed so that at least 50% of the flooring of the primary enclosure complies with the standards established under section 207(i)(3) of the act.]

[Pa.B. Doc. No. 17-1575. Filed for public inspection September 22, 2017, 9:00 a.m.]

[70 PA. CODE CH. 9]
Weighmasters

The Department of Agriculture (Department) proposes to amend §§ 9.10 and 9.24 (relating to weighmaster's certificate; and limitations of certificate for anthracite) to read as set forth in Annex A.

Authority

This proposed rulemaking is authorized under 3 Pa.C.S. §§ 4101—4194 (relating to Consolidated Weights and Measures Act) (act). Sections 4150 and 4190 of the act (relating to enforcement and regulations; and rules and regulations) authorize the Department to promulgate regulations as necessary to carry out the act and, more specifically, authorize the Department to promulgate

regulations as necessary to carry out Subchapter C of the act (relating to public weighmasters).

Need for this Proposed Rulemaking

The Department issues licenses to public weighmasters under the act. A licensed public weighmaster is authorized to issue a weighmaster's certificate with respect to various commercial weighings he performs. The weight appearing on a weighmaster's certificate is used to determine a weight-based price in commerce. Licensed public weighmasters typically conduct commercial weighings using vehicle scales at quarries, landfills, and the like.

As part of the process by which the Department renews or issues a license to a public weighmaster, the Department reviews the public weighmaster certificate forms the applicant plans to issue to ensure these forms meet basic content requirements. This proposed rulemaking is needed to delete outdated, burdensome provisions requiring that weighmaster's certificates and certificates of quality for anthracite coal be prepared in triplicate and bear additional language distinguishing the original certificate from the copies. These provisions are not required by statute, date from a time when multipage carbon copy forms were in extensive use and no longer serve a practical purpose.

The deletion of these requirements would relieve licensed public weighmasters of an unnecessary regulatory burden and would help the Department make better use of its weights and measures enforcement staff. In a typical year the Department processes roughly 6,600 applications for renewals of weighmaster licenses. It requires that an applicant submit a sample of its weighmaster's certificate form as part of the application process. The Department finds problems or deficiencies in about 2,200 of these 6,600 applications. Approximately 1,650 (75%) of these 2,200 rejected applications are rejected for lack of compliance with one or more of these regulatory requirements previously described. The deletion of these outdated regulatory requirements will spare the Department the time, effort and expense of enforcement.

Section 9.24(a) imposes the same type of unnecessary regulatory burden as previously described, but pertain to the "certificate of quality" that must exist for certain weighings of anthracite coal. As previously described, the requirement of triplicate forms and notations distinguishing originals from copies no longer serves a practical purpose.

In summary, the Department is satisfied there is a need for this proposed rulemaking, and that it is otherwise consistent with Executive Order 1996-1, "Regulatory Review and Promulgation."

Summary of this Proposed Rulemaking

Section 9.10 would be amended by deleting the language requiring that a weighmaster's certificate be prepared in triplicate and bear additional language distinguishing the original certificate from the two copies. This proposed amendment is driven by the fact that most modern weighing and measuring devices are electronic and can readily generate whatever number of certificates are needed for the owner's business purposes. There is no reason to require a licensed public weighmaster to generate a specific number of certificates with respect to each weighing he conducts or to label the certificates as required under the current regulation.

Section 9.24 would be amended by deleting the language requiring that a certificate of quality for anthracite

coal be prepared in triplicate and bear additional language distinguishing the original certificate from the two copies. This requirement is outdated and no longer serves a purpose.

Persons Likely to be Affected

This proposed rulemaking would have a positive impact on licensed public weighmasters and the Department.

Fiscal Impact

Commonwealth

This proposed rulemaking will have some fiscal impact upon the Commonwealth. The Department will save time and manpower costs associated with requiring compliance with the current outdated regulatory requirements. The Department estimates these annual savings at \$14,850.

Political subdivisions

This proposed rulemaking will not have appreciable fiscal impact on political subdivisions.

Private sector

The proposed rulemaking will have some small positive fiscal impact upon the private sector in that licensed public weighmasters will no longer be required to obtain, produce or use triplicate forms for weighmaster's certificates and have forms that distinguish originals from copies. These savings cannot be readily quantified. In addition, the Department estimates that of the public weighmaster license applications that it receives each year and that are deficient and are returned to applicants for corrections or additional information, approximately 1,650 of these are returned because the applicant has not complied with one or more of the provisions that are proposed to be deleted. The Department estimates that this proposed rulemaking will save these applicants about \$18,150 each year in postage and personnel costs.

General public

This proposed rulemaking will not have appreciable fiscal impact on the general public.

Paperwork Requirements

This proposed rulemaking will simplify paperwork requirements for licensed public weighmasters in that it will do away with outdated regulatory requirements requiring triplicate forms. It will slightly lessen the Department's paperwork load in that applicants for public weighmaster licenses will no longer be required to submit copies of triplicate paper forms and the Department will not be required to review and retain them as part of the application review process.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on September 11, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Committees on Agriculture and Rural Affairs. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b) which have not been met. The Regulatory Review Act specifies detailed procedures for review prior

to final publication of the rulemaking by the Department, the General Assembly and the Governor.

Effective Date

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

Sunset Date

There is not a sunset date for this proposed rulemaking. The Department will review the efficacy of these regulations on an ongoing basis.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding this proposed rulemaking to Walter Remmert, Director, Bureau of Ride and Measurement Standards, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-9089 within 30 days of the publication of this proposed rulemaking in the *Pennsylvania Bulletin*.

Contact Person

The contact person for technical questions regarding this proposed rulemaking is Walter Remmert, Director, Bureau of Ride and Measurement Standards, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-9089.

RUSSELL C. REDDING,
Secretary

Fiscal Note: 2-187. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 70. WEIGHTS, MEASURES AND STANDARDS

PART I. WEIGHMASTERS

CHAPTER 9. WEIGHMASTERS

GENERAL

§ 9.10. Weighmaster's certificate.

* * * * *

(b) *Contents.* A weighmaster's certificate [shall] must contain the following information:

* * * * *

(9) Other relevant information the licensed public weighmaster deems necessary.

[(c) *Triplicate form.* A weighmaster's certificate shall be prepared in triplicate.

(d) *Distinguishing original from copies.* The original weighmaster's certificate shall bear the words "Customer's Copy," and the two copies shall bear the words "Void—Customer Do Not Accept."

(e)] (c) *Variations in format and size.* The form and size of a weighmaster's certificate may be such as to suit any system or accounting device, as long as the certificate otherwise meets the requirements of this chapter.

SOLID FUEL

§ 9.24. Limitations of certificate for anthracite.

(a) *Certificate of quality required.* If solid fuel is transported to a licensed public weighmaster under authority of a certificate of transport as described in § 9.23 (relating to certificate affecting weighing requirements), and the solid fuel is anthracite (excluding barley and smaller sizes), the weighmaster may not weigh the anthracite unless the certificate of transport is accompanied by a

certificate of quality. A certificate of quality shall be made out in ink or indelible pencil[, **in triplicate, with the original bearing the legend “original” and the copies bearing the legend “copy” in 1 inch letters diagonally across the face**]. A certificate of quality [**shall**] **must** be sufficiently mucilaged at the left end to permit it to be securely attached to the corresponding copies of the certificate of the weighmaster as provided in subsection (b). The format of the certificate of quality [**shall**] **must** be as follows:

* * * * *

[Pa.B. Doc. No. 17-1576. Filed for public inspection September 22, 2017, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

A. Spotted lanternfly, *Lycorma delicatula*, is a new pest to the United States and has been detected in the Commonwealth. This is a dangerous insect to forests, ornamental trees, orchards and grapes and not widely prevalent or distributed within or throughout the Commonwealth or the United States. Spotted lanternfly has been detected in the Commonwealth and has the potential to spread to uninfested areas by natural means or through the movement of infested articles.

B. The Plant Pest Act (Act) (3 P.S. §§ 258.1—258.27) empowers The Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. A plant pest is defined as an organism, including other plants, causing or capable of causing injury or damage to plants or plant products (3 P.S. § 258.2). These powers include the authority, set forth at section 258.21 of the Act (3 P.S. § 258.21), to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under the authority of section 258.20 of the Act (3 P.S. § 258.20) the Department may declare a pest to be a public nuisance when the Department determines a plant pest to be dangerous or destructive to the agriculture, horticulture or forests of this Commonwealth. For the reasons set forth in Paragraph A above, the Department declares Spotted lanternfly, *Lycorma delicatula*, to be a public nuisance.

D. Consistent with the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, where the Department detects or confirms any of the plant pests established in this Order of Quarantine—Spotted lanternfly, *Lycorma delicatula*—the place or area in which any of these plant pests are detected or confirmed shall be subject to the provisions of that Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014.

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, through an addendum delineating the specific location and geographic parameters of the area or place.

Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, with regard to that place or area shall become effective immediately.

Order

Under authority of section 21 of the act (3 P.S. § 258.21), and with the Recitals previously listed incorporated into and made a part hereof this Addendum to the Order of Quarantine published at 44 Pa.B. 6947 issued Saturday, November 1, 2014 by reference, the Department orders the following:

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Albany, Greenwich, Ontalaunee, and Perry Townships, Berks County; New Britain, and Plumstead Townships and Chalfont and New Britain Boroughs, Bucks County; West Vincent Township and Phoenixville Borough, Chester County; Catasauqua and North Whitehall Townships, Lehigh County; Hatfield, Towamencin, Lower Salford, and Lower Providence Townships, Lansdale and Hatfield Boroughs, Montgomery County; Allen, East Allen, Hanover, Lower Nazareth, Upper Nazareth, Moore, Northampton Townships and Nazareth Borough, Northampton County. This is in addition to, and does not replace, any townships and areas already subject to the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, and any previous Addendums to that Quarantine Order.

2. *All Provisions Apply.*

All of the provisions established in the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Albany, Greenwich, Ontalaunee, and Perry Townships, Berks County; New Britain, and Plumstead Townships and Chalfont and New Britain Boroughs, Bucks County; West Vincent Township and Phoenixville Borough, Chester County; Catasauqua and North Whitehall Townships, Lehigh County; Hatfield, Towamencin, Lower Salford, and Lower Providence Townships, Lansdale and Hatfield Boroughs, Montgomery County; Allen, East Allen, Hanover, Lower Nazareth, Upper Nazareth, Moore, Northampton Townships and Nazareth Borough, Northampton County.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 17-1577. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of 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 12, 2017.

Under section 503.E of the Department of Banking and Securities Code (71 P.S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg,

PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-5-2017	Clarion County Community Bank Clarion Clarion County	1272 Elk Street Franklin Venango County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-11-2017	Beneficial Bank Philadelphia	<i>To:</i> 172 West Street Road Feasterville Bucks County <i>From:</i> 213 West Street Road Feasterville Bucks County	Filed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-1578. Filed for public inspection September 22, 2017, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of October 2017

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of October, 2017, is 5%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.52 to which was added 2.50 percentage points for a total of 5.02 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-1579. Filed for public inspection September 22, 2017, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of September 2017; Correction

An error occurred in the notice published at 47 Pa.B. 4834 (August 19, 2017). The yield rate on long-term government securities in the last paragraph was incorrect and is corrected as follows.

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of September, 2017, is 5%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury.

The latest yield rate on long-term government securities is 2.62 to which was added 2.50 percentage points for a total of 5.12 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 17-1580. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

2018 Annual Action Plan; Regional Housing Advisory Committee Meetings

The Department of Community and Economic Development (Department) is preparing the Commonwealth's 2018 Annual Action Plan (Plan). As part of the planning process, the Department conducts meetings across this Commonwealth to discuss regional issues for housing, homelessness and community development programs that may affect the method of distribution of the Federal programs it administers with Fiscal Year 2018 funding. The United States Housing and Urban Development funding programs covered by the Plan and administered by the Department are the Community Development Block Grant (CDBG), the HOME Investment Partnerships, the Emergency Solutions Grant, CDBG Disaster Recovery and Neighborhood Stabilization programs. The Department of Health administers the Housing Opportunities for Persons with AIDS program and the Housing Finance Agency administers the National Housing Trust Fund. Both of these programs are also covered by the Plan.

Regional Housing Advisory Committee (RHAC) Meetings

The RHAC meetings are open to the public and will take place electronically by a webinar or onsite at the Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225 on the specified dates and times.

Topic: Lehigh Valley
Date: Monday, September 25, 2017
Time: 1:30 p.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=t3dbaa5f8eff91fdf54b935dc764dca9a> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. Note: If individuals are already registered for this session, there is no need to register again.

Topic: Northeast
Date: Wednesday, September 27, 2017
Time: 1:30 p.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=t7a75c8899d107352dfe6790762c2fdf5> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=t241eb04799fc4c15c259fad47936084e>.

Topic: Central
Date: Monday, October 2, 2017
Time: 10 a.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=t1bb86e58adf87927b66146b5e328060b> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=t3b0cf31ec67aa1113b5d245d97e2465f>.

Topic: Southwest
Date: Monday, October 2, 2017
Time: 1:30 p.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=t9559ce2c4e06d6ae615e429f39b65c0d> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=tae53ab019cb96a525aec3ac7b7c7c9cf>.

Topic: Southeast
Date: Tuesday, October 3, 2017
Time: 1:30 p.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=ta234962e45673fb37d38f2129877d159> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=tf0a83fe890d62389dd0b1b44afeda983>.

Topic: Northwest
Date: Wednesday, October 4, 2017
Time: 10 a.m.

To register for this session go to <https://copa.webex.com/copa/k2/j.php?MTID=tee501ab38ea09bec190102a95a92a0a7> and register. Once approved by the host, a confirmation e-mail will be sent with instructions for joining the session. To view in other time zones or languages, click on <https://copa.webex.com/copa/k2/j.php?MTID=tbe43dd1b746c870afab8e469076d270e>.

For assistance with any of the previously listed sessions, contact Jon Cherry at jcherry@pa.gov.

Comments will be accepted about topics related to the needs of this Commonwealth in the following areas: community development; housing; homelessness; economic development; and any changes to the method of distribution of the existing Federal programs. The Department will also summarize the 2016 Program Year achievements in meeting the Commonwealth's goals for the Federal funding during these sessions. The Commonwealth encourages public participation in this process.

Persons who have a disability or has limited English proficiency needing additional assistance and wish to participate in a meeting should contact Megan Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225, (717) 720-7404, TDD (717) 346-0308, megsnyder@pa.gov at a minimum of 72 hours prior to the hearing to discuss how the Department can accommodate their needs.

DENNIS M. DAVIN,
Secretary

[Pa.B. Doc. No. 17-1581. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Proposed Exchange of Property

The Department of Conservation and Natural Resources (Department), acting through the Bureau of Forestry (Bureau), and John Young et al. are proposing to negotiate an exchange of property interests in West Branch, Portage, Pike and Homer Townships, Potter County.

John Young et al. proposes to convey 3,391.518 acres of oil, gas and mineral rights underlying existing State forest lands administered by the Elk and Susquehannock State Forest Districts in Portage and Homer Townships. In return, the Bureau proposes to convey 2,949.72 acres of oil, gas and mineral rights underlying private property in West Branch and Pike Townships. An environmental review was conducted by the Bureau regarding the

exchange, and the review was approved by the State Forester.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public inquiry or comment, or both, will be in effect beginning September 23, 2017, and ending October 22, 2017. Oral or written comments or questions concerning this proposed exchange may be addressed to Ryan Szuch, Bureau of Forestry, Planning Section, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-2980, rszuch@pa.gov. Oral and written comments will become part of the official document used in the final decision process. Written documents are also available regarding the proposed land exchange by request.

If, in the duration of the 30-day comment period, a significant amount of public concern develops, the Secretary of the Department may schedule a public informational meeting.

CINDY ADAMS DUNN,
Secretary

[Pa.B. Doc. No. 17-1582. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

APPLICATIONS FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0092274 (Sewage)	Pleasant Unity STP 370 Pleasant Unity Mutual Road Greensburg, PA 15601	Westmoreland County Unity Township	Unnamed Tributary of Sewickley Creek (19-D)	Yes
PA0096512 (Sewage)	Mt Morris Water & Sewage Authority WWTP P O Box 340 Mt Morris, PA 15349-0304	Greene County Perry Township	Dunkard Creek (19-G)	Yes
PA0218693 (Sewage)	Luzerne Township Sewer Authority WWTF P O Box 241 Labelle, PA 15450-0241	Fayette County Luzerne Township	Monongahela River (19-C)	Yes
PA0203696 (Sewage)	South Side Area School District 4949 State Route 151 Hookstown, PA 15050-1439	Beaver County Greene Township	Unnamed Tributary to Little Traverse Run (20-D)	Yes
PA0095621 (Sewage)	Ashville Borough STP Route 36 Ashville, PA 16613	Cambria County Ashville Borough	Clearfield Creek (8-C)	Yes
PA0254401 (Sewage)	Darlington STP One Muni Prk Drive Ligonier, PA 15658	Westmoreland County Ligonier Township	Loyalhanna Creek (18-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0052515 (Industrial)	Ambler Borough Water Filtration Plant 517 Bethlehem Pike Ft. Washington, PA 19034	Montgomery County Whitemarsh Township	Wissahickon Creek (3-F)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0027201 A-2 (Industrial)	Wallenpaupack Hydroelectric Station PO Box 122 Hawley, PA 18428	Pike County Palmyra Township	Lackawaxen River (1-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0247944	Spring Grove Area School District 100 East College Avenue Spring Grove, PA 17362	Paradise Township York County	Beaver Creek/7F	Y
PA0247103	Northeastern York County Sewer Authority PO Box 516 Mount Wolf, PA 17347	East Manchester Township York County	Susquehanna River/7H	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0044652 (Sewage)	Mt. Pisgah State Park 28 Entrance Road Troy, PA 16947-8506	Bradford County West Burlington Township	Mill Creek (4-C)	Yes
PA0228478 (Sewage)	East Chillisquaque Potts Grove STP Sewer System PO Box 433 5585 State Route 405 Milton, PA 17847-0433	Northumberland County East Chillisquaque Township	Chillisquaque Creek (10-D)	Yes
PA0209317 (Sewage)	Eagle Ridge Personal Care Home 2997 Renovo Road Mill Hall, PA 17751-8537	Clinton County Colebrook Township	Tangascootack Creek (9-b)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0101273 (Industrial)	BHB Plastic Molding 133 Railroad Street Cambridge Springs, PA 16403	Crawford County Cambridge Springs Borough	French Creek (16-A)	Yes
PA0220817 (Industrial)	Travel Centers of America Barkeyville 24601 Center Ridge Road Westlake, OH 44145	Venango County Barkeyville Borough	Unnamed Tributary to the East Branch Wolf Creek (20-C)	Yes
PAS128301 (Storm Water)	Ainsworth Pet Nutrition Meadville Plant 18746 Mill Street Meadville, PA 16335	Crawford County Vernon Township	French Creek (16-D)	Yes
PA0239054 (Sewage)	Robert F Deinert SFTF 604 Elmwood Avenue Grove City, PA 16127-1414	Crawford County Wayne Township	Lake Creek (16-D)	Yes
PA0100889 (Industrial)	Erie City WTP 240 West 12th Street Erie, PA 16501	Erie County Erie City	Presque Isle Bay of Lake Erie	Yes

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

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

PA0218359, Sewage, **Green Township Municipal Authority**, PO Box 129, Commodore, PA 15729-0129. Facility Name: Green Township Municipal Authority WWTP. This existing facility is located in Green Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary of North Branch Two Lick Creek, is located in State Water Plan watershed 18-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Flow	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0 Min	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.2	XXX	XXX	0.7
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Nov 1 - Apr 30	25.0	37.6	25.0	37.5	XXX	50
May 1 - Oct 31	20.0	30.0	20.0	30.0	XXX	40
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	Report	XXX	XXX	XXX
Total Suspended Solids	30.0	45.1	30.0	45.0	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Ammonia-Nitrogen						
Nov 1 - Apr 30	15.0	XXX	15.0	XXX	XXX	30
May 1 - Oct 31	5.0	XXX	5.0	XXX	XXX	10

The proposed effluent limits for Outfall 001 are based on a design flow of 0.12 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Weekly Average</i>	<i>Maximum</i>	
Total Nitrogen	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Aluminum, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX
Manganese, Total	XXX	XXX	XXX	Report Daily Max	XXX	XXX

The EPA Waiver is in effect.

PA0001228 A-2, Industrial, SIC Code 3621, **Curtiss-Wright Electro-Mechanical Corporation**, 1000 Wright Way, Cheswick, PA 15024-1008. Facility Name: Curtiss-Wright EMD. This facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Activity: The application is for an amendment to the existing NPDES permit for a new discharge of treated industrial wastewater via Internal Monitoring Point 123.

The receiving stream, Unnamed Tributary to the Allegheny River, is located in State Water Plan watershed 18-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for IMP 123 are based on a design flow of 0.002 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	XXX	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Oil and Grease	XXX	XXX	XXX	15.0	30.0	XXX
Iron, Total	XXX	XXX	XXX	Report	7.0	XXX

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

The EPA Waiver is in effect.

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

PA0058599, Sewage, SIC Code 8811, **Quartuccio Associates, LLC**, P.O. Box 430, Pipersville, PA 18947. Facility Name: Quartuccio Associates STP. This existing facility is located in Bedminster Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SFTF Sewage.

The receiving stream(s), Unnamed Tributary to Cabin Run, is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.001 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instat. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	10.0	XXX	20
Ammonia-Nitrogen (5/1—10/31)	XXX	XXX	XXX	1.5	XXX	3
(11/1—4/30)	XXX	XXX	XXX	3.0	XXX	6
Total Phosphorus	XXX	XXX	XXX	1.0	XXX	2
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min	XXX	XXX	XXX
			6.0			

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

- Designation of Responsible Operator.
- Change in ownership
- Dry stream discharge

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

The EPA Waiver is in effect.

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E63-701. Pleanary Walsh Keystone Partners, Edward Dice, Head of Delivery, 2000 Clif Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, in Finleyville Borough and Union Township, **Washington County**, U.S. Army Corps of Engineers, Pittsburgh District.

To remove the existing steel girder plate bridge and construct and maintain a single span concrete adjacent box beam bridge with an underclearance of 5.5' carrying S.R. 0088 across Peters Creek. The project also includes 165 l.f. of stream relocation consisting of a 1.0' natural bed material bottom width and 2:1 vegetated side slopes along tributary Peters Creek and 0.01 acre of impact to wetland 2 (PEM) to accommodate roadway approach widening. (Bridgeville, PA Quadrangle, Latitude: 40° 15' 1.8"; Longitude: -80° 0' 12.2").

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

PA0085979, Sewage, SIC Code 7033, **Guest Farm Village Sewer Authority**, 11364 Ft. Loudon Road, Mercersburg, PA 17236. Facility Name: Guest Farm Village STP. This existing facility is located in Montgomery Township, **Franklin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to Licking Creek, is located in State Water Plan watershed 13-C and is classified for Migratory Fishes and Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0372 MGD. Limits.

Parameter	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (mg/l)						
Interim limit	XXX	XXX	XXX	0.4	XXX	1.2
Final limit	XXX	XXX	XXX	0.18	XXX	0.61
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Total Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	5.1	XXX	10
May 1 - Oct 31	XXX	XXX	XXX	1.7	XXX	3.4
Total Kjeldahl Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	XXX	XXX	XXX	Report	XXX	XXX

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

Effluent Limitations

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

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

- Interim and final limits for TRC where the interim period is 9 months from permit effective date
- Stormwater prohibition
- Notification of designation of responsible operator

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.

PA0247405, Sewage, SIC Code 6514, **Stup David & Stup Penny**, 5394 Big Creek Road, Clearville, PA 15535. Facility Name: Stup Res. This existing facility is located in Monroe Township, **Bedford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated SRSTP Sewage.

The receiving stream(s), Unnamed Tributary of West Branch Sideling Hill Creek, is located in State Water Plan watershed 13-B and is classified for Exceptional Value Waters, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

PA0084191, Sewage, SIC Code 4952, **Peters Township Municipal Authority**, PO Box 19, Lemasters, PA 17231-0019. Facility Name: Mercersburg Junction STP. This existing facility is located in Peters Township, **Franklin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), West Branch Conococheague Creek, is located in State Water Plan watershed 13-C and is classified for 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 0.25 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	52	83	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	63	94	XXX	30.0	45.0	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

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

The EPA Waiver is in effect.

PA0246620, Industrial, SIC Code 4011, **Norfolk Southern Railway Company**, 1200 Peachtree Street Ne, Atlanta, GA 30309-0013. Facility Name: Rutherford Intermodal. This existing facility is located in Swatara Township, **Dauphin County**.

Description of Existing Activity: The application is for amendment of NPDES permit to add an outfall for discharge of treated Industrial Waste and stormwater.

The receiving stream(s), Unnamed Tributary to Spring Creek and Beaver Creek, are located in State Water Plan watershed 7-C and 7-D and is classified for Cold Water Fishes, Migratory Fishes, and Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.072 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	Avg Mo XXX	15	30
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00063 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	Avg Mo XXX	15	30
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	Report	XXX	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Iron, Total	XXX	XXX	XXX	Report	XXX	XXX

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

The EPA Waiver is in effect.

PA0033995, Sewage, SIC Code 4952, **Berks County**, 633 Court Street, 16th Floor, Reading, PA 19601-4322. Facility Name: Berks County Wastewater Treatment Plant. This existing facility is located in Bern Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Plum Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.—Interim Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.36	XXX	1.2
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	30.0	45.0	60
Total Suspended Solids Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Geo Mean Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	16.5	XXX	33
May 1 - Oct 31	Report	XXX	XXX	5.5	XXX	11
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	Report	Report	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	Report	Report	XXX	30.0	45.0	60
Total Dissolved Solids	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
Ultraviolet light intensity ($\mu\text{w}/\text{cm}^2$)	XXX	XXX	Report	Geo Mean XXX	XXX	XXX
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	Report	XXX	XXX	16.5	XXX	33
May 1 - Oct 31	Report	XXX	XXX	5.5	XXX	11
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

For Outfall 101—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)						
Internal Monitoring Point	Report	Report Daily Max	XXX	XXX	XXX	XXX

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

- The amount of Septage and hauled-in waste accepted is restricted according to the daily available treatment plant capacity; and
- A Water Quality Management permit application must be submitted at least 90 days prior to planned date of construction activities for facility upgrade.

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.

PA0033553, Sewage, SIC Code 8211, **Gehmans Mennonite School**, 650 Gehman School Road, Denver, PA 17517-8921. Facility Name: Gehmans Mennonite School. This existing facility is located in Brecknock Township, **Lancaster County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Little Muddy Creek, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0014 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

PA0265284, Sewage, SIC Code 4952, 8800, **Leon Pilon**, 267 W Eldred Road, Eldred, PA 16731-2705. Facility Name: Leon Pilon SFTF. This proposed facility is located in Eldred Township, **McKean County**.

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

The receiving stream is an unnamed tributary to the Allegheny River, located in State Water Plan watershed 16-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0008 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 0217402, Sewage, **South Fayette Township Municipal Authority Allegheny County**, 900 Presto Sygan Road, Bridgeville, PA 15017.

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

Description of Proposed Action/Activity: Millers Run Sanitary Sewer improvements.

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

WQM Permit No. 4017404, Sewage, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Action/Activity: Treatment plant upgrades including installation of a fine screen, modification of the grit removal system piping, conversion from chlorine disinfection to Ultraviolet (UV) disinfection and modification of the sludge dewatering equipment.

WQM Permit No. 3517405, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Improvements to the existing combined sewer over flow sewage conveyance system CSO # 32 located at 7th and West Scranton Street. The improvement will consist of a 73,000-gallon storage facility for use during extreme rain events.

WQM Permit No. 3517405, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: Improvements to the existing combined sewer over flow sewage conveyance system CSO # 21 located at 7th and West Scranton Street. The improvement will consist of a 73,000-gallon storage facility for use during extreme rain events.

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

WQM Permit No. 2117404, Sewerage, **Mechanicsburg Borough**, 842 West Church Road, Mechanicsburg, PA 17055.

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

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

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

WQM Permit No. 2717401, Sewage, **Christine Daliman**, 530 Blossom Avenue, Campbell, OH 44405.

This proposed facility is located in Green Township, **Forest County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

PA DEP Central Office: Bureau of Clean Water, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8184.

PAI139602, MS4, **Pennsylvania Turnpike Commission**, PO Box 67676, Harrisburg, PA 17106-7676. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to surface waters of the Commonwealth throughout the Pennsylvania Turnpike System. The applicant is classified as a small MS4.

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 Bureau of Clean Water at 717-787-5017.

The EPA waiver is in effect.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD510017	ALTA Industrial Properties 355 Newbold Road Fairless Hills, PA 19030	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAD510016	ALTA Industrial Properties 355 Newbold Road Fairless Hills, PA 19030	Philadelphia	City of Philadelphia	Schuylkill River WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450042	UGI Utilities Inc. 2525 N 12th Street Ste 360 Reading, PA 19605	Monroe	Pocono & Paradise Townships	Swiftwater Creek and Scot Run (HQ-CWF, MF)
PAD450040	Hannig Development, LLC 200 Plaza Court East Stroudsburg, PA 18301	Monroe	Tobyhanna Township	Tobyhanna Creek (HQ-CWF, MF)

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAD650009	Westmoreland County Industrial Development Corporation 40 North Pennsylvania Avenue Greensburg, PA 15601	Westmoreland County	City of Jeannette	Brush Creek (TSF)

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

PAG-12 CAFOs

CAFO Notices of Intent Received

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

NPDES Permit No. PAG123822 A-1, CAFO, Linford Snyder, 90 Court Street, Bethel, PA 19507.

This existing facility is located in Lykens Township, **Dauphin County**.

Description of size and scope of existing operation/activity: Poultry (Layers), Sheep (Ewes, Lambs), Beef (Steer): 1,452.87 AEUs.

The receiving stream, Unnamed Tributary to Deep Creek, is in watershed 6-C and classified for: Migratory Fishes and Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PAG123740, CAFO, Belview Valley Farms LLC, 458 Gemmill Road, Delta, PA 17314-8866.

This existing facility is located in Peach Bottom Township, **York County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish), Horses, Beef (Cattle): 632.4 AEUs.

The receiving stream, Unnamed Tributary to Neill Run, is in watershed 7-I and classified for: Migratory Fishes and Trout Stocking.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PAG123858, CAFO, Laurel Ridge Pig Co., 700 Swamp Church Road, Reinholds, PA 17569.

This proposed facility is located in West Cocalico Township, **Lancaster County**.

Description of size and scope of proposed operation/activity: Swine (Grow—Finish, Gilts, Sow with Litter, Nursery Pigs), Goats: 645.9 AEUs.

The receiving stream, Unnamed Tributary to Little Cocalico Creek, is in watershed 7-J and classified for: Migratory Fishes and Trout Stocking.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PAG123662, CAFO, Stahl James & Stahl Joseph, 910 Jake Landis Road, Lititz, PA 17543-8491.

This existing facility is located in Manheim Township, **Lancaster County**.

Description of size and scope of existing operation/activity: Beef (Finishing, Cow, Calves), Poultry (Layers): 406 AEUs.

The receiving stream, Unnamed Tributary to Conestoga River, is in watershed 7-J and classified for: Migratory Fishes and Warm Water Fishes.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

NPDES Permit No. PA0247600, CAFO, **Martin David H**, 420 Nottingham Road, Nottingham, PA 19362-9024.

This existing facility is located in Little Britain Township, **Lancaster County**.

Description of size and scope of existing operation/activity: Swine (Wean—Finish), Poultry (Pullets): 596.41 AEU's.

The receiving stream, Little Conowingo Creek and Unnamed Tributary to Little Conowingo Creek, is in watershed 7-K and classified for: High Quality—Cold Water, High Quality Waters—Cold Water Fishes, and Migratory Fish.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

MS4 Notices of Intent Received

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality/County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG133724	Christiana Borough, Lancaster County 10 W. Slokom Ave Christiana, PA 17509	Christiana Borough, Lancaster County	Y	N
PAG133723	Letterkenny Township, Franklin County 4924 Orrstown Rd Orrstown, PA 17244	Letterkenny Township, Franklin County	Y	N
PAG 133526	Union Township, Berks County 1445 E. Main Street Douglassville, PA 19518	Union Township, Berks County	Y	N

MS4 PAG-13 Notices of Intent Received

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG138331	New Castle City Lawrence County 230 N Jefferson Street New Castle, PA 16101-2220	New Castle City, Lawrence County	N	N

STATE CONSERVATION COMMISSION

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

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN

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

Application No. PA0276049, Concentrated Animal Feeding Operation (CAFO), **Pappy's Orchard**, 2474 Urfer Road, Coopersburg, PA 18036.

Pappy's Orchard has submitted an application for an Individual NPDES permit for a new CAFO known as Pappys Orchard, located in Lower Milford Township, **Lehigh County**.

The CAFO is situated near Unnamed Tributary to Licking Creek in Watershed 3-E, which is classified for High Quality Waters—Trout Stocking. The CAFO is designed to maintain an animal population of approximately 569 animal equivalent units (AEUs) consisting of 55,000 turkeys. Manure is stored on a concrete manure stacking pad. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25 year, 24-hour storm event.

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

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

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

ACT 38

NUTRIENT MANAGEMENT PLANS

CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS

<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>New or Renewal</i>
Hetrickdale Farms 69 Hetrick Road Bernville, PA 19506	Berks	2,113.4	2,976.09	Dairy	NA	Renewal
Lance Heberling 24 Shumaker Road Newburg, PA 17024	Cumberland	75.8	322.83	Swine/Veal	NA	Renewal
Woglemuth Farview Farm Doug Woglemuth 1197 Landis Rd Elizabethtown, PA 17022	Lancaster	960	987.29	Swine	NA	R
Marlin J. Peachey 328 Coffee Run Rd. Reedsville PA 17084	Mifflin	127.3	759.45	Finisher Swine	Tea Creek—HQ Kish Creek—CWF	New
			20.71	Dairy Herifers		
			12.98	Dry Cows		
			11.16	Calves		
			0.79	Steer		
			84.37	Milking Cows		
Locust Grove LLC. Aaron Ott 678 Back Run Road McConnellsburg, PA 17233	Fulton	2	688.57	Swine/Nursery	NA	New

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. 6717509 MA, Minor Amendment, Public Water Supply.

Applicant	Dillsburg Area Authority
Municipality	Franklin Township
County	York
Responsible Official	Sheldon K. Williams, General Manager P.O. Box 370 98 W Church St Dillsburg, PA 17019
Type of Facility	Public Water Supply
Consulting Engineer	Joel Kostelac, P.E. GHD Inc 1240 N Mountain Road Harrisburg, PA 17112
Application Received:	8/31/2017
Description of Action	Installation of chlorine contact piping to provide 4-log treatment prior to the existing 650,000-gallon reservoir which is currently used to provide contact time.

Permit No. 2117509 MA, Minor Amendment, Public Water Supply.

Applicant	State Correctional Institution at Camp Hill
Municipality	Lower Allen Township
County	Cumberland
Responsible Official	Laurel Harry, Superintendent 2500 Lisburn Road Camp Hill, PA 17001
Type of Facility	Public Water Supply
Consulting Engineer	Carol A. Piontkowski, P.E. Department of Corrections, Bureau of Operations 1920 Technology Parkway Camp Hill, PA 17001
Application Received:	8/18/2017
Description of Action	The filter media in the two existing Graver filter units will be replaced. The filter lining will be repainted as needed during the media replacement.

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

Permit No. 3017512, Public Water Supply.

Applicant	Southwestern Pennsylvania Water Authority 1442 Jefferson Road Jefferson, PA 15344
[Township or Borough]	Greensboro Borough; Cumberland and Monongahela Townships
Responsible Official	Timothy Faddis, Manager Southwestern Pennsylvania Water Authority 1442 Jefferson Road Jefferson, PA 15344
Type of Facility	Water system
Consulting Engineer	Bankson Engineers, Inc. 267 Blue Run Road Suite 200 Cheswick, PA 15024
Application Received Date	September 12, 2017
Description of Action	Installation of approximately 118,320 feet of waterline and a new water storage tank with a mixing system (Dunkard Valley Water System Extension Project).

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

Permit No. 1017505, Public Water Supply.

Applicant	PA American Water Company
Township or Borough	Summit Township
County	Butler
Responsible Official	Tiffany Reed
Type of Facility	Public Water Supply
Consulting Engineer	Tiffany Reed

Application Received Date July 24, 2017
 Description of Action Construct a booster pump to provide service located along the main extension in Summit Township

Consulting Engineer Don Gilmore, P.E.
 Dakota Engineering
 Etna Technical Center
 Suite 200, 35 Wilson Street
 Pittsburgh, PA 15223

Application Received Date September 6, 2017

Description of Action System modifications to upgrade existing TNC permit to a public water supply permit

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0217507MA, Minor Amendment.

Applicant **Brady's Bend Township Water and Sewer Authority**
 697 State Route 68
 East Brady, PA 16028
 [Township or Borough] Brady's Bend Township
 Responsible Official Wade Ion, Operator
 Brady's Bend Township Water and Sewer Authority
 697 State Route 68
 East Brady, PA 16028
 Type of Facility Water system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 Latrobe, PA 15650
 Application Received Date September 11, 2017
 Description of Action Installation of an emergency interconnection with Petroleum Valley Regional Water Authority.

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

Application No. 6109503-MA3, Minor Amendment.

Applicant **Aqua PA Emlenton**
 Township or Borough Emlenton
 Responsible Official James Willard
 Type of Facility Public Water Supply
 Consulting Engineer Robert Horvat/Entech Engineers
 400 Rouser Road
 Building 2, Suite 200
 Pittsburgh, PA 15108
 Application Received Date September 5, 2017
 Description of Action Chemical Feed System Modifications

Permit No. 1017506, Public Water Supply.

Applicant **AC Valley Development Corporation**
 Township or Borough Allegheny Township
 County **Butler**
 Responsible Official James Hite
 Type of Facility Public Water Supply

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 36-137B, Water Allocations. Quarryville Borough Authority (PWS ID No. 7360112), Lancaster County. This application is for a subsidiary water allocation permit granting the right to purchase up to 285,000 gallons per day, based on a 30-day average from Pennsylvania-American Water Company-Coatesville System. Applicant Address: William Lamparter, Maintenance Supervisor, Borough of Quarryville, 300 St. Catherine Street, Quarryville, PA 17566. Consulting Engineer: Bryan Panther, P.E., ARRO Consulting Inc, 108 West Airport Road, Lititz, PA 17543. Application Received: 1/4/2017.

WA 01-1029, Water Allocations. New Oxford Municipal Authority (PWS ID No. 7010025), Adams County. The applicant is seeking the right to withdraw a maximum of 1.8 mgd from an existing intake on the Soputh Branch Conewago Creek. Applicant Address: Thomas R. Beamer, Manager, NOMA, New Oxford Municipal Authority, 409 Water Works Road, New Oxford, PA 17530. Application Withdrawn: 8/23/2017.

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 demon-

strates 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:

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Laymon Trucking, LLC Asphalt Spill, PA Route 6 Eastbound near Off-Ramp 62, Brokenstraw Township, **Warren County**. Taylor GeoServices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Laymon Trucking, LLC, 11470 Bryant Road, Mount Vernon, OH 43050, submitted a Notice of Intent to Remediate. A tractor trailer containing hot asphalt ran into the median barrier and overturned releasing asphalt, anti-freeze, oil, and fuel oil onto the ground and asphalt into Brokenstraw Creek. The selected remediation standard is Statewide Health. Future use of the property will be residential. The Notice of Intent to Remediate was published in *The Times Observer* on April 27, 2017.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) 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 the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGM062. Philadelphia Renewable Bio-Fuels, LLC, 435 Williams Court, Suite 100, Baltimore, MD 21220-2881; Site: 7800 Penrose Ferry Road, Philadelphia, PA 19153-3800. The application is for a municipal waste general permit for the processing by pelletizing digested sewage sludge from different sewage treatment plants for beneficial use as a fertilizer meeting Class A biosolids requirements and as an alternative fuel. The application was determined to be administratively complete on September 1, 2017.

Written comments concerning the application should be directed to Ali Tarquino-Morris, Program Manager, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGM062” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR047. HarSCO Corporation, 359 North Pike Road, Sarver, PA 16055; **Butler County**. This request is to modify the general permit to include the following beneficial uses: sludge stabilization, construction material, raw material for concrete production, underground storage tank and pipe backfill, mine buffering agent, acid mine drainage (AMD) treatment plant feed stock, briquettes to reclaim AMD-affected streams, grout production for flowable backfill, road base reclamation and soil stabilization, a raw material for asphalt production, and as bedding material for livestock. The general permit was also revised and formatted into the current general permit format which included minor language changes and rearrangement of conditions.

Written comments concerning the application should be directed to Ali Tarquino-Morris, Program Manager, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place “Comments on WMGR047” in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

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

General Permit Application No. WMGR028-NE001. Highway Materials, Inc., 1050 Tatamy Road, Nazareth,

PA 18064. A determination of applicability for coverage under General Permit WMGR028 for the beneficial use of baghouse fines from the Nazareth Asphalt Plant located in Upper Nazareth Township, **Northampton County**. The application was received by the Department on August 11, 2017, additional information was received on September 8, 2017 and the application was deemed administratively complete by the Regional Office on September 11, 2017.

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

Renewal Application(s) Received under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit Application No. WMGR019SC001. **Frush Valley Holdings, LLC** has submitted a general permit renewal application for its facility located at 1501 Frush Valley Road, Temple, PA 19605 in Muhlenberg Township, **Berks County**. This general permit authorizes the beneficial use of waste foundry sand and ferrous metal foundry system dust, slag and refractory for use as roadway construction material, a component or ingredient in the manufacturing of concrete or asphalt products, a soil additive or soil substitute, and non-roadway construction. The application for renewal was determined to be complete on September 1, 2017.

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

General Permit Application No. WMGR028SC007A. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Chambersburg Blacktop Plant, 2921 Stone Quarry Rd., Chambersburg, PA 17202 in Guilford Township, **Franklin County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007C. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Ashcom Quarry, 526 Ashcom Rd., Everett, PA 17202 in Snake Spring Township, **Bedford County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or

(iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007D. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Roaring Spring Quarry, Route 36, Roaring Spring, PA 16673 in Taylor Township, **Blair County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007E. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Tyrone Blacktop Plant, 3247 Pennington Rd., Tyrone, PA 16686 in Warriors Mark Township, **Huntingdon County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007F. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Gettysburg Blacktop Plant, 1575 Baltimore Pike, Gettysburg, PA 17325 in Cumberland Township, **Adams County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007G. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Hinkletown Asphalt Plant, 621 Martindale Rd., Ephrata, PA 17522 in Earl Township, **Lancaster County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

General Permit Application No. WMGR028SC007H. **New Enterprise Stone & Lime Company, Inc.** has submitted a general permit renewal application for Denver Asphalt Plant, 73 Kurtz Rd., Denver, PA 17517 in East Cocalico Township, **Lancaster County**. This general permit authorizes the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products. The application for renewal was determined to be complete on August 31, 2017.

Persons interested in obtaining more information about the general permit renewal applications may contact Mr.

John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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 Chap-

ters 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.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104.*

Contact: Edward Wiener, Chief—Telephone: 215-685-9426.

AMS IP16-000166: Southeastern Pennsylvania Transportation Authority (SEPTA)—(200 W. Wyoming Ave., Philadelphia, PA 19140) for installation of one emergency generator at its Berridge/Courtland Maintenance Shop location. The emergency generator is fueled by diesel and is rated at 561 kilowatts (752 horsepower). There will be potential Nitrogen Oxides (NO_x) emissions of 1.98 ton/year (tpy). Particulate Matter (PM) emissions from the combustion units shall not exceed 0.06 tpy. Carbon Dioxide (CO) emissions will have a potential of 1.08 tpy.

The plan approval will contain operating, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

OPERATING PERMITS

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

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

TVOP-03-00180 Dominion Transmission, Inc. (5000 Dominion Blvd., Glen Allen, VA 23060) Minor Permit Modifications, to clarify the definition of VOC and incorporate the applicable requirements of RACT II (25 Pa. Code §§ 129.96—129.100) in the current TVOP. The change to incorporate the requirements of RACT II caused a decrease in VOC emissions of 58 tons per year from the facility. Potential emissions from the facility are 366 tons of NO_x, 358 tons of CO, 131 tons of VOC, 22 tons of PM₁₀, and 22 tons of PM_{2.5}, and 24 tons of formaldehyde, 19 tons of glycols, 4 tons of acetaldehyde, 4 tons of acrolein, and 54 tons of all HAPs combined, and 103,126 tons of CO₂e per year. The South Bend station is located in South Bend Township, **Armstrong County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401.

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

09-00068: Orchard Hill Memorial Park (80 Kelly Road, Quakertown, PA 18951; Attn: Mr. Derek Cooke) for a non-Title V Facility, State-Only Synthetic Minor Operating Permit in Richland Township, **Bucks County**. This renewed operating permit reflects the continued operation of Source IDs 101 [IEE Animal Crematorium (A)], 103 [Crawford Animal Crematorium (C)], and 104 [Therm-Tec Animal Crematorium (D)]. Source ID 102 [Crawford Animal Crematorium (B)] has been removed from the facility, and therefore, has been removed from the operating permit. The facility currently operates two identical units, Source IDs 105 [Therm-Tec Animal Crematorium (E)] and 106 [Therm-Tec Animal Crematorium (F)], under General Operating Permit No. GP14-09-0136. The facility has also proposed to install three additional units under General Operating Permit No. GP14-09-0144. There are no other significant sources of emissions at this facility. The potential to emit of the permitted sources at the facility, with enforceable restrictions in place, are 24.38 TPY for NO_x, 13.45 TPY for SO_x, 14.08 TPY for PM, 8.76 TPY for CO, 3.81 TPY for VOC, and 2.57 TPY for Total HAP. Emissions of PM are expected to be less than 0.08 grain per dry standard cubic feet, corrected to 7 percent O₂. Emissions of SO_x are expected to be less than 500 ppmv. The permit will continue to contain monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

23-00100: Pyramid Materials Division Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) for a nonmetallic mineral processing plant and its IC engine power source located in Aston Township, **Delaware County**. This is a renewal for an operating permit for a non-Title V (State-Only) facility. The current State-Only Operating Permit will expire on April 14, 2018. The nonmetallic mineral processing plant is subject to the requirements of 40 CFR 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

Sources of particulate matter at the plant includes one (1) 400 ton/hour primary feeder, two (2) crushers each with maximum capacities of 300-400 tons/hour, one (1) scalping screen and eighteen (18) conveyors. Particulate matter (PM) emissions from the nonmetallic mineral processing plant are controlled by a wet dust suppression system. Dust from use of roadways is controlled by a water truck. PM₁₀/PM_{2.5} (particulate matter less than 10 microns/2.5 microns) emissions from the entire facility are limited to 5.9 tons/year, on a 12-month rolling basis.

The facility shall comply with all requirements of the subparts. The Operating Permit will contain monitoring, recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

07-05031: Union Tank Car (Chestnut Ave. & 6th, Altoona, PA 16603-2003) to issue a State Only Operating Permit for the railway tank car repair and surface coating facility in Altoona City, **Blair County**. The primary emissions from the facility are VOC. The actual 2016 VOC emissions from the facility was 39.76 tons. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping,

and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions for odor, fugitive, and visible emissions derived from 25 Pa. Code Chapter 123.

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

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

12-00008: GKN Sinter Metals, Inc. (1 Airport Road, P O Box 493, Emporium, PA 15834) to issue a renewal State Only Operating Permit for their facility located in Borough of Emporium, **Cameron County**. The facility's main sources include 13 sintering furnaces, 12 forging line furnaces with associated cooldown units, 10 finishing lines with shot blasting operation and Two (2) furnaces with one endothermo gas generator.

The facility has potential emissions of 4.97 tons per year (tpy) of particulate matter/particulate matter with an effective aerodynamic diameter of less than or equal to 10 micrometer, 3.47 tpy of nitrogen oxides, 30.41 tpy of carbon monoxide, 5.36 tpy of volatile organic compounds including hazardous air pollutants and 0.03 tpy of sulfur oxides. The potential emissions at the facility decreased slightly since last issuance of the permit, due to removal of five furnaces and one pan washer.

The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 60.

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.

41-00019: VT Hackney, Inc. (914 Saegers Station Road, Montgomery, PA 17752) for their Montgomery Plant located in Clinton Township, **Lycoming County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The facility's sources include several natural gas fired space heaters, Truck and Trailer Assembly and Cleaning Operations, Refrigerated Truck and Trailer Application Operations, surface coating operation, one (1) propane-fired emergency generator engine, one (1) diesel-fired fire pump engine, three (3) parts washers and three (3) paint gun washers. This facility has the potential to emit 28.46 tons of carbon monoxide, 33.90 tons of nitrogen oxides, 2.57 tons of particulate matter (including particulate matter less than 10 microns and particulate matter less than 2.5 microns), 0.21 ton of sulfur oxides, 51.98 tons of volatile organic compounds, 7.88 tons of hazardous air pollutants, and 23,694 tons of CO₂e. The permittee has taken an emission limitation on the amount of volatile organic compound to not equal or exceed 50 tons in any 12 consecutive month period at the facility to obtain a "Synthetic Minor" status. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit

to ensure the facility complies with all applicable State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

11-00285: HRI, Inc. (270 Solomon Run Road, Johnstown, PA 15904 -7101), In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal State Only Operating Permit (SOOP-11-00285) to HRI, Inc. ("HRI") to authorize the continued operation of a hot mix batch asphalt plant located in Richland Township, **Cambria County**.

The facility's air contamination sources consist of one (1) hot mix batch asphalt plant rated at 240 tons per hour. The batch plant is limited to 480,000 tons production in any consecutive 12-month period. The facility also consists of a 1,050 bhp Caterpillar diesel generator limited to 4,000 hours per year. The site is equipped with (3) 20,000-gallon fuel storage tanks, (2) 12,000 gallons fuel storage tanks, and (1) 8,000 gallons fuel storage tank. The facility has potential to emit; 98.0 tpy CO; 96.0 tpy NO_x; 32.0 tpy SO_x; 30.0 tpy VOC; and 31.0 tpy PM. The facility is required to conduct annual burner tune up tests and daily survey of the facility to ensure compliance with the operating permit limitations.

This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP renewal includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements. The emergency generator is subject to the applicable requirement of 40 CFR Part 63 Subpart ZZZZ.

HRI's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Thomas Kaminski at thkaminski@pa.gov or 412.442.4097.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests

for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 11-00285) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests, and requests for a public hearing should be directed to Jesse S. Parihar, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (jparihar@pa.gov, fax 412.442.4194)

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.

56081301 and NPDES No. PA0235903. LCT Energy, LP, (938 Mt. Airy Drive, Suite 200, Johnstown, PA 15905). To renew the permit for the Brubaker Mine in Shade Township, **Somerset County** and related NPDES Permit for reclamation only. No additional discharges. The application was considered administratively complete on September 5, 2017. Application received January 17, 2017.

14831301 and NPDES No. PA008966. Pennsylvania Mines, LLC, (835 Hamilton Street, Suite 150, Allentown, PA 18101). To renew the permit for the Rushton Mine in Rush Township, **Centre County** and related NPDES Permit for reclamation only. No additional discharges. The application was considered administratively complete on September 6, 2017. Application received January 18, 2017.

56131301 and NPDES No. PA0236209 and GP12-56131301. Wilson Creek Energy, LLC, (1576 Stoystown Road, Friedens, PA 15541). To operate the Keyser Deep Mine in Conemaugh and Jenner Townships, **Somerset County** new deep mine and related NPDES Permit. Includes request for an Air Quality GPA/GP12 General Permit. Surface Acres Proposed 40.1, Underground Acres

Proposed 3,971.1, Subsidence Control Plan Acres Proposed 3,971.1. Receiving Stream: Roaring Run, classified for the following use: CWF. The application was considered administratively complete on September 7, 2017. Application received May 10, 2017.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17970106 and NPDES PA0220612. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface coal mine located in Decatur Township, **Clearfield County** affecting 119.9 acres. Receiving stream(s): Big Run to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 23, 2017.

Coal Applications Withdrawn

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

32011302 and NPDES No. PA0235521. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). To revise the permit for the Gillhouser Run Deep Mine in Brush Valley and Buffington Townships, **Indiana County** and related NPDES Permit to install a water pipeline from Gillhouser Run Deep Mine to Barrett Mine to modify water handling plan. Surface Acres Proposed 14.5. No additional discharges. The first downstream potable water supply intake from the point of discharge is Central Indiana Water Authority and intake: Yellow Creek. The application was considered administratively complete on October 21, 2014. Application received April 9, 2014. Application withdrawn August 31, 2017.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

04000301. Bet-Tech International, Inc. (100 Bet-Tech Drive, Aliquippa, PA 15001-2419) Transfer of an existing large industrial minerals mine from Beaver Valley Slag, Inc. in Center Township, **Beaver County**, affecting 253.4 acres. Receiving streams: Blacks Run and Ohio River, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 6, 2017.

3076SM4 and NPDES Permit No. PA0259730. Conneaut Lake Sand & Gravel, Inc. (P.O. Box 233, West Middlesex, PA 16159) Revision to an existing large industrial mineral mine to add an NPDES permit in Sadsbury Township, **Crawford County**, affecting 107.0 acres. Receiving streams: Two unnamed tributaries to Mud Run and one unnamed tributary to Watson Run, both classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 5, 2017.

3076SM8 and NPDES Permit No. PA0259748. Conneaut Lake Sand & Gravel, Inc. (P.O. Box 233, West Middlesex, PA 16159) Revision to an existing large industrial mineral mine to add an NPDES permit in Sadsbury Township, **Crawford County**, affecting 32.3 acres. Receiving streams: Unnamed tributary to Watson Run, unnamed

tributary to Mud Run, and unnamed tributary to Conneaut Lake, all classified for the following uses: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 5, 2017.

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

Permit No. 06880302C6 and NPDES Permit No. PA0225754. Rolling Rock Building Stone, Inc., (40 Rolling Rock Road, Boyertown, PA 19512), correction to update the permit boundary from 426.5 acres to 411.8 acres and add an NPDES Permit for discharge of treated mine drainage in Pike and District Townships, **Berks County**, receiving stream: Oysterville Creek, classified for the following use: EV—migratory fishes. Application received: August 18, 2017.

Permit No. 58970808. Joseph Bowen, (613 East Rush Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Rush Township, **Susquehanna County** affecting 1.0 acre on property owned by Ann Marie Bowen. Application received: August 30, 2017.

Permit No. 7973SM2C15 and NPDES 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: Neshaminy Creek, classified for the following uses: trout stocking fishes and migratory fishes. Application received: September 1, 2017.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

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

* The parameter is applicable at all times.

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

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

Effluent Limits for Noncoal Mining Activities

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

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

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

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

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

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0268917 (Mining Permit No. 11120101), E.P. Bender Coal Company, Inc., P.O. Box 594, Carrolltown, PA 15722, renewal of an NPDES permit for bituminous surface and auger mining in White Township, **Cambria County**, affecting 92 acres. Receiving streams: Unnamed Tributaries to/and Dutch Run, classified for the following use: cold water fishes. This receiving stream is included in the Clearfield Creek TMDL. Application received: July 14, 2017.

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

The outfall(s) listed below discharge to Unnamed Tributaries to/and Dutch Run:

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

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

NPDES No. PA0256391 (Mining permit no. 17060107), RES Coal LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal of an NPDES permit for surface and auger coal mining in Girard Township, **Clearfield County**, affecting 294.8 acres. Receiving stream(s): Unnamed Tributary "A" to Deer Creek and Deer Creek classified for the following use(s): CWF. Deer Creek Watershed TMDL. Application received: June 14, 2017.

The outfall(s) listed below discharge to Deer Creek.

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.2	2.4	3.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

The outfall(s) listed below discharge to Unnamed Tributary "A" to Deer Creek.

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

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		1.66	3.32	4.15
Aluminum (mg/l)		1.82	1.82	1.82
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

Noncoal NPDES Draft Permits

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

NPDES No. PA0279528 (Mining Permit No. 28890301), New Enterprise Stone & Lime Company, Inc., P.O. Box 77, New Enterprise, PA 16664, new NPDES permit for a noncoal surface mine in Southampton Township, **Franklin County**, affecting 227.6 acres. Receiving stream: Furnace Run, classified for the following use: cold water fishes. This receiving stream is included in the Conodoguinet Creek Watershed TMDL. Application received: July 31, 2017.

This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. There are no point source discharges. All stormwater runoff is captured within the pit and infiltrates into the ground.

NPDES No. PA0279544 (Mining Permit No. 5074SM2), New Enterprise Stone & Lime Company, Inc., P.O. Box 77, New Enterprise, PA 16664, new NPDES permit for a noncoal surface mine in Guilford and Greene Townships, **Franklin County**, affecting 184 acres. Receiving stream: unnamed tributary to Conococheague Creek, classified for the following use: cold water fishes. Application received: July 31, 2017.

This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. There are no point source discharges. All stormwater runoff is captured and retained onsite for process water and is recycled or infiltrates into the ground.

NPDES No. PA0224162 (Mining Permit No. 28010302), David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201, renewal of an NPDES permit for a large noncoal shale operation in Antrim Township, **Franklin County**, affecting 48.7 acres. Receiving stream: unnamed tributary to/and Muddy Run, classified for the following uses: high quality cold water fishes and migratory fishes. Application received: September 1, 2017.

The outfalls listed below discharge to: unnamed tributary to/and Muddy Run

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond)	N
003 (Sediment Pond)	N

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

<i>Discharge Parameter</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Iron, Total	Monitor and Report		
Total Suspended Solids	35.0	70.0	90.0
Aluminum, Total	Monitor and Report		
Manganese, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Copper, Total	Monitor and Report		
Zinc, Total	Monitor and Report		
Sulfate	Monitor and Report		
Osmotic Pressure	50.0 mOsm/kg		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

NPDES No. PA0279536 (Mining Permit No. 21950301), New Enterprise Stone & Lime Co. Inc., P.O. Box 77, New Enterprise, PA 16664, new NPDES permit for a sandstone quarry in Southampton Township, **Cumberland County**, affecting 106 acres. Receiving stream: Yellow Breeches Creek, classified for the following use: high quality cold water fishes. Application received: July 31, 2017.

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

The outfall(s) listed below require a non-discharge alternative:

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

This permit establishes effluent limitations in the form of implemented BMPs identified in the associated E&S Plan, Reclamation Plan and NPDES application for this permit. There are no point source discharges. All stormwater runoff is captured and retained onsite for process water and is recycled or infiltrates into the ground. The proposed effluent limits for the above listed infiltration point is as follows:

<i>Outfalls: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	N/A	N/A	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			

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

NPDES Permit No. PA0611883 on Surface Mining Permit No. 7776SM1. Martin Stone Quarries, Inc., (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of an NPDES Permit for a gneiss and quartzite quarry operation in Colebrookdale Township, **Berks County**, affecting 349.35 acres. Receiving stream: unnamed tributary to Swamp Creek, classified for the following uses: trout stocking fishes, cold water fishes and migratory fishes. Application received: June 19, 2017.

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

The outfalls listed below discharge to unnamed tributary to Swamp Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
002	No	Non-process/Stormwater
004	No	Groundwater/Stormwater
004R (relocated)	No	Groundwater/Stormwater
006	No	Non-process/Stormwater
007	No	Non-process/Stormwater
008	No	Stormwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD)		2.76 MGD Total		
Total Suspended Solids		35.0	70.0	90.0
Oil and Grease (mg/l)		Monitor and Report		

¹ The parameter is applicable at all times.

NPDES Permit No. PA0225738 on Bluestone General Permit No. 58172510. Rock Lake, Inc., (3230 Creamton Drive, Lake Como, PA 18437), new NPDES Permit for a bluestone quarry operation in New Milford Township, **Susquehanna County**, affecting 5.79 acres. Receiving stream: unnamed tributary to Wellmans Creek to Meylert Creek/Salt Lick Creek Watershed, classified for the following uses: HQ—cold water and migratory fishes. Application received: June 24, 2017.

Non-discharge BMP's shall be in effect.

NPDES Permit No. PA0612871 on Surface Mining Permit No. 8274SM2. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (3724 Crescent Court West, Whitehall, PA 18052), renewal of an NPDES Permit for a limestone quarry operation in West Cocalico Township, **Lancaster County**, affecting 309.0 acres. Receiving stream: unnamed tributary to Indian Run Creek, classified for the following use: trout stock fishes. Application received: June 30, 2017.

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

The outfall listed below discharge to unnamed tributary to Indian Run Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Sedimentation Pond

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Discharge (MGD) MDT Only				
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

E09-1009. Pennsylvania Department of Transportation Engineering District 6, 7000 Geerdes Boulevard, King of Prussia, PA, 19406, Sellersville Borough, Bucks County, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to perform the below listed water obstruction and encroachment activities associated SR 4013, Section BMP over East Branch Perkiomen Creek:

1) To replace the existing SR 4013, Section BMP over East Branch of the Perkiomen Creek, construct and maintain in its place a two-span, composite, prestressed concrete PA bulb-tee beam bridge.

2) The removal of the existing structures and their footers from within the stream (East Branch of the Perkiomen Creek) and the construction and maintenance of the proposed piers, footers, and associated scour protection for the proposed bridge structural and foundation system.

3) To construct two temporary causeways to facilitate the removal of the existing piers and to construct the proposed piers for the replacement bridge structure over the East Branch of the Perkiomen Creek.

The proposed project will have a total approximate permanent impact of 175 linear feet to waterway and 466 cubic yards of permanent fill. In addition, there is approximately 0.020 acre of temporary wetland impacts with 0.005 acre of permanent wetland impacts. The project commences on Main Street in Sellersville Borough, Bucks County; (USGS PA Telford Quadrangle—Latitude 40.357500 N, Longitude 75.308055 W).

E46-1144. Pennsylvania Department of Transportation Engineering District 6, 7000 Geerdes Blvd. King of Prussia, East Norriton and Whitpain Townships, Montgomery County, ACOE Philadelphia District.

The Pennsylvania Department of Transportation (PennDOT) is proposing to perform the below listed water obstruction and encroachment activities associated road widening and reconstruction of the S.R. 0202 corridor in East Norriton and Whitpain Townships, Montgomery County. Project includes compensatory mitigation for permanent wetland and stream impacts associated with S.R. 0202 Sections 61N, 61S and 65S.

1) To replace and extend conveyance and outfall located at S.R. 0202, Station 227+60 within an unnamed tributary to Central Branch of Stony Creek (TSF) (Waterway D). This activity includes the placement of rock apron resulting in permanent impacts of 95 linear feet (1,256 square feet) and temporary impacts of 35 linear feet (454 square feet).

2) To replace the existing 89-foot long, 6-foot 5-inch by 5-foot RC box culvert with a 119-foot long, 15-foot by 5-foot 7-inch RC box stream enclosure located at S.R.

0202, Station 236+7.07 over an unnamed tributary to East Tributary of Stony Creek (TSF) (Waterway C) resulting in permanent impacts of 74 linear feet (1,066 square feet) and temporary impacts of 81 linear feet (1,162 square feet).

3) To replace the existing T-beam bridge with 55-foot long, 6-foot under clearance culvert with a 103-foot long, 26-foot by 7-foot precast concrete box stream enclosure located at S.R. 0073, Station 1013+55.83 over East Tributary of Stony Creek (TSF) (Waterway B) resulting in permanent impacts of 59 linear feet (2,411 square feet) and temporary impacts of 66 linear feet (1,500 square feet).

4) To replace and extend an existing reinforced concrete slab bridge and 16-foot by 3-foot culvert box extension of 78 feet with a 96-foot long twin 24-foot by 5.5-foot concrete box culverts at SR 0202, Station 243+46.90 over East Tributary of Stony Creek (TSF) (Waterway B) resulting in permanent impacts of 108 linear feet (1,367 square feet) and temporary impacts of 151 linear feet (2,900 square feet).

5) To place rock apron for an existing outfall located at US 0202, Station 247+00 within the Central Branch of Stony Creek (TSF) (Waterway B) resulting in permanent impacts of 9.6 linear feet (83 square feet) and temporary impacts of 8 linear feet (166 square feet).

6) To replace and extend an existing 91-foot long, 8-foot by 3-foot RC box culvert with a 105-foot long, 10-foot by 4-foot precast concrete box stream enclosure at SR 0202, Station 262+90.77 over an unnamed tributary to East Tributary of Stony Creek (TSF) (Waterway A) resulting in permanent impacts of 59 linear feet (727 square feet) and temporary impacts of 127 linear feet (1,320 square feet).

7) To place fill in wetland (Wetland B) associated with culvert extension of stream enclosure activity located at S.R. 0202, Station 262+90.77 in an unnamed tributary of East Tributary of Stony Creek (TSF) (Waterway A) resulting in a permanent impact of 91 square feet (0.002 acre) of the palustrine forested wetland (Wetland B).

8) To replace and extend a portion of an existing 1,200-foot long stream enclosure. 900 feet of existing RC box stream enclosure located under an adjacent shopping center parking lot will remain with 300 feet of 6-foot by 5-foot RC box stream enclosure to be replaced with a 10-foot 6-inch by 4-foot precast concrete box stream enclosure located at SR 0073, Station 1018+87.63 over an unnamed tributary of East Tributary of Stony Creek (TSF) (Waterway C) resulting in permanent impacts of 52 linear feet (743 square feet) and temporary impacts of 6 linear feet (124 square feet).

9) To mitigate for permanent stream and wetland impacts associated with SR 0202 Section 61N in addition to Sections 61S and 65S permanent stream and wetland impacts at Prophecy Creek Wetland Mitigation Site along Morris Road and breach dam removal located along the Wissahickon Creek. Both mitigation sites are located within Upper Dublin Township.

The project will have a total permanent impact of 504 linear feet (0.176 acre/7,645 square feet) to waterways and 40,435 square feet (0.928 acre) of permanent impact to the floodway. In addition, 91.2 square feet (0.002 acre) of permanent wetland impact is proposed. The project is located on US 0202 Section 600 corridor between Township Line Rd. in East Norriton Township and Morristown

Rd. in East Norriton Township, Montgomery County, (USGS PA Ambler Quadrangle—Latitude 40.175744 N, Longitude 75.281597 W).

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

E22-635: PennDOT Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, in Lower Paxton Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain (1) a 37 linear foot 8-foot × 16 foot box culvert extension with R-6 riprap scour protection in Slotznick Run (CWF, MF) including 0.012 ac of permanent PEM wetland impact and 0.004 ac of temporary PEM wetland impacts, (2) perform 133 linear feet of sediment removal in Slotznick Run (CWF, MF), (3) to line an existing 305 linear foot 72-inch diameter culvert with a 60-inch diameter culvert in Asylum Run (WWF, MF) with scour protection and 0.002 ac of permanent PEM wetland impact and 0.001 ac of temporary PEM wetland impacts, (4) to line an existing 437 linear foot 72-inch diameter culvert with a 60-inch diameter culvert in a UNT Paxton Creek (WWF, MF), or the purpose of improving roadway safety along I-83 in Lower Paxton Township, Dauphin County (40.30071. -76.8288).

E21-460: Cumberland County, 1 Court House Square, Carlisle, PA 17013 in Middlesex Township, **Cumberland County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing structure and to install and maintain a 270 foot 11 5/8 inch × 35 foot 3 span bridge over Conodoguinet Creek (WWF, MF) with R-8 riprap scour protection (40.2402, -77.1649) in South Middleton Township, Cumberland County.

E22-611: Royalton Borough, 101 Northumberland St., Middletown, PA 17057 in Royalton Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To (1) install and maintain a 241 linear foot 32-inch plastic liner within an existing 36-inch diameter culvert with scour protection UNT Susquehanna River (WWF, MF) (40° 11' 12.7", -76° 43' 12.5"), (2) remove existing structures and to install and maintain 467 linear feet of 41-inch × 53-inch ASRP, 48-inch SLCPP and open channel with multiple stream habitat structures in a UNT Susquehanna River (WWF, MF) (40° 11' 9.1", -76° 43' 31.5"), (3) to remove 42 linear feet of existing vegetation along Royalton Cannel and to install and maintain erosion control matting (40° 11' 7.7", -76° 43' 41.1").

The project proposes to directly affect 708 linear feet of stream channel.

The project is being amended to (1) install and maintain a 241 linear foot 48-inch diameter culvert with scour protection in UNT Susquehanna River (WWF, MF) (40° 11' 12.7", -76° 43' 12.5").

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

E49-347. Pennsylvania Department of Transportation, Engineering District 3-0, PO Box 218, Montoursville, PA 17754-0218. S.R. 4018 Section 015, Unnamed Tributary to Plum Creek Bridge Replacement. Rockefeller Township, **Northumberland County**, Baltimore ACOE (Trevorton, PA Quadrangle N: 40° 49' 37"; W: -76° 43' 26").

PA DOT Engineering District 3-0 proposes to replace a 6 × 5 Ft twin cell elliptical metal pipe crossing with a single cell precast concrete box culvert. The existing crossing has a total span of 12.0 Ft., a skew of 70 degrees, an underclearance of 5.0 Ft., and a low chord of 563.65 Ft. and a hydraulic opening of 47 Ft². The proposed box culvert has a span of 10 Ft., a skew of 70 degrees, an underclearance of 5.0 Ft., and a low chord of 563.64 Ft. and a hydraulic opening of 50 Ft². The proposed box culvert will be depressed twelve inches and include baffles, and native material to accommodate aquatic passage in accordance with the BD-632M and PA Fish and Boat Commission recommendations. The project will also relocate approximately 163 L.F. of Unnamed Tributary that runs parallel to the roadway to accommodate roadway widening, which will improve roadway safety. The project will not impact any jurisdictional wetlands. Unnamed Tributary to Plum Creek is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards.

E41-684. Pennsylvania Department of Conservation and Natural Resources, Rachel Carson State Office Building, Harrisburg, PA 17105-8451. Flood Repairs—DR 4292 Area 7 in Cascade, McIntyre and McNett Township, **Lycoming County**, ACOE Baltimore District (Grover and Barbours, PA Quadrangles N:41° 30' 29" W: -76° 48' 53").

DCNR has applied for a Small Projects—Joint Permit to construct, operate and maintain flood repairs along Pleasant Stream in Cascade, McIntyre and McNett Township—Lycoming County. The permit pertains to flood repairs of DCNR road and bridges along pleasant stream and its tributaries in Loyalsock State Forest.

A total of twenty-five (25) permanent stream impacts are proposed to Pleasant Stream (HQ-CWF, EV), UNT to Pleasant Stream (HQ-CWF, EV), North Pleasant Stream (HQ-CWF, EV) and Bovier Run (HQ-CWF, EV). Project watercourse impacts shall include and be limited to a total of 1,363 linear feet (17,478 square feet) of permanent stream impacts.

A total of twenty (20) permanent floodway impacts are proposed. Project floodway impacts shall include and be limited to a total of 1,175 linear feet (13,464 square feet) of permanent floodway impacts.

There are no wetland impacts being proposed.

This project proposes to have the following impacts:

STREAM IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
North Pleasant Stream	McNett	Excavation	HQ-CWF, EV	Class A Wild	0	0	30	240	41.50722 76.82058
North Pleasant Stream	McNett	Excavation	HQ-CWF, EV	Class A Wild	0	0	10	60	41.50722 76.82058
North Pleasant Stream	McNett	Excavation	HQ-CWF, EV	Class A Wild	0	0	50	2,000	41.50722 76.82058
UNT Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	15	1,050	41.50788 76.81493
UNT Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	83	664	41.50788 76.81493
North Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	45	450	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	45	450	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	95	760	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	25	200	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	HQ-CWF, EV	Class A Wild	0	0	38	456	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	HQ-CWF, EV	Class A Wild	0	0	90	2,340	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	HQ-CWF, EV	Class A Wild	0	0	100	2,000	41.50722 76.82058
Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	166	1,328	41.50780 76.81953
Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	2	16	41.50780 76.81953
Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	HQ-CWF, EV	Class A Wild	0	0	350	2,800	41.45082 76.81370
Pleasant Stream	McIntyre	Riprap	HQ-CWF, EV	Class A Wild	0	0	6	18	41.49434 76.84940
Pleasant Stream	McIntyre	Riprap	HQ-CWF, EV	Class A Wild	0	0	30	480	41.49434 76.84940

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<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Chapter 93</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Bovier Run	McIntyre	Riprap	HQ-CWF, EV	Class A Wild	0	0	41	492	41.49801 76.84079
Bovier Run	McIntyre	Riprap	HQ-CWF, EV	Class A Wild	0	0	50	1,250	41.49801 76.84079
Pleasant Stream	McIntyre	Riprap	HQ-CWF, EV	Class A Wild	0	0	6	12	41.49789 76.83171
Pleasant Stream	McNett	Riprap	HQ-CWF, EV	Class A Wild	0	0	6	12	41.50198 76.82633
TOTAL					0	0	1,363	17,478	

FLOODWAY IMPACT TABLE:

<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
North Pleasant Stream	McNett	Riprap	Class A Wild	0	0	45	450	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	Class A Wild	0	0	45	450	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	Class A Wild	0	0	95	760	41.50722 76.82058
North Pleasant Stream	McNett	Riprap	Class A Wild	0	0	25	200	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	Class A Wild	0	0	38	456	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	Class A Wild	0	0	90	2,340	41.50722 76.82058
North Pleasant Stream	McNett	Debris Removal	Class A Wild	0	0	100	2,000	41.50722 76.82058
Pleasant Stream	McNett	Riprap	Class A Wild	0	0	166	1,328	41.50780 76.81953
Pleasant Stream	McNett	Riprap	Class A Wild	0	0	2	16	41.50780 76.81953
Pleasant Stream	Cascade	Riprap	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	Class A Wild	0	0	20	100	41.50827 76.81519
Pleasant Stream	Cascade	Riprap	Class A Wild	0	0	350	2,800	41.45082 76.81370
Pleasant Stream	McIntyre	Riprap	Class A Wild	0	0	6	18	41.49434 76.84940
Pleasant Stream	McIntyre	Riprap	Class A Wild	0	0	30	480	41.49434 76.84940
Bovier Run	McIntyre	Riprap	Class A Wild	0	0	41	492	41.49801 76.84079

<i>Resource Name</i>	<i>Municipality</i>	<i>Activity</i>	<i>Listed Trout</i>	<i>Impact Length Temp. (LF)</i>	<i>Impact Area Temp. (SF)</i>	<i>Impact Length Perm. (LF)</i>	<i>Impact Area Perm. (SF)</i>	<i>Lat. Long.</i>
Bovier Run	McIntyre	Riprap	Class A Wild	0	0	50	1,250	41.49801 76.84079
Pleasant Stream	McIntyre	Riprap	Class A Wild	0	0	6	12	41.49789 76.83171
Pleasant Stream	McNett	Riprap	Class A Wild	0	0	6	12	41.50198 76.82633
TOTAL				0	0	1,175	13,464	

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E5829-125: Susquehanna Gathering Company, LLC, 1429 Oliver Road, New Milford, PA, 18334-7516; Oakland Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary timber mat bridge crossing impacting 756 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Oakland, PA Quadrangle; Latitude: 41° 58' 21" N, Longitude: 75° 37' 31" W),

2) a 16-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 3,391 square feet (0.08 acre) of palustrine forested wetland (PFO) and 25,731 square feet (0.59 acre) of palustrine emergent wetland (PEM) (Oakland, PA Quadrangle; Latitude: 41° 58' 36" N, Longitude: 75° 38' 13" W),

3) a 16-inch diameter steel natural gas pipeline and timber mat bridge crossing impacting 57 lineal feet of an unnamed tributary to Hilborn Creek (CWF-MF) (Oakland, PA Quadrangle; Latitude: 41° 58' 35" N, Longitude: 75° 38' 15" W).

The 19 to CPF1 Pipeline project consists of constructing a 16-inch diameter steel natural gas pipeline approximately 1.5 mile long in Oakland Township, Susquehanna County. The project will result in 57 lineal feet of temporary stream impacts, 25,731 square feet (0.59 acre) of temporary wetlands impacts, and 3,391 square feet (0.08 acre) of permanent wetlands impacts to provide safe reliable conveyance of Marcellus Shale natural gas to market.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the

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

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

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

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0252816 (Sewage)	Madison Deep Mine STP 301 Market Street Kittanning, PA 16201-1504	Cambria County Jackson Township	Saltlick Run (18-E)	Yes
PA0030376 (Sewage)	Bell Acres Borough STP # 3 1151 Camp Meeting Road Sewickley, PA 15143	Allegheny County Bell Acres Borough	Little Sewickley Creek (20-G)	N
PA0219045 (Sewage)	Apollo Ridge School District STP PO Box 219 Spring Church, PA 15686-0219	Armstrong County Kiskiminetas Township	Unnamed Tributary to Wolford Run (18-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0010961 (Industrial)	SPS Technologies, LLC 301 Highland Avenue Jenkintown, PA 19046	Montgomery County Abington Township	Unnamed Tributary to Taony Creek 3-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0034088 (Sewage)	Oakwood Lake Village MHP 308 Gruver Lane Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Swale Brook (4-F)	Yes
PA0064343 (Industrial)	Stony Garden WTP Route 33 and Route 115 (along Appalachian Trail) Hamilton Township, PA 18360	Monroe County Hamilton Township	Unnamed Tributary to Aquashicola Creek (2-B)	Yes
PA0062031 (Sewage)	Twin Cedars Senior Living STP 364 Little Walker Road Shohola, PA 18458-2805	Pike County Shohola Township	Unnamed Tributary to Walker Lake Creek (01D)	Yes
PA0062910 (Sewage)	Bowmanstown Borough WWTP 800 Lincoln Avenue Bowmanstown, PA 18030	Carbon County Bowmanstown Borough	Lehigh River (2-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0043443 SEW	Alexandria Borough Porter Township STP PO Box 113 5271 Grange Hall Road Alexandria, PA 16611-0113	Porter Township Huntingdon County	Frankstown Branch Juniata River in Watershed(s) 11-A	Y

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

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

NPDES Permit No. PA0026069, Sewage, SIC Code 4952, **Latrobe Municipal Authority**, PO Box 88, Latrobe, PA 15650-0088.

This existing facility is located in Latrobe Borough, **Westmoreland County**.

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

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

NPDES Permit No. PA0276014, Industrial, SIC Code 0782, 7900, **Lake Naomi Club**, Rte 423, PO Box T, Pocono Pines, PA 18350.

This proposed facility is located in Tobyhanna Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of a New Individual NPDES & Joint Permit for the application of Pesticides to control weeds and algae in Lake Naomi.

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

NPDES Permit No. PA0264962, Sewage, SIC Code 8800, **Clinton Cassese**, 7356 Winchester Lane, Solon, OH 44139.

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

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

NPDES Permit No. PA0238988, Sewage, SIC Code 8800, **David J Tomczak**, 9485 Old Waterford Road, Erie, PA 16509-5659.

This existing facility is located in Greene Township, **Erie County**.

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

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

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

WQM Permit No. 468S011-A2, Sewage, **Lutheran Camp Assoc Inc.**, PO Box 245, Jennerstown, PA 15547.

This proposed facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: STP improvements.

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

WQM Permit No. 6717401, Sewerage, **Dover Township**, 2480 W Canal Road, Dover, PA 17315.

This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity:

The permit approves the replacement of approximately 4,700 ft. of 10" gravity interceptor between existing manholes P01021 and P01038 with new 12" gravity interceptor.

WQM Permit No. 6717402, Sewerage, **Kristina Rodgers Penn Township STP**, 20 Wayne Ave, Hanover, PA 17331.

This proposed facility is located in Penn Township, **York County**.

Description of Proposed Action/Activity:

The applicant proposes the abandonment of the Industrial Park PS and associated forcemain and construct a new 3,995 ft gravity interceptor to convey the flows that were previously conveyed by the Industrial Park PS. The proposed interceptor will be built from 15" PVC between new manholes MH-B17 and MH-B2 and from 18" PVC between new manhole MH-B2 and existing MH-C, and will be designed to convey 1.05 mgd (average daily flow)/2.10 mgd (peak flow).

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

WQM Permit No. 6217404, Sewage, SIC Code 8800, **Clinton Cassese**, 7356 Winchester Lane, Solon, OH 44139.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD150031	Chester Water Authority P.O. Box 467 Chester, PA 19016	Chester	East and West Nottingham Townships	Tweed Creek TSF-MF Blackburn Run TSF-MF Northeast Creek WWF-TSF-MF Black Run EV-MF Stone Run TSF-MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450023	Pleasant Valley Assembly of God C/O Mr. Scott Carver PO Box 797 Brodheads ville, PA 18322	Monroe	Chestnuthill Township	Pohopoco Creek (HQ-CWF, MF) Weir Creek (CWF, MF)
PAD390016	DeSales University 2755 Station Ave. Center Valley, PA 18034	Lehigh	Upper Saucon Township	Laurel Run (CWF, MF) (EV Wetlands)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030615003 Issued	Mr. John Backenstose 2478 Old Route 100 Barto, PA 19504	Berks County	Washington Township	West Branch Perkiomen Creek (CWF, MF) UNT Perkiomen Creek (CWF, MF) EV Wetlands
PAD280001 Issued	Grove U.S. LLC 1565 Buchanan Trail East Shady Grove, PA 17256	Franklin County	Antrim Township	Muddy Run (HQ-CWF, MF) Marsh Run (WWF, MF)

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 & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140019	State College Area School District 240 Villa Crest Drive State College, PA 16801	Centre	College Twp	Spring Creek HQ-CWF, MF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Plymouth Township Montgomery County	PAC460012	Stronghold Properties, Inc. P.O. Box 280 1120 Bethlehem Pike Spring House, PA 19477	Plymouth Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460098	King of Prussia Associates A Pennsylvania General Partnership 225 West Washington Street Indianapolis, IN 46024	Crow Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Hanover Township Montgomery County	PAC460105	Geryville Storage LLC 224 Cathill Road Sellersville, PA 18703	Unnamed Tributary to Macoby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAC0117	Sal & Paula Pupillo 2598 Washington Drive Gilbertsville, PA 18525	Unnamed Tributary to Swamp Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460070	Conshohocken Construction, Inc. 415 Pastel Lane Conshohocken, PA 19428	Unnamed Tributary to Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Merion Township Montgomery County	PAC460075	GlaxoSmithKline 709 Swedeland Road King of Prussia, PA 19406	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Providence Township Montgomery County	PAC460092	Ridgetop Associates 30 Eagleview Road Eagleview, PA 19403	Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marple Township Delaware County	PAC230034	Naomi, LLC 24 North Bryn Mawr Avenue Suite 286 Bryn Mawr, PA 1910	Darby-Cobbs Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
New Britain Township Bucks County	PAC090037	Prestige Property Partners, LLC 1126 Horsham Road Maple Glen, PA 19002	North Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAC090079	Bristol Township School District 6401 Mill Creek Road Levittown, PA 19057	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Buck County	PAC090080	Central Bucks Athletic Association P.O. Box 111 Buckingham, PA 18912	Plumstead Township WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Buck County	PAC090084	Christopher Natale 3045 Comfort Road Hope, PA 18938	Delaware River South/ Pidcock Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Great Bend and Oakland Township Susquehanna County	PAC580006	Mineral Point Energy Facility North Shore Place I 358 N. Shore Dr. Ste 201 Pittsburgh, PA 15212	Unnamed Tributary to Susquehanna River (WWF, MF)	Susquehanna County Conservation District 570-278-4600

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Huntington Township Adams County Issued	PAC010008	Elvin B. Diller President, EB Clearing, Inc. 346 White Church Road York Springs, PA 17372	Bermudian Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Littlestown Borough Adams County Issued	PAC010036	Steve Laughman President Alpha Fire Company No. 1 Littlestown 40 East King Street Littlestown, PA 17340	UNT Alloway Creek (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717.334.0636
Cumru Township Berks County Issued	PAC060072	Terry Hutchins Old Dominion Freight Line 500 Old Dominion Way Thomasville, NC 27630	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657
South Heidelberg Township Berks County Issued	PAC060078	Kevin Murphy Prime Wellness Pennsylvania, LLC 217 Wyoming Avenue Scranton, PA 18503	Cacoosing Creek (CWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533 610.372.4657

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Hempfield Township Lancaster County Issued	PAC360019	Greg Reichardt 100 Lincoln West Drive Mountville, PA 17554	West Branch Little Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Conoy Township Lancaster County Issued	PAC360079	Theresa Tredway PO Box 265 Bainbridge, PA 17502	Brandywine Creek (HQ-TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Manor Township Lancaster County Issued	PAC360110	Thomas Breneman 3642 Blue Rock Road Lancaster, PA 17603	Susquehanna River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Penn Township Lancaster County Issued	PAC360113	Jay Reiff 216 Hahnstown Road Ephrata, PA 17522	Chiques Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Manheim Township Lancaster County Issued	PAC360135	Cliff Hurter 502 Elizabeth Drive Lancaster, PA 17601	UNT Conestoga River (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Rapho Township Lancaster County Issued	PAC36014	John Haldeman 971 North Colebrook Road Manheim, PA 17545	UNT Little Chiques Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717.299.5361 x5
Manchester Township York County Issued	PAC670070	Manchester Township Municipal Authority Delmar Hauck 3200 Farmtrail Road York, PA 17406-5699	UNT to Codorus Creek (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430
Penn Township York County Issued	PAC670079	Conewago Contractors, Inc. Allen M. Smith 610 Edgegrove Road Hanover, PA 17331	Gitte Run (WWF)	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717.840.7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

*Facility Location &
Municipality*

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Huston Twp and Worth Twp Centre Cnty	PAC140023	PNW Inc. 1246 East College Ave State College, PA 16801	UNT to Bald Eagle Creek CWF, MF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Patton Twp	PAC140019	Landmark Properties Inc 455 Epps Bridge Parkway Suite 201 Athens, GA 30606	UNT-Big Hollow Run CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Castanea Twp	PAC180002	First Quality Tissue, LLC 904 Woods Ave Lock Haven, PA 17745	Bald Eagle Creek CWF, MF	Clinton County Conservation District 45 Cooperation Ln Mill Hall, PA 17751 (570) 726-3798
Ralpho Twp	PAC490016	Brian Hubler 3045 Irish Valley Road Paxinos, PA 17860	Millers Run CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

<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>
Georges Township	PAC260006	Uniontown (Fairchance) DPP, LLC 9010 Overlook Boulevard Brentwood, TN 37027	Muddy Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Luzerne Township	PAC260008	Chevron Appalachia, LLC 700 Cherrington Drive Coraopolis, PA 15108	UNT to Rush Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Luzerne Township	PAC260011	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	UNT to Cox Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
South Union Township	PAC260012	Maxim Development 121 Regency Drive Uniontown, PA 15401	UNT to Lick Run (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Newell Borough	PAC260013	Henwil Corporation 899 Third Street P.O. Box 358 Newell, PA 15466	Monongahela River (WWF)	Fayette County Conservation District 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
Shenango Township Lawrence County	PAC370014	The New York Blower Company Attn Matt Denzine 171 Factory Street La Porte, IN 46350	UNT to Big Run WWF	Lawrence County Conservation District 430 Court Street New Castle, PA 16101 724-652-4512
Punxsutawney Borough Jefferson County	PAC330007	Proform Powered Metals, Inc. 700 Martha Street Punxsutawney, PA 15767	UNT to Mahoning Creek WWF	Jefferson County Conservation District 1514 Route 28 Brookville, PA 15825 814-849-7463

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Huntingdon Township Westmoreland County	PAR806240	Amcel Center 1558 Mt Pleasant Connellsville Road Mt Pleasant, PA 15666	Jacobs Creek—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
Neville Township Allegheny County	PAG036191	Neville Island Terminals II, LLC 80 William Street Suite 400 Wellesley, MA 02481-3705	Ohio River—20-G	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000
New Castle City Lawrence County	PAG038359	Cascade Auto Wrecking Inc. 415 S Cascade Street New Castle, PA 16101	Unnamed Tributary to Big Run and Neshannock Creek—20-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
Erie City Erie County	PAG038361	Pro Waste Service Inc. 813 E 18th Street Erie, PA 16503-2147	Unnamed Stream—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lebanon County/ East Hanover Township	PAG079916 PAG082203 PAG082219 PAG083502 PAG083506 PAG083540 PAG083567 PAG083596 PAG089601 PAG089903 PAG089904 PAG089905	Old Line Environmental, Inc. 33 Stahl Point Road Building 6A Curtis Bay, MD 21226	Hostetter Family Farms Lebanon County/ East Hanover Township	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-12

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Conoy Township Lancaster County	PAG123529	Jay Deiter 2040 River Rd Bainbridge, PA 17502-9329	Watershed (7-G)	DEP—SCRO—CW 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
James Schwalm 351 Bastian Rd Halifax, PA 17032	Dauphin	115.1	839.04	Swine, Beef	NA	Approved
Emway Farm 820 Luxemburg Rd Lykens, PA 17048	Dauphin	25	1,895.23	Layers, Sheep	NA	Approved
Joe Burkholder 1440 Division Highway Ephrata, PA 17522	Lancaster	75.7	331.6	Swine/Beef	NA	A
Joel Martin 2077 Mountain Road Manheim, PA 17545	Lancaster	208.8	81.88	Ducks	HQ	A
Kestone Dairy Ventures, LLC Matt Young 324 Balance Meeting Rd. Peach Bottom, PA 17563	Lancaster	685.1	1,549.35	Dairy	HQ	A
Wingert Farms Inc. 5497 Shade Ln Alexandria, PA 16611	Huntingdon	1,699	1,834.92	Dairy	Pike Run, Henry's Run, Shaver Creek, Fox Run— HQ-CWF	Approved
Aaron Warner 18826 New Fording Rd. Broad Top, PA 16621	Huntingdon	285.1	672.66	Swine Grow-finish	NA	Approved

**CAFO NMP
PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
Lamar E. Troup BDS Farm, LLC 282 Troup Road Beaver Springs, PA 17812	Snyder	516	502.08	Swine, Poultry, Cattle, Horses	HQ	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. 3616513, Public Water Supply.

Applicant	Spring Glen Fresh Foods, Inc.
Municipality	Ephrata Township
County	Lancaster
Responsible Official	Tom Butler, Plant Manager 1410 East Market Street York, PA 17403
Type of Facility	Installation of sand pressure filter for water polishing and replacement of booster pumps.
Consulting Engineer	Joshua D. Maren, P.E. Zephyr Environmental Corporation 1410 East Market Street York, PA 17403
Permit to Construct Issued	9/11/2017

Permit No. 3617513 MA, Minor Amendment, Public Water Supply.

Applicant	P.C.S. Chadaga
Municipality	Penn Township
County	Lancaster

Responsible Official	P.C.S Chadaga, Log Cabin Court 1300 Market Street, Suite 201 PO Box 622 Lemoyne, PA 17043-0622
Type of Facility	Penn Valley Village MHP Storage Tank Replacement.
Consulting Engineer	Charles A. Kehew II, P.E. James R. Holley & Associates, Inc. 18 South George Street York, PA 17401
Permit to Construct Issued	9/5/2017
Permit No. 2817507 MA , Minor Amendment, Public Water Supply.	
Applicant	Shippensburg Borough Authority
Municipality	Southampton Township
County	Franklin
Responsible Official	John Eply, Borough Manager 111 North Fayeete Street PO Box 129 Shippensburg, PA 17257-2147
Type of Facility	Well No. 2 facility improvements and addition of an sodium hypochlorite disinfection system.
Consulting Engineer	Dennis Hammaker, P.E. RETTEW Associates, Inc. 3020 Columbia Avenue Lancaster, PA 17603
Permit to Construct Issued	9/8/2017

Operation Permit No. 3616514 MA issued to: **Millersville University (PWS ID No. 7360127)**, Manor Township, **Lancaster County** on 9/7/2017 for facilities approved under Construction Permit No. 3616514 MA.

Operation Permit No. 3610518 MA issued to: **Ephrata Area Joint Authority (PWS ID No. 7360045)**, Ephrata Township, **Lancaster County** on 9/7/2017 for facilities approved under Construction Permit No. 3610518 MA.

Comprehensive Operation Permit No. 4340008 issued to: **Mifflintown Municipal Authority (PWS ID No. 4340008)**, Walker Township, **Juniata County** on 9/5/2017 for the operation of facilities approved under Construction Permit No. 3416502.

Operation Permit No. 7360156 issued to: **UMH PA Lancaster County, LLC (PWS ID No. 7360156)**, Caernarvon Township, **Lancaster County** on 9/5/2017 for facilities at Mountaintop MHP approved under Construction Permit No. 3616521 MA.

Operation Permit No. 3617512 MA issued to: **City of Lancaster (PWS ID No. 7360058)**, Millersville Borough, **Lancaster County** on 9/8/2017 for facilities approved under Construction Permit No. 3617512 MA.

Operation Permit No. 0617507 MA issued to: **Borough of Boyertown (PWS ID No. 3060081)**, Boyertown Borough, **Berks County** on 9/7/2017 for facilities at East & West Cannon Hill Tanks approved under Construction Permit No. 0617507 MA.

Transferred Comprehensive Operation Permit No. 7360112 issued to: **Quarryville Borough Authority**

(PWS ID No. 7360112), Quarryville Borough, **Lancaster County** on 9/5/2017. Action is for the operation of facilities previously issued to.

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

Permit No. 6517512, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Bell Township

County **Westmoreland**

Type of Facility Polymer addition at the Sweeney WTP

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

Permit to Construct Issued September 8, 2017

Operations Permit issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) City of Pittsburgh, **Allegheny County** on September 8, 2017 for the operation of facilities approved under Construction Permit # 0210521.

Operations Permit—revoked issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) City of Pittsburgh, **Allegheny County** on April 17, 2017 for the operation of facilities approved under Construction Permit # 0217517.

Operations Permit—revoked issued to: **Pittsburgh Water & Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID # 5020038) City of Pittsburgh, **Allegheny County** on April 17, 2017 for the operation of facilities approved under Construction Permit # 0217520.

Permit No. 6516514MA, Minor Amendment. Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Penn Township

County **Westmoreland**

Type of Facility Sterling Oaks Development waterline

Consulting Engineer Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Permit to Operate Issued September 8, 2017

Permit No. 6516513MA, Minor Amendment. Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Borough or Township] Salem Township

County **Westmoreland**

Type of Facility Dominion Office Building waterline

Consulting Engineer Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Permit to Operate Issued September 8, 2017

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

Operation Permit issued to **Pennsylvania American Water Company**, PWSID No. 5100012, Summit Township, **Butler County**. Permit Number 1069502-T1-MA11 issued September 11, 2017 for the operation of the newly installed 17,200 linear feet of DI and HDPE waterline extending on Hinchberger, Herman, Bonniebrook and Brinker Roads to service Summit Elementary School, The Summit Academy and several other prospective customers along the line. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on July 27, 2017 with supporting documentation provided on August 24, 2017.

Permit No. 3789504-T1-MA4, Public Water Supply.

Applicant **Pennsylvania American Water Company**

Township or Borough Mahoning Township

County **Lawrence**

Type of Facility Public Water Supply

Consulting Engineer Bruce Brubaker
PA American
800 Hershey Park Drive
Hershey, PA 17033

Permit to Construct Issued September 11, 2017

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Antis Township	909 North Second Street Bellwood, PA 16617	Blair

Plan Description: Approval of a revision to the official plan of Antis Township, Blair County. The project is known as Amato SFTF. The plan provides for the installation of a small flow treatment facility, to repair a failing on-lot sewage disposal system for a single-family dwelling, with discharge to Sugar Run. The proposed development is located along Hollen Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-07906-316-3s and the APS Id is 946056. Any permits must be obtained in the name of the property owner.

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:

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

United Brass Works, Inc., 944 W. 12th Street, City of Erie, **Erie County**. ECS Mid-Atlantic, LLC, 145 Lake Drive, Suite 102, Wexford, PA 16090, on behalf of United Brass Works, Inc., 611-A Industrial Avenue, Greensboro, NC 27406, submitted a Risk Assessment Report concerning the remediation of site soil contaminated with lead, arsenic, cadmium, chromium, copper, benzo[a]pyrene and site groundwater contaminated with tetrachloroethene, trichloroethene, vinyl chloride, lead, and arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995
PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.101—6026.907).

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

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

The Department has received the following plans and reports:

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

Karl Knarr Estate, 2472 Wilson Street, Reading, PA 19605, Bern Township, **Berks County**. ECC Horizon, 520 Fellowship Road, Suite E-506, Mount Laurel, NJ, 08054,

on behalf of Coventry Environmental, Inc., 141 South Main Street, Spring City, PA 19475, submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report was administratively incomplete and was disapproved by the Department on September 1, 2017.

William Jackson Property, 1094 Laudermilch Road, Palmyra, PA 17078, East Hanover Township, **Dauphin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance Company, P.O. Box 106169, Atlanta, GA 30348-6169; William Jackson, 1406 Bradley Avenue, P.O. Box C, Hummelstown, PA 18073; Rick Snyder, 1092 Laudermilch Road, Palmyra, PA 17078; and Randy Nowlen, 1090 Laudermilch Road, Palmyra, PA 17078 submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on September 7, 2017.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

NFG Midstream Clermont West Compressor Station, 12753 Shawmut Grade Road, Jones Township, **Elk County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of NFG Midstream Clermont, LLC, P.O. 2081, 1100 State Street, Erie, PA 16512, submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene, isopropylbenzene, fluorene, anthracene, phenanthrene, naphthalene, benzo[a]anthracene and site groundwater contaminated with benzo[b]-fluoranthene, benzo[g,h,i]perylene, chrysene, indeno[1,2,3-c,d]pyrene, and pyrene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 7, 2017.

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

North Hills Village Mall Property, 4801 McKnight Road, Ross Township, **Allegheny County**. American Geosciences Inc., 3925 Reed Boulevard, Murrysville, PA 15668-1848 on behalf of J.J. Gumberg Co., 1051 Brinton Road, Pittsburgh, PA 15221, has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated volatile organic compounds. Public notice was printed in the Pittsburgh Post Gazette on June 5, 2017. The Report was approved by the Department on September 5, 2017.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Application No. WMGR025SC004. On April 17, 2017, the Department received an application for a registration under Residual Waste General

Permit No. WMGR025 from the City of Harrisburg for its proposed yard waste and organics composting facility located at 1850 Stanley Road, Harrisburg, PA 17109 in Susquehanna Township, **Dauphin County**. General Permit No. WMGR025 authorizes the composting and beneficial use of the following source-separated wastes: agricultural waste other than mortalities, butcher waste other than whole carcass, food processing waste, pre-consumer and post-consumer food residuals, yard waste, land clearing and grubbing material, untreated wood waste, gypsum wallboard, paper, cardboard, waxed cardboard, virgin paper mill sludge and spent mushroom substrate. The application for registration was withdrawn on September 5, 2017 at the request of the City of Harrisburg.

Persons with questions may contact may contact Mr. John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 100955. Clinton County Solid Waste Authority, Wayne Township, **Clinton County**. This minor permit modification is for processing and storage of whole and shredded wooden utility poles at the Wayne Township Landfill site until shipped offsite for use as fuel. If no offsite use is found for the stockpiled poles within a specified time, they will be disposed of in the landfill. The permit was issued by Northcentral Regional Office on September 5, 2017.

Persons interested in reviewing the permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

Permit Application No. 100020. IESI Bethlehem Landfill Corporation, 2335 Applebutter Road, Bethlehem, PA 18015. A major permit modification for expansion of this existing municipal waste landfill located in Lower Saucon Township, **Northampton County**. The expansion area is to be located within the current permit boundary and involves expanding over existing fill areas and a small portion of new disposal area in the southeast corner of the site. The proposed expansion does not include a change in waste acceptance rates. The application was approved by the Regional Office on September 8, 2017.

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.

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.

Permit Application No. 101719. PA Waste, LLC, 175 Bustleton Pike, Feasterville, PA 19053, Boggs Township, **Clearfield County**. The permit application is a two-phase application. The Phase I and II applications together are for a proposed new municipal waste landfill on an 845-acre facility with 217 acres of lined waste disposal area accepting up to 5,000 tons of waste per day. The Department has received Phase I of the application and held an LMIP meeting on August 29, 2017. An alternate project timeline of 250 business days was established.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. 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.

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

Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.

GP11-35-017: Kiewit Power Construction (1000 Sunnyside Drive, Jessup, PA 18434) on September 5, 2017 for the installation and operation of Diesel I/C engines at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

GP3-54-003A: Summit Anthracite Inc. (196 Vista Road, Klingerstown, PA 17941) on September 5, 2017 for the installation and operation of a portable crushing operation at the site located at Feather Stone Quarry in Porter Twp., **Schuylkill County**.

GP9-54-003A: Summit Anthracite Inc. (196 Vista Road, Klingerstown, PA 17941) on September 5, 2017 for the installation and operation of IC Engines at the site located at Feather Stone Quarry in Porter Twp., **Schuylkill County**.

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

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

GP3-59-245A: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on September 6, 2017, for the authorization construct and operate a Terex Pegson XA400S Crusher, a Terex Pegson 1000 Maxtrak Crusher, a Finlay C-1550P screener, a Powerscreen Chieftain 2100 triple deck screener, a Powerscreen Warrior 1800 double deck

screener, a Terex Finlay 694+ double deck screener, a Powerscreen Trakpactor model 500 portable crusher, a Powerscreen Warrior 2400 double deck screener, three (3) Telestacker TC421 conveyor-stackers, and a McCloskey SDX100 conveyor-stacker pursuant to the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3)) at the Armenia Mountain Quarry located in Sullivan Township, **Tioga County**.

GP9-59-245A: DeCristo, Inc. (9070 Route 414, Canton, PA 17724) on September 6, 2017, for the authorization to construct and operate a 300 bhp Caterpillar C-9 diesel-fired engine, a 345 bhp Scania DC9 diesel-fired engine, a 540 bhp Caterpillar C15 diesel-fired engine, a 450 Scania DC 13 diesel-fired engine, a 129.4 bhp Caterpillar C4.4 diesel-fired engine, a 131.4 bhp Caterpillar C4.4 diesel-fired engine, and a 202.5 bhp Caterpillar C7.1 diesel-fired engine pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) to power portable non-metallic portable crushers and screeners at the Armenia Mountain Quarry located in Sullivan Township, **Tioga County**.

GP5-41-660B: ARD Operating, LLC (33 West Third Street, Suite 300, Williamsport, PA 17701) on September 5, 2017, for the construction and operation of one (1) 1,380 bhp Caterpillar model G3516TA-ULB four-stroke ultra-lean-burn natural-gas-fired compressor engine equipped with oxidation catalyst and one (1) 35 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank along with re-authorization of one (1) 1,380 bhp Caterpillar model G3516TA-ULB four-stroke ultra-lean-burn natural-gas-fired compressor engine equipped with oxidation catalyst, one (1) 35 MMscf/day J.W. Williams dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) 87 bhp Capstone model C65 Microturbine generator, one (1) 195 bhp Caterpillar model G3306 TA LCR rich-burn emergency generator engine, two (2) 16,800-gallon produced water tanks, two (2) 500-gallon lube oil tanks, one (1) 500-gallon engine coolant tank, one (1) 500-gallon triethylene glycol tank, and one (1) 1,000-gallon waste oil tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Lycoming Hunt & Fish Club Compressor Station located in Cogan House Township, **Lycoming County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

GP1-25-931A: PA Department of Corrections-SCI Albion (10745 Route 18, Albion, PA 16475) on September 5, 2017, for the authority to operate a natural gas fired boiler (Superior Boiler Works model IR-350-W160-WPCF-G) (BAQ-GPS/GP1) located at their facility in Conneaut Township, **Erie County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

67-05004T: P.H. Glatfelter Company (228 South Main Street, PA 17362) on September 5, 2017, for the pulp and paper manufacturing facility located in the Spring Grove Borough, **York County**. The plan approval revises the selected continuous monitoring option in Plan Approval 67-05004S regarding the 40 CFR Part 63 Subpart DDDDD (Boiler MACT) Hydrogen Chloride (HCL) emission limit for Power Boiler Number 5.

07-03063A: Sorge Funeral Home, Inc. (422 North Juniata Street, Hollidaysburg, PA 16648) on September 5, 2017, to install a new human crematory at the facility in the Borough of Hollidaysburg, **Blair County**.

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

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

17-00001F: NRG REMA LLC. (250 Power Plant Drive, Shawville, PA 16873) on August 25, 2017, the Department of Environmental Protection issued plan approval for a PAL permit on the operation of the Shawville Generating Station in Bradford Township, **Clearfield County**. The PAL permit established plant-wide applicability limits (PALs) for the following pollutants; PM_{2.5}, PM₁₀, SO₂, NO_x (expressed as NO₂), CO, VOCs, lead, particulate matter, sulfuric acid mist, and GHGs (expressed as CO_{2e}).

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

11-00356E: Equitrans, L.P. (625 Liberty Ave., Suite 1700, EQT Plaza, Pittsburgh, PA 15222-3114) On September 8, 2017, the Pennsylvania Department of Environmental Protection (Department) issued Air Quality Plan Approval # PA-11-00356E to allow the following changes: 1) Installation of engine control upgrades and oxidation catalysts on Source IDs 101—103, 2) installation of oxidation catalysts on Source IDs 104-105, 3) revision of Section D, Condition # 005 of the existing Title V operating permit for Source IDs 101—105 to eliminate the hours of operation restrictions but demonstrate compliance with existing tons per year limits using actual stack test data and actual hours of operation, 4) incorporation of Reasonably Available Control Technology (RACT) requirements in accordance with 25 Pa. Code §§ 129.96—129.100, and 5) clarification of the rated capacity for Source IDs 101—103 as 2,040 brake horsepower (bhp) each at Rager Mountain/Laurel Ridge Transmission Station located in Jackson Township, **Cambria County**.

04-00741A: ETC Northeast Field Services, LLC (6051 Wallace Road Ext, Suite 3, Wexford, PA 15090) On September 6, 2017, for the expansion of the Pike Compressor Station located in New Sewickley Township, **Beaver County**. New sources include four (4) 1,775 bhp Caterpillar G3606 lean burn natural gas-fired compressor engines each controlled by an oxidation catalyst; one (1) 80 MMscfd triethylene glycol dehydration unit with associated 1.5 MMBtu/hr reboiler, with flash gas emissions controlled by routing to reboiler and regenerator still column and excess flash tank emissions controlled by existing 7.5 MMBtu/hr thermal oxidizer; one (1) condensate stabilizer with associated 2.0 MMBtu/hr heater; one

(1) dew point control unit with associated 5.0 MMBtu/hr hot oil heater; one (1) enclosed combustor to control compressor rod packing emissions from the four new engines, electric flash gas compressor rod packing emissions, and EG regenerator/flash tank emissions; fugitive emissions from component leaks; and pigging operations.

11-00508B: Hindman Funeral Homes & Crematory, Inc. (146 Chandler Avenue, Johnstown, PA 15906) on August 30, 2017, for continued operation of one (1) natural gas-fired human crematory incinerator and one (1) natural gas-fired animal crematory incinerator at the above referenced facility located in Lower Yoder Township, **Cambria County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

43-182E: Wheatland Tube Co. Council Ave. Plant (P.O. Box 608, Wheatland, PA 16161), on September 5, 2017 issued a Plan Approval to construct and initially operate equipment for a new galvanized conduit pipe production line in Wheatland Borough, **Mercer County**. This is a Title V facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

11-00553A: Starprint Publications, Inc. (722 Dulancey Drive, Portage, PA 15946) Extension effective September 9, 2017, to extend the period of temporary operation of three heatset web offset lithographic printing presses and one catalytic oxidizer control device authorized under PA-11-00533A at the Starprint printing facility located in Portage Borough, **Cambria County**.

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

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

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

34-05001: AC Products, Inc. (12393 William Penn Highway, Thompsontown, PA 17094-8649) on September 5, 2017, for the wood cabinet manufacturing facility located in Delaware Township, **Juniata County**. The Title V 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.

18-00004: Armstrong Flooring, Inc. (PO Box 405, Beech Creek, PA 16822) on August 25, 2017, was issued a renewal Title V operating permit for their facility located in Beech Creek Township, **Clinton County**. The renewal permit also incorporates the provisions and requirements

contained in the company's approved RACT II plan for the facility in accordance with 25 Pa. Code §§ 129.96—129.100. The renewal permit also reflects a change of ownership. The revised Title V 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: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.

11-00258: Texas Eastern Trans LP (PO Box 1642, Houston, TX 77251-1642) Title V Operating Permit renewal and modification issuance date effective September 8, 2017, to authorize the continued operations of their Lilly Compressor Station located in Cresson Township, **Cambria County**.

TV-65-00173: Summerill Tube Corporation (P.O. Box 302, 220 Franklin Street, Scottsdale, PA 15683) on September 8, 2017, a Title V Operating Permit renewal to Summerill Tube Corporation for their facility located in Scottsdale Borough, **Westmoreland County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

07-03009: Tyrone Borough (1100 Logan Avenue, Tyrone, PA 16686-1624) on September 5, 2017, for the emergency generators at the Tyrone Borough STP facility located in Snyder Township, **Blair County**. The State-only permit was renewed.

36-03105: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17101-3331) on September 5, 2017, for the stone quarrying operating at the East Petersburg Quarry located in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

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

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

63-00650: Reaxis Inc. (941 Robinson Highway, McDonald, PA 15057) on September 8, 2017, an Air Quality State Only Operating Permit (SOOP) renewal to Reaxis Inc. to authorize the operation of a facility located in Robinson Township, **Washington County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

25-00279: Associated Spring Barnes Group (226 S. Center Street, Corry, PA 16407-1935) on September 6, 2017, the Department issued the renewal of the State operating permit for the facility located in Corry City, **Erie County**. The facility manufactures wire springs and other small metal parts, primarily for the automotive industry. The sources at the facility include two space heating boilers, two process boilers, two air handlers, an

oiling process, dip coating, spray coating, grinding, bluing and drawing ovens, miscellaneous ovens, and parts washers. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. The potential PM₁₀, VOC, SO_x, NO_x, CO, and HAP emissions from the facility are approximately 0.98 TPY, 27.4 TPY, 0.08 TPY, 13.5 TPY, 11.3 TPY, and 2.4 TPY, respectively.

37-00296: Select Industries (PO Box 7158, 420 N Cascade Street, New Castle, PA 16107-7158) on September 5, 2017, the Department issued the renewal operating permit for the facility located in New Castle, **Lawrence County**. The facility coats tinplates. The significant sources at the facility are a roll coater controlled by a thermal oxidizer, a printing press, a small paint booth, miscellaneous natural gas combustions sources, and miscellaneous cleaning solvent. The conditions of the previous approvals and operating permit were incorporated into the renewal permit. The facility is a Natural Minor. VOC emissions are approximately 8.2 lbs/hr from the surface coating as measured by stack testing at the outlet of the thermal oxidizer.

42-00151: Werzalit of America, Inc. (40 Holley Avenue, Bradford, PA 16701-1809), on September 11, 2017, the Department issued the renewal of the Natural Minor Permit to operate a facility, located in the City of Bradford, **McKean County**, that manufactures casual furniture and architectural cladding from hardwood-filled resin composites. Established through a plan approval, facility-wide VOC emission of Werzalit of America, Inc. must not exceed 23.84 tons and its methanol and formaldehyde emissions from resin usage must not exceed 9.0 and 3.5 tons, respectively, in any 12-month rolling period. In this renewal, surface coating operations at the facility is subject to recordkeeping, reporting, and work practice requirements pursuant to 25 Pa. Code § 129.52c pertaining to Control of VOC emissions from flat wood paneling surface coating process, replacing those from § 129.52 pertaining to Surface coating process. More stringent than that from § 129.52c, the 4.10-lb/hr VOC emission limit established through RACT still applies. Provisions of § 40 CFR 63 Subpart JJJJJ, pertaining to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, applicable to the wood/wood product-fired boiler at the facility are updated.

43-00324: John Flynn Funeral Home & Crematory, Inc. (2630 East State St., Hermitage, PA 16148-2718), on September 11, 2017, the Department issued the renewal of the Natural Minor Permit to operate a funeral home and crematory in the City of Hermitage, **Mercer County**. The only permitted source at the facility is a cremator equipped with an afterburner as a control device. The cremator at the facility is subject to restrictions and requirements adapted from the permitting criteria recommended by the Department for crematory incinerators (DEP BAQ Doc. No. 275-2101-007). The facility has potential to emit 1.93, 0.53, 0.48, and 0.04 TPY of NO_x, CO, PM, and VOC, respectively. No significant changes in permit requirements are made in this renewal.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

N17-001: PECO Electric Shop—Oregon (2610 Columbus Boulevard, Philadelphia, PA 19148) issued on September 12, 2017 for the operation of a maintenance facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include eighteen (18) natural gas fired combustion units each rated at less than 5.0 MMBTU/hr, one diesel fired 765 hp emergency generator, one paint shop spray booth with dry panel filters, one transformer shop paint spray booth with dry panel filters, and a gasoline storage tank and distribution with Stage I and Stage II Vapor Recovery Systems.

OP16-000006: Simpson House Inc. (2101 Belmont Ave, Philadelphia, PA 19131) issued on September 5, 2017 for the operation of a nursing and personal care facility in the City of Philadelphia, **Philadelphia County**. Simpson House Inc. is a nursing home located at 2101 Belmont Ave, Philadelphia, PA 19131. The facility's air emission sources include two (2) 250 kilowatt (kW) or less diesel fired emergency generators, one (1) 280 kW natural gas fired combined heat and power (CHP) unit with 3-way catalyst (non-selective catalytic reduction (NSCR)), and four (4) natural gas/# 2 oil-fired boilers; three are rated at 2.887 MMBTU/hr and one is rated at 0.789 MMBTU/hr.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

GP5-12-059A: Seneca Resources Corporation (51 Zents Boulevard, Brookville, PA 15825) on August 15, 2017, terminated the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Beechwood Compressor Station located in Shippen Township, **Cameron County** due to the determination that the individual sources at the facility emit air contaminants below the respective plan approval emissions exemption thresholds and the facility overall emits air contaminants below the respective operating permit emission exemption thresholds pursuant to 25 Pa. Code § 127.14. Seneca Resources is required to maintain monthly records to demonstrate that their actual emissions remain below exemption thresholds. The facility remains subject to all applicable air quality regulations specified in 25 Pa. Code Chapters 121—145.

GP5-12-061: Seneca Resources Corporation (51 Zents Boulevard, Brookville, PA 15825) on August 23, 2017, terminated the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at the Rich Valley Compressor Station located in Shippen Township, **Cameron County** due to the determination that the individual sources at the facility emit air contaminants below the respective plan approval emissions exemption thresholds and the facility overall emits air contaminants below the respective operating permit emission exemption thresholds pursuant to 25 Pa. Code § 127.14. Seneca Resources is required to maintain monthly records to demonstrate that their actual emissions remain below exemption thresholds. The facility remains subject to all applicable air quality regulations specified in 25 Pa. Code Chapters 121—145.

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

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

Permit No. 32120105, Britt Energies, Inc., P.O. Box 515, 5450 Ferguson Road, Indiana, PA 15701, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 117.3 acres. Receiving stream: unnamed tributary to Blacklick Creek to Conemaugh 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: July 14, 2017. Permit issued: September 6, 2017.

Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17010109 and NPDES PA0243116. Forcey Coal, Inc. (475 Banion Road, Madera, PA 16661). Permit renewal on a passive treatment system of a bituminous surface coal mine located in Bigler Township, **Clearfield County** affecting 5.5 acres. Receiving stream(s): Clearfield Creek classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: May 30, 2017. Permit issued: August 30, 2017.

17010115. King Coal Sales, Inc. (P.O. Box 712, Philipsburg, PA 16866). Permit renewal for reclamation only of a bituminous surface coal mine located in Morris and Boggs Townships, **Clearfield County** affecting 190.1 acres. Receiving stream: Unnamed Tributaries to Emigh Run, Emigh Run and Alder Run classified for the following uses: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 24, 2017. Permit issued: September 7, 2017.

17110101 and NPDES PA0257516. A. W. Long Coal Company (127 Logan Street, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 302.8 acres. Receiving stream(s): Unnamed Tributaries to Emigh Run and Emigh Run; Unnamed Tributaries to Hawk Run and Hawk Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: November 9, 2016. Permit issued: September 7, 2017.

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

03110102 and NPDES Permit No. PA0252166. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for reclamation only to an existing bituminous surface mine, located in Redbank Township, **Armstrong County**, affecting 47.2 acres. Receiving streams: unnamed tributaries to Pine Run. Application received: June 26, 2017. Permit issued: September 7, 2017.

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

Permit No. 54980103R3. Gale Coal Co., Inc., (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Frailey Township, **Schuylkill County** affecting 307.3 acres, receiving stream: Middle Creek. Application received: August 5, 2013. Renewal issued: September 11, 2017.

Permit No. 54980103C9. Gale Coal Co., Inc., (1441 Oak Road, Pottsville, PA 17901), correction to update the post-mining land use and update the permit acres from 431.5 to 307.3 acres of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Frailey Township, **Schuylkill County**, receiving stream: Middle Creek. Application received: August 5, 2013. Correction issued: September 11, 2017.

Permit No. PAM113056. Gale Coal Co., Inc., (1441 Oak Road, Pottsville, PA 17901), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54980103 in Frailey Township, **Schuylkill County**, receiving stream: Middle Creek. Application received: August 5, 2013. Permit issued: September 11, 2017.

Noncoal Permits Issued

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

PAM617011. Schiffer Excavating, Inc. d/b/a Cooperstown Sand & Gravel (P.O. Box 4, Cooperstown, PA 16315) General NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 3773SM6 in Sugar creek Township, **Venango County**. Application received: August 7, 2017. Permit Issued: September 6, 2017.

PAM617012. Schiffer Excavating, Inc. d/b/a Cooperstown Sand & Gravel (P.O. Box 4, Cooperstown, PA 16315) General NPDES Permit for stormwater discharges associated with mining activities on Mine Drainage Permit No. 3773SM4 in Jackson Township, **Venango County**. Application received: August 7, 2017. Permit Issued: September 6, 2017.

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

Permit No. 64122501C and NPDES Permit No. PA0225240. Tim Kohrs, (1031 Bethany Turnpike, Honesdale, PA 18431), Renewal of NPDES permit for discharge of treated mine drainage in Texas Township, **Wayne County**, receiving stream Indian Orchard Brook. Application received: June 6, 2017. Renewal issued: September 5, 2017.

Permit No. 35170801. Initech Mining & Agricultural Services, LLC, (601 Finn Road, Factoryville, PA 18419), commencement, operation and restoration of a quarry operation in Benton Township, **Lackawanna County** affecting 5.0 acres, receiving stream: East

Branch Tunkhannock Creek. Application received: May 11, 2017. Permit issued: September 6, 2017.

Permit No. PAM117022. Initech Mining & Agricultural Services, LLC, (601 Finn Road, Factoryville, PA 18419), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35170801 in Benton Township, **Lackawanna County**, receiving stream: East Branch Tunkhannock Creek. Application received: May 11, 2017. Permit issued: September 6, 2017.

Permit No. 7373SM3C6 and NPDES Permit No. PA0593206. Lehigh Asphalt Paving & Construction Company, (P.O. Box 549, Tamaqua, PA 18252), Renewal of NPDES permit for discharge of treated mine drainage in East Penn Township, **Carbon County**, receiving stream: Lizard Creek. Application received: April 25, 2011. Renewal issued: September 7, 2017.

Permit No. 7373SM3C8 and NPDES Permit No. PA0593206. Lehigh Asphalt Paving & Construction Company, (P.O. Box 549, Tamaqua, PA 18252), Renewal of NPDES permit for discharge of treated mine drainage in East Penn Township, **Carbon County**, receiving stream: Lizard Creek. Application received: May 24, 2017. Renewal issued: September 7, 2017.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 39174104. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Springview Development in Upper Macungie and South Whitehall Townships in **Lehigh County** with an expiration date of August 31, 2018. Permit issued: September 5, 2017.

Permit No. 06174115. J Roy's, Inc., (P.O. Box 125, Bowmansville, PA 17507), construction blasting for Kodiak Pass in Robeson Township, **Berks County** with an expiration date of September 1, 2018. Permit issued: September 6, 2017.

Permit No. 67174115. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Bridgewater Development in Windsor Township, **York County** with an expiration date of September 1, 2018. Permit issued: September 6, 2017.

Permit No. 35174106. Maurer & Scott Sales, Inc., (122 Thomas Street, Coopersburg, PA 18036), construction blasting for Glen Maura Phase 5 Project in Moosic Borough, **Lackawanna County** with an expiration date of September 1, 2018. Permit issued: September 7, 2017.

Permit No. 06174116. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Met Ed Sanitary Line in Muhlenberg Township, **Berks County** with an expiration date of September 1, 2018. Permit issued: September 8, 2017.

Permit No. 36174136. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Aaron King Dwelling in Salisbury Township,

Lancaster County with an expiration date of October 30, 2017. Permit issued: September 8, 2017.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E41-682. Saiom Realty, LLC, 1220 River Ave, Williamsport, PA 17701. Saiom Realty Property—Culvert Extension in Loyalsock Township, **Lycoming County**, ACOE Baltimore District (Montoursville North, PA Quadrangles N: 41° 15’ 11”; W: -76° 58’ 5”).

To install and maintain 35 lineal feet of 36-inch diameter HDPE pipe.

This project proposes to have the following impacts:

Cross #	Activity	Resource	Resource Name*	Chapter 93	Impact		Latitude	Longitude		
					Impact Temporary Length (Feet)	Impact Permanent Length (Feet)				
1	Culvert Extension	Stream	UNT to Susquehanna River	WWF	35	510	35	714	41° 15’ 11”	76° 58’ 51”

There are no wetland being impacted by the project. The proposed culvert will not permanently impact wetlands, cultural or archaeological resources, National/State/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. UNT to Susquehanna River is classified with a designated use of Warm Water Fishery (WWF). It is not listed as an approved trout or wild trout stream.

EA14-012: U.S. Fish and Wildlife Service, State College, PA in Ferguson Township, **Centre County**, U.S. Army Corps of Engineers Baltimore District (Pine Grove Mills Quadrangle; Latitude 40° 43’ 44” N; 77° 54’ 9” W).

The applicant proposes to recreate approximately 1,250 linear feet of an unnamed tributary of Beaver Branch (HQ-CWF) to a more stable and natural alignment starting at Wyoming Avenue in Pennsylvania Furnace continuing downstream through a combination of streambank grading, channel realignment, log vanes and channel block installation, sinkhole repair, floodway restoration, road crossing improvement, and riparian buffer establishment. The work is to repair historical impacts from residential development and agricultural activities.

E18-504. Rosemary H. Stuter, 2354 River Road, Jersey Shore, PA 17740. Stuter Garage, in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 41° 10’ 18”; W: -77° 17’ 57”).

To remove fill/encroachments from the left 100-year floodway:

- A. North Shed—previously removed, concrete pad remains 233.20 sq. ft.
- B. Center Garage—previously removed, concrete pad remains 371.00 sq. ft.
- C. Summer Kitchen—to be removed 305.25 sq. ft.
- D. Old Wood Shed on east side summer kitchen—previously removed 90.00 sq. ft.
- E. Enclosed Back Porch—to be removed 142.50 sq. ft.
- F. Brick Chimney on east side house—to be removed 3.30 sq. ft.

Total Square Footage Removed from Floodway 1,142.25 sq. ft.

To construct and maintain fill/encroachments in the left 100-year floodway:

G. Construct a garage (30' × 40') with flood vents at north end of the driveway	1,200 sq. ft.
H. Construct open porch (12' × 30') on east side of garage (not enclosed)	360 sq. ft.
I. Replace back porch (19' × 12') with 1 new end wall east of Bilco doors	228 sq. ft.
J. Construct an at-grade concrete pad in back yard (26' × 45')	1,170 sq. ft.
K. Construct an open-sided 4-post (14' × 10') Pergola on the concrete pad	140 sq. ft.
Total Square Footage of New Construction Activity in Floodway	3,098 sq. ft.
Total New Net Encroachment Square Footage	1,200 sq. ft.

There are no proposed temporary or permanent impacts to streams or wetlands. This permit was issued under Section 105.13(e) "Small Projects."

Southwest Region: Waterways & Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222, Dana Drake, Waterways and Wetlands Program Manager, 412-442-4000.

E65-987, PennDOT Engineering District 12-0, 825 North Gallatin Avenue, Uniontown, PA 15401, South Huntingdon Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 53' extension of the existing 196' long 54" pipe enclosure carrying SR 70 over an unnamed tributary to the Youghiogheny River (WWF) with a drainage area less than 100 acres for a total enclosure length of 249'; upstream of the pipe, place and maintain fill in 50' of the UNT to the Youghiogheny River and construct and maintain 50' of relocated replacement channel; downstream of the pipe, remove 110' of existing 14" pipe conveying the UNT to the Youghiogheny River and construct and maintain 110' of relocated replacement channel;

2. Permanently impact 4' of a second UNT to the Youghiogheny River (WWF) with a drainage area less than 100 acres for the construction of the first UNT to the Youghiogheny River channel;

3. Place and maintain fill in 580' of the headwaters of an unnamed tributary to an unnamed tributary to Hunters Run (WWF); the hydrology for this stream will be diverted into a stormwater swale;

4. Remove the existing 263' long 60" RCP enclosure carrying a ramp to SR 70 over the same UNT to Hunters Run (WWF) and construct and maintain a relocated replacement 207' long, 72" RCP enclosure; downstream remove the existing 84' long 66" RCP carrying SR 31 over the UNT to Hunters Run and construct and maintain a relocated replacement 116' long, 77" by 121" elliptical RCP enclosure; place and maintain fill in 537' of the UNT to Hunters Run and construct and maintain a 593' long relocated channel; and downstream slip line the existing 481' long 72" SR 70 CMP enclosure with a drainage area of 230 acres;

5. Construct and maintain a 36' extension of the existing 200' long 36" pipe enclosure carrying SR 70 over a second UNT to Hunters Run (WWF) with a drainage area less than 100 acres for a total enclosure length of 236'; downstream of the pipe extension place and maintain fill in 48' of this same UNT and construct and maintain 48' of relocated replacement channel;

6. Place and maintain fill in 122' of a third UNT to Hunters Run (WWF) with a drainage area less than 100 acres and construct and maintain 122' of relocated replacement channel;

7. Place and maintain fill in 300' of the headwaters of an unnamed tributary to Lick Run (WWF); the hydrology for this stream will be diverted into a stormwater swale;

8. Construct and maintain a 63' extension of the existing 230' long 34" pipe enclosure carrying SR 70 over a second UNT to Lick Run (WWF) with a drainage area less than 100 acres for a total enclosure length of 293'; upstream and downstream of the culvert place and maintain fill in 50' of the same UNT and construct and maintain two 50' long relocated replacement channels;

9. In addition, place and maintain fill in 2,386' of five UNTs to the Youghiogheny River, four UNTs to Hunters Run, and 4 UNTs to Lick Run having drainage areas less than 100 acres and construct and maintain 2,325' of replacement channels; place and maintain fill in 0.61 acre of PEM/PSS wetland, construct and maintain roadway associated stormwater outfalls; construct and maintain minor improvements and repairs to existing encroachments; and temporarily impact 6,568' of streams and 0.16 acre of PEM/PSS wetland for the purpose of constructing these encroachments. Stream and wetland mitigation will take place onsite.

These encroachments are associated with the SR 70 improvement project extending from approximately 1.8 mile east and 1.1 mile west of the SR 70 and SR 31 interchange in South Huntingdon Township, Westmoreland County (Smithton PA Quadrangle; Beginning Latitude: 40° 10' 12.43" and Longitude: -79° 43' 41.11"; extending to Latitude: 40° 11' 51.21" and Longitude: -79° 41' 3.29").

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

E10-510, PADOT Engineering District 10-0, 2550 Oakland Ave., Indiana, PA 15701. SR 0228 and Pittsburgh Street Intersection Improvement, in Mars Borough and Adams Township, **Butler County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40°, 41', 27.6"; W: 80°, 01', 04.8").

Conduct a roadway widening and intersection improvement project to relieve traffic congestion and improve safety at the SR 0228 and SR 3019, Pittsburgh Street, intersection in Mars Borough and Adams Township, Butler County. As part of this project, the following environmental impacts will occur:

1. To remove the existing 56-ft long reinforced concrete arch culvert and to construct and maintain a 128-ft long precast concrete box stream enclosure having a 16-foot wide by 7-foot high waterway opening in a UNT to Breakneck Creek on SR 0228 approximately 125 feet east of SR 3019 and to impact 0.058 acre of PEM wetland (Wetland W-90B) due to roadway widening. The proposed temporary stream impacts for this portion are 58-ft, while permanent stream impacts are 159-ft.

2. To remove an existing 48.7-ft long, 32-inch diameter culvert and to construct and maintain a new 81.4-foot long culvert (consisting of 18.4-LF of 36-inch diameter

and 63-LF of 42-inch diameter pipe) and to realign the channel resulting in a total of 113 feet of permanent and 31 feet of temporary impact to the channel of a UNT to Breakneck Creek (UNT-1) on SR 3019 approximately 245 feet to the north of the SR 0228/SR 3019 intersection.

3. To extend an existing 33-ft long, 24-inch diameter culvert by an additional 20 feet on the downstream end resulting in a permanent impact to 33 feet of the channel of a UNT to Breakneck Creek (UNT-3) on SR 3019 approximately 630-ft to the south of the SR 0228/SR 3019 intersection.

4. To remove the existing 80-ft long, 18-inch diameter culvert and to construct and maintain a 150-ft long, 24-inch diameter culvert resulting in a permanent impact to a total of 20 feet and temporary impact to 38 feet of a UNT to Breakneck Creek (EPH-2), permanent impact to 75 feet of a UNT to Breakneck Creek (UNT-2), and permanent impact to 0.019 acre of PEM wetland (W-82A) on SR 0228 approximately 1,685 feet west of the SR 0228/SR 3019 intersection.

5. To remove an existing 54-ft long, 18-inch diameter culvert and to construct and maintain a 154-ft long, 18-inch diameter culvert resulting in 170 feet of permanent impact and 20 feet of temporary impact to a UNT to Breakneck Creek (EPH-1) on SR 0228, approximately 1,150-ft west of the SR 0228/SR 3019 intersection.

The project will result in 0.077 acre of permanent wetland impacts to two separate PEM wetlands. The applicant proposes to debit 0.077 acre of PEM wetland from the applicant's Butler County Wetland Bank.

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA.

E5729-088: Appalachia Midstream, LLC, 400 IST Center, Suite 404, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 15,541 square feet of a Palustrine Forested Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°33'50", Longitude: -76°37'36");

2. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 135 linear feet of an unnamed tributary to Lye Run (EV, MF) (Overton, PA Quadrangle, Latitude: 41°33'45", Longitude: -76°37'45").

The project will result in 135 linear feet or 787 square feet of temporary stream impacts and 15,541 square feet (0.36 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Elkland Township, Sullivan County.

E4129-111: Inflection Energy (PA) LLC, 101 W. Third Street, 5th Floor, Williamsport, PA 17701, Hepburn Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Mill Creek (WWF) and 925 square feet of adjacent palustrine emergent (PEM) wetlands (Cogan Station, PA Quadrangle 41°18'37"N 77°02'03"W);

2) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 50 linear feet of an unnamed tributary to Mill Creek (WWF) and 1,249

square feet of adjacent palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41°18'43"N 77°01'29"W);

3) A 16-inch gas pipeline and a 12-inch water pipeline impacting 5 square feet of palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41°18'43"N 77°01'28"W);

4) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 65 linear feet of an unnamed tributary to Mill Creek (WWF) and 44 square feet of palustrine emergent (PEM) wetland (Cogan Station, PA Quadrangle 41°18'38"N 77°00'54"W);

5) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 62 linear feet of an unnamed tributary to Mill Creek (WWF) (Cogan Station, PA Quadrangle 41°18'23"N 77°00'28"W);

6) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 48 linear feet of an unnamed tributary to Mill Creek (WWF) (Cogan Station, PA Quadrangle 41°18'22"N 77°00'26"W);

7) A 16-inch gas pipeline and a 12-inch water pipeline impacting 193 square feet of palustrine forested (PFO) wetland (Cogan Station, PA Quadrangle 41°18'19"N 77°00'23"W);

8) A 16-inch gas pipeline, a 12-inch water pipeline, and a timber mat bridge impacting 904 square feet of palustrine forested (PFO) wetland (Cogan Station, PA Quadrangle 41°18'15"N 77°00'24"W).

The project will result in a total of 275 linear feet of stream impacts and 0.08 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water pipeline, and temporary access roadway for Marcellus well development.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.

ESCGP-2 # ESX17-059-0018
Applicant Name Rice Midstreams Holding, LLC
Contact Person Kyle Shirey
Address 2200 Rice Drive
City, State, Zip Canonsburg, PA 15317
County Greene County
Township(s) Aleppo and Springhill Townships
Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Creek (TSF), UNTs to Harts Run (WWF) and Harts Run (WWF)
Secondary—Harts Run (WWF) and South Fork Dunkard Run (TSF)

ESCGP-2 # ESX17-129-0012
Applicant Name Huntley & Huntley Energy Exploration, LLC
Contact Person Jennifer Hoffman
Address 2660 Monroeville Boulevard
City, State, Zip Monroeville, PA 15146
County Westmoreland County
Township(s) Penn Township
Receiving Stream(s) and Classification(s) Trib 37297 and Trib 37299 of Bushy Run (TSF)

ESCGP-2 # ESG17-129-0009
Applicant Name Chevron Appalachia, LLC
Contact Person Branden Weimer
Address 800 Mountain View Drive
City, State, Zip Smithfield, PA 15478
County Westmoreland County
Township(s) Sewickley Township
Receiving Stream(s) and Classification(s) UNTs Little Sewickley Creek (TSF), Little Sewickley Creek (TSF), & Kelly Run (WWF)

ESCGP-2 # ESX14-125-0058
Applicant Name Rice Drilling B, LLC
Contact Person Joseph Mallow
Address 2200 Rice Drive
City, State, Zip Canonsburg, PA 15317
County Washington County
Township(s) North Bethlehem Township
Receiving Stream(s) and Classification(s) UNTs to South Fork Dunkard Creek (TSF), UNTs to Harts Run (WWF) and Harts Run (WWF)
Secondary—Harts Run (WWF) and South Fork Dunkard Run (TSF)

ESCGP-2 # ESX11-125-0113
Applicant Name Range Resources Appalachia LLC
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Cross Creek
Receiving Stream(s) and Classification(s) UNTs to South Fork Cross Ck (HQ-CWF)
Secondary—South Fork Cross Ck (HQ-WWF)

ESCGP-2 # ESX12-125-0114
Applicant Name Range Resources Appalachia LLC
Contact Person Karl Matz
Address 3000 Town Center Blvd
City, State, Zip Canonsburg, PA 15317
County Washington
Township(s) Robinson
Receiving Stream(s) and Classification(s) UNTs to Little Raccoon Run (WWF)
Secondary—Little Raccoon Run (WWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESG29-131-17-0004
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 1720 Sycamore Rd
City, State, Zip Montoursville, PA 17754
County Wyoming
Township(s) Nicholson
Receiving Stream(s) and Classification(s) Field Brook (CWF-MF)
Secondary—Tunkhannock Ck (TSF)

ESCGP-2 # ESX29-117-17-0038
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 150 N Dairy Ashford, E1296-E
City, State, Zip Houston, TX 77079
County Tioga
Township(s) Covington
Receiving Stream(s) and Classification(s) Tioga River (CWF)

ESCGP-2 # ESG29-105-17-0011
Applicant Name JKLM Energy LLC
Contact Person Scott Blauvelt
Address 2200 Georgetown Dr, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter
Township(s) Pike
Receiving Stream(s) and Classification(s) Judson Hollow (HQ-CWF); Genesee Forks (HQ-CWF)
Secondary—Genesee Forks (HQ-CWF); Pine Ck (EV)

ESCGP-2 # ESX11-081-0153(02)
Applicant Name ARD Operating LLC
Contact Person Stephen Barondeau
Address 33 W Third St, Suite 200
City, State, Zip Williamsport, PA 17701
County Lycoming
Township(s) Cascade
Receiving Stream(s) and Classification(s) UNT to Wallis Run (EV)
Secondary—Wallis Run (EV)

[Pa.B. Doc. No. 17-1583. Filed for public inspection September 22, 2017, 9:00 a.m.]

Availability of the Fiscal-Year Report for the Reclamation Fee O & M Trust Account

The Department of Environmental Protection (Department) announces the availability of a draft Fiscal-Year Report (report) for the Reclamation Fee O & M Trust Account prepared in accordance with 25 Pa. Code § 86.17(e) (relating to permit and reclamation fees). The reclamation fees in this account are used by the Department for the operation and maintenance of mine drainage treatment facilities at ABS Legacy Sites as defined in 25 Pa. Code § 86.1 (relating to definitions). The report contains a financial analysis of the revenue and expenditures from the account for Fiscal Year (FY) 2016-2017 and provides projections for FY 2017-2018. The report and any comments provided will be reviewed with the Mining and Reclamation Advisory Board.

Interested persons may submit written comments on this draft report no later than Tuesday, October 17, 2017. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail,

must include the commentator's name and address. Commentators are encouraged to submit comments using the Department's online eComment web site at <http://www.ahs.dep.pa.gov/eComment> or by e-mail to ecomment@pa.gov. Written comments should be submitted to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101.

Questions regarding this draft report should be directed to William Allen at wallen@pa.gov or (717) 787-5103.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 17-1584. Filed for public inspection September 22, 2017, 9:00 a.m.]

Bid Opportunity

OSM 26(4734)102.1, Abandoned Mine Reclamation Project, Gans Hill School, Springhill Township, Fayette County. The principal items of work and approximate quantities include: clearing and grubbing, 1 L.S.; grading, 28,000 cubic yards; seed, 192 pounds; commercial fertilizer, 640 pounds; agricultural limestone, 12.8 tons; and mulching, 3.2 acres.

This bid issues on October 6, 2017, and bids will be opened on November 2, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the issue date from the Department of Environmental Protection by going to www.BidExpress.com. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,
Secretary

[Pa.B. Doc. No. 17-1585. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF HEALTH

Rare Disease Advisory Council Meeting

Under the Rare Disease Advisory Council Act (act) (35 P.S. §§ 6261—6268), the Department of Health will be holding its initial public meeting of the Rare Disease Advisory Council (Council) on Tuesday, October 3, 2017, from 10 a.m. to 3 p.m. The meeting will be held at the Dixon University Center, 2986 North Second Street, Richards Hall, Room 102 Recital Hall, Harrisburg, PA 17110-1201.

The purpose of the meeting will be to organize the Council, to review the purposes and duties of the Council and to conduct the business of the Council as set forth in the act.

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 the 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, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

This meeting is subject to cancellation without notice.

RACHEL L. LEVINE, MD,
Acting Secretary

[Pa.B. Doc. No. 17-1586. Filed for public inspection September 22, 2017, 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, 2017, 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 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 \$16.50.

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, 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, call the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

RACHEL L. LEVINE, MD,
Acting Secretary

[Pa.B. Doc. No. 17-1587. Filed for public inspection September 22, 2017, 9:00 a.m.]

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 hereby 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.
 - o Personal computer with 300 megahertz or higher processor clock speed
 - o Microsoft Windows XP, Vista or Windows 7 operating system
 - o Microsoft.Net Framework 2.0 or higher (software)
 - o 256 mb RAM
 - o 1.5 gigabytes of available hard drive space
 - o An available USB port (version 1.1 or 2.0)

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RACHEL L. LEVINE, MD,
Acting Secretary

[Pa.B. Doc. No. 17-1588. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Additional Disproportionate Share Hospital Payment

The Department of Human Services (Department) is providing final notice of its total allocation for Fiscal Year (FY) 2016-2017 disproportionate share hospital (DSH) payments to qualifying acute care general hospitals that provide enhanced access to multiple types of medical care in economically distressed areas. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 47 Pa.B. 1599 (March 11, 2017), and then published notice of its intent to increase funding for these payments at 47 Pa.B. 3297 (June 10, 2017). The Department received no public comments during either 30-day comment period and will implement the changes as described in the notices.

Fiscal Impact

The total FY 2016-2017 impact as a result of this increase in the allocation for the DSH payments for these

qualifying hospitals is \$63.051 million (\$30.403 million in State general funds and \$32.648 million in Federal funds).

TERESA D. MILLER,
Acting Secretary

Fiscal Note: 14-NOT-1181. (1) General Fund; (2) Implementing Year 2016-17 is \$30,403,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1589. Filed for public inspection September 22, 2017, 9:00 a.m.]

Disproportionate Share and Supplemental Hospital Payments

The Department of Human Services (Department) is announcing its intent to allocate funds for Fiscal Year (FY) 2017-2018 inpatient disproportionate share hospital (DSH) payments to qualifying inpatient acute care general, psychiatric and rehabilitation hospitals and qualifying psychiatric and rehabilitation units of acute care general hospitals, outpatient supplemental payments to qualifying inpatient acute care general hospitals, direct medical education payments to qualifying inpatient acute care general hospitals and certain DSH and supplemental payments to new hospitals. The Department is not otherwise changing its approved State Plan provisions addressing the qualifying criteria or payment methodology for these payments.

All payment limitations are applicable, including those limitations that the Commonwealth may not exceed its aggregate annual DSH allotment, and that no hospital may receive DSH payments in excess of its hospital-specific limit.

Fiscal Impact

The FY 2017-2018 impact as a result of the funding allocation for these payments is \$259.307 million (\$124.933 million in State general funds) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

TERESA D. MILLER,
Acting Secretary

Fiscal Note: 14-NOT-1180. (1) General Fund; (2) Implementing Year 2017-18 is \$124,933,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$450,970,000;

2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1590. Filed for public inspection September 22, 2017, 9:00 a.m.]

Inpatient Hospitals Qualifying for Medical Assistance Disproportionate Share Payments

On July 1, 1988, the Department of Human Services (Department) implemented a disproportionate share payment system. The Department is required to annually publish the names of each inpatient acute care general hospital, rehabilitation hospital and private psychiatric hospital qualifying for a disproportionate share payment and their respective disproportionate share payment percentage as set forth in 55 Pa. Code §§ 1151.54(i), 1163.67(k) and 1163.459(j) (relating to disproportionate share payments).

A. Disproportionate Share for Acute Care General Hospitals, Rehabilitation Hospitals and Private Psychiatric Hospitals

The following lists identify the inpatient acute care general hospitals, psychiatric units, drug and alcohol units and rehabilitation units of acute care general hospitals, rehabilitation hospitals, private psychiatric hospitals and private drug and alcohol hospitals eligible for disproportionate share payments for the period of July 1, 2016, through June 30, 2017, and their respective payment percentages. For all inpatient facilities, disproportionate share payments are calculated as a percentage of projected Medical Assistance (MA) inpatient income.

Payment period July 1, 2016, to June 30, 2017, disproportionate share payment percentages:

ALBERT EINSTEIN MEDICAL CENTER	4.92%
ALFRED I. DUPONT INSTITUTE	7.64%
BARNES KASSON HOSPITAL	1.43%
BRADFORD REGIONAL MEDICAL CENTER	10.00%
CHARLES COLE MEMORIAL HOSPITAL	1.00%
CHILDREN'S HOSPITAL OF PHILADELPHIA	7.19%
CHILDREN'S HOSPITAL OF PITTSBURGH	9.14%
CROZER CHESTER MEDICAL CENTER	3.10%
DELAWARE COUNTY MEMORIAL HOSPITAL	2.18%
DIVINE PROVIDENCE HOSPITAL	5.54%
GEISINGER MEDICAL CENTER	6.84%
GUTHRIE TOWANDA MEMORIAL HOSPITAL	3.36%
HAHNEMANN UNIVERSITY HOSPITAL	4.52%
HIGHLANDS HOSPITAL AND HEALTH CENTER	4.56%
J.C. BLAIR MEMORIAL HOSPITAL	4.78%
KENSINGTON HOSPITAL	14.00%
LOCK HAVEN HOSPITAL	3.16%
MAGEE WOMEN'S HOSPITAL	5.55%
MERCY FITZGERALD HOSPITAL	2.69%
MERCY HOSPITAL OF PHILADELPHIA	5.19%
MILLCREEK COMMUNITY HOSPITAL	5.00%
PENN HIGHLANDS DUBOIS	9.00%
PENN PRESBYTERIAN MEDICAL CENTER	2.88%
PENNSYLVANIA HOSPITAL	3.66%
SCHUYLKILL MEDICAL CENTER SOUTH POTTSVILLE	6.68%
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	8.75%
SUNBURY COMMUNITY HOSPITAL	6.26%

ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN	15.00%	<i>Private Psychiatric Hospitals</i>	
TEMPLE UNIVERSITY HOSPITAL	6.66%	BELMONT BEHAVIORAL HOSPITAL	3.97%
THOMAS JEFFERSON UNIVERSITY HOSPITAL	2.60%	BROOKE GLEN BEHAVIORAL HEALTH	3.09%
TITUSVILLE AREA HOSPITAL	2.84%	CLARION PSYCHIATRIC CENTER	5.81%
TROY COMMUNITY HOSPITAL	3.98%	DEVEREUX CHILDREN'S BEHAVIORAL HEALTH	10.00%
UNIONTOWN HOSPITAL	1.84%	FAIRMOUNT BEHAVIORAL HEALTH SYSTEM	4.70%
UNIVERSITY OF PENNSYLVANIA HOSPITAL	3.13%	FIRST HOSPITAL WYOMING VALLEY	4.73%
UPMC BEDFORD MEMORIAL	2.96%	FOUNDATIONS BEHAVIORAL HEALTH	5.27%
UPMC MERCY	1.65%	FRIENDS BEHAVIORAL HEALTH SYSTEM	4.01%
UPMC PRESBYTERIAN SHADYSIDE	2.48%	HORSHAM PSYCHIATRIC HOSPITAL	4.15%
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	5.05%	KIDSPEACE HOSPITAL	7.48%
WEST VIRGINIA UNIVERSITY HOSPITALS	5.76%	KIRKBRIDE CENTER	4.27%
WPAHS ALLEGHENY GENERAL HOSPITAL	1.37%	MEADOWS PSYCHIATRIC CENTER	5.95%
WPAHS WESTERN PENNSYLVANIA HOSPITAL	2.44%	MONTGOMERY COUNTY EMERGENCY SERVICES	4.90%
<i>Psychiatric Units of Inpatient Hospitals</i>		ROXBURY PSYCHIATRIC HOSPITAL	1.00%
ALBERT EINSTEIN MEDICAL CENTER	2.97%	SOUTHWOOD PSYCHIATRIC HOSPITAL	9.00%
BRADFORD REGIONAL MEDICAL CENTER	2.81%	WELLSPAN PHILHAVEN	4.04%
CROZER CHESTER MEDICAL CENTER	2.02%	<i>Private Drug and Alcohol Hospitals</i>	
DIVINE PROVIDENCE HOSPITAL	3.30%	EAGLEVILLE HOSPITAL	1.72%
EAGLEVILLE HOSPITAL	1.74%		
GEISINGER MEDICAL CENTER	2.06%	<i>B. Additional Disproportionate Share Payments</i>	
HAHNEMANN UNIVERSITY HOSPITAL	2.76%	Additional disproportionate share payments are made to inpatient facilities, with a Medicaid inpatient utilization rate of not less than 1%, which have provided services to Title XIX beneficiaries, 21 years of age or older but under 65 years of age, who have been determined to be low income by meeting the income and resource standards for the Commonwealth's MA Program. The payment adjustments are paid directly proportional to the payment received for services rendered by institutions for mental diseases under the fee-for-service and capitation programs.	
HIGHLANDS HOSPITAL	2.78%	The following hospitals are eligible for this payment adjustment:	
J.C. BLAIR MEMORIAL HOSPITAL	1.63%	<i>Acute Care General Hospitals</i>	
MERCY FITZGERALD HOSPITAL	1.80%	ABINGTON MEMORIAL HOSPITAL	
MERCY HOSPITAL OF PHILADELPHIA	3.11%	ADVANCED SURGICAL HOSPITAL	
MILLCREEK COMMUNITY HOSPITAL	3.02%	ALBERT EINSTEIN MEDICAL CENTER	
NPHS GIRARD MEDICAL CENTER	2.98%	ALFRED I. DUPONT INSTITUTE	
PENN HIGHLANDS DUBOIS	2.52%	ALLE KISKI MEDICAL CENTER	
PENN PRESBYTERIAN MEDICAL CENTER	1.90%	AMERICAN ONCOLOGIC HOSPITAL	
PENNSYLVANIA HOSPITAL	2.31%	ARIA HEALTH HOSPITAL	
SCHUYLKILL MEDICAL CENTER SOUTH POTTSVILLE	2.03%	ARMSTRONG COUNTY MEMORIAL HOSPITAL	
SOLDIERS AND SAILORS MEMORIAL HOSPITAL	2.47%	BARNES KASSON HOSPITAL	
SUNBURY COMMUNITY HOSPITAL	1.94%	BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN CAMPUS	
TEMPLE UNIVERSITY HOSPITAL	3.89%	BLUE MOUNTAIN HOSPITAL PALMERTON	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.75%	BRADFORD REGIONAL MEDICAL CENTER	
UPMC MERCY	1.26%	BRANDYWINE HOSPITAL	
UPMC PRESBYTERIAN SHADYSIDE	1.69%	BRYN MAWR HOSPITAL	
WPAHS WESTERN PENNSYLVANIA HOSPITAL	1.67%	BUCKTAIL MEDICAL CENTER	
<i>Drug and Alcohol Units of Acute Care Hospitals</i>		BUTLER MEMORIAL HOSPITAL	
PENN PRESBYTERIAN MEDICAL CENTER	1.95%	CANONSBURG GENERAL HOSPITAL	
VALLEY FORGE MEDICAL CENTER AND HOSPITAL	3.63%	CARLISLE REGIONAL MEDICAL CENTER	
<i>Medical Rehabilitation Units of Acute Care Hospitals</i>		CH HOSPITAL OF ALLENTOWN	
ALBERT EINSTEIN MEDICAL CENTER	3.53%	CHAMBERSBURG HOSPITAL	
ALFRED I. DUPONT INSTITUTE	5.65%	CHARLES COLE MEMORIAL HOSPITAL	
CHILDREN'S HOSPITAL OF PHILADELPHIA	5.29%	CHESTER COUNTY HOSPITAL	
CROZER CHESTER MEDICAL CENTER	2.12%	CHESTNUT HILL HOSPITAL	
DELAWARE COUNTY MEMORIAL HOSPITAL	1.41%	CHILDREN'S HOSPITAL OF PHILADELPHIA	
MERCY FITZGERALD HOSPITAL	1.80%	CHILDREN'S HOSPITAL OF PITTSBURGH	
PENN HIGHLANDS DUBOIS	2.87%	CHS BERWICK HOSPITAL CENTER	
SCHUYLKILL MEDICAL CENTER SOUTH POTTSVILLE	2.14%	CLARION HOSPITAL	
TEMPLE UNIVERSITY HOSPITAL	4.88%	CONEMAUGH MEMORIAL MEDICAL CENTER	
THOMAS JEFFERSON UNIVERSITY HOSPITAL	1.73%	CONEMAUGH MEYERSDALE MEDICAL CENTER	
UNIVERSITY OF PENNSYLVANIA HOSPITAL	2.14%	CONEMAUGH MINERS MEDICAL CENTER	
UPMC MERCY	1.00%		
UPMC PRESBYTERIAN SHADYSIDE	1.64%		
<i>Freestanding Rehabilitation Hospitals</i>			
CHILDREN'S HOME OF PITTSBURGH	10.00%		
CHILDREN'S INSTITUTE OF PITTSBURGH	6.33%		

COORDINATED HEALTH ORTHOPEDIC HOSPITAL
 CORRY MEMORIAL HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 DIVINE PROVIDENCE HOSPITAL
 DOYLESTOWN HOSPITAL
 EASTON HOSPITAL
 EINSTEIN MEDICAL CENTER MONTGOMERY
 ELLWOOD CITY HOSPITAL
 ENDLESS MOUNTAINS HEALTH SYSTEM
 EVANGELICAL COMMUNITY HOSPITAL
 FRICK COMMUNITY HEALTH CENTER
 FULTON COUNTY MEDICAL CENTER
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER LEWISTOWN HOSPITAL
 GEISINGER MEDICAL CENTER
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GOOD SAMARITAN HOSPITAL
 GOOD SHEPHERD PENN PARTNERS SPECIALTY
 HOSPITAL AT RITTENHOUSE
 GOOD SHEPHERD SPECIALTY HOSPITAL
 GRAND VIEW HOSPITAL
 GROVE CITY MEDICAL CENTER
 GUTHRIE TOWANDA MEMORIAL HOSPITAL
 HAHNEMANN UNIVERSITY HOSPITAL
 HANOVER GENERAL HOSPITAL
 HEART OF LANCASTER REGIONAL MEDICAL
 CENTER
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL AND HEALTH CENTER
 HOLY REDEEMER HOSPITAL
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 JAMESON MEMORIAL HOSPITAL
 J.C. BLAIR MEMORIAL HOSPITAL
 JEANES HOSPITAL
 JEFFERSON HEALTH SERVICES
 JENNERSVILLE REGIONAL HOSPITAL
 JERSEY SHORE HOSPITAL
 KANE COMMUNITY HOSPITAL
 KENSINGTON HOSPITAL
 KINDRED HOSPITAL AT HERITAGE VALLEY
 KINDRED HOSPITAL PHILADELPHIA
 KINDRED HOSPITAL PHILADELPHIA HAVERTON
 KINDRED HOSPITAL PHILADELPHIA SOUTH
 KINDRED HOSPITAL PITTSBURGH
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER
 LANSDALE HOSPITAL
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEHIGH VALLEY HOSPITAL HAZLETON
 LEHIGH VALLEY HOSPITAL MUHLENBERG
 LIFECARE HOSPITALS OF CHESTER COUNTY
 LIFECARE HOSPITALS OF MECHANICSBURG
 LIFECARE HOSPITALS OF PITTSBURGH
 MONROEVILLE
 LIFECARE HOSPITAL OF PITTSBURGH SUBURBAN
 LOCK HAVEN HOSPITAL
 LOWER BUCKS HOSPITAL
 MAGEE WOMEN'S HOSPITAL
 MAIN LINE HOSPITAL LANKENAU
 MEADVILLE MEDICAL CENTER
 MEMORIAL HOSPITAL
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 MILLCREEK COMMUNITY HOSPITAL
 MILTON S. HERSHEY MEDICAL CENTER
 MONONGAHELA VALLEY HOSPITAL
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER
 MUNCY VALLEY HOSPITAL
 NASON HOSPITAL
 NAZARETH HOSPITAL
 OHIO VALLEY GENERAL HOSPITAL
 OSS ORTHOPAEDIC HOSPITAL
 PAOLI MEMORIAL HOSPITAL
 PENN HIGHLANDS BROOKVILLE
 PENN HIGHLANDS CLEARFIELD HOSPITAL
 PENN HIGHLANDS DUBOIS
 PENN HIGHLANDS ELK
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PHOENIXVILLE HOSPITAL
 PHYSICIANS CARE SURGICAL HOSPITAL
 PINNACLE HEALTH HOSPITALS
 POCONO MEDICAL CENTER
 POTTSTOWN MEMORIAL MEDICAL CENTER
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL
 REGIONAL HOSPITAL OF SCRANTON
 RIDDLE MEMORIAL HOSPITAL
 ROBERT PACKER HOSPITAL
 ROXBOROUGH MEMORIAL HOSPITAL
 SACRED HEART HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN
 STREET
 SCHUYLKILL MEDICAL CENTER SOUTH
 POTTSVILLE
 SELECT SPECIALTY CENTRAL PENNSYLVANIA
 SELECT SPECIALTY DANVILLE
 SELECT SPECIALTY ERIE
 SELECT SPECIALTY JOHNSTOWN
 SELECT SPECIALTY LAUREL HIGHLANDS
 SELECT SPECIALTY MCKEESPORT
 SELECT SPECIALTY PITTSBURGH UPMC
 SHARON REGIONAL HEALTH SYSTEM
 SHRINERS HOSPITALS FOR CHILDREN
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 SOMERSET COMMUNITY HOSPITAL
 SPECIAL CARE HOSPITAL
 ST. CHRISTOPHER'S HOSPITAL FOR CHILDREN
 ST. CLAIR MEMORIAL HOSPITAL
 ST. JOSEPH REGIONAL HEALTH NETWORK
 ST. LUKE'S HOSPITAL ANDERSON CAMPUS
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 ST. LUKE'S HOSPITAL QUAKERTOWN
 ST. LUKE'S MINERS MEMORIAL HOSPITAL
 ST. MARY MEDICAL CENTER
 SUBURBAN COMMUNITY HOSPITAL
 SUNBURY COMMUNITY HOSPITAL
 SURGERY CENTER AT EDGEWOOD PLACE
 SURGICAL INSTITUTE OF READING
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 TITUSVILLE AREA HOSPITAL
 TROY COMMUNITY HOSPITAL
 TYLER MEMORIAL HOSPITAL
 TYRONE HOSPITAL
 UNIONTOWN HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC ALTOONA
 UPMC BEDFORD MEMORIAL
 UPMC EAST
 UPMC HAMOT
 UPMC HORIZON
 UPMC MCKEESPORT

UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT HOSPITAL
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL
 WARREN GENERAL HOSPITAL
 WASHINGTON HEALTH SYSTEM GREENE
 WASHINGTON HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WAYNESBORO HOSPITAL
 WELLSPAN EPHRATA
 WELLSPAN GETTYSBURG HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION
 HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITALS
 WESTMORELAND REGIONAL HOSPITAL
 WILKES BARRE GENERAL HOSPITAL
 WILLIAMSPORT HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Psychiatric Units of Inpatient Hospitals

ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ALLE KISKI MEDICAL CENTER
 ARIA HEALTH HOSPITAL
 ARMSTRONG COUNTY MEMORIAL HOSPITAL
 BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN
 CAMPUS
 BLUE MOUNTAIN HOSPITAL PALMERTON
 BRADFORD REGIONAL MEDICAL CENTER
 BRANDYWINE HOSPITAL
 BRYN MAWR HOSPITAL
 BUTLER MEMORIAL HOSPITAL
 CHAMBERSBURG HOSPITAL
 CHS BERWICK HOSPITAL CENTER
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DIVINE PROVIDENCE HOSPITAL
 EAGLEVILLE HOSPITAL
 GEISINGER BLOOMSBURG HOSPITAL
 GEISINGER COMMUNITY MEDICAL CENTER
 GEISINGER LEWISTOWN HOSPITAL
 GEISINGER MEDICAL CENTER
 GEISINGER SHAMOKIN
 HAHNEMANN UNIVERSITY HOSPITAL
 HERITAGE VALLEY BEAVER
 HERITAGE VALLEY SEWICKLEY
 HIGHLANDS HOSPITAL AND HEALTH CENTER
 HOLY SPIRIT HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR MEMORIAL HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 JEFFERSON HEALTH SERVICES
 LANCASTER GENERAL HOSPITAL
 LANCASTER REGIONAL MEDICAL CENTER
 LATROBE AREA HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LOWER BUCKS HOSPITAL
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 MOSES TAYLOR HOSPITAL
 MOUNT NITTANY MEDICAL CENTER

NPHS GIRARD MEDICAL CENTER
 OHIO VALLEY GENERAL HOSPITAL
 PENN HIGHLANDS CLEARFIELD HOSPITAL
 PENN HIGHLANDS DUBOIS
 PENN HIGHLANDS ELK
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 POCONO HOSPITAL
 POTTSTOWN MEMORIAL MEDICAL CENTER
 READING HOSPITAL
 ROBERT PACKER HOSPITAL
 SACRED HEART HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER SOUTH
 POTTSVILLE
 SHARON REGIONAL HEALTH SYSTEM
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 SOMERSET COMMUNITY HOSPITAL
 SPECIAL CARE HOSPITAL
 ST. CLAIR MEMORIAL HOSPITAL
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 ST. LUKE'S HOSPITAL QUAKERTOWN
 SUNBURY COMMUNITY HOSPITAL
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UPMC ALTOONA
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PRESBYTERIAN SHADYSIDE
 WARREN GENERAL HOSPITAL
 WASHINGTON HEALTH SYSTEM GREENE
 WASHINGTON HOSPITAL
 WELLSPAN EPHRATA
 WESTMORELAND REGIONAL HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 YORK HOSPITAL

Drug and Alcohol Units of Inpatient Hospitals

BUTLER MEMORIAL HOSPITAL
 MEADVILLE MEDICAL CENTER
 NPHS ST JOSEPH'S HOSPITAL
 PENN PRESBYTERIAN MEDICAL CENTER
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL

Medical Rehabilitation Units of Inpatient Hospitals

ABINGTON MEMORIAL HOSPITAL
 AEMC MOSS AT ARIA BUCKS
 AEMC MOSS AT ARIA FRANKFORD
 AEMC MOSS AT DOYLESTOWN HOSPITAL
 AEMC MOSS AT ELKINS PARK
 AEMC MOSS AT SACRED HEART
 AEMC MOSS AT TARBOR ROAD
 ALFRED I. DUPONT INSTITUTE
 BLUE MOUNTAIN HOSPITAL GNADEN HUETTEN
 CAMPUS
 CANONSBURG GENERAL HOSPITAL
 CARLISLE REGIONAL MEDICAL CENTER
 CHAMBERSBURG HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CHILDREN'S HOSPITAL OF PITTSBURGH
 CONEMAUGH MEMORIAL MEDICAL CENTER
 CROZER CHESTER MEDICAL CENTER
 DELAWARE COUNTY MEMORIAL HOSPITAL
 EASTON HOSPITAL
 GEISINGER WYOMING VALLEY MEDICAL CENTER
 GOOD SAMARITAN HOSPITAL
 HANOVER GENERAL HOSPITAL
 HERITAGE VALLEY BEAVER

HERITAGE VALLEY SEWICKLEY
 INDIANA REGIONAL MEDICAL CENTER
 JAMESON MEMORIAL HOSPITAL
 JEFFERSON HEALTH SERVICES
 LANCASTER REGIONAL MEDICAL CENTER
 LEHIGH VALLEY HOSPITAL HAZLETON
 MERCY FITZGERALD HOSPITAL
 MILLCREEK COMMUNITY HOSPITAL
 MONONGAHELA VALLEY HOSPITAL
 NAZARETH HOSPITAL
 OHIO VALLEY HOSPITAL
 PENN HIGHLANDS DUBOIS
 PINNACLE HEALTH HOSPITALS
 READING HOSPITAL
 REGIONAL REHAB CENTER AT PHOENIXVILLE
 HOSPITAL
 SAINT VINCENT HEALTH CENTER
 SCHUYLKILL MEDICAL CENTER EAST NORWEGIAN
 STREET
 SCHUYLKILL MEDICAL CENTER SOUTH
 POTTSVILLE
 ST. LUKE'S HOSPITAL OF BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC EAST
 UPMC HORIZON
 UPMC MCKEESPORT
 UPMC MERCY
 UPMC NORTHWEST
 UPMC PASSAVANT HOSPITAL
 UPMC PRESBYTERIAN SHADYSIDE
 UPMC ST. MARGARET
 WASHINGTON HOSPITAL
 WELLSPAN SURGERY AND REHABILITATION
 HOSPITAL
 WESTMORELAND HOSPITAL
 WILLIAMSPORT HOSPITAL
 WPAHS FORBES REGIONAL CAMPUS
 WPAHS WESTERN PENNSYLVANIA HOSPITAL

Freestanding Rehabilitation Hospitals

ALLIED SERVICES INSTITUTE OF REHABILITATION
 MEDICINE
 BRYN MAWR REHABILITATION HOSPITAL
 CHILDREN'S HOME OF PITTSBURGH
 CHILDREN'S INSTITUTE OF PITTSBURGH
 GOOD SHEPHERD REHABILITATION HOSPITAL
 HEALTHSOUTH ALTOONA
 HEALTHSOUTH ERIE
 HEALTHSOUTH HARMARVILLE
 HEALTHSOUTH MECHANICSBURG
 HEALTHSOUTH NITTANY VALLEY
 HEALTHSOUTH PENN STATE GEISENGER
 HEALTHSOUTH READING
 HEALTHSOUTH SEWICKLEY
 HEALTHSOUTH YORK
 HELEN M SIMPSON REHABILITATION HOSPITAL
 JOHN HEINZ INSTITUTE
 LANCASTER REHABILITATION HOSPITAL
 MAGEE MEMORIAL HOSPITAL
 PENN STATE HERSHEY REHABILITATION HOSPITAL

Private Psychiatric Hospitals

BELMONT BEHAVIORAL HOSPITAL
 BROOKE GLEN BEHAVIORAL HOSPITAL
 CLARION PSYCHIATRIC CENTER
 DEVEREUX CHILDREN'S BEHAVIORAL HEALTH
 CENTER
 FAIRMOUNT BEHAVIORAL HEALTH SYSTEM

FIRST HOSPITAL WYOMING VALLEY
 FOUNDATIONS BEHAVIORAL HEALTH
 FRIENDS BEHAVIORAL HEALTH SYSTEM
 HAVEN BEHAVIORAL HOSPITAL OF EASTERN
 PENNSYLVANIA
 HAVEN BEHAVIORAL HOSPITAL OF PHILADELPHIA
 HORSHAM CLINIC
 KIDSPACE HOSPITAL
 KIRKBRIDE CENTER
 MEADOWS PSYCHIATRIC CENTER
 MONTGOMERY COUNTY EMERGENCY SERVICES
 PENNSYLVANIA PSYCHIATRIC INSTITUTE
 ROXBURY PSYCHIATRIC HOSPITAL
 SOUTHWOOD PSYCHIATRIC HOSPITAL
 WELLSPAN PHILHAVEN

Private Drug and Alcohol Hospitals

EAGLEVILLE HOSPITAL

C. Additional Class of Disproportionate Share Payments

Effective March 1, 1998, the Department established a new class of disproportionate share payments to hospitals which render uncompensated care and which the Department has determined are experiencing significant revenue loss as a result of MA Program revisions under the act of May 16, 1996 (P.L. 175, No. 35).

Effective January 15, 1999, the Department established a new class of disproportionate share payments to include a Charity Care component of the Community Access Fund. A disproportionate share payment will be made to qualifying hospitals based on each hospital's percentage of charity care cost to the total charity care costs of all qualifying hospitals. The Department also established a disproportionate share payment for those hospitals which the Department has determined advanced its goal of enhanced access to multiple types of medical care in economically distressed areas of this Commonwealth.

The following hospitals qualify for this payment:

ALFRED I. DUPONT INSTITUTE
 ABINGTON MEMORIAL HOSPITAL
 ALBERT EINSTEIN MEDICAL CENTER
 ARIA HEALTH HOSPITAL
 BARNES KASSON HOSPITAL
 CHARLES COLE MEMORIAL HOSPITAL
 CHILDREN'S HOSPITAL OF PHILADELPHIA
 CLARION HOSPITAL
 CROZER CHESTER MEDICAL CENTER
 DOYLESTOWN HOSPITAL
 EAGLEVILLE HOSPITAL
 EASTON HOSPITAL
 EVANGELICAL COMMUNITY HOSPITAL
 FULTON COUNTY MEDICAL CENTER
 GEISINGER MEDICAL CENTER
 GUTHRIE TOWANDA MEMORIAL HOSPITAL
 HAHNEMANN UNIVERSITY HOSPITAL
 INDIANA REGIONAL MEDICAL CENTER
 J.C. BLAIR MEMORIAL HOSPITAL
 JAMESON MEMORIAL HOSPITAL
 LEHIGH VALLEY HOSPITAL
 LEHIGH VALLEY HOSPITAL HAZLETON
 LOCK HAVEN HOSPITAL
 MAGEE WOMEN'S HOSPITAL
 MAIN LINE HOSPITAL LANKENAU
 MEADVILLE MEDICAL CENTER
 MERCY FITZGERALD HOSPITAL
 MERCY HOSPITAL OF PHILADELPHIA
 MILTON S. HERSHEY MEDICAL CENTER

PENN HIGHLANDS CLEARFIELD HOSPITAL
 PENN HIGHLANDS DUBOIS
 PENN PRESBYTERIAN MEDICAL CENTER
 PENNSYLVANIA HOSPITAL
 PUNXSUTAWNEY AREA HOSPITAL
 READING HOSPITAL
 SOLDIERS AND SAILORS MEMORIAL HOSPITAL
 ST LUKE'S HOSPITAL OF BETHLEHEM
 TEMPLE UNIVERSITY HOSPITAL
 THOMAS JEFFERSON UNIVERSITY HOSPITAL
 TITUSVILLE AREA HOSPITAL
 UNIVERSITY OF PENNSYLVANIA HOSPITAL
 UPMC ALTOONA
 UPMC BEDFORD MEMORIAL
 UPMC HAMOT
 UPMC MERCY
 UPMC PRESBYTERIAN SHADYSIDE
 VALLEY FORGE MEDICAL CENTER AND HOSPITAL
 WAYNE MEMORIAL HOSPITAL
 WEST VIRGINIA UNIVERSITY HOSPITAL
 WPAHS ALLEGHENY GENERAL HOSPITAL
 WPAHS WESTERN PENNSYLVANIA HOSPITAL
 YORK HOSPITAL

Public Comment

Interested persons are invited to submit written comments regarding these payments to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

TERESA D. MILLER,
Acting Secretary

Fiscal Note: 14-NOT-1179. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 17-1591. Filed for public inspection September 22, 2017, 9:00 a.m.]

Medical Assistance Dependency Payment for High Volume Special Rehabilitation Facilities

The Department of Human Services (Department) provides advance notice that the Department intends to make a supplemental payment in Fiscal Year (FY) 2017-2018 to certain special rehabilitation facilities (SRF) with high Medical Assistance (MA) and total facility occupancy levels.

Background

SRFs specialize in providing care and services to adults who have a neurological/neuromuscular diagnosis and severe functional limitations. See 55 Pa. Code § 1187.2 (relating to definitions). Because of the complex needs of their residents, SRFs generally incur staffing and specialized medical equipment costs that are much higher than the costs of other MA nursing facility providers. Further, SRFs with high MA and total facility occupancy levels are particularly dependent on MA payments to ensure continued operations. This is particularly the case for SRFs that

care for a large number of MA residents. To help offset the higher costs incurred by these high-volume, high-MA occupancy SRFs while those SRFs reconfigure to home and community-based services, the Department intends to make a supplemental payment to these facilities to assure that the unique services they provide continue to be available to MA beneficiaries.

Payment Qualifications

The determination of whether a nursing facility qualifies for an MA dependency payment and the nursing facility's payment amount is based on the nursing facility's 12-month MA cost report with a reporting period ending either December 31, 2014, or June 30, 2015, and accepted on or before April 1, 2016. To qualify for an MA dependency payment a nursing facility must meet the following requirements:

- 1) Be classified as an SRF as of the cost report end date.
- 2) Have MA occupancy greater than or equal to 94% as reported on Schedule A, Column A, Line 5 of the cost report.
- 3) Have an overall nursing facility occupancy greater than or equal to 95% as reported on Schedule A, Column A, Line 4 of the cost report.
- 4) Have at least 200 MA certified nursing facility beds as of the cost report end date.

Payments

An SRF's supplementation payment is calculated by dividing the funds available by the number of qualified SRFs.

Fiscal Impact

The fiscal impact of this change is estimated at \$1.000 million (\$0.482 million in State funds) for FY 2017-2018.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Long-Term Living, Bureau of Policy and Regulatory Management, Attention: Marilyn Yocum, P.O. Box 8025, Harrisburg, PA 17105-8025. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

TERESA D. MILLER,
Acting Secretary

Fiscal Note: 14-NOT-1182. (1) General Fund; (2) Implementing Year 2017-18 is \$482,000; (3) 1st Succeeding Year 2018-19 through 5th Succeeding Year 2022-23 are \$0; (4) 2016-17 Program—\$1,083,000,000; 2015-16 Program—\$968,083,000; 2014-15 Program—\$810,545,000; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 17-1592. Filed for public inspection September 22, 2017, 9:00 a.m.]

DEPARTMENT OF STATE

Revised Directive and Fee Increase for Electronic Voting System Examinations

The Secretary of the Commonwealth (Secretary) has revised the Directive Concerning the Conduct of Electronic Voting System Examinations by the Commonwealth of Pennsylvania (Directive). The Directive is issued by the Secretary to voting system vendors seeking an electronic voting system examination in the Commonwealth and governs the conduct for all electronic voting system examinations.

In addition to several minor changes, the Secretary, through the revised Directive and under his authority under section 1105-A(a) of the Pennsylvania Election Code (25 P.S. § 3031.5(a)) increased the fee for an electronic voting system examination. The Secretary determined that the previous fee of \$3,000 did not accurately reflect the costs to the Department of State (Department) to examine and certify electronic voting systems. Effective September 11, 2017, a voting system vendor must now reimburse the Commonwealth for all reasonable costs associated with examination of the electronic voting system, including fees and expenses charged by the Secretary's designated voting system examiner during the preparation and execution of the examination. Each request for an examination shall be accompanied by a nonrefundable deposit of \$15,000, made payable to "Commonwealth of Pennsylvania." The examination deposit may be returned to a vendor, less the cost of any work completed by the examiner to date, if a vendor cancels the examination more than 20 days prior to the scheduled examination. The examination deposit will not be returned to the vendor if a vendor cancels the examination less than 20 days before the scheduled examination.

The revised Directive is available on the Department's web site at www.dos.pa.gov (select "Voting & Elections," then "Policies, Statistics & Other Services," then "Voting Systems"). For more information, contact Sindhu Ramachandran, Voting System Analyst, Bureau of Commissions, Elections and Legislation, (717) 525-5743, sramachand@pa.gov.

PEDRO A. CORTÉS,
Secretary

[Pa.B. Doc. No. 17-1593. Filed for public inspection September 22, 2017, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

ArcelorMittal Steelton, LLC v. Department of Environmental Protection; EHB Doc. No. 2017-078-L

ArcelorMittal Steelton, LLC has appealed the issuance by the Department of Environmental Protection of an NPDES permit to ArcelorMittal Steelton, LLC for the ArcelorMittal Steelton facility located in Steelton Borough, Dauphin 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. 17-1594. Filed for public inspection September 22, 2017, 9:00 a.m.]

Montgomery Township Friends of Family Farms v. Department of Environmental Protection and Herbruck Poultry Ranch, Inc., Permittee; EHB Doc. No. 2017-080-R

Montgomery Township Friends of Family Farms has appealed the issuance by the Department of Environmental Protection of an NPDES General Permit (PAG-12) to Herbruck Poultry Ranch, Inc. for its CAFO operation located in Montgomery Township, Franklin 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. 17-1595. Filed for public inspection September 22, 2017, 9:00 a.m.]

Mountain Watershed Association, Inc. v. Department of Environmental Protection and LCT Energy, LP; EHB Doc. No. 2017-004-L

Mountain Watershed Association, Inc. has appealed the issuance by the Department of Environmental Protection of an NPDES Individual Permit to LCT Energy, LP for the Rustic Ridge # 1 Mine located in Donegal and Saltlick Townships, Westmoreland and Fayette Counties.

A hearing on the appeal has been scheduled to begin at 10 a.m. on January 29, 2018, at the Pittsburgh offices of

the Environmental Hearing Board, Hearing Room 2014, Second Floor, Piatt Place, 301 Fifth Avenue, Pittsburgh, PA 15222. Any changes to the hearing schedule may be found on the Environmental Hearing Board's (Board) web site at <http://ehb.courtapps.com>.

The appeal, and other filings related to the appeal, may be reviewed by any interested person on request during normal business hours at the Board's Harrisburg office, or through the Board's web site. 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.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 17-1596. Filed for public inspection September 22, 2017, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-206	Pennsylvania Gaming Control Board Junkets, Electronic Credit Systems and Table Game Rules of Play 47 Pa.B. 3827 (July 15, 2017)	8/14/17	9/13/17

Pennsylvania Gaming Control Board Regulation # 125-206 (IRRC # 3174)

Junkets, Electronic Credit Systems and Table Game Rules of Play

September 13, 2017

We submit for your consideration the following comments on the proposed rulemaking published in the July 15, 2017 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. Chapter 423a. Applications; Statement of conditions; Wagering restrictions; and Chapter 437a. Gaming service provider certification and registration.—Clarity.

The intent of proposed amendments to these chapters is to close a loophole that allows a licensed person who is subject to an upcoming revocation to surrender their license prior to the Office of Enforcement Counsel filing for revocation of that license. By surrendering the license, the person avoids the five-year prohibition on reapplying for a license, which is currently applicable when a license or application is withdrawn with prejudice, denied or revoked. The amendments will provide for the surrender of a person's license with prejudice.

We agree with the intent of the proposed amendments, but question whether the new language completely closes the loophole the Board has identified. To carry out the intent of the Board, we suggest that §§ 423a.7(a) and (c) and 437a.8(c)(3) be amended to clarify that if a license, permit, certification or registration was revoked or surrendered with prejudice, the holder of that license, permit, certification or registration may not reapply to the Board for five years.

A second concern we have with §§ 423a.7(a) and (c) and 437a.8(c)(3) pertains to the addition of the word "surrendered" as it relates to the processing of applications. An application, in general, can be denied or withdrawn. However, how can an application be surrendered? The person that filed the application is not in possession of anything to surrender. In the Preamble to the final-form regulation, we ask the Board to clarify the intent of the proposed amendments to these sections.

2. Section 439a.10. Monthly gaming junket reports.—Clarity.

The Board is proposing to delete existing Subsection (a) and to replace it with new language. The new language uses the term "customer" and "patron" interchangeably. We are not aware of a difference between the terms. To improve the clarity and consistency of the rulemaking, we suggest that the Board use just one of those terms.

We have a similar concern with new Subsection 609a.19, relating to the use of an electronic credit system for the processing of counter checks and customer deposits.

3. Section 461a.13. Wide area progressive systems.—Clarity.

We have two clarity concerns with proposed amendments to this section. First, under Subsection (i), to be consistent with the *Pennsylvania Code and Bulletin Style Manual*, we recommend that the term "will" be changed to "must."

Second, under Subsection (l), since the term "jointly" is used, we suggest that the term "several" be changed to "severally."

4. Section 465a.11. Slot machine licensee's organization; Job compendium.—Need; Economic impact; Implementation procedures.

The Board is proposing to delete language from its existing regulations that allows slot machine licensees to

amend and implement previously approved job compendiums if certain conditions are met. We have two concerns with the language that is being deleted from Subsection (i)(1) and (2). First, the Preamble explains what changes are being made, but does not explain why the language is being deleted. What is the need for the change?

Second, a commentator has stated that the deletion of the language would hamper its ability to hire, retain and promote employees and operate efficiently. We ask the

Board to explain the time frames associated with reviewing a slot machine licensee's request to amend a job compendium and to consider the ramifications delays would have on slot machine licensees.

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 17-1597. Filed for public inspection September 22, 2017, 9:00 a.m.]

Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Final Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-7021	State Board of Certified Real Estate Appraisers Appraisal Management Companies	9/06/17	10/12/17
57-311	Pennsylvania Public Utility Commission Steam Heat Distribution System Safety Regulations	9/11/17	10/12/17

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 17-1598. Filed for public inspection September 22, 2017, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by Harleysville Life Insurance Company

Harleysville Life Insurance Company, a domestic stock life insurance company, has filed for approval of a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Ohio. The filing was made under section 357 of The Insurance Company Law of 1921 (40 P.S. § 477e).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Lori Bercher, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, lbercher@pa.gov.

JESSICA K. ALTMAN,
Acting Insurance Commissioner

[Pa.B. Doc. No. 17-1599. Filed for public inspection September 22, 2017, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-2017-2624174. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc. for approval of the abandonment of natural gas service to two natural gas service customers located in Washington County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 10, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Meagan B. Moore, Esquire, Theodore J. Gallagher, Esquire, NiSource Corporate Services Company, 121 Champion Way, Suite 100, Canonsburg, PA 15317; Andrew S. Tubbs, Esquire, NiSource Corporate Services Company, 800 North Third Street, Suite 204, Harrisburg, PA 17102

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1600. Filed for public inspection September 22, 2017, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 10, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.*

A-2015-2511552. Austin's A-1 Transportation Service, LLC (316 Folsom Avenue, Folsom, Delaware County, PA 19033) persons in limousine service, from points in the Counties of Chester, Delaware and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2017-2623242. Jet Response, LLC (189 Old York Road, New Cumberland, York County, PA 17070) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Cumberland, Dauphin, and York, to points in Pennsylvania, and return.

A-2017-2623981. KML Transport, Inc. (637 Washington Avenue, Havertown, Delaware County, PA 19083) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, from points in Delaware County and the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, 1600 Market Street, Suite 1320, Philadelphia, PA 19120.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

A-2017-2623475. Beverly A. Groff (10793 State Route 44, Watsonstown, Northumberland County, PA 17777) paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Snyder, Union, Centre, Clinton and Northumberland, excluding the Borough of Riverside in the County of Northumberland, which is to be a transfer of all rights authorized under the certificate issued at A-6418799 to Samuel Groff, t/a A & M Community Travel, subject to the same limitations and conditions.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.*

A-2017-2623502. Keystone Moving & Junk Removal, LLC (207 West Maplewood Avenue, Mechanics-

burg, Cumberland County, PA 17055) household goods in use, between points within a 100-mile radius of Cumberland, Perry, Dauphin, Lancaster and York Counties. *Attorney:* John F. Povilaitis, 409 North 2nd Street, Suite 500, Harrisburg, PA 17101.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1601. Filed for public inspection September 22, 2017, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 10, 2017, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Mary Beth Williams, t/a Pit Events Transportation Group; Docket No. C-2017-2616478

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Mary Beth Williams, t/a Pit Events Transportation Group, (respondent) is under suspension effective July 14, 2017 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1 Elwyn Avenue, Carnegie, PA 15106.
3. That respondent was issued a Certificate of Public Convenience by this Commission on April 27, 2016, at A-6918256.
4. That respondent has failed to maintain evidence of Bond insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date

of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6918256 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/1/2017

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1602. Filed for public inspection September 22, 2017, 9:00 a.m.]

Transfer Indirect Control

A-2017-2623898. Bandwidth.com CLEC, LLC. Application of Bandwidth.com CLEC, LLC for approval to transfer indirect control.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 10, 2017. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicant: Bandwidth.com CLEC, LLC

Through and By Counsel: Anthony C. DeCusatis, Esquire, Catherine G. Vasudevan, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921; Tamar E. Finn, Esquire, Danielle Burt, Esquire, Morgan, Lewis & Bockius, LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004-2541

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 17-1603. Filed for public inspection September 22, 2017, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. James L. Jackson; Doc. Nos. 1483-42-17, 1482-42-17 and 1481-42-17

On August 10, 2017, the State Board of Barber Examiners (Board) suspended the license of James L. Jackson, license No. BL053680, last known of Harrisburg, Dauphin County. The Board took this action under the Order of the Court of Common Pleas of Dauphin County dated July 31, 2017, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Cynthia K. Montgomery, Deputy Chief Counsel, State Board of Barber Examiners, P.O. Box 2649, Harrisburg, PA 17105-2649.

JOHN C. CHRISTOPHER,
Chairperson

[Pa.B. Doc. No. 17-1604. Filed for public inspection September 22, 2017, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
David Reiff 1650 Mench Road Mifflinburg, PA 17844	Union County/ Limestone Township	0.00	Broilers	Existing	Approved
Monte Edgin 10368 Chester Furnace Road Shirleysburg, PA 17260	Huntingdon County/ Cromwell Township	13.2	Equine	New	Approved
Rodney E Lane—MA Farm 251 Howard Road Harrison Valley, PA 16927	Potter County/ Harrison Township	13.26	Cattle	New	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Rodney E Lane—WA Farm Pleasant Valley Road Harrison Valley, PA 16927	Potter County/ Harrison Township	22.88	Cattle	New	Approved
Karlin Lynch 138 Mays Chapel Warfordsburg, PA 17267	Fulton County/ Bethel Township	0.00	Cattle/ Turkey	Existing	Rescinded
Daniel Hershberger, Jr. 203 Greenleaf Road Danville, PA 17821	Montour County/ Derry Township	0.00	Veal	Existing	Rescinded
Glenn Martin 300 Weidmansville Road Ephrata, PA 17522	Lancaster County/ Clay Township	5.59	Broiler	Amend	Approved
Furnace Hill Holsteins 480 Schaeffer Road Lebanon, PA 17042	Lebanon County/ South Lebanon Township	0.00	Cattle	New	Approved
Misty Glen Properties, LP— Hain Ave Farm 150 Hain Avenue Lebanon, PA 17046	Lebanon County/ Swatara Township	1,800.00	Layers	New	Approved
Ben Moyer 20 Dead End Road Annville, PA 17003	Lebanon County/ South Lebanon Township	144.16	Broiler	New	Approved
Aaron Warner 18826 New Fording Road Broad Top, PA 16621	Huntingdon County/ Todd Township	672.7	Swine	New	Approved
Michael and Regina Kurtz 1576 Fultz Road McClure, PA 17841	Snyder County/ Spring Township	0.00	Layer	Existing	Rescinded
Country View Family View Farms, LLC Huston Hollow Farm 2994 South Madden Road Hustontown, PA 17229	Fulton County/ Taylor Township	1,782.45	Swine	Amend	Approved

RUSSELL C. REDDING,
Chairperson

[Pa.B. Doc. No. 17-1605. Filed for public inspection September 22, 2017, 9:00 a.m.]

