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PENNSYLVANIA BULLETIN

Volume 46
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The Courts

Bureau of Professional and Occupational
Affairs

Delaware River Basin Commission

Department of Banking and Securities

Department of Environmental Protection

Department of Health

Department of Human Services

Environmental Quality Board

Game Commission

Independent Regulatory Review Commission

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Philadelphia Regional Port Authority

State Board of Examiners in Speech-

Language Pathology and Audiology

State Board of Nursing

State Conservation Commission

Susquehanna River Basin Commission

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

No. 503, October 2016

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT [204 PA. CODE CH. 93]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 79

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to modify Rules §§ 93.141 et. seq. to permit the annual registration of attorneys by electronic means.

The Disciplinary Board of the Supreme Court of Pennsylvania finds that:

(1) To the extent that 42 Pa.C.S. § 1702 (relating to rule making procedures) and Article II of the act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law, would otherwise require notice of proposed rulemaking with respect to the amendments adopted hereby, those proposed rulemaking procedures are inapplicable because the amendments adopted hereby relate to agency procedure and are perfunctory in nature.

(2) The amendments to the Rules of Organization and Procedure of the Board adopted hereby are not inconsistent with the Pennsylvania Rules of Disciplinary Enforcement and are necessary and appropriate for the administration of the affairs of the Board.

The Board, acting pursuant to Pa.R.D.E. 205(c)(10), orders:

(1) Title 204 of the *Pennsylvania Code* is hereby amended as set forth in Annex A hereto.

(2) The Secretary of the Board shall duly certify this Order, and deposit the same with the Administrative Office of Pennsylvania Courts as required by Pa.R.J.A. 103(c).

(3) The amendments adopted hereby shall take effect upon publication in the *Pennsylvania Bulletin*.

(4) The amendments adopted hereby shall take effect 30 days after publication in the *Pennsylvania Bulletin*.

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

JULIA FRANKSTON-MORRIS,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA CHAPTER 93. ORGANIZATION AND ADMINISTRATION

Subchapter G. FINANCIAL MATTERS ANNUAL REGISTRATION OF ATTORNEYS

§ 93.141. Annual registration.

(a) *General rule.* Enforcement Rule 219(a) provides that every attorney admitted to practice law in this

Commonwealth shall pay an annual fee of [\$130.00] **\$125.00** and **electronically** file the annual fee form provided for under such rule by **July 1**; that the fee shall be collected under the supervision of the Attorney Registration Office, which shall [**send or cause to be sent to every attorney, except an attorney who has elected to file the form electronically, the annual fee form; that the Attorney Registration Office shall transmit to those attorneys who have elected to file the form electronically a notice by e-mail to register by July 1; that failure to receive the annual fee form by mail or electronically shall not excuse payment of the fee; and that the**] **make the annual fee form available for filing through a link on the Board's website (<http://www.padisiplinaryboard.org>) or directly at <https://ujportal.pacourts.us>. The fee shall be used to defray the costs of disciplinary administration and enforcement under the Enforcement Rules, and for such other purposes as the Board shall, with the approval of the Supreme Court, from time to time determine. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the Attorney Registration Office shall grant an exemption from the electronic filing requirement and permit the attorney to file the annual fee form in paper form.**

Official Note: Pa.R.P.C. 1.15(u) imposes an additional annual fee for use by the IOLTA Board, and Pa.R.D.E. 502(b) imposes an additional annual fee for use by the Pennsylvania Lawyers Fund for Client Security.

(b) *Inapplicable to justices and judges.* Enforcement Rule 219(b) provides that the following shall be exempt from the annual fee:

* * * * *

§ 93.142. Filing of annual fee form by attorneys.

(a) *Transmission of form.* Enforcement Rule 219(c) provides that on or before May 15 of each year the Attorney Registration Office shall transmit to all attorneys required by the rule to pay an annual fee [, **except those attorneys who have elected electronic filing, a form required by subsection (b) of this section; and that on or before May 15 of each year subsequent to the year in which an attorney elects electronic filing, the Attorney Registration Office shall transmit to such attorney**] a notice by e-mail to register **electronically** by July 1. **Failure to receive notice shall not excuse the filing of the annual fee form or payment of the annual fee.**

(b) *Filing of annual fee form.* Enforcement Rule 219(d) provides that on or before July 1 of each year all attorneys required by the rule to pay an annual fee shall **electronically** file with the Attorney Registration Office [**a signed or**] an electronically endorsed form prescribed by the Attorney Registration Office in accordance with the following procedures:

(1) The form shall set forth:

(i) The date on which the attorney was admitted to practice, licensed as foreign legal consultant, granted limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, or issued a Limited In-House Corporate Counsel License,

and a list of all courts (except courts of this Commonwealth) and jurisdictions in which the person has ever been license' to practice law, with the current status thereof.

(ii) The current **email**, residence and office addresses of the attorney, **[each] the latter two** of which shall be an actual street address or rural route box number **[, and the]**. The Attorney Registration Office shall refuse to accept a form that sets forth only a post office box number for either required address. A preferred mailing address different from those addresses may also be provided on the form and may be a post office box number. The attorney shall indicate which of the addresses, the residence, office or mailing address, as well as telephone and fax number will be accessible through the website of the Board (<http://www.padisciplinaryboard.org/>) and by written or oral request to the Board. Upon an attorney's written request submitted to the Attorney Registration Office and for good cause shown, the contact information provided by the attorney will be nonpublic information and will not be published on the Board's website or otherwise disclosed.

Official Note: The Note to Enforcement Rule 219(d)(1)(ii) explains that public web docket sheets will show the attorney's address as entered on the court docket.

(iii) The name of each Financial Institution, as defined in § 91.171 (Definitions), within or outside this Commonwealth in which the attorney **[on May 1 of the current year or at any time during the preceding 12 months], from May 1 of the previous year to the date of the filing of the annual fee form**, held funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct. The form shall include the name and account number for each account in which the attorney held such funds, and each IOLTA Account shall be identified as such. The form provided to a person holding a Limited In-House Corporate Counsel License or a Foreign Legal Consultant License need not request the information required by this subparagraph.

For purposes of this subparagraph, the phrase "funds of a client or a third person subject to Rule 1.15 of the Pennsylvania Rules of Professional Conduct" means funds that belong to a client or third person and that an attorney receives:

(A) in connection with a client-lawyer relationship;

(B) as an escrow agent, settlement agent, representative payee, personal representative, guardian, conservator, receiver, trustee, agent under a durable power of attorney, or other similar fiduciary position;

(C) as an agent, having been designated as such by a client or having been so selected as a result of a client-lawyer relationship or the lawyer's status as such;

(D) in connection with nonlegal services that are not distinct from legal services;

(E) in connection with nonlegal services that are distinct from legal services, and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship; or

(F) as an owner, controlling party, employee, agent, or as one who is otherwise affiliated with an entity providing nonlegal services and the attorney knows or reasonably should know that the recipient of the service might believe that the recipient is receiving the protection of a client-lawyer relationship.

Official Note: For purposes of subparagraph (iii), "funds of a third person" shall not include funds held in: 1) an attorney's personal account held jointly; or 2) a custodial account for a minor or dependent relative unless the source of any account funds is other than the attorney and his or her spouse.

If an attorney employed by a law firm receives fiduciary funds from or on behalf of a client and deposits or causes the funds to be deposited into a law firm account, the attorney must report the account of deposit under this subparagraph.

(iv) Every account not reported under subparagraph (iii), that held funds of a client or a third **[party] person**, and over which the attorney had sole or shared signature authority or authorization to transfer funds to or from the account, during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution (whether or not the entity qualifies as a "Financial Institution" under RPC 1.15(a)(4)), location, and account number.

Official Note: Regarding "funds of a third person," see Note to § 93.142(b)(1)(iii).

(v) Every business operating account maintained or utilized by the attorney in the practice of law during the same time period specified in subparagraph (iii). For each account, the attorney shall provide the name of the financial institution, location and account number.

(vi) A certification reading as follows: "I certify that all Trust Accounts that I maintain are in financial institutions approved by the Supreme Court of Pennsylvania for the maintenance of such accounts pursuant to Pennsylvania Rule of Disciplinary Enforcement 221 (relating to mandatory overdraft notification) and that each Trust Account has been identified as such to the financial institution in which it is maintained."

(vii) A statement that any action brought against the attorney by the Pennsylvania Lawyers Fund for Client Security for the recovery of monies paid by the Fund as a result of claims against the attorney may be brought in the Court of Common Pleas of Allegheny, Dauphin or Philadelphia County.

(viii) Whether the attorney is covered by professional liability insurance on the date of registration in the minimum amounts required by Rule of Professional Conduct 1.4(c). Rule 1.4(c) does not apply to attorneys who do not have any private clients, such as attorneys in full-time government practice or employed as in-house corporate counsel.

Official Note: The Disciplinary Board will make the information regarding insurance available to the public upon written or oral request and on its website. The requirement of Rule 219(d)(3) that every attorney who has filed an annual fee form **[or elects to file the form electronically must notify] must give written notice** to the Attorney Registration Office of any change in the information previously submitted within 30 days after such change will apply to the information regarding insurance.

(ix) Such other information as the Attorney Registration Office may from time to time direct.

(2) Payment of the annual fee shall [**accompany the form**] be made in one of two ways: a) electronically by credit or debit card at the time of electronic transmission of the form through the online system of the Attorney Registration Office, which payment shall include a nominal fee to process the electronic payment; or b) by check or money order drawn on a U.S. bank, in U.S. dollars using a printable, mail-in voucher. IOLTA, trust, escrow and other fiduciary account checks tendered in payment of the annual fee will not be accepted. If the [**form and payment are**] annual fee form, voucher or payment is incomplete or if a check in payment of the annual fee has been returned to the Board unpaid, the annual fee shall not be deemed to have been paid until a collection fee, and one or both of the late payment penalties prescribed in § 93.144(a)(1) and (2) of these rules if assessed, shall also have been paid. The amount of the collection fee shall be established by the Board annually after giving due regard to the direct and indirect costs incurred by the Board during the preceding year for checks returned to the Board unpaid. On or before July 1 of each year the Office of the Secretary shall publish in the *Pennsylvania Bulletin* a notice of the collection fee established by the Board for the coming registration year.

(3) Every attorney who has filed the form [**or elects to file the form electronically**] shall notify the Attorney Registration Office **in writing** of any change in the information previously submitted, including e-mail address, within 30 days after such change, **which notice shall be sent by mail or facsimile transmission, provided, however, that any change in the information required by Enforcement Rule 219(d)(1)(iii), (iv) and (v) (collectively relating to financial account information) that occurs after the filing of the form required by Enforcement Rule 219(a) and (d)(1) need only be reported on the next regular annual fee form due July 1. Failure to timely register and file the next annual fee form shall not excuse the requirement of reporting changes in financial account information on an annual basis on or before July 1, and failure to make such a report shall constitute a violation of Enforcement Rule 219.**

(4) Upon original admission to the bar of this Commonwealth, licensure as a Foreign Legal Consultant, issuance of a Limited In-House Corporate Counsel License, or limited admission as an attorney participant in defender and legal services programs pursuant to Pa.B.A.R. 311, a person shall concurrently file a form under this section for the current registration year, but no annual fee shall be payable for the registration year in which originally admitted or licensed.

(5) **Submission of the annual fee form through electronic means signifies the attorney's intent to sign the form. By submitting the form electronically, the attorney certifies that the electronic filing is true and correct.**

§ 93.145. Reinstatement of administratively suspended attorneys.

(a) *General rule.* **An attorney who has been administratively suspended pursuant to § 93.144(b) of these rules for three years or less is not eligible to file the annual fee form electronically.** Enforcement

Rule 219(h) provides that the procedure for reinstatement [**of an attorney who has been administratively suspended pursuant to § 93.144(b) of these rules for three years or less**] is as follows:

* * * * *

(2) Upon receipt of the annual fee form, a verified statement showing compliance with Enforcement Rule 217 (relating to formerly admitted attorneys), and the payments required by paragraph (a)(1) of this section, the Attorney Registration Office shall so certify to the [**Board**] Office of the Secretary and to the Supreme Court; and that unless the formerly admitted attorney is subject to another outstanding order of suspension or disbarment or the order has been in effect for more than three years, the filing of the certification from the Attorney Registration Office with the Prothonotary of the Supreme Court shall operate as an order reinstating the person to active status.

* * * * *

§ 93.146. Selection of retired or inactive status and resumption of active status.

(a) *Retired Status* [:]. Enforcement Rule 219(i) provides that:

(1) An attorney who has retired [**shall file with**] **must file by mail or deliver in person** to the Attorney Registration Office Form DB-27 (Application for Retirement) **and payment of any applicable late fees or penalties pursuant to Enforcement Rule 219(f).**

(2) Upon the transmission of the application from the Attorney Registration Office to the Supreme Court, the Court shall enter an order transferring the attorney to retired status, and the attorney shall no longer be eligible to practice law.

(3) The retired attorney will be relieved from [**the**] payment of the **annual** fee specified in § 93.141 (relating to annual registration).

(4) Chapter 91 Subchapter E (relating to formerly admitted attorneys) shall not be applicable to the formerly admitted attorney unless ordered by the Supreme Court in connection with the entry of an order of suspension or disbarment under another provision of the Enforcement Rules.

(5) An attorney on retired status for three years or less may be reinstated in the same manner as an inactive attorney, by filing a Form DB-29 (Application for Resumption of Active Status), except that the retired attorney shall pay the annual active fee for the three most recent years or such shorter period in which the attorney was on retired status instead of the amounts required to be paid by an inactive attorney seeking reinstatement.

(6) The Chief Justice may delegate the processing and entry of orders under this subsection to the Prothonotary.

(b) *Inactive Status.* Enforcement Rule 219(j) provides that:

(1) An attorney who is not engaged in practice in Pennsylvania, has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct, or is not required by virtue of his or her practice elsewhere to maintain active licensure in the Commonwealth may request inactive status or continue that status once assumed. The attorney shall file either the annual form required by § 93.142(b) and request inactive status or file Form DB-28 (Notice of Voluntary Assump-

tion of Inactive Status). The attorney shall be removed from the roll of those classified as active until and unless such inactive attorney makes a request under paragraph (3) of this section for an administrative return to active status and satisfies all conditions precedent to the grant of such request; or files a petition for reinstatement under § 89.273(b) (relating to procedure for reinstatement of an attorney who has been on inactive status for more than three years, or who is on inactive status and had not been on active status at any time within the prior three years) and is granted reinstatement pursuant to the provisions of § 89.273(b) of these rules.

(2) An inactive attorney under this subsection (b) shall continue to file the annual form required by § 93.142(b), **and shall file the form through the online system identified in § 93.141(a)** and shall pay an annual fee of \$70.00 **in the manner provided in § 93.142(b)(2)**. Noncompliance with this provision will result in the inactive attorney incurring late payment [**penalites**] **penalties**, incurring a collection fee for any check in payment that has been returned to the Board unpaid, and being placed on administrative suspension in accordance with the provisions of § 93.144.

(3) *Administrative Change in Status from Inactive Status to Active Status*: An attorney on inactive status may request a resumption of active status by filing Form DB-29 (Application for Resumption of Active Status) with the Attorney Registration Office. **The form must be filed by mail or delivered in person to the Attorney Registration Office.** Resumption of active status shall be granted unless the inactive attorney is subject to an outstanding order of suspension or disbarment, unless the inactive attorney has sold his or her practice pursuant to Rule 1.17 of the Pennsylvania Rules of Professional Conduct (see § 89.273(b)), unless the inactive status has been in effect for more than three years, or unless the inactive attorney had not been on active status at any time within the preceding three years (see § 89.273(b)), upon the payment of:

* * * * *

§ 93.148. Administrative change in status from administrative suspension to inactive status.

(a) Enforcement Rule 219(k) provides that an inactive attorney who has been administratively suspended for failure to file the annual form and pay the annual fee required by § 93.146(b)(2) of these rules, may request an administrative change in status [**to inactive status**] **form from the Attorney Registration Office.** The [**Attorney Registration Office**] **form must be filed by mail or delivered in person to the Attorney Registration Office and said Office** shall change the status of an attorney eligible for inactive status under this subsection (a) upon receipt of:

* * * * *

§ 93.149. [(Reserved).] Former or retired justice or judge and resumption of active status.

(a) Rule 219(n) provides that a former or retired justice or judge who is not the subject of an outstanding order of discipline affecting his or her right to practice law and who wishes to resume the practice of law shall file with the Attorney Registration Office a notice in writing. The notice shall:

(1) describe:

(i) any discipline imposed within six years before the date of the notice upon the justice or judge by the Court of Judicial Discipline;

(ii) any proceeding before the Judicial Conduct Board or the Court of Judicial Discipline settled within six years before the date of the notice on the condition that the justice or judge resign from judicial office or enter a rehabilitation program; and

(2) include a waiver available through the Attorney Registration Office and signed by the justice or judge, if the notice discloses a proceeding described in subsection (1), of the confidentiality of the record in that proceeding for the limited purpose of making the record available to the Board in any subsequent proceeding under these rules.

An annual fee form will be provided by the Attorney Registration Office. The form must be filed by mail or delivered in person to said Office and be accompanied by payment of the full annual fee for the assessment year in which the notice is filed.

[Pa.B. Doc. No. 16-1849. Filed for public inspection October 28, 2016, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1910]

Order Amending Rule 1910.16-4 of the Rules of Civil Procedure; No. 650 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 14th day of October, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 45 Pa.B. 6972 (December 12, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1910.16-4 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

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

* * * * *

[(d) *Divided or Split Physical Custody. When Each Party Has Primary Custody of One or More of the Children. Varied Custodial Schedules.*

(1) *Divided or Split Physical Custody. When Each Party Has Primary Custody of One or More of the Children.* When calculating a child support obligation, and one or more of the children reside primar-

ily with each party, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support. For example, if the parties have three children, one of whom resides with Father and two of whom reside with Mother, and their net monthly incomes are \$2,500 and \$1,250 respectively, Father's child support obligation is calculated as follows. Using the schedule in Rule 1910.16-3 for two children at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$1,200. As Father's income is 67% of the parties' combined net monthly income, Father's support obligation for the two children living with Mother is \$804. Using the schedule in Rule 1910.16-3 for one child, Mother's support obligation for the child living with Father is \$276. Subtracting \$276 from \$804 produces a net basic support amount of \$528 payable to Mother as child support.

When calculating a combined child support and spousal or alimony pendente lite obligation, and one or more children reside with each party, the court shall offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. When one or more of the children resides with each party then, in calculating the spousal support or alimony pendente lite obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(2) *Varied Custodial Schedules.* When the parties have more than one child and each child spends different amounts of partial or shared custodial time with the obligor, the trier of fact shall add the percentage of time each child spends with the obligor and divide by the number of children to determine the obligor's percentage of custodial time. If the average percentage of time the children spend with the obligor is 40% or more, the provisions of subdivision (c) above apply.

Example 1. The parties have two children and one child spends 50% of the time with the obligor and another spends 20% of the time with the obligor. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average of the time with the obligor). Pursuant to subdivision (c), the obligor does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with the obligor and third child spends 30% of the time with the obligor. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with the obligor). Pursuant to subdivision (c), the obligor receives a reduction in the support order for substantial parenting time.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as

that method does not consider the incremental increases in support for more than one child built into the schedule of basic child support.]

(d) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party. Varied Partial or Shared Custodial Schedules.*

(1) *Divided or Split Physical Custody. When Each Party Owes Child Support to the Other Party.* When calculating a child support obligation and each party owes child support to the other party as a result of the custodial arrangement, the court shall offset the parties' respective child support obligations and award the net difference to the obligee as child support.

Example 1. If the parties have three children, one child resides with Mother and two children reside with Father, and their net monthly incomes are \$2,500 and \$1,250 respectively, Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined net monthly income of \$3,750. The amount of basic child support to be apportioned between the parties is \$1,200. As Mother's income is 67% of the parties' combined net monthly income, Mother's support obligation for the two children living with Father is \$804. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined net monthly income of \$3,750. The amount of basic child support to be apportioned between the parties is \$836. Father's support obligation for the child living with Mother is \$276. Subtracting \$276 from \$804 produces a net basic support amount of \$528 payable to Father as child support.

Example 2. If the parties have two children, one child resides with Mother and the parties share custody (50%—50%) of the other child, and the parties' net monthly incomes are as set forth in Example 1. The child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for the one child primarily residing with Mother at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$836. Father's income is 33% of the parties' combined net monthly income, and the support obligation for the child living with Mother is \$276. For Mother's obligation for the child with the 50%—50% shared custody arrangement, using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined net monthly income of \$3,750, the amount of basic child support to be apportioned between the parties is \$836. Mother's proportionate share of the combined net incomes is 67%, but it is reduced to 47% after applying the shared parenting time adjustment for 50% custody under subdivision (c). Mother's child support obligation for the shared custody child is \$393 ($\$836 \times 47\%$). As Mother's obligation is greater than Father's obligation, Father is the obligee and receives the net of the two obligations by subtracting \$276 from \$393, or \$117.

(2) *Varied Partial or Shared Custodial Schedules.* When the parties have more than one child and each child spends either (a) different amounts of partial or shared custodial time with the party with the higher income or (b) different amounts of partial custodial time with the party with the lower income, the trier of fact shall add the percentage of

time each child spends with that party and divide by the number of children to determine the party's percentage of custodial time. If the average percentage of custodial time the children spend with the party is 40% or more, the provisions of subdivision (c) apply.

Example 1. The parties have two children and one child spends 50% of the time with Mother, who has the higher income, and the other child spends 20% of the time with Mother. Add those percentages together and divide by the number of children (50% plus 20% = 70% divided by 2 children = 35% average time with Mother). Pursuant to subdivision (c), Mother does not receive a reduction in the support order for substantial parenting time.

Example 2. The parties have three children. Two children spend 50% of the time with Mother, who has the higher income, and the third child spends 30% of the time with Mother. Add the percentages of custodial time for all three children together and divide by the number of children (50% plus 50% plus 30% = 130% divided by three children = 43.33% average percentage of time with Mother). Pursuant to subdivision (c), Mother receives a reduction in the support order for substantial parenting time.

Example 3. The parties have three children, Mother has primary custody (60%—40%) of one child, Father has primary custody (60%—40%) of one child, and the parties share custody (50%—50%) of the third child. The parties' net monthly incomes are \$2,500 (Mother) and \$1,250 (Father). As a result of the custodial arrangement, Father owes support for the child in the primary custody of Mother and Mother owes support for the child in the primary custody of Father and for the child shared equally between the parties. Father's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for one child at the parties' combined net monthly income of \$3,750. The amount of basic child support to be apportioned between the parties is \$836. Father's proportionate share of the combined net incomes is 33%, but is reduced to 23% after applying the shared parenting time adjustment for 40% custody under subdivision (c). Father's child support obligation for this child is \$192 ($\$836 \times 23\%$). Mother's child support obligation is calculated using the schedule in Pa.R.C.P. No. 1910.16-3 for two children at the parties' combined net monthly income of \$3,750. The amount of basic child support to be apportioned between the parties is \$1,200. Mother has varying partial or shared custody of the two children (40% and 50%). Under subdivision (d)(2), the custodial time is averaged or in this case 45%. Mother's proportionate share of the combined net incomes is 67%, but it is reduced to 52% after applying the shared parenting time adjustment for 45% custody under subdivision (c). Mother's child support obligation for these children is \$624 ($\$1,200 \times 52\%$). Offsetting the support amounts consistent with subdivision (d)(1), Mother's obligation is greater than Father's obligation, and Father is the obligee receiving the net of the two obligations by subtracting \$192 from \$624, or \$432.

Official Note: In cases with more than one child and varied partial or shared custodial schedules, it is not appropriate to perform a separate calculation for each child and offset support amounts as that method does not consider the incremental

increases in support for more than one child built into the schedule of basic child support.

(3) When calculating a combined child support and spousal or alimony *pendente lite* obligation and one or more children reside with each party, the court shall offset the obligor's spousal and child support obligation with the obligee's child support obligation and award the net difference to the obligee as spousal and child support. If one or more of the children resides with each party then, in calculating the spousal support or alimony *pendente lite* obligation, the court shall deduct from the obligor's income both the support owed for the child or children residing with the obligee, as well as the direct support the obligor provides to the child or children living with the obligor, calculated in accordance with the guidelines as if the child or children were not living with the obligor.

(e) *Support Obligations When Custodial Parent Owes Spousal Support.* Where children are residing with the spouse obligated to pay spousal support or alimony *pendente lite* (custodial parent) and the other spouse (non-custodial parent) has a legal obligation to support the children, the guideline amount of spousal support or alimony *pendente lite* shall be determined by offsetting the non-custodial parent's obligation for support of the children and the custodial parent's obligation of spousal support or alimony *pendente lite*, and awarding the net difference either to the non-custodial parent as spousal support/alimony *pendente lite* or to the custodial parent as child support as the circumstances warrant.

* * * * *

[Pa.B. Doc. No. 16-1850. Filed for public inspection October 28, 2016, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CHS. 1910, 1915 AND 1920]

Order Amending Rules 1910.10, 1915.4-1 and 1920.55-1 of the Rules of Civil Procedure; No. 651 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 14th day of October, 2016, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rules 1910.10, 1915.4-1 and 1920.55-1 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective on December 1, 2016.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1910. ACTIONS FOR SUPPORT

Rule 1910.10. Alternative Hearing Procedures.

(a) The action shall proceed as prescribed by Pa.R.C.P. No. 1910.11 unless the court by local rule adopts the alternative hearing procedure of Pa.R.C.P. No. 1910.12.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all support proceedings in that county are conducted in accordance with either Pa.R.C.P. No. 1910.11 or Pa.R.C.P. No. 1910.12. The certification shall be filed with the Domestic Relations Procedural Rules Committee, and shall be substantially in the following form:

I hereby certify that _____ County conducts its support proceedings in accordance with Pa.R.C.P. No. _____ .

(PRESIDENT JUDGE) (ADMINISTRATIVE JUDGE)

[*Official Note:* Pursuant to Pa.R.C.P. No. 1910.10, the following counties have certified to the Domestic Relations Procedural Rules Committee that their support proceedings are conducted in accordance with the rule specified below.

Adams	1910.11
Allegheny	1910.12
Armstrong	1910.12
Beaver	1910.11
Bedford	1910.11
Berks	1910.12
Blair	1910.11
Bradford	1910.12
Bucks	1910.11
Butler	1910.11
Cambria	1910.12
Cameron	1910.11
Carbon	1910.12
Centre	1910.11
Chester	1910.12
Clarion	1910.12
Clearfield	1910.11
Clinton	1910.11
Columbia	1910.12
Crawford	1910.11
Cumberland	1910.12
Dauphin	1910.11
Delaware	1910.11
Elk	1910.12
Erie	1910.11
Fayette	1910.11
Forest	1910.12
Franklin	1910.12
Fulton	1910.11
Greene	1910.11
Huntingdon	1910.11
Indiana	1910.12
Jefferson	1910.11
Juniata	1910.11
Lackawanna	1910.12
Lancaster	1910.11

Lawrence	1910.11
Lebanon	1910.12
Lehigh	1910.12
Luzerne	1910.12
Lycoming	1910.12
McKean	1910.12
Mercer	1910.11
Mifflin	1910.11
Monroe	1910.12
Montgomery	1910.11
Montour	1910.12
Northampton	1910.11
Northumberland	1910.11
Perry	1910.11
Philadelphia	1910.12
Pike	1910.11
Potter	1910.11
Schuylkill	1910.12
Snyder	1910.11
Somerset	1910.11
Sullivan	1910.11
Susquehanna	1910.12
Tioga	1910.11
Union	1910.11
Venango	1910.12
Warren	1910.12
Washington	1910.12
Wayne	1910.11
Westmoreland	1910.12
Wyoming	1910.11
York	1910.11]

Official Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

In accordance with Pa.R.C.P. No. 1910.10, a judicial district may opt for one of two procedures for support matters; the procedure selected is then certified by the president judge or administrative judge to the Domestic Relations Procedural Rules Committee as prescribed in subdivision (b). Subdivision (b) was added in response to requests from appellate court judges who find that it is often difficult to determine the rule with which the actual support procedure is intended to comply. Subsequently, a judicial district may, at any time, change its support procedure by filing a new certification with the staff of the Domestic Relations Procedural Rules Committee indicating the rule according to which support matters will proceed. However, a judicial district may, by local rule, permit interstate actions to proceed directly to a hearing officer or judge without a conference.

The procedure set forth in Pa.R.C.P. No. 1910.11 provides for a conference before a conference officer, a conference summary and entry of an interim order for support calculated in accordance with the guidelines, and a right to demand a hearing *de novo* before a judge. The hearing must be held and the final order entered within 60 days of the written demand for hearing.

The alternate procedure, as set forth in Pa.R.C.P. No. 1910.12, provides for a conference before a conference officer, a record hearing before a hearing officer, and issuance of a report and recommendation to which exceptions may be filed within ten days. The court must hear argument and enter a final order within 60 days of the filing of exceptions.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-1. Alternative Hearing Procedures for Partial Custody Actions.

(a) A custody action shall proceed as prescribed by Pa.R.C.P. No. 1915.4-3 unless the court, by local rule, adopts the alternative hearing procedure authorized by Pa.R.C.P. No. 1915.4-2 pursuant to which an action for partial custody may be heard by a hearing officer, except as provided in subdivision (b).

(b) Promptly after the parties' initial contact with the court as set forth in Pa.R.C.P. No. 1915.4(a), a party may move the court for a hearing before a judge, rather than a hearing officer, in an action for partial custody where:

- (1) there are complex questions of law, fact or both; or
- (2) the parties certify to the court that there are serious allegations affecting the child's welfare.

(c) The president judge or the administrative judge of the family division of each county shall certify that custody proceedings generally are conducted in accordance with either Pa.R.C.P. No. 1915.4-2 or Pa.R.C.P. No. 1915.4-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee of the Supreme Court of Pennsylvania and shall be substantially in the following form:

I hereby certify that _____ County conducts its custody proceedings in accordance with Pa.R.C.P. No. _____.

(President Judge)

(Administrative Judge)

[*Note:* Pursuant to Pa.R.C.P. No. 1915.4-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that their custody proceedings generally are conducted in accordance with the rule specified below:

COUNTY	RULE
Adams	1915.4-3
Allegheny	1915.4-2
Armstrong	1915.4-3

COUNTY	RULE
Beaver	1915.4-3
Bedford	1915.4-3
Berks	1915.4-3
Blair	1915.4-3
Bradford	1915.4-2
Bucks	1915.4-3
Butler	1915.4-3
Cambria	1915.4-2
Cameron	1915.4-3
Carbon	1915.4-2
Centre	1915.4-3
Chester	1915.4-3
Clarion	1915.4-3
Clearfield	1915.4-3
Clinton	1915.4-3
Columbia	1915.4-3
Crawford	1915.4-3
Cumberland	1915.4-3
Dauphin	1915.4-3
Delaware	1915.4-2
Elk	1915.4-3
Erie	1915.4-3
Fayette	1915.4-2
Forest	1915.4-2
Franklin	1915.4-3
Fulton	1915.4-3
Greene	1915.4-2
Huntingdon	1915.4-3
Indiana	1915.4-3
Jefferson	1915.4-3
Juniata	1915.4-3
Lackawanna	1915.4-2
Lancaster	1915.4-3
Lawrence	1915.4-3
Lebanon	1915.4-3
Lehigh	1915.4-2
Luzerne	1915.4-2
Lycoming	1915.4-3
McKean	1915.4-3
Mercer	1915.4-3
Mifflin	1915.4-3
Monroe	1915.4-3
Montgomery	1915.4-3
Montour	1915.4-3
Northampton	1915.4-3
Northumberland	1915.4-3
Perry	1915.4-3
Philadelphia	1915.4-2

COUNTY	RULE
Pike	1915.4-2
Potter	1915.4-3
Schuylkill	1915.4-2
Snyder	1915.4-3
Somerset	1915.4-3
Sullivan	1915.4-3
Susquehanna	1915.4-3
Tioga	1915.4-2
Union	1915.4-3
Venango	1915.4-3
Warren	1915.4-2
Washington	1915.4-3
Wayne	1915.4-2
Westmoreland	1915.4-3
Wyoming	1915.4-3
York	1915.4-3

Explanatory Comment—1994

These rules provide an optional procedure for using hearing officers in partial custody cases. The procedure is similar to the one provided for support cases in Rule 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms “conference officer” and “hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Rules 1915.4-1 and 1915.4-2 is optional rather than mandatory. Counties which prefer to have all partial custody cases heard by a judge may continue to do so.

These procedures are not intended to replace or prohibit the use of any form of mediation or conciliation. On the contrary, they are intended to be used in cases which are not resolved through the use of less adversarial means.

Explanatory Comment—2007

The intent of the amendments to Rules 1915.4-1 and 1915.4-2, and new Rule 1915.4.3, is to clarify the procedures in record and non-record custody proceedings. When the first proceeding is non-record, no exceptions are required and a request for a de novo hearing may be made.]

Official Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

These rules provide an optional procedure for using hearing officers in partial custody cases. The procedure is similar to the one provided for support cases in Pa.R.C.P. No. 1910.12: a conference, record hearing before a hearing officer and argument on exceptions before a judge. The terms “conference officer” and “hearing officer” have the same meaning here as in the support rules.

It is important to note that use of the procedure prescribed in Pa.R.C.P. Nos. 1915.4-1 and 1915.4-2 is

optional rather than mandatory. Counties which prefer to have all partial custody cases heard by a judge may continue to do so.

These procedures are not intended to replace or prohibit the use of any form of mediation or conciliation. On the contrary, they are intended to be used in cases which are not resolved through the use of less adversarial means.

The intent of the 2007 amendments to Pa.R.C.P. Nos. 1915.4-1 and 1915.4-2, and Pa.R.C.P. No. 1915-4.3, was to clarify the procedures in record and non-record custody proceedings. When the first proceeding is non-record, no exceptions are required and a request for a de novo hearing may be made.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

Rule 1920.55-1. Alternative Hearing Procedures for Matters Referred to a Master.

(a) Matters referred to a master for hearing shall proceed as prescribed by [Rule] Pa.R.C.P. No. 1920.55-2 unless the court by local rule adopts the alternative procedure of [Rule] Pa.R.C.P. No. 1920.55-3.

(b) The president judge or the administrative judge of Family Division of each county shall certify that all divorce proceedings which are referred to a master in that county are conducted in accordance with either [Rule] Pa.R.C.P. No. 1920.55-2 or [Rule] Pa.R.C.P. No. 1920.55-3. The certification shall be filed with the Domestic Relations Procedural Rules Committee and shall be substantially in the following form:

I hereby certify that _____ County conducts its divorce proceedings that are referred to a master in accordance with [Rule] Pa.R.C.P. No. _____ .

(PRESIDENT JUDGE)

(ADMINISTRATIVE JUDGE)

[*Official Note:* Pursuant to Rule 1920.55-1, the following counties have certified to the Domestic Relations Procedural Rules Committee that divorce proceedings referred to a master are conducted in accordance with the rule specified below.

Adams	1920.55-2
Allegheny	1920.55-2
Armstrong	1920.55-2
Beaver	1920.55-2
Bedford	1920.55-2
Berks	1920.55-2
Blair	1920.55-2
Bradford	1920.55-2
Bucks	Both
Butler	1920.55-2

Cambria	1920.55-2	Union	1920.55-2
Cameron	1920.55-2	Venango	1920.55-2
Carbon	1920.55-2	Warren	1920.55-2
Centre	1920.55-2	Washington	1920.55-2
Chester	1920.55-2	Wayne	1920.55-2
Clarion	1920.55-2	Westmoreland	1920.55-2
Clearfield	1920.55-2	Wyoming	1920.55-2
Clinton	no masters	York	1920.55-2
Columbia	1920.55-2		
Crawford	1920.55-2		
Cumberland	1920.55-2		
Dauphin	1920.55-2		
Delaware	1920.55-3		
Elk	1920.55-2		
Erie	1920.55-2		
Fayette	1920.55-2		
Forest	1920.55-2		
Franklin	1920.55-2		
Fulton	1920.55-2		
Greene	1920.55-2		
Huntingdon	no masters		
Indiana	1920.55-2		
Jefferson	1920.55-2		
Juniata	1920.55-2		
Lackawanna	1920.55-2		
Lancaster	1920.55-2		
Lawrence	1920.55-2		
Lebanon	1920.55-2		
Lehigh	1920.55-2		
Luzerne	1920.55-2		
Lycoming	1920.55-2		
McKean	1920.55-2		
Mercer	1920.55-2		
Mifflin	no masters		
Monroe	1920.55-2		
Montgomery	1920.55-3		
Montour	1920.55-2		
Northampton	1920.55-2		
Northumberland	1920.55-2		
Perry	1920.55-2		
Philadelphia	1920.55-3		
Pike	1920.55-2		
Potter	no masters		
Schuylkill	1920.55-2		
Snyder	1920.55-2		
Somerset	1920.55-2		
Sullivan	1920.55-2		
Susquehanna	1920.55-2		
Tioga	1920.55-2		

Explanatory Comment—1995

The proposed amendments create alternative procedures for appeal from the recommendation of a master in divorce. Rule 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Rule 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Rule 1920.55-3.]

Official Note: For a complete list of the Alternative Hearing Procedures for each county: <http://www.pacourts.us/courts/supreme-court/committees/rules-committees/domestic-relations-procedural-rules-committee>.

Explanatory Comment

The 1995 amendments created alternative procedures for appeal from the recommendation of a master in divorce. Pa.R.C.P. No. 1920.55-1 states that, if the court chooses to appoint a master, the exceptions procedure set forth in proposed Pa.R.C.P. No. 1920.55-2 will be used unless the court has, by local rule, adopted the alternative procedure of proposed Pa.R.C.P. No. 1920.55-3.

In lieu of continuing the practice of including in the Note a 67-county list identifying the hearing procedure selected by the local county court, the list can now be found on the Domestic Relations Procedural Rules Committee website.

[Pa.B. Doc. No. 16-1851. Filed for public inspection October 28, 2016, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Mass Tort Protocols; General Court Regulation No. 2013-01

Order

And Now, this 5th day of October, 2016, it is hereby Ordered, Adjudged and Decreed that Section 9 of General Court Regulation 2013-01, concerning Mass Torts protocols, is amended to read as follows:

9. The panel of former judges invited to participate in the special mediation of mass tort cases are the following:

1. Phyllis W. Beck, Retired Judge
Independence Foundation
Offices at the Bellevue
200 South Broad Street, Suite 1101
Philadelphia, PA 19102

2. Jane Cutler Greenspan, Retired Justice
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
3. G. Craig Lord, Retired Judge
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998
(215) 569-5496
4. James R. Melinson, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
5. Russell Nigro, Retired Justice
210 W. Washington Square
Philadelphia, PA 19106
(215) 287-5866
6. Diane M. Welsh, Retired Judge
JAMS Arbitration, Mediation and ADR Services
1717 Arch Street
Suite 4010—Bell Atlantic Tower
Philadelphia, PA 19103
(215) 246-9494
7. Sandra Mazer Moss, Retired Judge
The Dispute Resolution Institute
Two Logan Square—6th Floor
18th and Arch Streets
Philadelphia, PA 19103
(215) 656-4374
8. William J. Manfredi, Retired Judge
1528 Walnut Street—4th Floor
Philadelphia, PA 19102
(215) 817-9825
9. Mark I. Bernstein, Retired Judge
Ten Penn Center
1801 Market Street
Suite 1100
Philadelphia, PA 19103

All other terms of General Court Regulation 2013-01 shall remain in full force and effect.

This General Court Regulation is promulgated in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration. The original General Court Regulation shall be filed with the Office of Judicial Records (formerly Prothonotary) in a Docket maintained for General Court Regulations issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the General Court Regulation shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial

District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://courts.phila.gov/regs>.

By the Court

HONORABLE JACQUELINE F. ALLEN,
Administrative Judge, Trial Division

[Pa.B. Doc. No. 16-1852. Filed for public inspection October 28, 2016, 9:00 a.m.]

PHILADELPHIA COUNTY

Petitions for Expungement—Young Lawyers Division of the Philadelphia Bar Association; Administrative Doc. No. 04 of 2016

Order

And Now, this 29th day of September, 2016, the Court having been informed that volunteer attorneys who are members of the Young Lawyers Division of the Philadelphia Bar Association, in partnership with Community Legal Services, the District Attorney's Office and the City of Philadelphia, will hold an "Expungement Clinic" in November, 2016 and will thereafter be filing petitions for expungement on behalf of eligible criminal defendants who meet the income guidelines for proceeding in forma pauperis, it is hereby *Ordered* and *Decreed* that, at the request of the Young Lawyers Division of the Philadelphia Bar Association, the Office of Judicial Records is authorized to accept Petitions for Expungement filed by attorneys who identify themselves as participating in the Expungement Clinic by filing a Praecipe in connection with each petition substantially as follows:

(Caption)

PRAECIPE TO PROCEED IN FORMA PAUPERIS

To the Office of Judicial Records:

Kindly allow Petitioner, _____, to proceed in forma pauperis in connection with the attached Petition for Expungement.

I, _____, attorney for the Petitioner, certify that I believe the Petitioner is unable to pay the costs and that I am providing free legal service to the Petitioner as part of the Expungement Clinic sponsored by the Young Lawyers Division of the Philadelphia Bar Association.

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1. This Administrative Order shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for Administrative Orders issued by the First Judicial District of Pennsylvania. Two certified copies of this Administrative Order, as well as one copy of the Administrative Order shall be distributed to the Legislative Reference Bureau on a computer diskette for publication in the *Pennsylvania Bulletin*. Pursuant to Pa.R.J.A. 103(d)(6) one certified copy of this Administrative Order shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and, if required, shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the Administrative Order shall also be published in *The Legal Intelligencer* and

will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE JACQUELINE F. ALLEN,
*Administrative Judge, Trial Division
Court of Common Pleas, Philadelphia County*

[Pa.B. Doc. No. 16-1853. Filed for public inspection October 28, 2016, 9:00 a.m.]

Title 255—LOCAL COURT RULES

ADAMS COUNTY

Amendment of Rules of Criminal Procedure 202; Administrative Order No. 8 of 2016

Order of Court

And Now, this 8th day of July, 2016, the Court hereby Orders that Rule 202 of the Adams County Rules of Criminal Procedure shall be amended as follows:

Rule 202. Approval of Search Warrant Applications by Attorney for the Commonwealth—Local Option.

[The District Attorney of Adams County having filed a certification pursuant to Pa.R.Crim.P. § 202(A), search warrants in all cases except those involving exigent circumstances shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.]

A. Except as in Paragraph B, search warrants in all cases shall not be issued by any judicial officer unless the search warrant has approval of an attorney of the Commonwealth prior to filing.

B. Search warrant approval by an attorney for the Commonwealth is not required in the following circumstance:

1. Search warrants to obtain a blood sample to determine blood alcohol content and the presence of controlled substances based on violations of 75 Pa.C.S. § 3802(a)—(d), Driving Under the Influence of Alcohol/Controlled Substances, unless the investigation involves a fatality and/or serious bodily injury. In such instance, the affidavit of probable cause shall clearly set forth that the investigation does not involve a fatality and/or serious bodily injury. Absent such clear language or approval from an attorney for the Commonwealth, requests for search warrants for violations of 75 Pa.C.S. § 3802(a)—(d) will be denied.

This rule amendment shall become effective after all the provisions of the Pennsylvania Rules of Judicial Administration 103 are met, to include the following:

a. A certified copy of this order shall be submitted to the Criminal Procedural Rules Committee for review;

b. Upon receipt of a statement from the Criminal Procedural Rules Committee that the local rule is not inconsistent with any general rule of the Supreme Court, two (2) certified copies of this Order together with a

computer diskette that complies with the requirement of 1 Pa. Code § 13.11(b), or other compliant format, containing the test of the local rule(s) adopted hereby shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. One (1) certified copy of this Order shall be forwarded to the Administrative Office of the Pennsylvania Courts;

d. A copy of the proposed local rule shall be published on the 51st Judicial District website;

e. This Order shall be filed in the Office of the Prothonotary of Adams County and a copy thereof shall be filed with the Adams County Clerk of Courts and the Adams County Law Library for inspection and copying;

f. The effective date of the local rule shall be 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

MICHAEL A. GEORGE,
President Judge

[Pa.B. Doc. No. 16-1854. Filed for public inspection October 28, 2016, 9:00 a.m.]

NORTHAMPTON COUNTY

Additional Requirements for Adoption Petitions; Administrative Order 2016-02

Order of Court

And Now, this 21st day of July, 2016, it is hereby *Ordered* and *Decreed* that all Adoption Petitions in the County of Northampton shall contain the following, in addition to those requirements promulgated in the Pennsylvania Orphans' Court Rules, effective September 1, 2016:

1. Petitioner must provide a copy of his/her identification with the Adoption Petition, only Driver's Licenses or other government-issued identification will be accepted.

2. Any birth certificate provided must be originals, not copies, as to ensure the accuracy of the document.

3. Original Death Certificates, if applicable, must be provided to prove the death of a prospective adoptee's parent.

4. If parental rights have been terminated by a Court of this Commonwealth, certified copies of these proceedings must be filed along with the Adoption Petition.

5. Clearances must be filed along with the Adoption Petition where the Petitioner is not a relative of the adoptee.

6. The requisite Counseling Fee in the amount of Seventy-Five Dollars (\$75.00) must be paid at the time of filing of an Adoption Petition. Alternatively the Petition must contain a request to waive the fee.

By the Court

EMIL GIORDANO,
Judge

[Pa.B. Doc. No. 16-1855. Filed for public inspection October 28, 2016, 9:00 a.m.]

NORTHAMPTON COUNTY

Presentation of Expert Testimony by Written Deposition to Support a Finding of Incapacity in Guardianship Hearings; Administrative Order 2016-01

Order of Court

And Now, this 21st day of July, 2016, it is hereby Ordered and Decreed that in order for this Court to accept expert testimony by written deposition pursuant to 20 Pa.C.S § 5518, the following conditions must be met:

1. The individual providing such expert testimony must be licensed to practice medicine, osteopathy, or psychiatry in Pennsylvania, or be otherwise qualified by training and experience in evaluating persons with the type of incapacity as alleged by the Petitioner.
2. The requested information must be provided on the following form and must be complete and clearly legible.
3. The answers must be signed and verified subject to the penalties of 18 Pa.C.S. § 4909 (relating to unsworn falsification to authorities) by the individuals providing such testimony.
4. At the hearing, the Petitioner shall present the Court either (1) the completed written deposition, with verification bearing the expert witness' original signature, or (2) a time-stamped copy of the written deposition and verification demonstrating that the original has been filed with the Clerk of Orphans' Court.
5. Expert testimony by written deposition will be accepted only when the issue of incapacity is uncontested. When the alleged incapacity is in dispute, expert testimony must be provided via live testimony or telephone testimony.

Counsel for Petitioners and pro se Petitioners are responsible for compliance with these instructions. The failure to comply with the foregoing may result in the rejection of proffered expert testimony by written deposition, at the Court's discretion.

By the Court

EMIL GIORDANO,
Judge

**IN THE COURT OF COMMON PLEAS OF
NORTHAMPTON COUNTY, PENNSYLVANIA
ORPHANS' COURT DIVISION**

IN RE: _____) No.
AN ALLEGED)
INCAPACITATED PERSON)

WRITTEN DEPOSITION OF PHYSICIAN OR
LICENSED PSYCHOLOGIST PURSUANT TO 20 Pa.C.S.
§ 5518

Physician or Licensed Psychologist (Name): _____
Office address: _____
Current position: _____

PROFESSIONAL BACKGROUND (In lieu of providing responses to questions 1-6, you may attach your curriculum vitae. Please provide any requested information not addressed in the curriculum vitae.)

1. Provide the following information concerning your education:

	Name of Institution	Degree received	Date of Graduation
Undergraduate			
Graduate			
Post-Graduate			

2. List all of your active professional licenses, the state/name of the issuing agency, and any board certifications, along with the dates each was issued/awarded.

3. Do you have experience in evaluating individuals to determine their mental capacity?

Yes _____ No _____

4. If your answer to the above question is "Yes", please indicate the basis of your experience and describe your specialized qualifications and training with respect to evaluating persons to determine their mental capacity.

5. Have you ever testified in court or in an administrative proceeding, or have you provided testimony by deposition or by written interrogatories regarding an individual's mental capacity, prior to today?

Yes _____ No _____

6. If your answer to the above question is "Yes", please provide an estimate of the number of times you provided testimony by deposition or by written interrogatories regarding an individual's mental capacity, prior to today:

INFORMATION CONCERNING THE ALLEGED INCAPACITATED PERSON

7. In your professional capacity, have you had the opportunity to meet with, examine, evaluate or assess the alleged incapacitated person?

Yes _____ No _____

If your answer to the above question is "Yes", provide the dates within the past two (2) years that you have met with, examined, evaluated or assessed the alleged incapacitated person:

8. Identify any tests that were administered to evaluate/assess the alleged incapacitated person's mental capacity (e.g. mini mental status exam—MMSE), along with the date of each tests and the results/conclusions drawn from each test:

Date	Test	Results/Conclusions

9. Identify all medical and psychiatric diagnoses that you believe impact the alleged incapacitated person's mental capacity, along with the symptoms/manifestations of each diagnosis, and the prognosis for each:

Diagnosis	Symptoms/Manifestations	Prognosis

10. List all other current medical diagnoses/conditions of the alleged incapacitated person of which you are aware:

11. List all medications presently prescribed for the alleged incapacitated person, and the diagnosis for which each medication was prescribed:

Medication	Diagnosis

Medication	Diagnosis

12. Indicate the alleged incapacitated person’s abilities with respect to the following activities of daily living by placing an “X” in the appropriate space below:

	No Impairment	Needs Some Help	Totally Impaired	Insufficient Information
Eating				
Bathing				
Dressing				
Toileting				
Transferring				
Preparing meals				
Basic housework				
Personal hygiene				
Managing medication				
Complying with medical treatment				

13. Indicate the alleged incapacitated person’s abilities with respect to the following activities by placing an “X” in the appropriate space below. Additional information will be requested for all items/activities marked “needs some help”.

	No Impairment	Needs Some Help	Totally Impaired	Insufficient Information
Understanding medical conditions and any physical limitations				
Making appropriate living arrangements				
Managing finances/paying bills				
Applying for financial or medical benefits				
Avoiding financial exploitation				
Communicating decisions				
Receiving and evaluating information				
Short term memory				
Long term memory				
Responding to emergency situations				
Providing for his/her physical safety				

14. For all items/activities in the above chart (Interrogatory 13) in which you indicate that the alleged incapacitated person “needs some help”, provide details as to the type and extent of assistance needed.

15. List any services that, to your knowledge, are being provided to meet essential requirements for the health and safety of the alleged incapacitated person, or to assist the alleged incapacitated person with management of his/her finances.

16. What, if any, recommendations do you have concerning services necessary to meet essential requirements for the health and safety of the alleged incapacitated person?

17. What, if any, recommendations do you have concerning services necessary to assist the alleged incapacitated person with management of his/her finances?

18. Do you believe that the alleged incapacitated person is capable of making reasonable decisions regarding his/her personal care, medical care, and safety?

Yes _____ No _____

19. Do you believe that the alleged incapacitated person is capable of making reasonable decisions regarding his/her finances?

Yes _____ No _____

20. In your professional opinion, is the person who is the subject of this hearing incapacitated?

Yes—totally impaired _____ Yes—partially impaired _____
No _____

21. Do you expect the alleged incapacitated person's mental condition to significantly change or improve?

Yes _____ No _____

Please provide a basis for your answer:

22. Would any less restrictive alternatives to the appointment of a plenary guardian be sufficient to protect the alleged incapacitated person from physical and financial harm?

Yes _____ No _____

If your answer to the above question is "No", explain why less restrictive alternatives would be insufficient to protect the alleged incapacitated person from physical and financial harm?

23. Do you believe that it would be harmful to the alleged incapacitated person's physical or mental condition if he/she was to be present in court for the hearing in this matter?

Yes _____ No _____

24. Are you able to provide any additional information that would assist the Court in determining the alleged incapacitated person's need for a guardian and/or person(s) who would/would not be appropriate guardians?

25. Are your answers to all of the above questions provided within a reasonable degree of medical certainty?

Yes _____ No _____

VERIFICATION

I verify that the foregoing information is true and correct to the best of my knowledge, information and belief. I am aware 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 Code

Phone

[Pa.B. Doc. No. 16-1856. Filed for public inspection October 28, 2016, 9:00 a.m.]

SOMERSET COUNTY

**Consolidated Rules of Court; Administrative Order
No. 8 of 2016, No. 13 Misc. 2016**

Adopting Order

Now, this 28th day of *September*, 2016, it is hereby Ordered:

1. Somerset County Rules Of Civil Procedure 1920.51, 1920.53 and 1920.55 are *Rescinded*, effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) certified copy of this Order and the following local Rule with the Administrative Office of Pennsylvania Courts.

B. Distribute two (2) certified copies of this Order along with electronic copy to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

C. File one (1) certified copy of this Order with the Pennsylvania Civil Procedural Rule Committee.

D. File proof of compliance with this Order in the docket for this Order, which shall include a copy of each transmittal letter.

Administrative Order

And Now, this 28th day of *September*, 2016, it is ordered that Somerset County Rules of Civil Procedure 1920.51, 1920.53 and 1920.55 are *Rescinded*.

By the Court

D. GREGORY GEARY,
President Judge

[Pa.B. Doc. No. 16-1857. Filed for public inspection October 28, 2016, 9:00 a.m.]

**DISCIPLINARY BOARD OF
THE SUPREME COURT**

Notice of Suspension

Notice is hereby given that by Order of the Supreme Court of Pennsylvania dated October 11, 2016, Michael Thomas Reynolds (# 73708) has been Suspended from the practice of law in this Commonwealth for a period of two years, to take effect November 10, 2016. This reciprocal suspension is based on a two year suspension that was imposed in the State of Arizona. 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 FRANKSTON-MORRIS, Esq.,
Secretary
*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-1858. Filed for public inspection October 28, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78a]

Environmental Protection Performance Standards at Oil and Gas Well Sites; Correction

An error occurred in the final-form rulemaking published at 46 Pa.B. 6431, 6484 (October 8, 2016). In subparagraph (i) of the definition of “well development pipelines” in § 78a.1 (relating to definitions), “; and,” was inadvertently deleted.

The correct version of the definition of “well development pipelines” in § 78a.1 appears in Annex A, with ellipses referring to the existing text of the regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 78a. UNCONVENTIONAL WELLS

Subchapter A. GENERAL PROVISIONS

§ 78a.1. Definitions.

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

* * * * *

Well development pipelines—Pipelines used for oil and gas operations that:

(i) Transport materials used for the drilling or hydraulic fracture stimulation, or both, of a well and the residual waste generated as a result of the activities; and,

(ii) Lose functionality after the well site it serviced has been restored under § 78a.65 (related to site restoration).

* * * * *

[Pa.B. Doc. No. 16-1859. Filed for public inspection October 28, 2016, 9:00 a.m.]

Title 28—HEALTH AND SAFETY

DEPARTMENT OF HEALTH

[28 PA. CODE CHS. 1141 AND 1151]

Medical Marijuana; General Provisions; Growers/Processors; Temporary Regulations

The Department of Health (Department) is publishing temporary regulations in Chapters 1141 and 1151 (relating to general provisions; and growers/processors) to read

as set forth in Annex A. The temporary regulations are published under the Medical Marijuana Act (act) (35 P.S. §§ 10231.101—10231.2110). Section 1107 of the act (35 P.S. § 10231.1107) specifically provides that, to facilitate the prompt implementation of the act, the Department may promulgate temporary regulations that are not subject to sections 201—205 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1201—1205), known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.14) and sections 204(b) and 301(10) of Commonwealth Attorneys Act (71 P.S. §§ 732-204(b) and 732-301(10)). The Department will be periodically publishing temporary regulations regarding various sections of the act.

To implement the Medical Marijuana Program, the Department will periodically publish temporary regulations regarding various sections of the act. The temporary regulations in Chapters 1141 and 1151 are effective upon publication and will expire on October 29, 2018.

Chapters 1141 and 1151 pertain to grower/processors who will grow and process medical marijuana for use in the Medical Marijuana Program. The next set of temporary regulations that the Department anticipates publishing relate to dispensaries and laboratories, followed by temporary regulations relating to academic clinical research centers, practitioners, caregivers and patients.

Interested persons are invited to submit written comments, suggestions or objections regarding the temporary regulations to John J. Collins, Office of Medical Marijuana, Department of Health, Room 628, Health and Welfare Building, 625 Forester Street, Harrisburg, PA 17120, (717) 787-4366, RA-DHMedMarijuana@pa.gov. Persons with a disability who wish to submit comments, suggestions or objections regarding the temporary regulations may do so by using the previous contact information. Speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT). Persons who require an alternative format of this document may contact John J. Collins so that necessary arrangements may be made.

KAREN M. MURPHY, PhD, RN,
Secretary

Fiscal Note: 10-199. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 28. HEALTH AND SAFETY

PART IX. MEDICAL MARIJUANA

CHAPTER 1141. GENERAL PROVISIONS

Sec.

- 1141.21. Definitions.
- 1141.22. Records subject to disclosure; confidentiality.
- 1141.23. Limitation on number of permits.
- 1141.24. Medical marijuana regions.
- 1141.25. General requirements for permits.
- 1141.26. Privilege and nontransferability.
- 1141.27. General requirements for application.
- 1141.28. Fees.
- 1141.29. Initial permit application.
- 1141.30. Capital requirements.
- 1141.31. Background checks.
- 1141.32. Diversity goals.
- 1141.33. Review of initial permit applications.
- 1141.34. Denial of a permit.
- 1141.35. Notice of denial.
- 1141.36. Permit renewal applications.
- 1141.37. Denial of renewal of a permit.
- 1141.38. Duty to report.

- 1141.39. Application for approval of a change in ownership of a medical marijuana organization.
- 1141.40. Application for approval of a change in location of a facility.
- 1141.41. Application for approval of alteration of a facility.
- 1141.42. Failure to be operational.
- 1141.43. Closure of a facility.
- 1141.44. Insurance requirements.
- 1141.45. Inspection and investigation.
- 1141.46. Reports.
- 1141.47. General penalties and sanctions.
- 1141.48. Training.
- 1141.49. Zoning.
- 1141.50. Advertising by a medical marijuana organization.

§ 1141.21. Definitions.

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

Act—The Medical Marijuana Act (35 P.S. §§ 10231.101—10231.2110).

Adverse event—An injury resulting from the use of medical marijuana dispensed at a dispensary. An injury includes physical harm, mental harm or loss of function.

Adverse loss—A loss, discrepancy in inventory, diversion or theft of seeds, immature medical marijuana plants, medical marijuana plants or medical marijuana, funds or other property of a medical marijuana organization.

Advertising—The publication, dissemination, solicitation or circulation, for a fee, that is visual, oral, written or electronic to induce directly or indirectly an individual to patronize a particular dispensary or to purchase particular medical marijuana.

Applicant—A person who wishes to submit or submits an application to the Department for a permit to operate as a grower/processor or dispensary, or both, under the act and this part.

Batch—A specific group of medical marijuana grown from one or more seeds, cuttings or tissue culture material that is harvested at the same time.

CBD—Cannabidiol.

Caregiver—An individual over 21 years of age, or if the patient is under 18 years of age, an individual under section 506(2) of the act (35 P.S. § 10231.506(2)), who is designated by a patient for certified medical use.

Certified medical use—The acquisition, possession, use or transportation of medical marijuana by a patient, or the acquisition, possession, delivery, transportation or administration of medical marijuana by a caregiver, for use as part of the treatment of the patient's serious medical condition, as authorized in a certification issued under the act, including enabling the patient to tolerate treatment for the serious medical condition.

Change in control—The acquisition by a person or group of persons acting in concert of a controlling interest in an applicant or permittee either all at one time or over the span of a 12-consecutive-month period.

Change in ownership—The addition or removal of a principal, operator or financial backer or a change in control of a medical marijuana organization after the Department approves an initial permit application or a permit renewal application.

Clinical registrant—An entity that:

- (i) Holds a permit as both a grower/processor and a dispensary.
- (ii) Has a contractual relationship with an academic clinical research center under which the academic clinical research center or its affiliate provides advice to the

entity, regarding, among other areas, patient health and safety, medical applications and dispensing and management of controlled substances.

Controlled substance—A drug, substance or immediate precursor included in Schedules I—V as listed in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

Controlling interest—

(i) For a publicly traded company, voting rights that entitle a person to elect or appoint one or more of the members of the board of directors or other governing board or the ownership or beneficial holding of 5% or more of the securities of the publicly traded company.

(ii) For a privately held entity, the ownership of any security in the entity.

Department—The Department of Health of the Commonwealth.

Disadvantaged business—The term as defined in 74 Pa.C.S. § 303(b) (relating to diverse business participation).

Dispensary—

(i) A person who holds a permit issued by the Department to dispense medical marijuana.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act (35 P.S. §§ 10231.1901—10231.1908).

Diverse group—A disadvantaged business, minority-owned business, women-owned business, service-disabled veteran-owned small business or veteran-owned small business that has been certified by a third-party certifying organization.

Diverse participants—The term includes the following:

- (i) Individuals from diverse racial, ethnic and cultural backgrounds and communities.
- (ii) Women.
- (iii) Veterans.
- (iv) Individuals with disabilities.

Diversity plan—A strategy that promotes or ensures participation by diverse groups in the management and operation of a medical marijuana organization through contracting and employment opportunities.

Electronic tracking system—An electronic seed-to-sale system approved by the Department that is implemented by a grower/processor to log, verify and monitor the receipt, use and sale of seeds, immature medical marijuana plants or medical marijuana plants, and the funds received by a grower/processor for the sale of medical marijuana to a medical marijuana organization.

Employee—An individual who is hired for a wage, salary, fee or payment to perform work for an applicant or permittee.

Excipients—Solvents, chemicals or materials reported by a medical marijuana organization and approved by the Department for use in the processing of medical marijuana.

Facility—A structure and other appurtenances or improvements where a medical marijuana organization grows and processes or dispenses medical marijuana.

Family or household member—The term as defined in 23 Pa.C.S. § 6102 (relating to definitions).

Financial backer—An investor, mortgagee, bondholder, note holder, or other source of equity, capital or other assets other than a financial institution.

Financial institution—A bank, a National banking association, a bank and trust company, a trust company, a savings and loan association, a building and loan association, a mutual savings bank, a credit union or a savings bank.

Form of medical marijuana—The characteristics of the medical marijuana recommended or limited for a particular patient, including the method of consumption and any particular dosage, strain, variety and quantity or percentage of medical marijuana or particular active ingredient.

Fund—The Medical Marijuana Program Fund established in section 902 of the act (35 P.S. § 10231.902).

Grower/processor—

(i) A person who holds a permit from the Department under the act to grow and process medical marijuana.

(ii) The term does not include a health care medical marijuana organization as defined under sections 1901—1908 of the act.

Health care medical marijuana organization—A vertically integrated health system approved by the Department to dispense medical marijuana or grow and process medical marijuana, or both, in accordance with a research study under sections 1901—1908 of the act.

Hydroponic nutrient solution—A mixture of water, minerals and essential nutrients without soil used to grow medical marijuana plants.

Identification card—A document issued under section 501 of the act (35 P.S. § 10231.501) that authorizes access to medical marijuana under the act.

Immature medical marijuana plant—A rootless, non-flowering part of a medical marijuana plant that is no longer than 12 inches and no wider than 12 inches produced from a cutting, clipping or seedling and that is in a growing container that is no larger than 2 inches wide and 2 inches tall that is sealed on the sides and bottom.

Immediate family—The term as defined in 4 Pa.C.S. § 1512(b) (relating to financial and employment interests).

Industrial hemp—The plant *Cannabis, sativa* L., and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry-weight basis.

Initial permit application—The document submitted to the Department by an applicant that, if approved, grants a permit to an applicant.

Laboratory—A laboratory located in this Commonwealth that is approved by the Department to test medical marijuana for a grower/processor or the Department.

Limited access area—An area within a facility where:

(i) Immature medical marijuana plants or medical marijuana plants are growing or being processed into medical marijuana.

(ii) Medical marijuana is packaged for sale or stored prior to transport to a medical marijuana organization.

(iii) Medical marijuana waste is processed, stored or destroyed.

(iv) Surveillance system devices are stored.

Lot—One of the following that results in medical marijuana being processed for a certified medical use:

(i) The flowers from one or more medical marijuana plants of the same strain which are produced by a continuous process, in a unit of time and a manner that ensures its having uniform character and quality.

(ii) The trim, leaves or other plant matter from one or more medical marijuana plants that has been produced by a continuous process, in a unit of time and manner that ensures its having uniform character and quality.

Marijuana—

(i) The plant, of genus *Cannabis sativa* L., within the family Cannabaceae, including any part of the plant genus *Cannabis*, within the family Cannabaceae and the immature plant or seeds of the plant genus *Cannabis*, within the family Cannabaceae.

(ii) The term does not include industrial hemp.

Medical marijuana—Marijuana for certified medical use as set forth in the act.

Medical marijuana container—A sealed, traceable, food compliant, tamper resistant, tamper evident container used for the purpose of containment of packaged medical marijuana being transported from a grower/processor to a medical marijuana organization or a laboratory.

Medical marijuana organization—

(i) A dispensary or a grower/processor.

(ii) The term does not include a health care medical marijuana organization under sections 1901—1908 of the act or a clinical registrant under sections 2001—2003 of the act (35 P.S. §§ 10231.2001—10231.2003)

Medical marijuana plant—A plant which is greater than 12 vertical inches in height from where the base of the stalk emerges from the growth medium to the tallest point of the plant, or greater than 12 horizontal inches in width from the end of one branch to the end of another branch.

Medical marijuana program—The program authorized under the act and implemented by the Department.

Minority-owned business—The term as defined in 74 Pa.C.S. § 303(b).

Municipality—A city, borough, incorporated town or township.

Nutrient—The essential elements and compounds necessary for the growth, metabolism and development of medical marijuana plants.

Nutrient practice—The use by a grower/processor of essential elements and compounds necessary for the growth, metabolism and development of seeds, immature medical marijuana plants or medical marijuana plants.

Operational—The time at which the Department determines that a medical marijuana organization is ready, willing and able to properly carry on the activity for which a permit has been issued under this part, including the complete implementation of an electronic tracking system.

Operator—An individual who directly oversees or manages the day-to-day business functions for an applicant or permittee and has the ability to direct employee activities onsite and offsite or within a facility for which a permit is sought or has been issued under this part.

Patient—An individual who:

- (i) Has a serious medical condition.
- (ii) Has met the requirements for certification under the act.
- (iii) Is a resident of this Commonwealth.

Permit—An authorization issued by the Department to an applicant to conduct activities authorized under the act.

Permittee—A person who has been issued an authorization to operate as a medical marijuana organization under the act and this part.

Person—A natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability partnership, association or other form of legal business entity.

Practitioner—A physician who is registered with the Department under section 401 of the act (35 P.S. § 10231.401).

Principal—An officer, director or person who directly or beneficially owns securities of an applicant or permittee, or a person who has a controlling interest in an applicant or permittee or who has the ability to elect the majority of the board of directors of an applicant or permittee or otherwise control an applicant or permittee, other than a financial institution.

Publicly traded company—A person other than an individual who:

- (i) Has a class or series of securities registered under the Securities Exchange Act of 1934 (15 U.S.C.A. §§ 78a—78pp) or on a foreign stock exchange determined by the Department to have similar listing and reporting requirements to exchanges that are regulated under the Securities Exchange Act of 1934.
- (ii) Is a registered management company under the Investment Company Act of 1940 (15 U.S.C.A. §§ 80a-1—80a-64).
- (iii) Is subject to the reporting obligations imposed by section 15(d) of the Securities Exchange Act of 1934 (15 U.S.C.A. § 78o(d)) by reason of having filed a registration statement which has become effective under the Securities Act of 1933 (15 U.S.C.A. §§ 77a—77aa).

Security—The term as defined in section 102(t) of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102(t)).

Serious medical condition—Any of the following conditions:

- (i) Cancer.
- (ii) Positive status for Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome.
- (iii) Amyotrophic lateral sclerosis.
- (iv) Parkinson's disease.
- (v) Multiple sclerosis.
- (vi) Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity.
- (vii) Epilepsy.
- (viii) Inflammatory bowel disease.
- (ix) Neuropathies.
- (x) Huntington's disease.

- (xi) Crohn's disease.
- (xii) Post-traumatic stress disorder.
- (xiii) Intractable seizures.
- (xiv) Glaucoma.
- (xv) Sickle cell anemia.

(xvi) Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain in which conventional therapeutic intervention and opiate therapy is contraindicated or ineffective.

- (xvii) Autism.

Service-disabled—The term as defined in 51 Pa.C.S. § 9601 (relating to definitions).

Service-disabled veteran-owned small business—The term as defined in 51 Pa.C.S. § 9601.

Site—The total area contained within the property line boundaries in which a facility is operated by a medical marijuana organization.

THC—Tetrahydrocannabinol.

Third-party certifying organization—The term as defined in 74 Pa.C.S. § 303(b).

Transport vehicle—A vehicle that meets the requirements of the act and is used to transport medical marijuana between medical marijuana organizations or between medical marijuana organizations and a laboratory.

Unit—The weight or volume of total usable medical marijuana in the finished product, calculated in metric units.

Vaporization or nebulization—The generation of medical marijuana in the form of vapor or fine spray for medicinal inhalation.

Veteran—The term as defined in 51 Pa.C.S. § 9601.

Veteran-owned small business—The term as defined in 51 Pa.C.S. § 9601.

Women-owned business—The term as defined in 74 Pa.C.S. § 303(b).

§ 1141.22. Records subject to disclosure; confidentiality.

(a) The following records are public records and are subject to disclosure under the Right-to-Know Law (65 P.S. §§ 67.101—67.3104):

- (1) An application submitted under the act, except to the extent that the application contains any of the information listed in subsection (b).
- (2) The name, business address and medical credentials of a practitioner.
- (3) Information regarding penalties or other disciplinary actions taken against a permittee by the Department for a violation of the act.

(b) The following information is considered confidential, is not subject to the Right-to-Know Law and will not otherwise be released to a person unless pursuant to court order:

- (1) Information in the possession of the Department or any of its contractors regarding a practitioner's registration information that is not listed as a public record under subsection (a).

(2) The name or other personal identifying information of a patient or caregiver who applies for or is issued an identification card.

(3) Individual identifying information concerning a patient or caregiver, or both.

(4) A certification issued by a practitioner.

(5) Any information on an identification card.

(6) Information provided by the Pennsylvania State Police regarding a caregiver, including criminal history record information, as set forth in § 1141.31 (relating to background checks).

(7) Information regarding a patient's serious medical condition.

(8) Other information regarding a patient, caregiver, practitioner or medical marijuana organization not listed in subsection (a) that falls within an exception to the Right-to-Know Law, or is otherwise considered to be confidential proprietary information by other law.

(9) Information regarding the physical features of, and security measures installed in, a facility.

(c) An applicant shall mark confidential proprietary information as confidential proprietary information prior to submission to the Department.

§ 1141.23. Limitation on number of permits.

Notwithstanding section 2002 of the act (35 P.S. § 10231.2002), the following limitations apply regarding the number of permits to be issued under this part:

(1) The Department will not initially issue permits to more than 25 applicants for grower/processor permits. The following apply:

(i) The Department will not issue more than one individual grower/processor permit to one person.

(ii) The Department will not issue an individual dispensary permit to more than five individual grower/processors.

(2) The Department will not initially issue permits to more than 50 applicants for dispensary permits. The following apply:

(i) The Department will not issue more than five individual dispensary permits to one person.

(ii) A dispensary permit may be used to provide medical marijuana at no more than three separate locations as approved by the Department.

§ 1141.24. Medical marijuana regions.

(a) The Department will issue permits to applicants in each of six regions. The regions are as follows:

(1) Region 1—the geographical region comprised of the counties of the Department's Southeast District.

(2) Region 2—the geographical region comprised of the counties of the Department's Northeast District.

(3) Region 3—the geographical region comprised of the counties of the Department's Southcentral District.

(4) Region 4—the geographical region comprised of the counties of the Department's Northcentral District.

(5) Region 5—the geographical region comprised of the counties of the Department's Southwest District.

(6) Region 6—the geographical region comprised of the counties of the Department's Northwest District.

(b) The Department will consider the following factors about each region in its determination to grant or deny an initial permit to an applicant:

(1) Regional population.

(2) The number of patients suffering from a serious medical condition.

(3) The types of serious medical conditions in the region.

(4) Access to public transportation.

(5) The health care needs of rural and urban areas.

(6) Areas with recognized need for economic development.

(c) The publication of this section in the *Pennsylvania Bulletin* is deemed to be the notice of the establishment of the regions required under section 604 of the act (35 P.S. § 10231.604). The Department may change the number or boundaries of the regions every 2 years upon publication of notice of the adjustment in the *Pennsylvania Bulletin*.

§ 1141.25. General requirements for permits.

(a) The Department may issue a permit to an applicant only for the specific location identified in the applicant's application, by name and address. A permit will specify that the applicant is authorized to begin the process necessary to become operational. A permit is valid only for the person named in the permit and only for the location specified in the permit.

(b) The medical marijuana organization shall conspicuously post its permit in a location within its facility that is visible to the Department or its authorized agents and law enforcement.

(c) A permit will not be issued to a medical marijuana organization for use in a personal residence or any other location where the Department or its authorized agents or law enforcement would have limited access.

(d) A permit may not be issued to a medical marijuana organization for a site or facility located on lands owned by the United States or the Commonwealth.

(e) A permit is valid for 1 year from the date of issuance.

§ 1141.26. Privilege and nontransferability.

(a) The issuance or renewal of a permit to a medical marijuana organization is a revocable privilege.

(b) A permit issued under this part is not transferable to any other person or any other location.

§ 1141.27. General requirements for application.

(a) The types of applications to be submitted to the Department under this part include:

(1) An initial permit application.

(2) A permit renewal application.

(3) An application for approval of a change in ownership of a medical marijuana organization authorized by a permit.

(4) An application for approval of a change of location of a facility authorized by a permit.

(5) An application for approval of alteration of a facility authorized by a permit.

(b) By submitting an application to the Department, an applicant consents to any investigation, to the extent

deemed appropriate by the Department, of the applicant's ability to meet the requirements under the act applicable to the application.

(c) An application is not complete and will be rejected by the Department unless:

(1) The payment of the applicable application fee in § 1141.28 (relating to fees) is submitted with the application.

(2) The applicant and its principals and other persons affiliated with the applicant identified by the Department are current in all tax obligations due and owing to the Commonwealth. An applicant, as part of the application, shall provide tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry for the applicant and its principals and other persons affiliated with the applicant identified by the Department verifying that the applicant does not have outstanding tax obligations to the Commonwealth. The Department may consider the application to be complete if the applicant states on a form prescribed by the Department of Revenue or the Department of Labor and Industry that tax clearance certificates have been requested at the time the application was submitted to the Department.

(3) All required information for each section of the application, including attachments and any supplemental information required by the Department, is submitted to the Department.

(d) An application that is rejected by the Department will be returned to the applicant without further consideration by the Department along with the refund of the initial permit fee.

(e) An application submitted under this part must contain the following statement signed by the applicant:

A false statement made in this application is punishable under the applicable provisions of 18 Pa.C.S. Ch. 49 (relating to falsification and intimidation).

§ 1141.28. Fees.

(a) An applicant for an initial grower/processor permit or renewal permit shall pay the following fees by certified check to the Department:

(1) Initial permit application fee—\$10,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as provided in § 1141.29(a)(3) (relating to initial permit application).

(2) Initial permit fee—\$200,000. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$10,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(b) An applicant for an initial dispensary permit or renewal permit shall pay the following fees by certified check to the Department:

(1) Initial permit application fee—\$5,000. The initial permit application fee shall be submitted with the initial permit application and is nonrefundable, except as otherwise provided in this part.

(2) Initial permit fee—\$30,000 for each dispensary location. The initial permit fee shall be submitted with the initial permit application and will be refunded if the initial permit is not granted.

(3) Permit renewal fee—\$5,000. The permit renewal fee shall be submitted with a renewal application and will be refunded if the renewal permit is not granted.

(c) A medical marijuana organization shall pay a fee of \$250 by certified check to the Department with the submission of the following:

(1) An application for approval of a change in ownership of a medical marijuana organization.

(2) An application for approval of a change of location of a facility authorized by a permit.

(3) An application for approval of alteration of a facility authorized by a permit.

§ 1141.29. Initial permit application.

(a) The Department will publish in the *Pennsylvania Bulletin* notice of initial permit application availability and the time frame during which initial permit applications will be accepted.

(1) An applicant shall only use the initial permit application form prescribed by the Department on its web site.

(2) An applicant shall submit the initial permit application form electronically through the Department's web site or by mail in an electronic format that is prescribed by the Department.

(3) An initial permit application received from an applicant after the time frame during which the Department is accepting applications will be rejected by the Department and returned to the applicant without further consideration along with the refund of fees submitted by the applicant with the application.

(b) In addition to the requirements in § 1141.27 (relating to general requirements for application), the applicant shall provide the Department with the following information in the initial permit application:

(1) The legal name of the applicant.

(2) Certified copies of the applicant's organizational documents, if applicable, and, if the applicant was not organized in this Commonwealth, evidence that it is authorized to conduct business in this Commonwealth.

(3) The physical address of the applicant's proposed site and facility, including the following, as applicable:

(i) Evidence of the applicant's clear legal title to or option to purchase the proposed site and the facility.

(ii) A fully-executed copy of the applicant's unexpired lease for the proposed site and facility that includes the consent by the property owner to the use by the applicant of that site and facility on the proposed site for, at a minimum, the term of the initial permit.

(iii) Other evidence satisfactory to the Department that shows the applicant has the authority to use the proposed site and facility as a site and facility for, at a minimum, the term of the permit.

(4) Evidence that the applicant is or will be in compliance with the municipality's zoning requirements.

(5) The following apply to the proposed facility:

(i) If the facility is in existence at the time the initial permit application is submitted to the Department, the applicant shall submit plans and specifications drawn to scale for the interior of the facility.

(ii) If the facility is in existence at the time the initial permit application is submitted to the Department, and the applicant intends to make alterations to the facility,

the applicant shall submit renovation plans and specifications for the interior and exterior of the facility to be altered.

(iii) If the facility is not in existence at the time the initial permit application is submitted to the Department, the applicant shall submit a plot plan that shows the proposed location of the facility and an architect's drawing of the facility, including a detailed drawing, to scale, of the interior of the facility.

(6) The name, residential address, date of birth, title and short version of a curriculum vitae of each principal, operator, financial backer and employee of the applicant, or of any person holding an interest in the applicant's proposed site or facility, including:

(i) A verification of identity that is satisfactory to the Department.

(ii) Evidence of good moral character and reputation of each principal, operator, financial backer or employee.

(iii) A copy of a criminal history records check for each individual performed in accordance with § 1141.31 (relating to background checks). This subparagraph does not apply to an applicant who is an owner of securities in a publicly traded company if the Department determines that the owner of the securities is not substantially involved in the activities of the applicant.

(iv) An affidavit from each principal or operator of the applicant setting forth the following:

(A) Any position of management or ownership held during the 10 years preceding the filing date of the initial permit application of a controlling interest in any other business in this Commonwealth or any other jurisdiction involving the manufacturing or distribution of medical marijuana or a controlled substance.

(B) Whether the principal, operator or financial backer has been convicted of a criminal offense graded higher than a summary offense.

(7) If a principal, operator or financial backer is a corporation or limited liability company:

(i) The names, residential addresses, titles and short version of a curricula vitae of each principal of the corporation or limited liability company.

(ii) A certified copy of the filed articles of incorporation of the corporation or filed certificate of organization of the limited liability company.

(iii) Unless the corporation or limited liability company is a publicly traded company, the names and mailing addresses of all persons owning securities in the corporation or membership interests in the limited liability company.

(8) If a principal, operator or financial backer is a general partnership, limited partnership, limited liability partnership or limited liability limited partnership:

(i) The names, residential addresses, titles and short version of a curricula vitae of each partner and general partner of a general partnership, limited partnership, limited liability partnership or limited liability limited partnership, and if any of the partners is a corporation or a limited liability company, the names, residential addresses, titles and short version of a curricula vitae of each principal of that corporation or limited liability company.

(ii) A certified copy of its filed certificate of limited partnership or other formation document, if applicable.

(iii) A certified copy of its partnership agreement.

(iv) Unless the entity is a publicly traded company, the names and mailing addresses of each of its partners.

(9) Evidence that the applicant is responsible and capable of successfully establishing and operating a facility, including the following:

(i) Demonstrated experience, if any, running a for-profit or nonprofit organization or other business within this Commonwealth or any other jurisdiction and the nature of the business conducted by the organization.

(ii) History relating to a similar license, permit or other authorization in other jurisdictions, including provisional licenses, suspensions, revocations or disciplinary actions, including civil monetary penalties or warnings.

(iii) History of response to sanctions, disciplinary actions or civil monetary penalties imposed relating to any similar license, permit or other authorization in another jurisdiction, and the plans of correction or other responses made to those actions.

(iv) Evidence that the applicant and its principals and other persons affiliated with the applicant identified by the Department is in compliance with all the laws of the Commonwealth regarding the payment of State taxes as shown on the tax clearance certificates issued by the Department of Revenue and the Department of Labor and Industry under § 1141.27.

(v) Evidence of any criminal action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority, graded higher than a summary offense, against a principal, operator, financial backer or employee, or which involved the possession, transportation or sale of illegal drugs, or which related to the provision of marijuana for medical purposes, including any action against an organization providing marijuana for medical purposes in which those individuals either owned shares of stock or served as executives, and which resulted in a conviction, guilty plea or plea of nolo contendere, or an admission of sufficient facts.

(vi) Evidence of any civil or administrative action under the laws of the Commonwealth or any other state, the United States or a military, territorial or tribal authority relating to a principal, operator, financial backer or employee of the applicant's profession, or occupation or fraudulent practices, including fraudulent billing practices.

(vii) Evidence of any attempt by the applicant to obtain a registration, license, permit or other authorization to operate a medical marijuana organization in any jurisdiction by fraud, misrepresentation or the submission of false information.

(viii) A statement that the applicant shall provide evidence of workers' compensation insurance if the applicant is issued a permit and the facility is determined to be operational by the Department.

(10) A description of the duties, responsibilities and roles of each principal, operator, financial backer and employee.

(11) A timetable outlining the steps the applicant will take to become operational.

(12) A summary of the intended plan of operation that describes, at a minimum, how the applicant's proposed business operations will comply with the act and this part relating to:

- (i) Security.
- (ii) Employee qualifications and training.
- (iii) Transportation of medical marijuana.
- (iv) Storage of medical marijuana.
- (v) Labeling of medical marijuana.
- (vi) Inventory management.
- (vii) With respect to a grower/processor's facility, nutrient practice.
- (viii) With respect to a grower/processor's facility, quality control and testing of medical marijuana for potential contamination.
- (ix) Recordkeeping.
- (x) Preventing unlawful diversion of medical marijuana.
- (xi) With respect to a grower/processor's facility, growing of medical marijuana, including a detailed summary of policies and procedures for its growth.
- (xii) Establishment, implementation and monitoring of diversity goals under § 1141.32 (relating to diversity goals).
- (13) The relevant financial information in § 1141.30 (relating to capital requirements).
- (14) Statements that:
 - (i) The applicant and each principal, operator, financial backer and employee are of good moral character.
 - (ii) The applicant possesses the ability to obtain in an expeditious manner the right to use the proposed site and facility, including equipment, to properly perform the activity described in the initial permit application.
 - (iii) The applicant is able to continuously maintain effective security, surveillance and accounting control measures to prevent diversion, abuse and other illegal conduct regarding medical marijuana plants and medical marijuana.
 - (iv) The applicant is able to continuously comply with all applicable laws of the Commonwealth, the act, this part, and the terms and conditions of the initial permit.
- (15) The applicant shall provide the Department with releases sufficient to obtain information from a governmental agency, financial institutions, an employer or any other person. Failure to provide these releases will result in the rejection of the initial permit application.
- (16) Other information required by the Department.
 - (c) If the Department determines that an initial permit application is complete but lacking sufficient information upon which to make a determination, the Department will notify the applicant in writing of the factors that require additional information and documentation. An applicant has 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. An applicant's failure to provide the requested information to the Department by the deadline may be grounds for denial of the issuance of a permit.
 - (d) At the discretion of the Department, the Department may extend the deadline in subsection (c) for up to an additional 15 days.
 - (e) The Department may conduct an inspection to determine the appropriateness of a proposed site and facility, the applicant's operational status, and the applicant's compliance with the laws and regulations of the Commonwealth, if applicable, the municipality's zoning

requirements, relating to the applicant's proposed site and facility and its use as outlined in the permit application. The Department may do the following:

(1) Interview principals, operators, financial backers and employees, including physicians, pharmacists, physician assistants and certified registered nurse practitioners, engaged and to be engaged in the applicant's operations for the purpose of verifying the information contained in the initial permit application.

(2) Inspect transport vehicles that are or will be utilized in the transportation of medical marijuana to a facility or a laboratory.

§ 1141.30. Capital requirements.

(a) An applicant for a grower/processor permit shall provide an affidavit that the applicant has at least \$2 million in capital, \$500,000 of which must be on deposit with one or more financial institutions.

(b) An applicant for a dispensary permit shall provide an affidavit that the applicant has at least \$150,000 on deposit with one or more financial institutions.

(c) The affidavit will be in a form prescribed by the Department.

(d) An applicant shall submit with the initial permit application a signed release allowing the Department to contact each financial institution listed in the application to verify the requirements of subsection (a) or (b).

§ 1141.31. Background checks.

(a) To provide the criminal history record check required under § 1141.29 (relating to initial permit application), an applicant shall submit fingerprints of its principals, financial backers, operators and employees to the Pennsylvania State Police. The Pennsylvania State Police or its authorized agent shall submit the fingerprints to the Federal Bureau of Investigation for the purpose of verifying the identity of the individuals whose fingerprints have been submitted and obtaining a current record of criminal arrests and convictions. The Pennsylvania State Police will provide the results of the record checks to the Department.

(b) The Department may only use criminal history background check information obtained under this section to determine the character, fitness and suitability to serve in the designated capacity of the principal, financial backer, operator and employee.

(c) This section does not apply to an owner of securities in a publicly traded company if the Department determines that the owner is not substantially involved in the activities of the medical marijuana organization.

(d) A financial backer, principal or employee may not hold a volunteer position, position for remuneration or otherwise be affiliated with a medical marijuana organization or a clinical registrant if the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances.

§ 1141.32. Diversity goals.

(a) In accordance with section 615 of the act (35 P.S. § 10231.615), this section establishes the procedures for promoting and ensuring the involvement of diverse participants and diverse groups in the activities permitted by the act and this part.

(b) In furtherance of the policy in section 615 of the act, the Department will:

(1) Allocate appropriate staff of the Department to assist medical marijuana organizations in fostering the involvement of diverse participants and diverse groups in their operations.

(2) Provide enhanced publicity of permitting opportunities and information to assist diverse participants and diverse groups in learning how to apply for permits to be issued under the act and this part.

(3) Compile, maintain and make available to medical marijuana organizations lists of diverse participants and diverse groups for the purpose of encouraging medical marijuana organizations to provide employment and contracting opportunities consistent with the act.

(c) Each medical marijuana organization shall include in its permit application a diversity plan that establishes a goal of equal opportunity and access in employment and contracting by the medical marijuana organization. The Department will determine whether the stated goals in the diversity plan are reasonable and represent a good faith effort to meet the diversity goals of section 615(a) of the act.

(d) A medical marijuana organization may demonstrate achievement of its diversity goals by employing diverse participants or transacting business with diverse groups.

(e) The list of diverse groups that are verified by the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities may be used by a medical marijuana organization to establish the eligibility of a diverse group for purposes of this section.

(f) As part of each application to renew a permit submitted to the Department, a medical marijuana organization shall include information of its efforts to meet the diversity goals of the act and the effectiveness of its diversity plan. The report must include information regarding the following, as applicable:

(1) Representation of diverse participants in the medical marijuana organization's workforce.

(2) Efforts to reach out to and recruit diverse participants for employment, including for executive and managerial positions.

(3) Employee retention efforts.

(4) A list of all contracts entered into or transactions conducted by the medical marijuana organization for goods or services with diverse groups.

(g) A medical marijuana organization may request that any proprietary information submitted to the Department under this section be treated as confidential information and shall clearly mark this information as confidential.

(h) The Department will review the diversity plan and provide the medical marijuana organization with advice regarding activities that should be undertaken by the medical marijuana organization to improve its efforts to encourage and promote participation by diverse participants and diverse groups to comply with the diversity goals of the act. The Department may consult with the Department of General Services, Bureau of Diversity, Inclusion and Small Business Opportunities in the review of diversity plans and the reports submitted by medical marijuana organizations under this section.

§ 1141.33. Review of initial permit applications.

(a) The Department will review initial permit applications submitted by applicants according to the criteria in section 603(a.1) of the act (35 P.S. § 10231.603(a.1)).

(b) The Department will publish the number of permits to be issued and the location of each permit in the *Pennsylvania Bulletin* prior to the time the initial permit applications are made available for submission.

§ 1141.34. Denial of a permit.

The Department may deny the issuance of a permit for any of the following reasons:

(1) Failure or refusal to submit information or documentation requested by the Department during the review process.

(2) Misrepresentation by an applicant of fact, or failure to disclose a material fact to the Department during the review process.

(3) The results of the criminal history record check received by the Department under § 1141.31 (relating to background checks) for a principal, financial backer, operator or employee of the applicant indicates that the individual has been convicted of a criminal offense relating to the sale or possession of illegal drugs, narcotics or controlled substances and, following notification by the Department, the applicant fails or refuses to provide the Department with evidence satisfactory to the Department that the individual is no longer associated with the applicant in this capacity.

(4) Failure to meet the capital funding requirements identified in an affidavit by the applicant or a determination by the Department that the capital funding identified by the applicant is unverifiable.

(5) The applicant denies the Department or its authorized agents access to any place where a permitted activity is proposed to take place or fails to produce any book, paper, record, document, data or other information when requested by the Department.

(6) The applicant's medical marijuana license, permit or other authorization in another state or jurisdiction was, is or has been suspended or revoked or the applicant was otherwise disciplined.

(7) The applicant's plan of operation does not demonstrate, to the satisfaction of the Department, that the applicant is qualified for a permit.

(8) The Department determines, in its sole discretion, that the applicant has not met the criteria under § 1141.33 (relating to review of initial permit applications).

(9) The Department determines, in its sole discretion, that the issuance of the permit will not be in the best interest of the welfare, health or safety of the citizens of this Commonwealth.

§ 1141.35. Notice of denial.

(a) The Department will provide written notice of denial to an applicant.

(b) An applicant may request a debriefing from the Department within 30 days from the date of notice of denial. The debriefing will be limited to a discussion of the applicant's permit application.

(c) The applicant may not obtain the names or any other information relating to persons reviewing applications, including a reviewer's individual application reviews.

(d) The applicant may appeal a notice of denial under 2 Pa.C.S. Chapter 5 (relating to practice and procedure).

§ 1141.36. Permit renewal applications.

(a) A medical marijuana organization wishing to renew its permit shall submit a permit renewal application not more than 6 months, nor less than 4 months, prior to the current permit's expiration.

(b) A medical marijuana organization shall submit the applicable fee in § 1141.28 (relating to fees) with the permit renewal application.

(c) A medical marijuana organization shall include the following in the permit renewal application:

(1) Information regarding any charge, or any initiated, pending or concluded investigation, during the period of the initial permit or prior renewal period, by any governmental or administrative agency with respect to:

(i) Any incident involving the theft, loss or possible diversion of medical marijuana by the medical marijuana organization or from the medical marijuana organization's facility.

(ii) Compliance by the medical marijuana organization with the laws of the Commonwealth with respect to any substance in section 4 of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § 780-104).

(2) Information concerning the medical marijuana organization's ability to carry on the activity for which the permit was issued, including medical marijuana product shortages or wait lists occurring during the 12 months prior to the date the renewal permit application was submitted.

(3) The medical marijuana organization's history of compliance with the act and this part.

(d) If the Department determines that a permit renewal application is complete but lacking sufficient information upon which to make a determination, the Department will notify the medical marijuana organization in writing of the factors that require additional information and documentation. The medical marijuana organization shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A medical marijuana organization's failure to provide the requested information to the Department by the deadline may be grounds for denial of the permit renewal application.

(e) The Department may conduct an onsite inspection of the medical marijuana organization's site and facility to determine an applicant's continuing compliance with the act and this part.

§ 1141.37. Denial of renewal of a permit.

(a) The Department will deny the renewal of a permit if the Department determines:

(1) The medical marijuana organization has not or is unlikely to be able to continuously maintain effective control against diversion of medical marijuana at its facility.

(2) The medical marijuana organization falsified any part of the permit renewal application or any other application submitted to the Department under this part.

(3) The medical marijuana organization is unlikely to comply with all Commonwealth and local laws applicable to the activities in which it may engage under the permit, if renewed.

(b) An existing permit is immediately invalid upon expiration if the medical marijuana organization has not filed a permit renewal application in accordance with

§ 1141.36 (relating to permit renewal applications) and remitted the required fees in accordance with § 1141.28 (relating to fees).

(c) Except as provided in subsection (e), a medical marijuana organization may not operate if its permit is not renewed prior to expiration.

(d) If the Department denies renewal of the permit or if the medical marijuana organization fails to submit a permit renewal application and permit renewal fee as required under § 1141.28, the medical marijuana organization shall do the following upon the expiration of the permit:

(1) Cease all operations authorized by the permit.

(2) Dispose of any remaining medical marijuana, plant matter, seed or any growing equipment as set forth in § 1151.40 (relating to disposal of medical marijuana).

(e) If a medical marijuana organization submits a permit renewal application and permit renewal fee to the Department as required under § 1141.28, the Department may administratively extend the existing permit from the date the existing permit expires until the Department can complete its permit renewal application review.

§ 1141.38. Duty to report.

(a) During the application process, or at any time during the permit period if a permit is issued, an applicant or permittee shall notify the Department:

(1) In writing of any change in facts or circumstances reflected in the initial permit application or any permit renewal application submitted to the Department, or any newly discovered or occurring fact or circumstance which would have been included in the application if known at the time the application was submitted.

(2) In writing of any proposed modification of its plan of operation at least 30 days prior to the proposed modification.

(3) Immediately upon becoming aware, and State and local law enforcement within 24 hours of becoming aware, of any adverse loss from the permittee's facility or any vehicle transporting medical marijuana to or from the permittee's facility.

(b) If the change in information involves a change in control of the medical marijuana organization, the medical marijuana organization shall surrender its existing permit to the Department, unless the medical marijuana organization submits an application for approval of a change in ownership of a medical marijuana organization in accordance with § 1141.39 (relating to application for approval of a change in ownership of a medical marijuana organization).

(c) If the change in information involves a change in any of the activities on the medical marijuana organization site, including any of the following, the medical marijuana organization shall surrender its existing permit to the Department and take action as required under § 1141.43 (relating to closure of a facility):

(1) Discontinuance of operations.

(2) Removal of all medical marijuana from the sites and locations by State or Federal authority.

§ 1141.39. Application for approval of a change in ownership of a medical marijuana organization.

(a) In the event of an impending change in ownership of a medical marijuana organization from the ownership

listed in the initial permit application or a permit renewal application, the medical marijuana organization shall submit an application for approval of a change in ownership, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees).

(b) The Department, in its sole discretion, may permit the medical marijuana organization to incorporate by reference all of the information in the medical marijuana organization's initial permit application, and any previously submitted permit renewal application, into the application for approval of a change in ownership.

(c) A medical marijuana organization's application for approval of a change in ownership will not be considered complete by the Department until all portions of the application are completed and the appropriate application fee under § 1141.28 is submitted. The Department may reject an incomplete application.

(d) For each individual that is part of the proposed change in ownership, the medical marijuana organization shall include all of the information required under § 1141.29 (relating to initial permit application) for the individuals listed in those capacities in the medical marijuana organization's initial permit application or any previously submitted permit renewal application.

(e) If the Department determines that an application for approval of a change in ownership is lacking sufficient information upon which to make a determination, the Department will notify the medical marijuana organization in writing of the factors that require additional information and documentation. The medical marijuana organization shall have 30 days from the mailing date of the notice to provide the requested information and documentation to the Department. A medical marijuana organization's failure to provide the requested information to the Department by the deadline may be grounds for denial of approval for the requested change in ownership.

(f) A change in ownership of a medical marijuana organization that occurs without the Department's prior written approval of the change as provided in this section is a violation of the act and this part.

§ 1141.40. Application for approval of a change in location of a facility.

(a) A medical marijuana organization wishing to change the location of a site or facility authorized under a permit issued to the medical marijuana organization shall submit an application for approval of a change in location to the Department together with the fee required under § 1141.28 (relating to fees).

(b) A change in location of a facility authorized by a permit may not occur until the Department approves the change, in writing, under this section.

(c) The medical marijuana organization shall submit an application for approval of a change in location on a form prescribed by the Department.

(d) An application for approval of a change in location must include the reason for requesting the change and other information about the new location as the Department may require.

(e) The Department will issue a new permit to the medical marijuana organization for the new location if the request is approved.

(f) Within 180 days of the issuance by the Department of a new permit under subsection (e), the medical mari-

juana organization shall change the location of its operation to the new location designated in the new permit. Simultaneously with the completion of the move, the medical marijuana organization shall cease to operate at the former location and surrender its existing permit to the Department. The following apply:

(1) At no time may a medical marijuana organization operate or exercise any of the privileges granted under the permit in both locations.

(2) At the discretion of the Department, the Department may extend the 180-day deadline for relocation for up to an additional 90 days.

(3) Once the new facility is determined to be operational by the Department, the medical marijuana organization may resume operations under the new permit at the new location.

(g) The Department will not approve a change of location that is outside the boundaries of the region for which the initial permit was issued.

§ 1141.41. Application for approval of alteration of a facility.

(a) Except as provided in subsection (b), after the issuance of a permit, a medical marijuana organization may not make a physical change, alteration or modification of the facility that materially or substantially alters the facility or its usage as listed in the plot plans originally approved by the Department.

(b) A medical marijuana organization wishing to make any of the following alterations to the facility for which its permit was issued shall submit an application for approval of alteration of a facility, on a form prescribed by the Department, to the Department together with the fee required under § 1141.28 (relating to fees):

(1) An increase or decrease in the total square footage of the facility.

(2) The sealing off, creation of or relocation of a common entryway, doorway, passage or other means of public ingress or egress when the common entryway, doorway or passage alters or changes limited access areas.

(3) Any of the following made to enhance activities authorized under the permit:

(i) Additional electric fixtures or lighting equipment.

(ii) The lowering of a ceiling.

(iii) Electrical modifications that require inspection by the local municipality.

§ 1141.42. Failure to be operational.

(a) Not less than 6 months from the date of issuance of a permit, a medical marijuana organization shall notify the Department, on a form prescribed by the Department, that it is operational.

(b) After the Department receives the notification in subsection (a), the Department will inspect the facility to determine if the medical marijuana organization is operational to the satisfaction of the Department.

(c) If the medical marijuana organization has not met the operational timetable in the initial permit application to the satisfaction of the Department at the time of the inspection conducted under subsection (b), the Department will notify the medical marijuana organization of the deficiencies. Within 30 days of receiving the Department's notice, the medical marijuana organization shall submit to the Department for approval a plan of correc-

tion that sets forth the medical marijuana organization's timeline and a date certain, which may not extend beyond 90 days following the date the Department approves the plan of correction, for correcting the deficiencies.

(d) If the medical marijuana organization does not comply with its plan of correction as approved by the Department within 90 days following the Department's approval, the Department may revoke or suspend the medical marijuana organization's permit under § 1141.47 (relating to general penalties and sanctions).

§ 1141.43. Closure of a facility.

(a) A medical marijuana organization shall notify the Department in writing immediately, but in no event less than 60 days prior to the projected date of closure, upon making a determination that it intends to close its facility.

(b) A medical marijuana organization may not accept or purchase seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, equipment or medical devices or instruments as of the date of notice.

(c) The notice must be accompanied by the medical marijuana organization's written plan for closing the facility which must include the following information:

- (1) The projected date of closure.
- (2) How it intends to notify in writing, prior to the projected date for closure, any person to which the medical marijuana organization provides medical marijuana or medical marijuana services prior to closure.
- (3) How it intends to dispose of seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana or other plant matter projected to still be in the facility at the time of the projected closure in accordance with § 1151.40 (relating to disposal of medical marijuana).
- (4) How it intends to dispose of equipment or medical devices or instruments used by the medical marijuana organization in its operations at the facility.
- (d) A medical marijuana organization may not remove or destroy any seeds, immature medical marijuana plants, medical marijuana plants, medical marijuana, other plant matter, equipment or medical devices or instruments until the Department has approved its plan for closure submitted under subsection (c) and shall comply with all requirements regarding disposal of medical marijuana in § 1151.40.

(e) The Department may enter the site and facility and inspect the medical marijuana organization's vehicles following receipt of a medical marijuana organization's plan of closure to determine whether to approve the medical marijuana organization's closure plan.

(f) If the Department approves the medical marijuana organization's plan to close the facility submitted under this section, the medical marijuana organization shall surrender its permit to the Department on or before the date for closure provided in the plan.

§ 1141.44. Insurance requirements.

(a) A medical marijuana organization shall obtain and maintain an appropriate amount of insurance coverage that insures the site and facility and equipment used in the operation of the facility. An adequate amount of comprehensive liability insurance covering the medical marijuana organization's activities authorized by the permit shall begin on the date the initial permit is issued by

the Department and continuing for as long as the medical marijuana organization is operating under the permit.

(b) A medical marijuana organization shall obtain and maintain workers' compensation insurance coverage for employees at the time the medical marijuana organization is determined to be operational by the Department.

§ 1141.45. Inspection and investigation.

(a) The Department may conduct announced or unannounced inspections or investigations to determine the medical marijuana organization's compliance with its permit, the act or this part.

(b) An investigation or inspection may include:

- (1) Inspection of a medical marijuana organization's site, facility, vehicles, books, records, papers, documents, data, and other physical or electronic information.
- (2) Questioning of employees, principals, operators and financial backers of the medical marijuana organization.
- (3) Inspection of a grower/processor facility's equipment, instruments, tools and machinery that are used to grow, process and package medical marijuana, including containers and labels.

(c) The Department and its authorized agents will have free access to review and, if necessary, make copies of books, records, papers, documents, data, or other physical or electronic information that relates to the business of the medical marijuana organization, including financial data, sales data, shipping data, pricing data and employee data.

(d) Failure of a medical marijuana organization to provide the Department and its authorized agents immediate access to any part of a medical marijuana organization's site or facility, requested material, physical or electronic information, or individual as part of an inspection or investigation may result in the imposition of a civil monetary penalty, suspension or revocation of its permit, or an immediate cessation of operations pursuant to a cease and desist order issued by the Department.

(e) The Department and its authorized agents will have free access to any area within a site or facility that is being used to store medical marijuana for testing purposes and are permitted to collect samples for testing at a laboratory.

§ 1141.46. Reports.

(a) A medical marijuana organization shall submit the following reports to the Department, on forms prescribed by the Department, at the end of the first 12-month period following the issuance of a permit, and as of the end of each 3-month period thereafter:

(1) In the case of a grower/processor:

(i) The amount of medical marijuana sold by the grower/processor during the period for which the report is being submitted.

(ii) The per-dose price of an amount of medical marijuana sold by the grower/processor to a medical marijuana organization in a unit of measurement as determined by the Department.

(2) In the case of a dispensary:

(i) The amount of medical marijuana purchased by the dispensary during the period for which the report is being submitted.

(ii) The per-dose price of medical marijuana purchased by a dispensary in a unit of measurement as determined by the Department.

(iii) The per-dose price of an amount of medical marijuana dispensed to a patient or caregiver by a dispensary as well as the unit of measurement as determined by the Department.

(b) The Department will aggregate the information in the reports submitted by medical marijuana organizations under subsection (a) and post the information on the Department's web site.

(c) The Department may require ongoing reporting of operational and financial information in a form and manner prescribed by the Department.

(d) The Department may require any reports necessary to carry out its responsibilities under the act and this part.

§ 1141.47. General penalties and sanctions.

(a) In addition to any other penalty imposed by law for violations of the act or this part, the Department may take one or more of the following actions:

(1) Suspend or revoke a permit if any of the following occur:

(i) The medical marijuana organization fails to maintain effective control against diversion of medical marijuana from its facility or under its control.

(ii) The medical marijuana organization violates a provision of the act or this part, or an order issued under the act or this part.

(iii) The medical marijuana organization violates a provision of other State or local laws regarding the operation of its facility.

(iv) The medical marijuana organization engages in conduct, or an event occurs, that would have disqualified the medical marijuana organization from being issued a permit or having its permit renewed.

(2) Impose a civil penalty of not more than \$10,000 for each violation and an additional penalty of not more than \$1,000 for each day of a continuing violation. In determining the amount of each penalty, the Department will take the following into consideration:

(i) The gravity of the violation.

(ii) The potential harm resulting from the violation to patients, caregivers or the general public.

(iii) The willfulness of the violation.

(iv) Previous violations, if any, by the medical marijuana organization being assessed.

(v) The economic benefit to the medical marijuana organization being assessed resulting from the violation.

(3) Suspend or revoke a permit pending the outcome of a hearing if the Department determines that the health, safety or welfare of the public, a patient or a caregiver is at risk.

(4) Order the restitution of funds or property unlawfully obtained or retained by a medical marijuana organization.

(5) Issue a cease and desist order to immediately stop or restrict the operations of a medical marijuana organization conducted under the permit to protect the public's health, safety and welfare. The following apply:

(i) An order may include a requirement that a medical marijuana organization cease or restrict some or all of its operations. In addition, the order may prohibit the use of some or all of the medical marijuana grown, processed or to be sold by the medical marijuana organization.

(ii) An order may be issued by an authorized agent of the Department immediately upon completion of an inspection or investigation if the agent observes or suspects an operational failure or determines that the conditions will likely create a diversion of medical marijuana, contamination of medical marijuana, or a risk to patients or the public.

(iii) An order may include:

(A) An immediate evacuation of the site and facility and the sealing of the entrances to the facility.

(B) A quarantine of some or all of the medical marijuana found at the facility.

(C) The suspension of the sale or shipment of some or all of the medical marijuana found at the facility.

(6) Issue a written warning if the Department determines that either:

(i) The public interest will be adequately served under the circumstances by the issuance of the warning.

(ii) The violation does not threaten the safety or health of a patient, caregiver or the general public, and the medical marijuana organization took immediate action to remedy the violation.

(b) A person who aids, abets, counsels, induces, procures or causes another person to violate the act or this part, or an order issued under the act or this part, shall also be subject to the civil penalties provided under this section.

(c) Before the Department may act under subsection (a) or (b), the Department will provide the medical marijuana organization or other person with written notice specifying the nature of the alleged violation or conduct. The notice will fix a time and place for a hearing. The hearing will be scheduled at least 10 days after the date of the notice. This subsection supersedes 1 Pa. Code §§ 35.102 and 35.121 (relating to hearing calendar; and initiation of hearings).

(d) Notwithstanding subsection (c), for violations of the act or this part, the Department may require a medical marijuana organization to develop and adhere to a plan of correction approved by the Department. The Department will monitor compliance with the plan of correction. Failure to comply with the plan of correction may result in the Department's taking action under applicable provisions of this section as it deems appropriate.

(e) The Department's actions under subsections (a), (b) and (c) are subject to 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies).

§ 1141.48. Training.

(a) As required under the act, the following individuals shall complete a 2-hour training course developed by the Department within the times specified:

(1) Each principal of a medical marijuana organization, prior to starting initial operation of a facility.

(2) Each employee of a medical marijuana organization who has direct contact with patients or caregivers or who physically handles medical marijuana, within 90 days after starting work at the facility.

(b) The training course required under subsection (a) must provide the following information:

(1) The provisions of the act and this part relevant to the responsibilities of principals and employees of grower/processors.

(2) Proper handling of medical marijuana.

(3) Proper recordkeeping.

(4) How to prevent and detect the diversion of medical marijuana.

(5) Best practice security procedures.

(6) Best practice safety procedures, including responding to the following:

(i) A medical emergency.

(ii) A fire.

(iii) A chemical spill.

(iv) A threatening event including:

(A) An armed robbery.

(B) A burglary.

(C) A criminal incident.

(c) A medical marijuana organization shall retain the attendance records of its principals and employees and make them available for inspection by the Department and its authorized agents upon request.

(d) The Department will make the 2-hour training course available at no cost to the medical marijuana organization, its principals or employees.

§ 1141.49. Zoning.

(a) A grower/processor shall meet the same municipal zoning and land use requirements as other manufacturing, processing and production facilities that are located in the same zoning district.

(b) A dispensary shall meet the same municipal zoning and land use requirements as other commercial facilities that are located in the same zoning district.

§ 1141.50. Advertising by a medical marijuana organization.

(a) In the advertising and marketing of medical marijuana, a medical marijuana organization shall be consistent with the Federal regulations governing prescription drug advertising and marketing in 21 CFR 202.1 (relating to prescription-drug advertisements).

(b) Promotional, advertising and marketing materials shall be approved by the Department prior to their use.

(c) This part does not apply to information provided by a grower/processor to a dispensary listing various medical marijuana items that the grower/processor is offering for sale to the dispensary.

CHAPTER 1151. GROWERS/PROCESSORS

Sec.

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§ 1151.21. Growers/processors generally.

(a) The qualifications that a grower/processor shall meet to receive a permit are continuing qualifications to maintain the permit.

(b) In addition to any other requirements in the act or this part, a grower/processor shall comply with the following:

(1) A grower/processor may not engage in the business of growing, processing, possessing, selling or offering to sell medical marijuana to another medical marijuana organization or to a clinical registrant within this Commonwealth without having a valid permit issued by the Department and having been determined by the Department to be operational as required under § 1141.42 (relating to failure to be operational).

(2) A grower/processor may not employ an individual at its facility who is under 18 years of age.

§ 1151.22. Plans of operation.

(a) At the time the Department determines a grower/processor to be operational, the grower/processor shall have a full and complete plan of operation for the Department to review that includes the following:

- (1) Employment policies and procedures.
- (2) Security policies and protocols including:
 - (i) Staff identification measures.
 - (ii) Monitoring of attendance of staff and visitors.
 - (iii) Alarm systems.
 - (iv) Video surveillance.
 - (v) Monitoring and tracking inventory.
 - (vi) Personal security.

(3) A process for growing, receiving, processing, packaging, labeling, handling, tracking, transporting, storing, disposing and recalling of medical marijuana and a process for handling, tracking, transporting, storing and disposing of medical marijuana waste in accordance with applicable laws, rules and regulations.

(4) Workplace safety, including conducting necessary safety checks prior to starting the growing and processing of medical marijuana.

(5) Contamination protocols.

(6) Maintenance, cleaning and sanitation of equipment in facility and site.

(7) Maintenance and sanitation of the site and facility.

(8) Proper handling and storage of any solvent, gas or other chemical used in growing or processing medical marijuana in accordance with this part and other applicable laws, rules and regulations.

(9) Quality control, including regulation of the amount of THC in each lot and minimization of medical marijuana contamination.

(10) Inventory maintenance and reporting procedures.

(11) The investigation of complaints from dispensaries, patients, caregivers or practitioners regarding the operation of the grower/processor.

(12) A recall plan meeting the requirements of § 1151.42(d) (relating to complaints about or recall of medical marijuana).

(b) A grower/processor shall make the full and complete plan of operation available to the Department upon request and during an inspection of the site and facility.

§ 1151.23. Grower/processor facilities.

(a) A grower/processor may only grow, store, harvest or process medical marijuana in an indoor, enclosed, secure facility approved by the Department.

(b) The following areas of a facility must be clearly marked with proper signage:

(1) Medical marijuana growing and processing areas. These areas shall be easily observed by the Department and its authorized agents and by law enforcement.

(2) Nongrowing and nonprocessing areas.

(3) Limited access areas. All areas of ingress and egress to a limited access area must be clearly identified by the posting of a sign which must be not less than 12 inches wide and 12 inches long, composed of letters not less than 1/2 inch in height, which must state:

Do Not Enter—Limited Access Area—Access Limited to Authorized Personnel and Escorted Visitors

(4) Areas that include business offices and reception rooms.

(c) A facility shall have an enclosed secure area out of public sight for the loading and unloading of medical marijuana into and from a transport vehicle.

§ 1151.24. Start-up inventory.

(a) A grower/processor may obtain seeds or immature medical marijuana plants from outside of this Commonwealth for the purpose of securing its start-up inventory. Seeds or immature medical marijuana plants obtained from outside of this Commonwealth shall be obtained within 30 days from the date that the Department determines that the grower/processor is operational.

(b) A grower/processor may not obtain medical marijuana plants from outside of this Commonwealth at any time.

(c) A grower/processor shall, within 24 hours of receipt, record in the electronic tracking system each seed and immature medical marijuana plant that enters the site during the 30-day period under subsection (a).

(d) After the 30-day period in subsection (a), a grower/processor shall only grow medical marijuana plants from seeds or immature medical marijuana plants located physically in its facility, or purchase seeds, immature medical marijuana plants or medical marijuana plants from another grower/processor.

§ 1151.25. Visitor access to grower/processor facilities.

(a) A grower/processor facility may not be open to the general public. A grower/processor shall require vendors, contractors and other individuals requiring access to the facility for purposes regarding the growing, processing or testing of medical marijuana to sign a visitor log and wear a visitor identification badge that is visible to others at all times while on the site and in the facility.

(b) A grower/processor shall require visitors to present government-issued identification that contains a photo to gain access to the site and facility.

(c) No one under 18 years of age is permitted to enter a grower/processor site and facility.

(d) A grower/processor shall post a sign in a conspicuous location at each entrance of the site and facility that states:

THESE PREMISES ARE UNDER CONSTANT VIDEO SURVEILLANCE. NO ONE UNDER THE AGE OF 18 IS PERMITTED TO ENTER.

(e) A grower/processor shall do the following when admitting a visitor to its site and facility:

(1) Require the visitor to sign a visitor log upon entering and leaving the facility.

(2) Check the visitor's government-issued identification to verify that the name on the identification provided matches the name in the visitor log. A photocopy of the identification must be retained with the log.

(3) Issue a visitor identification badge with the visitor's name and company, if applicable, and a badge number.

(4) Escort the visitor while the visitor remains in the facility or on the site.

(5) Ensure that the visitor does not touch any medical marijuana plant or medical marijuana located in a limited access area.

(f) The following apply to the visitor log:

(1) The grower/processor shall maintain the log required under subsection (e) for 4 years and make the log available to the Department, State or local law enforcement, and other State or local government officials upon request if necessary to perform the government officials' functions and duties.

(2) The log must include the full name of each visitor, the visitor identification badge number, the time of arrival, the time of departure and the purpose of the visit, including the areas of the site and the facility visited and the name of each employee visited.

(g) This section does not limit the right of the Department or its authorized agents, or other Federal, State or local government officials, from entering any area of a grower/processor site and facility if necessary to perform the governmental officials' functions and duties.

(h) A principal, financial backer, operator or an employee of a grower/processor may not receive any type of consideration or compensation for allowing a visitor to enter a limited access area.

§ 1151.26. Security and surveillance.

(a) A facility must have security and surveillance systems, utilizing commercial-grade equipment, to prevent unauthorized entry and to prevent and detect diversion, theft or loss of medical marijuana. The security and surveillance systems must include:

(1) A professionally-monitored security alarm system that includes the following:

(i) Coverage of all facility entrances and exits; rooms with exterior windows, exterior walls, roof hatches or skylights; storage rooms, including those that contain safes; and the perimeter of the facility.

(ii) A silent security alarm system signal, known as a duress alarm, generated by the entry of a designated code

into an arming station to signal that the alarm user is being forced to turn off the system.

(iii) An audible security alarm system signal, known as a panic alarm, generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(iv) A silent alarm signal, known as a holdup alarm, generated by the manual activation of a device intended to signal a robbery in progress.

(v) An electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message requesting dispatch, when activated, over a telephone line, radio or other communication system to a law enforcement, public safety or emergency services agency.

(vi) A failure notification system that provides an audible, text or visual notification of any failure in the systems. The failure notification system must provide by telephone, e-mail or text message an alert to a designated security person within the facility within 5 minutes after the failure.

(vii) A smoke and fire alarm.

(viii) Auxiliary power sufficient to maintain operation of specified growing and processing areas identified in the grower/processor's plan of operation for at least 48 hours following a power outage.

(ix) The ability to ensure all access doors are not solely controlled by an electronic access panel to prevent locks from becoming released during a power outage.

(x) Motion detectors.

(2) A professionally-monitored security and surveillance system that records all activity in images capable of clearly revealing facial detail. The security and surveillance system must include the following:

(i) Fixed camera placement that allows for a clear image of all individuals and activities in and around the following:

(A) A limited access area of the facility.

(B) A room or area containing a security and surveillance system storage device or equipment.

(C) Entrances and exits to the facility. Entrances and exits must be recorded from indoor and outdoor vantage points.

(D) Rooms with exterior windows, exterior walls, roof hatches, or skylights and storage rooms, including those that may contain safes.

(E) Twenty feet from the exterior of the perimeter of the facility.

(ii) Auxiliary power sufficient to maintain operation for at least 48 hours following a power outage.

(iii) The ability to operate under the normal lighting conditions of each area under surveillance.

(iv) The ability to immediately produce a clear, color, still photograph in a digital format that meets the requirements of this subsection.

(3) The ability to clearly and accurately display the date and time. The date and time must be synchronized and set correctly and may not significantly obscure the picture.

(4) The ability to record all images captured by each surveillance camera for a minimum of 4 years in a format

that may be easily accessed for investigative purposes. The recordings must be kept:

(i) At the facility:

(A) In a locked cabinet, closet or other secure place to protect it from tampering or theft.

(B) In a room to which access is limited to authorized individuals and secured by a security alarm system separate from the site's primary security system.

(ii) At a location other than the location of the facility if approved by the Department.

(5) The following apply regarding the inspection, servicing or alteration of, and the upgrade to, the site's security and surveillance systems:

(i) The systems shall be inspected and all devices tested once every year by a qualified alarm system vendor and a qualified surveillance system vendor, as approved by the Department.

(ii) The grower/processor shall conduct maintenance inspections once every month and ensure that all necessary repairs, alterations and upgrades are made for the proper operation of the systems.

(iii) The grower/processor shall retain at the facility, for at least 4 years, records of all inspections, servicing, alterations and upgrades performed on the systems. The following apply:

(A) The records shall be made available to the Department and its authorized agents within 2 business days following a request.

(B) Failure to provide the records under clause (A) subjects the grower/processor to the sanctions and penalties under § 1141.47 (relating to general penalties and sanctions).

(6) In the event of a mechanical malfunction of the security or surveillance system that exceeds an 8-hour period, the grower/processor shall notify the Department immediately and, with Department approval, provide alternative security measures that may include closure of the facility.

(7) The grower/processor shall designate an employee to continuously monitor the security system and surveillance system at the facility.

(8) The following apply regarding records retention:

(i) Within 2 business days following a request, a grower/processor shall provide up to four screen captures of an unaltered copy of a video surveillance recording to the Department or its authorized agents, law enforcement or other Federal, State or local government officials if necessary to perform the governmental officials' functions and duties.

(ii) If a grower/processor has been notified in writing by the Department or its authorized agents, law enforcement or other Federal, State or local government officials of a pending criminal or administrative investigation for which a recording may contain relevant information, the grower/processor shall retain an unaltered copy of the recording until the investigation or proceeding is closed or the entity conducting the investigation or proceeding notifies the grower/processor that it is not necessary to retain the recording.

(b) The grower/processor shall install commercial-grade, nonresidential doors and door locks on each exter-

nal door of the facility. Keys or key codes for all doors shall remain in the possession of designated authorized individuals.

(c) During nonworking hours, entrances to and exits from the site and facility shall be securely locked.

(d) The grower/processor shall have an electronic back-up system for all electronic records.

(e) The grower/processor shall install appropriate lighting to ensure proper surveillance inside and outside of the facility.

(f) A grower/processor shall limit access to a room containing security and surveillance monitoring equipment under this section to persons who are essential to maintaining security and surveillance operations, Federal, State and local law enforcement, security and surveillance system service employees, the Department or its authorized agents, and other persons with the prior written approval of the Department. The following apply:

(1) A grower/processor shall make available to the Department or the Department's authorized agents, upon request, a current list of authorized employees and service employees or contractors who have access to any security and surveillance areas.

(2) A grower/processor shall keep security and surveillance rooms locked at all times and may not use these rooms for any other purpose or function.

§ 1151.27. Requirements for growing and processing medical marijuana.

(a) A grower/processor shall use only pesticides, fungicides or herbicides that are approved by the Department of Agriculture for use on medical marijuana plants and listed in Appendix A (relating to acceptable pesticide active ingredients for use). The Department will periodically publish a notice in the *Pennsylvania Bulletin* updating the list of pesticides, fungicides or herbicides.

(b) A grower/processor shall use the pesticides, fungicides or herbicides listed in Appendix A in a manner that is approved by the Department of Agriculture on the basis of Federal law and regulations.

(c) A grower/processor shall maintain a log of all actions taken to detect pests or pathogens, and the measures taken for control.

(d) A grower/processor shall:

- (1) Use appropriate nutrient practices.
- (2) Use a fertilizer or hydroponic solution of a type, formulation and at a rate to support healthy growth of plants.

(3) Treat and dispose the wastewater generated from the growing and processing of medical marijuana in accordance with applicable laws and regulations.

(4) Maintain records of the type and amounts of fertilizer and any growth additives used.

(e) A grower/processor shall perform visual inspections of growing plants and harvested plant material to ensure there is no visible mold, mildew, pests, rot, or grey or black plant material that is greater than an acceptable level as determined by the Department.

(f) A grower/processor may not add any additional active ingredients or materials to medical marijuana that alters the color, appearance, smell, taste, effect or weight of the medical marijuana unless the grower/processor has first obtained the prior written approval of the Department.

ment. Excipients must be pharmaceutical grade, unless otherwise approved by the Department.

(g) A grower/processor shall have a separate and secure area for temporary storage of medical marijuana that is awaiting disposal by the grower/processor.

(h) A grower/processor shall only process the parts of the medical marijuana plant that:

- (1) Are free of seeds and stems.
- (2) Are free of dirt, sand, debris or other foreign matter.
- (3) Contain a level of mold, rot or other fungus or bacterial diseases acceptable to the Department.

(i) A grower/processor shall process the medical marijuana plants in a safe and sanitary manner. The following apply:

(1) Medical marijuana, raw material and other product used in the processing of medical marijuana shall be handled on food-grade stainless steel benches or tables.

(2) Proper sanitation shall be maintained.

(3) Proper rodent, bird and pest exclusion practices shall be employed.

(j) A grower/processor shall install a system to monitor, record and regulate:

- (1) Temperature.
- (2) Humidity.
- (3) Ventilation.
- (4) Lighting.
- (5) Water supply.

§ 1151.28. Forms of medical marijuana.

(a) A grower/processor may only process medical marijuana for dispensing to a patient or caregiver in the following forms:

- (1) Pill.
- (2) Oil.
- (3) Topical forms, including gel, creams or ointments.
- (4) A form medically appropriate for administration by vaporization or nebulization.

- (5) Tincture.
- (6) Liquid.

(b) A grower/processor may not process medical marijuana to dispense in dry leaf or plant form.

(c) A grower/processor may not manufacture, produce or assemble any medical marijuana product, instrument or device without the prior written approval of the Department.

§ 1151.29. Limit on medical marijuana processing.

(a) In the form intended to be sold to another medical marijuana organization, medical marijuana must have a specific concentration of total THC and total CBD and must have a consistent cannabinoid profile. The concentration of the following cannabinoids, at a minimum, shall be reported to the Department by the laboratory and include the following on the label:

- (1) Tetrahydrocannabinol (THC).
- (2) Tetrahydrocannabinol acid (THCA).
- (3) Tetrahydrocannabivarin (THCV).
- (4) Cannabidiol (CBD).

- (5) Cannabinadiolic acid (CBDA).
- (6) Cannabidivarine (CBDV).
- (7) Cannabinol (CBN).
- (8) Cannabigerol (CBG).
- (9) Cannabichromene (CBC).
- (10) Any other cannabinoid component at > 0.1%.

(b) Within the first 6 months after the Department determines the grower/processor to be operational, the grower/processor shall provide the Department with a forecast of the amount of medical marijuana it projects it will produce and in what form. The grower/processor shall notify the Department in writing immediately upon becoming aware of a potential increase or decrease in the forecasted amount occurring within any subsequent 6-month period.

§ 1151.30. Inventory.

(a) A grower/processor shall maintain an inventory in an electronic tracking system which must include an accounting of and an identifying tracking number for:

- (1) The number, weight and type of seeds.
- (2) The number of immature medical marijuana plants.
- (3) The number of medical marijuana plants.
- (4) The number of medical marijuana products ready for sale.
- (5) The number of damaged, defective, expired or contaminated seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana products awaiting disposal.

(b) A grower/processor shall establish inventory controls and procedures to conduct inventory reviews and comprehensive inventories at its facility. The following apply:

- (1) Inventory reviews of medical marijuana plants in the process of growing and medical marijuana that is being stored for future sale shall be conducted monthly.
- (2) Comprehensive inventories of seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana shall be conducted at least annually.

(c) A written or electronic record shall be created and maintained of each inventory conducted under subsection (b) that includes the date of the inventory, a summary of the inventory findings, and the names, signatures and titles or positions of the individuals who conducted the inventory.

§ 1151.31. Storage requirements.

(a) A grower/processor shall have separate locked areas for storage of seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana that are expired, damaged, deteriorated, mislabeled or contaminated, or whose containers or packaging have been opened or breached, until the seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana are disposed of as required under § 1151.40 (relating to disposal of medical marijuana).

(b) A grower/processor shall maintain storage areas in a clean and orderly condition and free from infestation by insects, rodents, birds and pests of any kind.

§ 1151.32. Equipment, operation and maintenance.

(a) A grower/processor facility shall have a written process in place to maintain the sanitation and operation of equipment that comes into contact with medical mari-

juana to prevent contamination. The grower/processor shall provide a copy of the written process to the Department upon request.

(b) As part of the written process required under subsection (a), a grower/processor shall:

(1) Routinely calibrate, check and inspect the following to ensure accuracy:

- (i) Automatic, mechanical or electronic equipment.
- (ii) Scales, balances or other measurement devices used in the grower/processor's operations.

(2) Maintain an accurate log recording the following:

- (i) Maintenance of equipment.
- (ii) Cleaning of equipment.
- (iii) Calibration of equipment.

§ 1151.33. Sanitation and safety in a facility.

(a) A grower/processor shall maintain a facility in a sanitary condition to limit the potential for contamination or adulteration of the medical marijuana grown and processed in the facility. The following apply:

(1) Equipment and surfaces, including floors, counters, walls and ceilings, shall be cleaned and sanitized as frequently as necessary to protect against contamination, using a sanitizing agent registered by the United States Environmental Protection Agency, in accordance with the instructions printed on the label. Equipment and utensils shall be so designed and of such material and workmanship as to be capable of being adequately cleaned.

(2) Litter and waste shall be properly disposed of and the systems for waste disposal shall be maintained in good working condition to prevent the litter and waste from becoming a source of contamination in areas in which immature medical marijuana plants, medical marijuana plants or medical marijuana are exposed.

(3) Floors, walls and ceilings shall be kept in good repair.

(4) Equipment, counters and surfaces for processing must be food grade quality and may not react adversely with any solvent being used.

(5) Adequate protection against pests shall be provided through the use of integrated pest management practices and techniques that identify and manage plant pathogens and pest problems, and the regular disposal of litter and waste to prevent infestation.

(6) Toxic cleaning compounds, sanitizing agents, solvents used in the growing and processing of medical marijuana, and pesticide chemicals must be labeled and stored in a manner that prevents contamination of seeds, immature medical marijuana plants, medical marijuana plants and medical marijuana, and in a manner that otherwise complies with other applicable laws and regulations.

(b) An employee working in direct contact with medical marijuana is subject to the restrictions on food handlers in § 27.153 (relating to restrictions on food handlers). An employee shall otherwise conform to sanitary practices while on duty, including:

- (1) Maintaining adequate personal cleanliness.
- (2) Wearing proper clothing, including gloves.

(3) Washing hands thoroughly in an adequate hand-washing area before starting work and at any other time when hands may have become soiled or contaminated.

(c) A grower/processor shall provide its employees and visitors with adequate and convenient hand-washing facilities furnished with running water at a suitable temperature. The following apply:

(1) Hand-washing facilities must be located in processing areas and where good sanitary practices require employees to wash and sanitize their hands.

(2) Effective hand-cleaning and sanitizing preparations and sanitary towel service or suitable drying devices shall be provided.

(d) A grower/processor shall provide its employees and visitors with adequate, readily accessible lavatories that are maintained in a sanitary condition and in good repair.

(e) A grower/processor shall ensure that its facility is provided with a water supply sufficient for its operations, which shall be derived from a source that is a public water system, or a nonpublic system that is capable of providing a safe, potable and adequate supply of water to meet the operational needs of the facility.

§ 1151.34. Packaging and labeling of medical marijuana.

(a) A grower/processor shall package and label at its facility each form of medical marijuana prepared for sale. The original seal of a package may not be broken, except for quality control testing at a laboratory, for adverse loss investigations conducted by the Department or by a dispensary that purchased the medical marijuana.

(b) A grower/processor shall package the medical marijuana in a package that minimizes exposure to oxygen and that is:

- (1) Child-resistant.
- (2) Tamper-proof or tamper-evident.
- (3) Light-resistant and opaque.
- (4) Resealable.

(c) A grower/processor shall identify each lot of medical marijuana with a unique identifier.

(d) A grower/processor shall obtain the prior written approval of the Department of the content of any label to be affixed to a medical marijuana package. Each label must:

- (1) Be easily readable.
- (2) Made of weather-resistant and tamper-resistant materials.
- (3) Be conspicuously placed on the package.
- (4) Include the name, address and permit number of the grower/processor.
- (5) List the form, quantity and weight of medical marijuana included in the package.
- (6) List the single dose THC and CBD content of the medical marijuana in milligrams (mg).
- (7) Contain an identifier that is unique to a particular batch of medical marijuana, including the number assigned to each lot in the batch.
- (8) Include the date the medical marijuana was packaged.

(9) State the employee identification number of the employee preparing the package and packaging the medical marijuana.

(10) State the employee identification number of the employee shipping the package, if different than the employee described in paragraph (9).

(11) Contain the name and address of the dispensary to which the package is to be sold.

(12) List the date of expiration of the medical marijuana.

(13) Include instructions for proper storage of the medical marijuana in the package.

(14) Contain the following statements:

This product is for medicinal use only. Women should not consume during pregnancy or while breastfeeding except on the advice of the practitioner who issued the certification and, in the case of breastfeeding, the infant's pediatrician. This product might impair the ability to drive or operate heavy machinery. Keep out of reach of children.

(e) Labeling by a grower/processor of any medical marijuana may not:

(1) Bear any resemblance to the trademarked, characteristic or product-specialized packaging of any commercially available candy, snack, baked good or beverage.

(2) Bear any statement, artwork or design that could reasonably mislead any person to believe that the package contains anything other than a medical cannabis finished product.

(3) Bear any seal, flag, crest, coat of arms or other insignia that could reasonably mislead a person to believe that the product has been endorsed, manufactured or used by any state, county or municipality or any agency thereof.

(4) Bear any cartoon, color scheme, image, graphic or feature that might make the package attractive to children.

§ 1151.35. Transportation of medical marijuana.

(a) A grower/processor may transport and deliver medical marijuana to a medical marijuana organization or a laboratory within this Commonwealth in accordance with this section. The following apply:

(1) A grower/processor may deliver medical marijuana to a medical marijuana organization or laboratory only between 7 a.m. and 9 p.m.

(2) A grower/processor may contract with a third-party contractor for delivery so long as the contractor complies with the requirements of this section.

(3) A grower/processor may not transport medical marijuana to a location outside of this Commonwealth.

(4) A grower/processor shall use a global tracking system to ensure safe, efficient delivery of the medical marijuana to a medical marijuana organization.

(b) Vehicles permitted to transport medical marijuana must:

(1) Be equipped with a secure lockbox or locking cargo area.

(2) Have no markings that would identify or indicate that the vehicle is being used to transport medical marijuana.

(3) Be capable of being temperature-controlled for perishable medical marijuana.

(4) Display current State inspection and registration stickers.

(5) Be insured in an amount that is commercially reasonable and appropriate.

(c) A transport vehicle must be staffed with a delivery team consisting of at least two individuals and must comply with the following:

(1) At least one delivery team member shall remain with the vehicle at all times that the vehicle contains medical marijuana.

(2) Each delivery team member shall have access to a secure form of communication with the grower/processor, such as a cellular telephone, at all times that the vehicle contains medical marijuana.

(3) Each delivery team member shall carry an identification badge or card at all times and shall, upon demand, produce it to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

(4) Each delivery team member shall have a valid driver's license.

(5) While on duty, a delivery team member may not wear clothing or symbols that may indicate ownership or possession of medical marijuana.

(d) Medical marijuana stored inside the transport vehicle may not be visible from the outside of the transport vehicle.

(e) Except as provided in subsection (h), a delivery team shall proceed in a transport vehicle from the facility, where the medical marijuana is loaded, directly to the medical marijuana organization or laboratory, where the medical marijuana is unloaded, without intervening stops or unnecessary delays. Notwithstanding the foregoing, a transport vehicle may make stops at multiple facilities or laboratories, as appropriate, to deliver medical marijuana.

(f) A grower/processor shall immediately report to the Department vehicle accidents, diversions, losses or other reportable events that occur during transport of medical marijuana.

(g) A grower/processor shall notify the Department daily of its delivery schedule, including routes and delivery times, either through a designated phone line established by the Department or by electronic communication with the Department in a manner prescribed by the Department.

(h) A transport vehicle is an extension of the grower/processor facility and is subject to inspection by the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties. A transport vehicle may be stopped and inspected along its delivery route or at any medical marijuana organization or laboratory.

§ 1151.36. Transport manifest.

(a) A grower/processor shall generate a printed or electronic transport manifest that accompanies every transport vehicle and contains the following information:

(1) The name, address and permit number of the grower/processor and the name of and contact information for a representative of the grower/processor who has knowledge of the transport.

(2) The name, address and permit number of the medical marijuana organization or laboratory receiving

the delivery and the name of and contact information for a representative of the medical marijuana organization or laboratory.

(3) The quantity, by weight or unit, of each medical marijuana batch or lot contained in the transport, along with the identification number for each batch or lot.

(4) The date and approximate time of departure.

(5) The date and approximate time of arrival.

(6) The transport vehicle's make and model and license plate number.

(7) The identification number of each member of the delivery team accompanying the transport.

(b) When a delivery team delivers medical marijuana to multiple medical marijuana organizations or laboratories, the transport manifest must correctly reflect the specific medical marijuana in transit. Each recipient shall provide the grower/processor with a printed receipt for the medical marijuana received.

(c) Medical marijuana being transported shall be packaged in shipping containers and labeled in accordance with § 1151.34 (relating to packaging and labeling of medical marijuana).

(d) A grower/processor shall provide a copy of the transport manifest to the recipient receiving the medical marijuana described in the transport manifest. To maintain confidentiality, a grower/processor may prepare separate manifests for each recipient.

(e) A grower/processor shall, if requested, provide a copy of the printed transport manifest, and any printed receipts for medical marijuana being transported, to the Department or its authorized agents, law enforcement, or other Federal, State or local government officials if necessary to perform the government officials' functions and duties.

§ 1151.37. Transportation of seeds, immature medical marijuana plants and medical marijuana plants.

(a) A grower/processor may transport seeds, immature medical marijuana plants and medical marijuana plants within this Commonwealth for the growing and processing of medical marijuana.

(b) A grower/processor may not transport seeds, immature medical marijuana plants or medical marijuana plants to a location outside of this Commonwealth.

(c) A grower/processor's authorization to transport seeds, immature medical marijuana plants or medical marijuana plants shall be subject to the requirements of §§ 1151.35, 1151.36 and 1151.38 (relating to transportation of medical marijuana; transport manifest; and evidence of theft, diversion or discrepancy during transport).

§ 1151.38. Evidence of theft, diversion or discrepancy during transport.

(a) If a grower/processor finds evidence of, or reasonably suspects, a theft or diversion of medical marijuana during transport, the grower/processor shall immediately report its findings or suspicions to the Department and law enforcement.

(b) If a grower/processor discovers a discrepancy in the transport manifest, the grower/processor shall:

(1) Conduct an investigation.

(2) Amend the grower/processor's standard plan of operation, if necessary, to prevent future discrepancies

between the quantity or description of inventory listed in the transport manifest and the quantity or description of inventory delivered.

(3) Submit a report of the investigation to the Department. The following apply:

(i) A written preliminary report of the investigation shall be submitted to the Department within 7 days of discovering the discrepancy.

(ii) A final written report of the investigation shall be submitted to the Department within 30 days of discovering the discrepancy.

§ 1151.39. Electronic tracking system.

A grower/processor shall use the electronic tracking system prescribed by the Department. The Department will publish notice of the electronic tracking system to be utilized by a grower/processor in the *Pennsylvania Bulletin* 60 days prior to the implementation date of the system.

§ 1151.40. Disposal of medical marijuana.

Solid and liquid waste generated during the growing, processing and testing of medical marijuana shall be stored, managed and disposed of in accordance with applicable State laws and regulations.

§ 1151.42. Complaints about or recall of medical marijuana.

(a) A dispensary shall notify a grower/processor of any complaint made to the dispensary by a patient or caregiver who reports an adverse event from using medical marijuana purchased by the dispensary from the grower/processor. A grower/processor shall investigate the report. The following apply:

(1) A grower/processor shall investigate a complaint to determine if a voluntary or mandatory recall of medical marijuana is necessary or if any further action is required.

(2) If a grower/processor determines that further action is not required, the grower/processor shall notify the Department of its decision and, within 24 hours, submit a written report to the Department stating its rationale for not taking further action.

(b) The following apply to voluntary recalls:

(1) A grower/processor may voluntarily recall medical marijuana from the market at its discretion for reasons that do not pose a risk to public health and safety.

(2) If a grower/processor initiates a recall for a reason that does not pose a risk to public health and safety, the grower/processor shall notify the Department at the time the grower/processor begins the recall.

(c) The following apply to mandatory recalls:

(1) If a grower/processor discovers that a condition relating to the medical marijuana grown or processed at its facility poses a risk to public health and safety, the grower/processor shall:

(i) Immediately notify the Department by phone.

(ii) Secure, isolate and prevent the distribution of the medical marijuana that may have been affected by the condition and remains in its possession. The grower/processor may not dispose of affected medical marijuana prior to notifying the Department and coordinating the disposal with the Department.

(2) If a grower/processor fails to cooperate with the Department in a recall, or fails to immediately notify the

Department of a need for a recall under paragraph (1), the Department may seek a cease and desist order under § 1141.47 (relating to general penalties and sanctions) and the grower/processor may be subject to any other penalties or sanctions provided for in the act or this part.

(d) A grower/processor's recall plan must include the following:

(1) Designation of one or more employees to serve as the recall coordinators. A recall coordinator shall be responsible for, among other duties, accepting the recalled medical marijuana.

(2) Procedures for identifying and isolating the affected medical marijuana to prevent or minimize its distribution to patients, caregivers and other medical marijuana organizations and laboratories.

(3) Procedures to retrieve and dispose of the affected medical marijuana.

(4) A communications plan to notify those affected by the recall, including:

(i) The manner in which the grower/processor will notify other medical marijuana organizations or laboratories in possession of medical marijuana subject to the recall.

(ii) The use of press releases and other appropriate notifications to ensure that patients and caregivers are notified of the recall if the affected medical marijuana was dispensed to patients and caregivers.

(5) Procedures for notifying the Department.

(6) Procedures for entering information relating to the recall into the grower/processor's electronic tracking system.

(e) A grower/processor shall follow the procedures outlined in its recall plan, unless the grower/processor obtains the prior written approval of the Department. The grower/processor shall conduct recall procedures in a manner that maximizes the recall of affected medical marijuana and minimizes risks to public health and safety.

(f) A grower/processor shall coordinate the disposal of recalled medical marijuana with the Department. The Department or its authorized agents may oversee the disposal to ensure that the recalled medical marijuana is disposed of in a manner that will not pose a risk to public health and safety.

(g) The grower/processor shall enter information relevant to the recall into the electronic tracking system as part of the daily inventory, including:

(1) The total amount of recalled medical marijuana, including types, forms, batches and lots, if applicable.

(2) The amount of recalled medical marijuana received by the grower/processor, including types, forms, batches and lots, if applicable, by date and time.

(3) The total amount of recalled medical marijuana returned to the grower/processor, including types, forms, batches and lots, if applicable.

(4) The names of the recall coordinators.

(5) From whom the recalled medical marijuana was received.

(6) The means of transport of the recalled medical marijuana.

(7) The reason for the recall.

(8) The number of recalled samples, types, forms, batches and lots, if applicable, sent to laboratories, the names and addresses of the laboratories, the dates of testing and the results by sample.

(9) The manner of disposal of the recalled medical marijuana, including:

(i) The name of the individual overseeing the disposal of the recalled medical marijuana.

(ii) The name of the disposal company, if applicable.

(iii) The method of disposal.

(iv) The date of disposal.

(v) The amount disposed of by types, forms, batches and lots, if applicable.

(10) Any other information required by the Department.

§ 1151.43. Pesticides.

(a) The use of a pesticide by a grower/processor in the growing or processing of medical marijuana shall be in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112) (Pesticide Control Act) and this part.

(b) The Department and the Department of Agriculture will cooperate to inspect for and enforce the requirements of this section.

(c) The following apply regarding recordkeeping requirements for pesticide applications:

(1) The grower/processor shall maintain a record of each application of a pesticide. The record must include the following information:

(i) The date of application. For a pesticide requiring a re-entry time, the date of application must include the hour completed.

(ii) The place of application, including the specific block, section or plants treated.

(iii) The size of the area treated.

(iv) The product name of every pesticide used.

(v) The United States Environmental Protection Agency product registration number. This requirement is unnecessary for products exempted under section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C.A. § 136w).

(vi) The total amount of every pesticide used in pounds, ounces, gallons or liters applied to a treated area.

(vii) The dosage or rate of application of every pesticide used.

(viii) If applicable, the names of the individuals involved in making the pesticide and the permit or certification numbers of the individuals making or supervising the application.

(ix) Copies of pesticide labels and Safety Data Sheets for the pesticides used at the facility.

(2) A record required to be kept under this section shall be completed within 24 hours of the completion of the application and maintained for at least 4 years. A record shall be made immediately available to the Department or its authorized agents and medical personnel or first responders in an emergency. A record shall be made available to the Department of Agriculture upon request.

(d) For purposes of enforcement, the Pesticide Control Act and 7 Pa. Code Chapter 128 (relating to pesticides)

are incorporated by reference and adopted as standards for use by the Department in enforcing this section.

(e) A grower/processor shall only use the pesticide active ingredients in Appendix A in the growing and processing of medical marijuana.

(f) The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Defoliant—A substance or mixture of substances intended for causing the leaves or foliage to drop from a plant, with or without causing abscission.

Desiccant—A substance or mixture of substances intended for artificially accelerating the drying of plant tissue.

Pesticide—A substance or mixture of substances intended for preventing, destroying, repelling or mitigating a pest, and a substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant.

Plant regulator—

(i) A substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but may not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants and soil amendments.

(ii) The term does not include any of the nutrient mixtures or soil amendments commonly known as vitamin-hormone horticultural products, which are intended for improvement, maintenance, survival, health and propagation of plants, and are not for pest destruction and are nontoxic, nonpoisonous in the undiluted packaged concentration.

§ 1151.44. Treatment and quarantine orders.

(a) If a grower/processor fails or refuses to eradicate a plant pest that is found at its facility, the Department, in cooperation with the Department of Agriculture, may issue and enforce a treatment order against the grower/processor, including an order to eradicate, for any immature medical marijuana plants or medical marijuana plants that may carry or harbor the plant pest. The order will be issued in writing and set forth the necessary treatment, control or eradication measures required. If the grower/processor fails or refuses to comply with the order, the Department, acting in cooperation with the Department of Agriculture, may carry out the control measures established in the treatment order with all expenses associated with the measures accruing to the grower/processor.

(b) The Department of Agriculture, acting with the cooperation of the Department, may establish a quarantine to prevent the dissemination of plant pests within this Commonwealth or to prevent or delay the introduction of a plant pest into this Commonwealth from any country, state or territory. The following apply:

(1) Upon finding a plant pest in a facility that has the potential to cause serious damage to other grower/processors or to agriculture in general, the geographic area in which the plant pest was found and any adjacent areas as the Department of Agriculture deems necessary may be quarantined.

(2) The quarantine order will establish conditions and restrictions determined by the Department of Agriculture to be necessary to prevent or reduce the movement of the plant pest from the quarantined area. Vehicles or any

means of conveyance suspected of carrying the plant pest may also be subject to quarantine and a treatment order under subsection (a) may be issued as necessary to eradicate the plant pest.

(3) The quarantine order may regulate the planting, growing or harvesting of any immature medical marijuana plants or medical marijuana plants that serve as a

host or reservoir for the plant pest within the quarantined area and may include prohibiting the processing of a specific batch of medical marijuana within a specific geographic area or during a specified time period. An immature medical marijuana plant or medical marijuana plant suspected of harboring the plant pest may be ordered to be treated or destroyed.

Appendix A. Acceptable Pesticide Active Ingredients for Use

The following pesticides can be used legally in the growing and processing of medical marijuana and in accordance with the Pennsylvania Pesticide Control Act of 1973 (3 P.S. §§ 111.21—112). Products containing the following active ingredients must also be labeled for use in greenhouses on food crops to qualify.

<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
25(b)	Insecticide		Castor Oil
25(b)	Insecticide		Cedar Oil
25(b)	Insecticide		Cinnamon
25(b)	Fungicide, Insecticide		Cinnamon Oil
25(b)	Fungicide, Insecticide		Citric Acid
25(b)	Bactericide, Fungicide		Clove
25(b)	Insecticide		Clove Oil
25(b)	Fungicide		Corn Oil
25(b)	Insecticide		Cottonseed Oil
25(b)	Insecticide		Garlic
25(b)	Insect Repellent		Garlic Oil
25(b)	Fungicide		Geraniol
25(b)	Insecticide		Geranium Oil
25(b)	Fungicide, Insecticide		Lemon Grass Oil
25(b)	Insecticide		Peppermint Oil
25(b)	Insecticide		Peroxyacetic Acid
25(b)	Fungicide		Potassium Sorbate
25(b)	Insecticide		Rosemary
25(b)	Insecticide		Rosemary Oil
25(b)	Fungicide, Insecticide, Miticide		Sesame Oil
25(b)	Fungicide, Insecticide		Sodium Lauryl Sulfate
25(b)	Insecticide		Soybean Oil
25(b)	Fungicide		Thyme
25(b)	Fungicide, Insecticide, Miticide		Thyme Oil
25(b)	Insecticide		White Pepper
Sec 3 Products	Insecticide		Azadirachtin
Sec 3 Products	Fungicide		Bacillus Amyloliquefaciens Strain D747
Sec 3 Products	Fungicide	For use in protected growing environments only (for example, greenhouses).	Bacillus Pumilus Strain GHA 180
Sec 3 Products	Fungicide		Bacillus Subtilis QST713 Strain
Sec 3 Products	Insecticide		Bacillus Thuringiensis SSP. Aizawai
Sec 3 Products	Insecticide		Canola Oil
Sec 3 Products	Insect Repellent		Capsicum Oleoresin Extract
Sec 3 Products	Insecticide	Ground application only to nonblooming plants.	Chromobacterium Sub Strain PRAA4-1 Cells
Sec 3 Products	Fungicide, Insecticide		Clarified Hydrophobic Extract of Neem Oil

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<i>EPA Status</i>	<i>Pesticide Type</i>	<i>Comments</i>	<i>Active Ingredient</i>
Sec 3 Products	Fungicide		Copper Octanoate
Sec 3 Products	PGR		Cytokinin (Kinetin)
Sec 3 Products	Insecticide		Diatomaceous Earth
Sec 3 Products	PGR		Gibberellins (Gibberellic Acid)
Sec 3 Products	PGR		Harpin Alpha Beta
Sec 3 Products	Antimicrobial, Fungicide	No foliar applications allowed.	Hydrogen Peroxide
Sec 3 Products	PGR	Applications allowed in furrow at planting or in hydroponics only.	IBA (Indole-3-Butyric Acid)
Sec 3 Products	Insecticide, PGR		Kaolin
Sec 3 Products	Insecticide		Mineral Oil
Sec 3 Products	Fungicide	Use only allowed prior to final transplant, unless grown in recirculating hydroponics systems.	Mono-Potassium and Di-Potassium Salts of Phosphorous Acid
Sec 3 Products	Insecticide		Monopotassium Phosphate
Sec 3 Products	Nematicide		Myrothecium Verrucaria
Sec 3 Products	Fungicide, Insecticide		Neem Oil, Cold Pressed
Sec 3 Products	Insecticide	Use allowed prior to final transplant.	Potassium Laurate
Sec 3 Products	Fungicide, Insecticide		Potassium Salts of Fatty Acids
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Insecticide		Pyrethrins
Sec 3 Products	Molluscicide		Sodium Ferric EDTA
Sec 3 Products	Fungicide		Trichoderma Asperellum Strain ICC 012

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PROPOSED RULEMAKING

BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

[49 PA. CODE CHS. 43b AND 45]

Fees; General Revisions

The State Board of Examiners in Speech-Language Pathology and Audiology (Board) and the Commissioner of Professional and Occupational Affairs (Commissioner) jointly propose to amend §§ 43b.16a, 45.1, 45.2, 45.11—45.17, 45.20—45.22, 45.102, 45.103, 45.301, 45.304, 45.305, 45.307, 45.308, 45.401, 45.501, 45.505 and 45.507, rescind §§ 45.18 and 45.19 (relating to criteria for master's degree equivalent; and practicum) and add §§ 45.23 and 45.24 (relating to provisional licenses; and certification to utilize neurophysiologic intraoperative monitoring) to read as set forth in Annex A.

Effective Date

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

Statutory Authority

Section 5(2) of the Speech-Language Pathologists and Audiologists Licensure Act (act) (63 P.S. § 1705(2)) authorizes the Board to adopt and revise rules and regulations consistent with the act as may be necessary to implement the provisions of the act. Section 5(7) of the act specifically authorizes the Board to establish standards of eligibility for license renewal, which includes demonstration of satisfactory completion of continuing education. Additionally, section 8.1 of the act (63 P.S. § 1708.1) requires that the Board issue certifications to audiologists utilizing neurophysiologic intraoperative monitoring (IOM).

In connection with the fees, section 7(d)(1) of the act (63 P.S. § 1707(d)(1)) authorizes the Board to issue provisional licenses to qualifying applicants who submit an application and an accompanying fee. Additionally, section 8(a) of the act (63 P.S. § 1708(a)) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period. Finally, section 810(a)(3) and (7) of The Administrative Code of 1929 (71 P.S. § 279.1(a)(3) and (7)) authorizes the Commissioner to issue all certificates and other official documents of the various professional and occupational examining boards and, unless otherwise provided by law, to fix the fees to be charged by the boards within the Bureau of Professional and Occupational Affairs (Bureau).

With regard to the schedule of civil penalties, section 5 of the act of July 2, 1993 (P.L. 345, No. 48) (63 P.S.

§ 2205) authorizes the Commissioner to adopt a schedule of civil penalties for violations under the act and regulations of the Board.

Background and Purpose

The act of July 2, 2014 (P.L. 971, No. 106) (Act 106) significantly amended the act relating to the regulation of the practice of speech language pathology and audiology. In addition to renaming the act and the Board, Act 106 eliminated a class of licensee—teachers of the hearing impaired—from the Board's regulatory authority. (This licensee class consisted of less than 100 licensees.) Act 106 further defined "speech-language pathologist," the "practice of speech-language pathology" and "audiologist and the "practice of audiology," authorized the Board to issue provisional licenses, increased the licensure requirements for audiologists and added a certification requirement for audiologists utilizing IOM. In addition, Act 106 added provisions in other professional and occupational licensure acts including the forfeiture of a Board member's seat for failure to attend meetings, authorization to compel mental or physical examinations, authorization to require evidence of continued competency to reinstate a license if the license has been expired for 5 years or more, and addition of title protection and civil penalty authority for unlicensed practice. This proposed rulemaking reflects the changes made to the act by Act 106.

As part of this proposed rulemaking, the Board and Commissioner are setting fees for the new credentials provided for by Act 106—provisional licenses and certificates to utilize IOM. In doing so, the Board considered its entire fee structure to assure that the fees were equitable and that the new fees would produce adequate revenue to support the operations of the Board. In connection with fees, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, section 8(a) of the act requires the Board to increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority (approximately 85%) of its revenue through biennial renewal fees. A small percentage (approximately 15%) of its revenue comes from other fees, fines and civil penalties.

At the Board's meeting on February 27, 2015, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's actual revenue and expenses for Fiscal Years (FY) 2007-2008—2014-2015 and projected revenue and expenses through FY 2025-2026 with a recommendation for a biennial renewal fee increase and new fees for provisional licenses, provisional license renewals and IOM certifications based upon the costs of issuing the licenses/certifications. At the request of the Board, the BFO submitted revised budgetary information for that same period with an alternative recommendation that also included an initial license increase. The Board reviewed the revised budgetary information at its June 26, 2015, meeting.

The BFO pointed out to the Board that at the current fee levels, with the elimination of the teacher of the hearing impaired licensure classification, the Board receives revenue of approximately \$425,000 over a 2-year period, while budgeted expenditures for FYs 2015-2016 and 2016-2017 are projected at \$519,000—a deficit of \$94,000. Without an increase in fees, these operating

deficits will continue to grow due to ever-increasing expenses of operating the Board and its required enforcement efforts. The BFO projects that by FYs 2022-2023 and 2023-2024, the biennial deficit will grow to \$184,000 (biennial revenue of \$425,000 and projected biennial expenses of \$609,000). Even with the addition of fees regarding the issuance of provisional licenses and IOM certificates, expenditures will continue to outpace revenue. For these reasons, the Board determined to consider its entire fee structure at this time. In addition to setting the three new fees (provisional license application fee, provision license renewal fee and IOM certification fee), the Board considered two alternatives. The first involved an increase only to the biennial renewal fees for speech-language pathologists and audiologists from \$46 to \$75. The second option considered was to increase the initial licensure fee for speech-language pathologists and audiologists from \$20 to \$50, and only increase the biennial renewal fee to \$65. The Board believes that the latter option is a better approach as it more accurately reflects the costs of issuing the initial license and spreads the Board's costs over new and existing licensees.

As a result, the Board voted at its June 26, 2015, meeting to increase initial license fees from \$20 to \$50 and biennial renewal fees from \$46 to \$65, in addition to setting provisional license fees at \$50, provisional license renewal fees at \$30 and IOM certification fees of \$15 as set forth in Annex A. With approximately 8,500 active licensees and approximately 650 applicants for licensure annually, the Board believes that these fees will be adequate to continue a positive balance for at least 10 years.

Description of Proposed Amendments

§ 43b.16a. Schedule of civil penalties—audiologists and speech-language pathologists

Due to the elimination of the “teacher of the hearing impaired” class of licenses, the Commissioner proposes to amend the schedule of civil penalties to remove all references to teachers of the hearing impaired.

§ 45.1. Fees

The proposed amendments to § 45.1 (relating to fees) would increase initial licensure fees for speech-language pathologists and audiologists from \$20 to \$50 to more accurately reflect the costs associated with processing the initial applications. Further, biennial renewal fees would increase from \$46 to \$65 for speech-language pathologists and audiologists. This section is also proposed to be amended to delete references to teachers of the hearing impaired as this class of license has been eliminated. In addition, the Board proposes to add a provisional license fee of \$50 and the Commissioner proposes to add an IOM certification fee of \$15. These new fees reflect the Board's estimated cost in issuing the provisional licenses and IOM certifications. Aside from recording the examination results, the costs of reviewing and processing the provisional license application are identical to those associated with issuance of an initial license. The costs associated with IOM certification are minimal as for the majority of the applicants the Board needs only to review the certification to assure that it is from a body recognized by the Board and issue the certificate. Otherwise, the Board only needs to check applicant's transcripts to assure IOM coursework. Finally, the Board is proposing a provisional license renewal fee of \$30.

§ 45.2. Definitions

The Board proposes to amend the definitions of “act” and “Board” to reflect the new names as amended by Act

106. The Board also proposes to amend the definition of “licensees” to delete the reference to teachers of the hearing impaired and delete the definition “practice of teaching the hearing-impaired.”

The Board proposes to amend the definitions of “practice of audiology” and “practice of speech-language pathology” to delineate the changes to the practices in section 3 of the act (63 P.S. § 1703) as well as to recognize the practical definitions of the practices recognized by the National professional organizations in speech-language pathology and audiology under section 5(9) of the act.

Specifically, the amended definition of the “practice of audiology” in section 3 of the act enumerates 14 practice areas. The Board has chosen not to repeat those practice areas in the regulations as they are self-explanatory. Proposed subparagraph (i) of the definition of the “practice of audiology” would incorporate by reference, based upon the express authority granted to the Board in section 5(9) of the act, those practice areas and activities in the definition of the “practice of audiology” recognized by the American Speech-Language-Hearing Association (ASHA), American Academy of Audiology (AAA) and the Academy of Doctors of Audiology (ADA). The Board reviewed the definitions and finds them to be consistent with the definition in the act. In the event that the ASHA, AAA and ADA revise their definitions and the Board concurs with those definitions, the Board would be required to amend the regulations as the adopted definitions are limited to those specifically adopted in this provision. Proposed subparagraph (ii) specifically enumerates IOM as within the definition of the “practice of audiology” for those licensed audiologists who hold a certification from the Board as authorized in sections 3 and 8.1 of the act.

The amended definition of the “practice of speech-language pathology” in section 3 of the act enumerates nine practice areas. Because some of those practice areas require additional explanation, proposed subparagraphs (i)—(x) of the definition of “practice of speech-language pathology” clarify those practice areas in section 3(1)—(9) of the act. Additionally, like proposed subparagraph (i) of the definition of the “practice of audiology,” proposed subsection (xi), based upon the express authority granted to the Board in section 5(9) of the act, would incorporate those practice areas and activities in ASHA's definition of the “practice of speech-language pathology” developed by the ASHA's Ad Hoc Committee on the Scope of Practice in Speech-Language Pathology and approved by the ASHA Legislative Council in 2007. The Board reviewed this definition and found it to be consistent with the definition in the act.

Additionally, the Board proposes deleting the definitions of “practicum” and “qualified training supervisor.” A practicum is completed as a condition for the award of an academic degree under the supervision of a qualified training supervisor. The amendments to section 7 of the act presuppose the completion of the practicum as all accredited academic programs for speech-language pathology and audiology require completion of the practicum. Therefore, definitions of “practicum” and “qualified training supervisor” are unnecessary. Lastly, the Board proposes to delete the definition of “YSPE” because this acronym is proposed to be deleted throughout the regulations in this proposed rulemaking. The proposed amendments instead refers to the 9-month requirement as “supervised professional experience.”

§ 45.11. *Licenses and certifications*

The Board proposes to amend § 45.11 (relating to licenses and certifications) to include the issuance of provisional licenses and IOM certifications as authorized by sections 5(3), 7(d) and 8.1 of the act.

§ 45.12. *Licensure application procedures*

This proposed rulemaking would amend the licensure application procedures to track the amendments to section 7(a)(1) of the act as it applies to speech-language pathologists and section 7(a)(2) of the act as it applies to audiologists. Aside from renumbering and the name change associated with supervised professional experience, changes are not proposed to the speech-language pathologist procedures. The procedures for audiologists in proposed § 45.12(b)(2) (relating to licensure application procedures) track the licensure requirements in section 7(a)(2) of the act.

§ 45.13. *Renewal of license; inactive status of license; required continuing education*

The Board proposes to amend § 45.13 (relating to renewal of license; inactive status of license; required continuing education) to reflect current practice in connection with biennial license renewals. Subsection (b) would be amended to clarify that licenses, certifications and Board documentation will be sent to the address provided to the Board by the licensee. Subsection (c) is proposed to be amended to clarify that unless a licensee requests that a license be placed on inactive status, at the end of a biennial period it will be marked expired until it is renewed or reactivated. Subsection (e) is proposed to be amended to clarify that licenses that are not renewed or placed on inactive status will be marked expired. Subsection (f) is proposed to be amended to clarify that until the expired/inactive licenses are renewed/reactivated, the Board will not send licensees notifications. Subsections (g) and (h) are proposed to be amended to delete the reference to “speech-language pathologist, audiologist or teacher of the hearing impaired,” as the references are unnecessary.

§ 45.14. *Reactivation of licensure status*

Proposed amendments to § 45.14(a) (relating to reactivation of licensure status) delete the notarized affidavit requirement to reactivate a license that has been inactive for less than 5 years. This proposed amendment is consistent with the Board’s current requirement of submission of a verification of nonpractice. Proposed subsection (d) would establish reactivation procedures for licenses that are inactive for more than 5 years tracking the requirement in section 14 of the act (63 P.S. § 1714) that the licensee has assured continued competency. Evidence of continued competency requires one of the following: (1) successful completion of the initial licensing examination; (2) successful completion of the continuing education during the entire lapsed/suspended/inactive period; or (3) documentation evidencing engagement in practice in another jurisdiction for some period within the last 5 years. The Board contemplated including the completion of a reactivation course as evidence of continued competency, similar to the requirement for nurses. However, there are currently no reactivation courses available.

§ 45.15. *Duplicate licenses*

Proposed amendments to § 45.15 (relating to duplicate licenses) delete the requirement that licensees submit a notarized statement providing the rationale for the request for a duplicate as the act does not require the

submission of a notarized statement to obtain a duplicate license. Additionally, because wallet cards are not duplicated, the provision permitting wallet cards is proposed to be deleted.

§ 45.16. *Display of license*

Proposed amendments to § 45.16 (relating to display of license) replace the requirement that licensees post their original certificates in their places of businesses. The Bureau no longer issues wall certificates for any profession; it only issues licenses, certifications and wallet cards to Bureau licensees.

§ 45.17. *Education requirements*

Proposed amendments to § 45.17 (relating to education requirements) track the changes to section 7 of the act. For speech-language pathologists, § 45.17(a) would require that applicants possess either a master’s or doctoral degree from an academic program accredited by an accrediting agency approved by the Board. The Board will post a list of approved accrediting agencies on its web site. The Board believes that including the list of approved accrediting agencies in the regulation delays the addition or deletion of approved accrediting agencies.

Proposed amendments to § 45.17(b) to track the educational requirement change in section 7(a)(2) of the act, requiring, as of January 1, 2015, that all applicants for audiology possess a doctoral degree in audiology that includes a practicum from an academic program accredited by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. Like proposed subsection (a), the degree must include a practicum and the list of Board-approved accrediting agencies will be available on the Board’s web site.

Subsection (c) is proposed to be deleted as it addresses teachers of the hearing-impaired who are no longer licensed by the Board.

§ 45.18. *Criteria for master’s degree equivalent*

In that section 7 of the act eliminated the master’s degree equivalent, the Board proposes to rescind § 45.18.

§ 45.19. *Practicum*

Additionally, as explained in connection with the definition of “practicum” in § 45.2, § 45.19 is proposed to be rescinded. Because all of the speech-language pathology and audiology programs in the United States require completion of a practicum to obtain the required degree, the Board no longer needs to set standards for or review documentation relating to completion of a practicum.

§ 45.20. *Supervised professional experience*

Unlike audiology students who complete their supervised professional experience during the last year of their doctoral degree programs, speech-language pathology students complete their supervised professional experiences after their degrees are conferred.

Aside from replacing “YSPE” with “supervised professional experience” throughout § 45.20 (relating to supervised professional experience), proposed amendments to subsection (a) delete the reference to practicum requirements. Proposed subsection (a) modifies the minimum number of hours of supervised professional experience that shall be completed in at least 9 months under section 7(a) of the act. The Board’s requirement that speech-language pathologists complete at least 1,260 hours of supervised professional experience matches the requirement for ASHA certification, which permits portability of licenses. The Board has not altered its require-

ment that the supervised professional experience be completed within 2 years, and has retained the ability to request a waiver of the mandated timeframes in case of demonstrated undue hardship, military service or other good cause.

Proposed subsection (c) add the requirement that the supervision be provided by a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained. The Board believes that this addition will enable speech-language pathologists to obtain the necessary experience without hardship. Proposed subsection (d) requires supervisees to advise individuals under their care that the supervisee is working under the supervision of a licensed speech-language pathologist. The Board believes that this requirement is in the interest of the individuals receiving care.

§ 45.21. Waivers

Proposed amendments to § 45.21(2) (relating to waivers) reflect the current name of ASHA's Council for Clinical Certification. Paragraph (3) is proposed to be deleted as it applies solely to teachers of the hearing impaired. It will be replaced with the exemption in section 7(c) of the act.

§ 45.22. Foreign-trained applicants

Section 45.22 (relating to foreign-trained applicants) is proposed to be split into two subsections for speech-language pathologists and audiologists because the educational requirements for the two professions differ as set forth in section 7(a) of the act.

§ 45.23. Provisional licenses

Proposed § 45.23 stems from the authorization in section 7(d) of the act to issue provisional licenses to: (1) speech-language pathologists and audiologists licensed in other states; (2) speech-language pathologists who are completing their supervised professional experience; and (3) audiologists who are applying for licensure or post-doctoral graduate students completing additional post-graduate professional experience. The differing lengths of the various provisional licenses are in section 7(d) of the act. Subsection (a)(1)(i) and (2)(i) tracks the statutory time frame of 6 months because the applicant has completed all of the requirements for licensure but is awaiting the issuance of the license by the Board. Subsection (a)(1)(ii) and (2)(ii) tracks the statutory time frame of 18 months enabling individuals to practice speech-language pathology or audiology while completing the professional experience required under section 7(b)(2) of the act. Because audiologists complete their supervised professional experience as part of their audiology degree, the Board understands this provision to apply to individuals seeking additional education, for example, a doctorate in education following the conferral of a doctorate in audiology. Subsection (a)(3) tracks the statutory time frame of 90 days for applicants who hold licenses in other states.

Provisional licensees are required to practice under the supervision of a supervisor who holds the same type of license as the provisional licensee except for provisional licenses issued under subsection (a)(1)(i) and (2)(i) as these individuals have already met all of the requirements for licensure.

Subsection (b) delineates the documentation that shall be submitted in connection with a provisional license. Given the statutory language that required an application and a fee to issue provisional licenses, the Board was unable to promulgate a regulation enabling the issuance of provisional licenses in a final-omitted rulemaking as requested by the Pennsylvania Speech-Language-Hearing Association. Subsection (d) delineates the documentation required for extension requests.

§ 45.24. Certification to utilize neurophysiologic intraoperative monitoring

Proposed § 45.24 stems from the addition of section 8.1 of the act requiring audiologists to obtain certifications from the Board to utilize IOM. Subsection (b)(1) tracks the requirement in section 8.1(1) of the act for current IOM certification from a National accrediting body recognized by the Board. Like the Board's proposed practice to post a list of acceptable accrediting agencies on its web site, the Board proposes to do the same with these accrediting bodies. Currently, the Board believes that the following certifications satisfy the requirements of the act: the Board Certified Specialist in Intraoperative Monitoring from the American Audiology Board of Intraoperative Monitoring; and Diplomat certification from the American Board of Neurophysiologic Monitoring. Subsection (b)(2) tracks the requirement in section 8.1(2) of the act for completion of doctoral level coursework, including neuroanatomy, neurophysiology and IOM from an accredited doctoral audiology program and clinical instruction in IOM. Applicants for certification have the affirmative burden of proving that they possess the qualifications to hold IOM certification.

§ 45.102. Code of Ethics

The Board proposes to delete references to teachers of the hearing-impaired from this section.

§ 45.103. Unprofessional conduct

In addition to proposing to delete all references to teachers of the hearing-impaired, the Board proposes to add three additional provisions from Act 106. Paragraph (22) tracks the requirement in section 8.1 of the act that audiologists possess certification from the Board to utilize IOM. Paragraph (23) tracks the requirement in section 12 of the act (63 P.S. § 1712) that licensees refer patients with suspected medical conditions beyond the licensee's scope for medical evaluation by a physician. Paragraph (24), which requires licensees to utilize universal precautions, is modeled after the Center for Disease Control's recommendation for all health care providers as well as the standard in the professions enunciated by ASHA and AAA.

Subchapter E. Assistants

All references to teachers of the hearing-impaired are proposed to be deleted from this subchapter, including those in §§ 45.301, 45.305, 45.307 and 45.308.

§ 45.304. Minimum education, experience and training requirements

In addition to proposing to delete all references to teachers of the hearing-impaired from this section, the reference to the Council on Education of the Deaf is proposed to be deleted from § 45.304(a)(1) (relating to minimum education, experience and training requirements). The references to "speech-language and hearing" are proposed to be updated to "speech-language pathology and audiology" throughout § 45.304(a).

§ 45.401. *Definitions*

The reference to teachers of the hearing-impaired are proposed to be deleted from the definition of “licensee” in this section.

Subchapter G. Continuing education

All references to continuing education for teachers of the hearing impaired are proposed to be deleted throughout this subchapter.

Fiscal Impact and Paperwork Requirements

This proposed rulemaking will increase the initial and biennial renewal fees for licensees of the Board and adopt a new fee for the issuance of provisional licenses. There are currently approximately 7,525 actively licensed speech-language pathologists and 981 actively licensed audiologists (a total of approximately 8,506 licensees) who will be required to pay \$19 more to renew their licenses. Additionally, approximately 650 applicants apply for licensure annually. The vast majority of licensees and applicants are considered to be working for small businesses. They will be impacted because their license fees will increase. The proposed rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

The proposed rulemaking will require the Board to alter some of its forms to reflect the new fee and create new applications for provisional licenses and IOM certifications. Audiologists seeking IOM certification will be required to file additional paperwork with the Board. However, this proposed rulemaking will not create other additional paperwork for the regulated community or the private sector.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 19, 2016, the Board and the Commissioner submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee (HPLC) and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC). 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 Board, the Commissioner, the General Assembly and the Governor.

Public Comment

Interested persons are invited to submit written comments, recommendations or objections regarding the proposed rulemaking in writing to Judith Pachter Schulder, Counsel, State Board of Examiners in Speech-Language Pathology and Audiology, P.O. Box 69523, Harrisburg, PA 17106-9523, RA-STRegulatory@Counselpa.gov within 30 days of publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Reference No. 16A-6803 (Fees; General Revisions) when submitting comments.

IAN J. HARLOW,
Commissioner

Bureau of Professional and Occupational Affairs

DAVID W. STEIN, PhD, CCC-SLP,
Chairperson

State Board of Examiners in Speech-Language Pathology and Audiology

Fiscal Note: 16A-6803. (1) Professional Licensure Augmentation Account; (2) Implementing Year 2015-16 is -\$0; (3) 1st Succeeding Year 2016-17 is -\$3,700; 2nd Succeeding Year 2017-18 is -\$300; 3rd Succeeding Year 2018-19 is -\$5,200; 4th Succeeding Year 2019-20 is -\$300; 5th Succeeding Year 2020-21 is -\$5,200; (4) 2014-15 Program—\$237,000; 2013-14 Program—\$209,000; 2012-13 Program—\$203,000; (7) Professional and Occupational Affairs (R); (8) recommends adoption. Eliminating the license for teachers of the hearing impaired will result in a loss of fee revenue for the Board. However, increases to the application and biennial renewal fees for all speech-language pathologists and audiologists are necessary to cover current and future year Board expenses.

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.16a. Schedule of civil penalties—audiologists[, speech-language pathologists and teachers of the hearing impaired] and speech-language pathologists.

STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE [AND HEARING] PATHOLOGY AND AUDIOLOGY

<i>Violation under</i>	<i>Title / Description</i>	<i>Civil Penalty</i>
63 P.S. [Section] § 1706	Practicing as an audiologist[,] or speech-language pathologist[, or teacher of the hearing impaired] on a lapsed license.	0-12 months—\$50 per month Over 12 months—formal action 2nd offense—formal action
49 Pa. Code § 45.501	Failure to complete 20 hours of approved continuing education during a biennial renewal period.	1st offense—\$100 per clock hour 2nd offense—formal action

CHAPTER 45. STATE BOARD OF EXAMINERS IN SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

Subchapter A. GENERAL PROVISIONS

§ 45.1. Fees.

The following are the fees [set] charged by the State Board of Examiners in Speech-Language [and Hearing] Pathology and Audiology:

- (1) Initial license[—speech-language pathologist, audiologist or teacher of the hearing impaired] [\$20] \$50
(2) Certification of licensure..... \$15
(3) Biennial renewal of license [\$46] \$65
[(4) Examination for teacher of the hearing impaired..... \$87]
(4) Provisional license..... \$50
(5) Provisional license renewal..... \$30
(6) Certification to utilize neurophysiologic intraoperative monitoring \$15
[(5)] (7) Application for continuing education approval (other than preapproved provider)..... \$40

§ 45.2. Definitions.

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

ASHA—The American Speech-Language-Hearing Association.

Act—The Speech-Language [and Hearing] Pathologists and Audiologists Licensure Act (63 P.S. §§ 1701—1719).

Biennial renewal period—The period from August 1 of an even-numbered year to July 31 of the next even-numbered year.

Board—The State Board of Examiners in Speech-Language [and Hearing of the Commonwealth] Pathology and Audiology.

* * * * *

Licensees—Speech-language pathologists[, audiologists and teachers of the hearing-impaired] and audiologists.

Practice of audiology—[The evaluation, counseling, habilitation and rehabilitation of individuals whose communication disorders center in whole or in part in the hearing function, including the prevention, identification, examination, diagnosis and treatment of conditions of the human auditory system, and including the examination for, and adapting and fitting of amplification or assistive devices.] The application of principles, methods and procedures related to disorders of the auditory and vestibular systems including the areas of audiology practice in section 3 of the act (63 P.S. § 1703) and:

(i) Provided there is no conflict with the act or this chapter, engaging in acts within the definition of the “practice of audiology” in the following documents:

(A) ASHA’s Scope of Practice in Audiology statement developed by the Coordinating Committee for

ASHA Vice President for Professional Practices in Audiology and approved in 2003 by the Legislative Council.

(B) The American Academy of Audiology’s Scope of Practice document developed in 1992, and updated in 1996 and 2004.

(C) The Academy of Doctors of Audiology’s (ADA) Scope of Practice statement jointly crafted by the ADA and the Audiology Foundation of America (July 31, 2003).

(ii) Utilizing neurophysiologic intraoperative monitoring by an audiologist holding certification from the Board under § 45.24 (relating to certification to utilize neurophysiologic intraoperative monitoring) and upon delegation from and under the overall direction of a physician.

Practice of speech-language pathology—[The evaluation, counseling, habilitation and rehabilitation of individuals whose communicative disorders involve the functioning of speech, voice or language, including the prevention, identification, examination, diagnosis and treatment of conditions of the human speech-language system, and including the examination for, and adapting and use of assistive devices.] The application of principles, methods and procedures of prevention, screening, consultation, identification, assessment and evaluation, determination of disorders and service delivery model, nonmedical treatment and intervention, counseling, collaboration and referral services for persons with known or suspected language, cognitive and linguistic, social, speech (resonance and voice, fluency and sound production), feeding and swallowing, orofacial myofunctional disorders or communication disorders, including the acts in section 3 of the act and the following:

(i) Screening individuals for hearing loss or middle ear pathology using conventional pure-tone air conduction methods, otoacoustic emissions screening and screening tympanometry.

(ii) Providing intervention and support services for children and adults diagnosed with speech-language or auditory processing disorders.

(iii) Using instrumentation to observe, collect data and measure parameters of communication and swallowing or other upper aerodigestive functions.

(iv) Developing, selecting, and implementing multimodal augmentative and alternative communication systems, including aided and unaided strategies.

(v) Providing amplification services to children and adults with hearing loss.

(vi) Selecting, fitting and establishing effective use of devices for communication and swallowing other than hearing amplification.

(vii) Providing nonmedical treatment and instruction on modification or enhancement of communication performance.

(viii) Evaluating the functionality of amplification devices.

(ix) Providing auditory training involving individuals with hearing loss.

(x) Teaching and implementing techniques to assure safety and efficiency in swallowing.

(xi) Provided there is no conflict with the act or this chapter, engaging in acts within the definition of the "practice of speech-language pathology" developed by the ASHA's Ad Hoc Committee on the Scope of Practice in Speech-Language Pathology and approved by the ASHA Legislative Council in 2007.

[*Practice of teaching the hearing-impaired*—The evaluation and instruction in curriculum-based material and communication skills appropriate for individuals affected primarily by impaired hearing sensitivity, including the prevention, identification, assessment, diagnosis and remediation of conditions affecting the educational and vocational development of deaf or hearing-impaired persons, and including the examination for the adapting and use of assistive devices.

Practicum—

(i) All aspects of a training program related to the practice of speech-language pathology, audiology or teaching of the hearing-impaired which is recognized by an accredited academic institution, and which during the total practicum experience brings the student into direct contact with a person identified as having a communication or oral/motor problem, an individual, such as a family member, spouse or close friend, who has a significant personal relationship with a person identified as having a communication or oral/motor problem, and an allied professional for the purpose of providing services to a person identified as having a communication or oral/motor problem.

(ii) The term may include hours spent in externship, student teaching or directed clinical teaching experience.]

Provider—An agency, organization, institution, college, university, professional society, association or center approved by the Board to offer an organized continuing education course or program.

[*Qualified training supervisor*—A person supervising a student in practicum or an applicant in the year of supervised professional experience, and who also holds one of the following:

(i) A current Pennsylvania license in the appropriate area of specialization for the applicant or student.

(ii) Equivalent licensure in the appropriate area of specialization from a state with which the Board has reciprocity.

(iii) A current Certificate of Clinical Competence in speech-language pathology or audiology issued by the American Speech-Language and Hearing Association, or a current professional certificate issued by the Council on Education of the Deaf, whichever is applicable to the applicant's area of specialization and is a nonresident of this Commonwealth or is exempt from licensure under section 6(b)(2) of the act (63 P.S. § 1706(b)(2)).

YSPE—Year of supervised professional experience.]

Subchapter B. LICENSURE AND CERTIFICATION

§ 45.11. Licenses and certifications.

[(a)] The Board issues the following licenses and certifications:

(1) Speech-language pathologist license.

(2) Audiologist license.

(3) [Teacher of the hearing-impaired.] Provisional license as a speech-language pathologist.

(4) Provisional license as an audiologist.

(5) Certification for an audiologist to utilize neurophysiologic intraoperative monitoring.

[(b) The Board will issue a permanent certificate indicating initial licensure and a wallet card showing the current license period.]

§ 45.12. [Application] Licensure application procedures.

[(a) Upon request, the Board will furnish a candidate for licensure an application form, a copy of the act and a copy of this chapter.

(b) The applicant shall send to the Board, along with required fees, as provided by § 45.1 (relating to fees), and documentation, a complete, signed, dated and notarized application.

(c) The applicant shall file with the Board evidence that the applicant has:

(1) Met the educational requirements of § 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent).

(2) Completed the practicum requirements of § 45.19 (relating to practicum).

(3) Completed the year of supervised professional experience requirements of § 45.20 (relating to YSPE).

(4) Has passed an examination approved by the Board.

(5) Is of good moral character.

(d) An applicant who wishes to apply for more than one license, specified in § 45.11(a) (relating to licenses), shall submit a separate application for each license.]

(a) The applicant for licensure shall submit to the Board, along with required fees as provided by § 45.1 (relating to fees), a completed, signed and dated application and applicable documentation.

(b) Excluding applicants who fall within the exclusions in section 6(b) of the act (63 P.S. § 1706(b)), the applicant for licensure shall file with the Board evidence that the applicant has:

(1) *Speech-language pathologists*.

(i) Met the educational requirements of § 45.17(a) (relating to education requirements).

(ii) Completed 9 months of supervised professional experience requirements of § 45.20 (relating to supervised professional experience).

(iii) Passed an examination approved by the Board.

(iv) **Demonstrated that the applicant is of good moral character.**

(2) Audiologists.

(i) **Met the educational requirements of § 45.17(b).**

(ii) **Passed an examination approved by the Board.**

(iii) **Demonstrated that the applicant is of good moral character.**

(c) **An applicant who wishes to apply for more than one Board-issued license or provisional license specified in § 45.11 (relating to licenses and certifications) shall submit a separate application for each license or provisional license.**

§ 45.13. **Renewal of license; inactive status of license; required continuing education.**

(a) **Unless renewed for the upcoming biennium, licenses issued under this subchapter expire at the end of the current biennium.**

(b) **[Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board by the licensee.] Licenses, provisional licenses, certifications and documentation from the Board will be sent to the address provided to the Board by the licensee. Whenever the licensee changes [his mailing] an address of record, the licensee shall notify the Board in writing within 10 days after making the address change.**

(c) **The licensee shall renew his license in the manner prescribed by the Board and pay the required fee, as provided by § 45.1 (relating to fees). Unless a licensee requests that a license be placed on inactive status, at the end of a biennial period it will be marked expired until it is renewed or reactivated.**

(d) **When a license is renewed after the expiration date, a late fee, as provided for by section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), will be charged for each month or part of a month that the licensee has engaged in practice beyond the expiration date. A licensee who practices under an expired license may be subject to criminal prosecution under section 18 of the act (63 P.S. § 1718).**

(e) **A license that is not renewed at the end of a biennium will be marked expired unless a licensee who does not intend to practice in this Commonwealth [may make written request that his] requested that the license be placed on inactive status.**

(f) **A licensee who fails to [pay the biennial renewal fee] renew a license or who requests to be placed on inactive status will not be sent [biennial renewal forms for following biennial renewal periods unless the licensee requests the Board, in writing, to reactivate the license] Board notifications until the license is renewed or reactivated.**

(g) **[Beginning with the renewal period commencing August 1, 2008, an application for renewal of a speech-language pathologist, audiologist or teacher of the hearing impaired] An application for renewal of a license will not be granted unless the licensee has certified that the licensee has completed the required continuing education hours under § 45.501 (re-**

lating to credit hour requirements). If requested by the Board, an application for renewal must also include the documentation required by § 45.504 (relating to reporting completion of continuing education).

(h) **An application for reactivation of an inactive or lapsed [speech-language pathologist, audiologist or teacher of the hearing impaired license must] license shall also include the documentation required [by § 45.504 (relating to reporting completion of continuing education) under § 45.504 for the preceding biennial period.**

§ 45.14. Reactivation of licensure status.

[A licensee who has allowed his licensure status to lapse may apply to the Board for reactivation of licensure status by satisfying the requirements of paragraph (1) on forms prescribed by the Board.

(1) A licensee applying for reactivation of licensure status is required to pay the current registration fee and submit a notarized affidavit setting forth the period of time in which the licensee did not practice in this Commonwealth.

(2) A licensee who seeks to reactivate his licensure status will not be assessed a late renewal fee for the preceding biennial registration periods in which the licensee did not engage in practice in this Commonwealth.]

(a) A licensee who wishes to reactivate an expired or inactive license shall apply for reactivation, pay the current registration fee and submit a verification of nonpractice in this Commonwealth.

(b) A licensee shall pay a late renewal fee for the preceding biennial registration periods in which the licensee engaged in practice in this Commonwealth while the license was expired or inactive.

[(3)] (c) With the exception of individuals exempt from licensure under section 6(b)(2) of the act (63 P.S. § 1706(b)(2)), [a licensee whose licensure status has lapsed due to the failure to register biennially with the Board, is prohibited from practicing in this Commonwealth unless the licensure status is reactivated. If a licensee who is not exempt from licensure engages in] licensees who practice in this Commonwealth during a period in which the licensees' registration is not renewed[, the licensee is required to] shall pay a late fee of \$5 for each month or part of a month beyond the date specified for renewal, as provided in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. § 1401-225), in addition to the prescribed biennial renewal fee. The payment of a late fee does not preclude the Board from taking disciplinary action against a licensee for practicing in this Commonwealth without a current license.

[(4) A person who fails to renew his license within 5 years after the date of its expiration may not renew it, and it will not be restored, reissued or reinstated thereafter, but the person may apply and obtain a new license, if the person meets the requirements of the act.]

(d) A licensee whose license has lapsed, been suspended or placed on inactive status for more than 5 years shall demonstrate continued competency to reactivate the license by doing one of the following:

(1) Successfully complete the initial licensing examination approved by the Board.

(2) Successfully complete the required continuing education in § 45.501(a) (relating to credit hour requirements) for the biennial periods during which the license was lapsed, suspended or inactive.

(3) Provide evidence to the Board that the applicant has a license in good standing to practice speech-language pathology or audiology in another jurisdiction that has substantially similar requirements for licensure and has engaged in practice in the other jurisdiction at some period within the last 5 years.

§ 45.15. Duplicate [certificates] licenses.

[Duplicate license certificates and wallet cards will be issued only upon submission by the licensee of a notarized statement specifying the reason for the request—Fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) shall be charged for duplicate wall certificates.]

A duplicate license will be issued only upon payment of the fee as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501).

§ 45.16. Display of license.

The licensee shall post the [original certificate] license and, if applicable, certification in a conspicuous place in the office or place of business of the licensee.

§ 45.17. Education requirements[: master's degree or equivalent].

(a) *Speech-language pathologist*. An applicant for licensure as a speech-language pathologist shall provide evidence of holding a master's or doctoral degree in speech-language pathology [or its equivalent from an accredited academic institution] from an academic program accredited by an accrediting agency approved by the Board. The Board will make available a list of approved accrediting agencies on its web site.

(b) *Audiologist*. An applicant for licensure as an audiologist shall provide evidence of holding a [master's degree in audiology or its equivalent from an accredited academic institution] doctoral degree in audiology from an academic program approved by an accrediting agency approved by the Board and the United States Department of Education or the Council for Higher Education Accreditation. The Board will make available a list of approved accrediting agencies on its web site.

[(c) *Teacher of the hearing-impaired*. An applicant for licensure as a teacher of the hearing-impaired shall provide evidence of holding a master's degree in teaching of the hearing-impaired or its equivalent from an accredited academic institution.]

§ 45.18. [Criteria for master's degree equivalent] (Reserved).

[(a) *Speech-language pathologists*.

(1) An applicant for licensure as a speech-language pathologist seeking to demonstrate that he holds a master's degree equivalent shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 20 hours in the nature of speech-language disorders, evaluation and treatment; 3 hours in case management; 3 hours in audiology; and 3 hours in habilitation and rehabilitation of speech-language problems associated with hearing-impairment; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to speech-language pathology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(b) *Audiologists*.

(1) An applicant for licensure as an audiologist, seeking to demonstrate that he holds a master's degree equivalent, shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 6 hours in normal processes of speech, language and hearing; 12 hours in pathologies of the auditory system and assessment of auditory disorders; 8 hours in habilitation and rehabilitation procedures for problems associated with hearing-impairment; 3 hours in conservation of hearing; 3 hours in speech-language pathology disorders; and 3 hours in case management; 4 hours allocated among the areas listed in this paragraph or earned in other course work related to audiology.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.

(c) *Teachers of the hearing-impaired*.

(1) An applicant for licensure as a teacher of the hearing-impaired, seeking to demonstrate that he has a master's degree equivalent, shall submit evidence to the Board of the following:

(i) Possession of a bachelor's degree from an accredited academic institution.

(ii) Completion of a program of study comprised of 39 graduate semester hours distributed as follows: 12 hours in curriculum and instruction, 12 hours in language and communication, 3 hours in foundations and 3 hours in speech science and audiology; 9 hours allocated among the areas listed in this paragraph or earned in other course work related to teaching of the hearing-impaired.

(2) Graduate semester hours in practicum may not be counted toward satisfying the 39 semester-hour requirement.]

§ 45.19. [Practicum] (Reserved).

[(a) General requirements are as follows:

(1) An applicant for licensure shall complete a practicum in the approximate specialty consisting of a minimum of 375 hours.

(2) Two hundred fifty clock hours of the practicum shall be obtained at the graduate level in the area in which licensing is sought.

(3) Practicum experience shall include a minimum of 50 clock hours in each of at least two distinctly different environments where different professional experience would be obtained.

(4) Two hundred fifty clock hours of the practicum shall be supervised by a person who is a qualified training supervisor in the student's area of specialization.

(5) The following activities shall be directly supervised:

(i) At least 50% of all diagnostic evaluations (screening services in speech-language and hearing are considered diagnostic evaluations).

(ii) At least 25% of all treatment, instruction, conferencing and counselling.

(6) A student in practicum may not do one or more of the following unless the student has the prior approval of the qualified training supervisor who is fully responsible for the action:

(i) Provide diagnostic conclusions to a person.

(ii) Initiate treatment, instruction, conferencing or counselling.

(iii) Make a referral to allied professionals for additional evaluation.

(iv) Recommend the trial use or purchase of a prosthetic device such as a hearing aid.

(v) Terminate treatment.

(vi) Take other action of comparable significance.

(7) The applicant shall submit attestations of the qualified training supervisors on a form provided by the Board as evidence of the completion of the practicum.

(b) Practicum in speech-language pathology shall include the following:

(1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.

(2) Twenty clock hours in evaluation of children with speech disorders, including disorders of articulation, voice and fluency.

(3) Twenty clock hours in evaluation of adults with speech disorders, including disorders of articulation, voice and fluency.

(4) Twenty clock hours in evaluation of children with language disorder.

(5) Twenty clock hours in evaluation of adults with language disorders.

(6) Twenty clock hours in treatment of children with speech disorders, including disorders of articulation, voice and fluency.

(7) Twenty clock hours in treatment of adults with speech disorders, including disorders of articulation, voice and fluency.

(8) Twenty clock hours in treatment of children with language disorders.

(9) Twenty clock hours in treatment of adults with language disorders.

(10) Thirty-five clock hours in audiology, including 15 clock hours in evaluation and screening and 15 clock hours in habilitation and rehabilitation.

(c) Practicum in audiology shall include the following:

(1) Prior to beginning the practicum, the applicant shall complete 25 clock hours of observation in the applicant's specialty area. Observation through the use of videotapes is acceptable. These hours of observation may be counted toward the total required clock hours needed to complete the practicum.

(2) Forty clock hours in evaluation of hearing in children.

(3) Forty clock hours in evaluation of hearing in adults.

(4) Forty clock hours in the selection and use of amplification and assistive devices for children.

(5) Forty clock hours in the selection and use of amplification and assistive devices for adults.

(6) Twenty clock hours in the treatment of hearing disorders in children and adults. Treatment refers to clinical management and counseling, including auditory training, speech reading and speech and language services for the hearing-impaired.

(7) Thirty-five clock hours in speech-language pathology unrelated to hearing impairment, including 15 clock hours in evaluation and screening and 15 clock hours in treatment.

(d) Practicum in the teaching of the hearing-impaired shall include the following:

(1) Prior to the beginning of the practicum, the applicant shall complete 125 hours of directed observation and participation with individuals of various age levels, including at least one exposure to individuals 16 years of age or older. One hundred twenty-five hours of observation and participation may be credited toward the 375 hours of practicum.

(2) Two hundred fifty hours in teaching of the hearing-impaired comprised of experience in individual and group evaluation and instruction, providing evaluation and instruction in curriculum-based material and communication skills appropriate for individuals whose cognitive and educational development have been affected primarily by impaired hearing sensitivity, participation in evaluation and assessment teams and family conferencing or counselling.

(e) The applicant shall submit the attestation of the qualified training supervisor on a form supplied by the Board that the applicant has fulfilled the criteria of the practicum.]

§ 45.20. [YSPE] Supervised professional experience.

[(a) Practicum requirements shall be fulfilled prior to the start of the YSPE.

(b) The applicant shall begin the YSPE within 4 years of completing the education and practicum requirements, and shall complete 1,080 hours in 2 consecutive years.]

(a) The applicant shall begin the supervised professional experience within 4 years of conferral of the degree, and shall complete no less than 1,260 hours in no less than 9 months, but no more than 2 years.

[(c)] (b) The Board may waive the requirements in subsection [(b)] (a) in the case of demonstrated undue hardship, military service or other good cause shown by the applicant.

[(d) The applicant shall complete the YSPE under the supervision of a qualified training supervisor who will not supervise more than three applicants completing their YSPE at any one time. Applicants may not work under the direction of more than two qualified training supervisors at one time.

(e) An applicant completing the YSPE may not hold himself out to be a licensed professional.]

(c) The applicant shall complete the supervised professional experience under the supervision of a currently licensed speech-language pathologist in the state or jurisdiction where the supervised professional experience is being obtained.

(1) The supervisor may not supervise more than three applicants completing their supervised professional experience at any one time.

(2) Applicants may not work under the direction of more than two supervisors at one time.

[(f)] (d) The applicant shall inform individuals under his care that he is completing the [YSPE] supervised professional experience and is working under the supervision of a licensed speech-language pathologist.

[(g)] (e) An applicant shall spend at least 80% of each week in direct client contact related to [:] assessment, nonmedical diagnosis, evaluation, screening, habilitation, rehabilitation, consulting, recordkeeping or other duties appropriate to a bona fide program of clinical work. No more than 50% of the applicant's time may be spent conducting screening. Clinical residents who teach, conduct research, perform administrative tasks or engage in other activities not related to direct client contact may not apply the time devoted to these activities toward meeting the [YSPE] supervised professional experience requirement.

[(h) During the YSPE] (f) During the supervised professional experience, the applicant shall routinely consult with the [qualified training] supervisor for evaluation of the applicant's performance in professional employment. These consultations shall occur at least once a month and shall include review of the applicant's performance in regard to one or more of the following:

- (1) Clinical treatment or evaluation.
- (2) Changes in the communication behaviors of persons served by the applicant.
- (3) Clinical records, diagnostic reports, treatment records, correspondence, plans of treatment and summaries of clinical conferences.
- (4) Staff conferences and interaction with allied professionals, colleagues and clients and their representatives.
- (5) Contributions to professional meetings and publications and participation in other professional growth opportunities.
- (6) Other matters related to the applicant's knowledge, skills and abilities to practice.

[(i) During the YSPE] (g) During the supervised professional experience, the applicant shall complete at least 36 supervised activities as follows:

- (1) A minimum of one supervised activity shall be completed per month.
- (2) Each of a minimum of 18 activities shall meet the following criteria. The activities shall:
 - (i) Be directly supervised and involve the assessment, nonmedical diagnosis, evaluation, screening, habilitation and rehabilitation of clients.
 - (ii) Be at least 1 hour in duration.
- (3) No more than 6 hours of direct supervision activities may be completed in 1 day.
- (4) At least six direct supervision activities shall be completed during each third of the [YSPE] supervised professional experience.
- (5) Applicants fulfilling the [YSPE] supervised professional experience at more than one site shall complete at least one direct supervision activity at each site during each of the three segments of the [YSPE] supervised professional experience.

[(j) The applicant shall submit the attestation of the qualified training supervisor, on a form supplied by the Board, that the applicant has fulfilled the criteria of the YSPE.]

(h) The supervisor shall attest that the applicant has fulfilled the criteria of the supervised professional experience.

[(k)] (i) The final decision as to whether the applicant has satisfactorily met the conditions of the [YSPE shall be] supervised professional experience is within the discretion of the Board.

§ 45.21. Waivers.

The Board will waive the education, experience and examination requirements of this subchapter for an applicant who:

- (1) Holds a [current certification or license] currently valid license to practice speech-language pathology or audiology in a state which has standards determined by the Board to be at least equal to those for licensure in this Commonwealth. The applicant shall file an application with the Board, and shall cause the appropriate agency in the state of [certification or] licensure to submit to the Board a letter attesting to the applicant's good standing.

(2) Holds a current certificate of clinical competence from the Council [**of Professional Standards of the American Speech-Language and Hearing Association (ASHA)**] for Clinical Certification of ASHA. The applicant shall file an application with the Board, and shall cause ASHA to submit to the Board certification of the applicant's status.

[(3) Holds a current professional certificate issued by the Council on Education of the Deaf (CED) in compliance with its standards for the certification of teachers of the hearing-impaired. If the certificate was issued under CED standards in effect prior to September 1, 1987, the applicant shall present evidence of having an additional ten graduate academic credits which are appropriate to the field of the teaching of the hearing-impaired. The applicant shall file an application with the Board, and shall cause the CED to submit to the Board certification of the applicant's status.

(4) Earned a bachelor's degree, as of February 19, 1985, with a major, as appropriate, in speech-language pathology, audiology or teaching of the hearing-impaired from an accredited college or university, and was employed in the appropriate field as a speech-language pathologist, audiologist or teacher of the hearing-impaired for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application with the Board, and shall cause the degree-awarding institution and the applicable employer to submit to the Board certification of degree and certification of employment status. An applicant who was self-employed during the applicable period shall so certify.]

(3) Is a current practitioner who falls within the exemption in section 7(c) of the act (63 P.S. § 1707(c)), earned a bachelor's degree in speech-language pathology or a master's degree in audiology from an accredited college or university as of February 19, 1982, and was employed as a speech-language pathologist or audiologist for at least 9 consecutive months during the period February 19, 1982—February 19, 1985. The applicant shall file an application with the Board, and shall provide documentation evidencing completion of the degree and employment as a speech-language pathologist or audiologist.

§ 45.22. Foreign-trained applicants.

(a) **Speech-language pathologist.** To apply for licensure as a **speech-language pathologist**, the foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board [**on forms provided by the Board**] that the applicant meets the following requirements:

- (1) Is of good moral character.
- (2) Has completed educational requirements substantially equivalent to [**§ 45.17 or § 45.18 (relating to education requirements: master's degree or equivalent; and criteria for master's degree equivalent) and the practicum requirements substantially equivalent to § 45.19 (relating to practicum)**] **§ 45.17(a) (relating to education requirements)**. The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(3) Has completed [**the year**] at least **9 months** of supervised professional experience as provided by § 45.20 (relating to [**YSPE**] supervised professional experience).

[(b) **The foreign-trained applicant may be licensed by the Board, if he has complied with subsection (a) and has passed the licensure examination.**]

(b) **Audiologist.** To apply for licensure as an audiologist, a foreign-trained applicant shall, before examination, submit evidence satisfactory to the Board that the applicant meets the following requirements:

(1) Is of good moral character.

(2) Has completed educational requirements substantially equivalent to § 45.17(b). The Board will accept a credential evaluation done by a recognized and accredited credential evaluation agency approved by the Board as proof that the foreign-trained applicant has completed these requirements.

(Editor's Note: Sections §§ 45.23 and 45.24 are new and printed in regular type to enhance readability.)

§ 45.23. Provisional licenses.

(a) The following applicants may be issued a provisional license:

(1) *Speech-language pathologist.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(1) (relating to licensure application procedures). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Applicants who are completing the supervised professional experience necessary to receive an ASHA Certificate of Clinical Competence. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under section 7(d) of the act (63 P.S. § 1707(d)).

(2) *Audiologists.*

(i) Applicants for licensure who have completed the requirements in § 45.12(b)(2). A provisional license granted under this subparagraph will be valid for 6 months from the date the application for licensure is submitted to the Board.

(ii) Post-doctoral graduates completing additional post-graduate professional experience. A provisional license granted under this subparagraph will be valid for 18 months and may be renewed one time under to section 7(d) of the act.

(3) *Licensees from other states.* Individuals who hold a valid license in another state to practice speech-language pathology or audiology who apply for licensure in this Commonwealth may also apply for a provisional license. A provisional license granted under this paragraph will be valid for 90 days.

(b) An applicant seeking a provisional license shall submit the following:

- (1) An application for a provisional license and the fee in § 45.1(a)(4) (relating to fees).

(2) In addition to meeting the requirements of subsection (b)(1), an applicant for a provisional license under subsection (a)(1)(ii) or (2)(ii) shall also submit:

- (i) A letter describing the applicant’s plans for completing the professional experience.
- (ii) A transcript.

(A) Speech-language pathologist applicants’ transcripts must evidence completion of the applicant’s didactic education.

(B) Audiologist applicants’ transcripts must evidence completion of didactic and clinical education.

(3) In addition to meeting the requirements of paragraph (1), an applicant for a provisional license under subsection (a)(1)(i), (2)(i) or (3) shall also submit an application for licensure and the accompanying fee in § 45.1(a)(1).

(c) Except for provisional licenses granted under subsection (a)(1)(i) and (2)(i), provisional licensees shall practice only under supervision of a supervisor who holds the same type of license as the provisional licensee and, if the provisional licensee does not hold a graduate degree, who is physically present in the area or unit where the provisional licensee is practicing.

(d) An applicant who was issued a provisional license under subsection (a)(1)(ii) seeking an extension of the provisional license shall provide a detailed written explanation of the reason the extension is requested and the status of applicant’s supervised professional experience.

§ 45.24. Certification to utilize neurophysiologic intraoperative monitoring.

(a) Prior to utilizing neurophysiologic intraoperative monitoring, an audiologist shall obtain certification from the Board.

(b) Applicants shall be granted certification by the Board upon submission of documentation evidencing one of the following:

(1) Current certification from the American Board of Neurophysiologic Monitoring, the American Audiology Board of Intraoperative Monitoring or another National certifying organization approved by the Board.

(2) Completion of the doctoral level coursework, including neuroanatomy, neurophysiology and other neurophysiologic intraoperative monitoring, from an accredited doctoral audiology program and clinical instruction in neurophysiologic intraoperative monitoring that meets the requirements of 8.1(2) of the act (63 P.S. § 1708.1(2)). The applicant has the affirmative burden of proving that these requirements are met.

(c) The Board will make available a list of approved certifying organizations on its web site.

Subchapter C. STANDARDS OF PRACTICE AND CONDUCT

§ 45.102. Code of Ethics.

(a) *General.* The Board is empowered by section 5(2) of the act (63 P.S. § 1705(2)) to promulgate a Code of Ethics for speech-language pathologists[, **audiologists and teachers of the hearing-impaired**] and audiologists, and the Board finds that the following rules are essential for establishing and maintaining stringent standards of professional conduct and for protecting the public interest, the Board has established the following Code of Ethics. A violation of this code constitutes unprofessional conduct under § 45.103 (relating to unprofessional con-

duct) or, as applicable, fraud or deceit under § 45.104 (relating to fraud or deceit), and subjects the violator to appropriate disciplinary action.

(b) *Preamble.*

(1) The preservation of the highest standards of integrity is vital to the successful discharge of the professional responsibilities of speech-language pathologists[, **audiologists and teachers of the hearing-impaired**] and audiologists. To this end, the Board has established this Code of Ethics to safeguard the public health, safety and welfare and to assure that speech-language and hearing services of the highest possible quality are available to the people of this Commonwealth. A violation of a provision of the Code of Ethics constitutes unprofessional conduct subject to disciplinary action. Accordingly, failure to specify a particular responsibility or practice in the code should not be construed as a deliberate omission.

(2) The fundamental rules of ethical conduct are described in the following categories:

(i) *Principles of Ethics.* Seven principles serve as the basis for the ethical evaluation of professional conduct and form the underlying moral basis for the Code of Ethics. Speech-language pathologists[, **audiologists and teachers of the hearing-impaired**] and audiologists, as defined in the act, shall observe these principles as affirmative obligations under all conditions of professional activity.

(ii) *Ethical proscriptions.* Ethical proscriptions are formal statements of prohibitions that are derived from the Principles of Ethics.

(c) *Principle of Ethics I.*

(1) Because speech-language pathologists[, **audiologists and teachers of the hearing-impaired**] and audiologists provide nonmedical and nonsurgical services, medical diagnosis and medical treatment by these persons are specifically to be considered unethical and illegal.

* * * * *

§ 45.103. Unprofessional conduct.

As used in section 10(5) of the act (63 P.S. § 1710(5)), the term “unprofessional conduct” includes[, **but is not limited to,**] the following types of conduct:

(1) Practicing as a speech-language pathologist[, **an audiologist or a teacher of the hearing-impaired**] or an audiologist with a license that has lapsed or that has been suspended or revoked.

(2) Knowingly aiding or abetting a person who is not licensed or exempted from licensure by the act to practice as a speech-language pathologist[, **an audiologist or a teacher of the hearing-impaired**] or an audiologist.

(3) Misrepresenting or concealing a material fact in seeking reinstatement of a license to practice as a speech-language pathologist[, **an audiologist or a teacher of the hearing-impaired**] or an audiologist.

(4) Delegating to a person duties that the speech-language pathologist[, **audiologist or teacher of the hearing-impaired**] or audiologist knows, or has reason to know, the person is not competent or authorized to perform.

(5) Committing an act of gross negligence, gross malpractice or gross incompetence, or repeated acts of negligence, malpractice or incompetence.

(6) Practicing as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist while unable to do so with reasonable skill and safety because of illness, drunkenness, excessive use of controlled substances, chemicals or other types of materials or as the result of a mental or physical condition.

* * * * *

(21) Violating a State or Federal statute or a regulation promulgated thereunder in the *Pennsylvania Code* or the *Code of Federal Regulations* by a State or Federal agency that imposes a standard for practicing as a speech-language pathologist[, an audiologist or a teacher of the hearing-impaired] or an audiologist in this Commonwealth. The Board, in reaching a decision as to whether there has been a violation of a statute or regulation, will be guided by adjudications of the agency or court that administers or enforces the standard.

(22) Utilizing neurophysiologic intraoperative monitoring without possessing certification from the Board.

(23) Failing to refer patients who presented with suspected medical conditions beyond the licensee's scope of practice under the act for medical evaluation to an appropriate physician within 30 days.

(24) Failing to utilize universal precautions or proper infection control methods.

Subchapter E. ASSISTANTS

§ 45.301. Definitions.

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

Assistant—An individual who works under the direction and supervision of a licensed audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist** and who meets the requirements in this subchapter.

Direct onsite supervision—The physical presence of a licensed audiologist[,] or **speech-language pathologist [or teacher of the hearing-impaired,]** in the facility or location where the assistant is working who is immediately available to exercise supervision, direction and control.

Interpreter—An individual whose sole function is to translate or to facilitate communication between persons via oral, cued speech, manual, total communication or written modes. For purposes of this subchapter, an interpreter is not considered an assistant.

Task—Work assigned or carried out as a part or subcomponent of the assistant's duties.

§ 45.304. Minimum education, experience and training requirements.

(a) Prior to the use of an assistant, the licensee shall obtain from the assistant evidence of one of the following:

(1) The assistant has completed 30 semester hours or the equivalent from an accredited institution of higher education in the area of speech-language [**and hearing**] **pathology and audiology** as outlined in the require-

ments as specified (nonaudited) for a certificate of clinical competence from the [**council of professional standards of the American Speech-Language and Hearing Association or the Council on Education of the Deaf**] **Council for Clinical Certification of the ASHA.**

(2) The assistant has practiced as an assistant in the area of speech-language [**and hearing**] **pathology and audiology** since at least June 8, 1989, under the supervision of an audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist** licensed in this Commonwealth.

(3) The assistant has practiced as an assistant in the area of speech-language [**and hearing**] **pathology and audiology** since at least June 8, 1989, under the supervision of an audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist** licensed in another state or the District of Columbia which has requirements for assistants substantially equivalent to the provisions of this subchapter.

(b) Prior to assigning a duty to an assistant, a licensee shall perform a task analysis of the expected duties of each assistant the licensee supervises, and shall then train the assistant, with an emphasis on competency-based skill acquisition, in accordance with this analysis. Training may be provided through formal coursework, workshops or directly supervised observation or practicum; training shall encompass all areas of activities which the assistant will perform. An assistant trained in one area [**(audiology, speech-language pathology, teaching of the hearing-impaired)**] (**audiology or speech-language pathology**) may not perform duties in another area, unless training in that area has been given. An assistant is not permitted to perform a duty for which, in the opinion of the licensed supervisor, the assistant is neither trained nor qualified. A minimum of 20 hours of practical training for each duty is required.

(c) A licensee shall familiarize an assistant with the standards of practice and conduct and the application of these ethics to each assistant's activities, codified at Subchapter C (relating to standards of practice and conduct).

§ 45.305. Functions and duties of assistants.

* * * * *

(b) The assistant may not engage in one or more of the following activities:

* * * * *

(7) Activities which require the formal education or training, and the skill and knowledge of a licensed audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist.**

§ 45.307. Limitations.

(a) An assistant may not engage in activities reserved by the act to licensees of the Board, nor may the assistant hold himself out to the public, either by title or by description of services, as an audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist.** Titles may be used only in conjunction with the appendage "assistant[;]," for example, "audiology assistant."

(b) A licensee may not assign, delegate or permit assistants to perform activities which require the formal education or training, and the skill and knowledge of a licensed audiologist[, **speech-language pathologist or teacher of the hearing-impaired**] or **speech-language pathologist**, including activities enumerated under § 45.305 (relating to functions and duties of assistants).

§ 45.308. **Exceptions.**

(a) A licensee is not required to file with the Board a list of support personnel who do not engage in activities requiring formal education or training in the field of speech-language and hearing, the skill and knowledge of a licensed audiologist[, **speech-language pathologist or a teacher of the hearing-impaired**] or **speech-language pathologist**, or the skill and knowledge of an assistant, as required under this subchapter.

(b) This subchapter does not limit the activities of a student who is pursuing a program of study supervised by a person licensed under the act which leads to a degree in audiology[, **speech-language pathology or teaching of the hearing-impaired**] or **speech-language pathology** in this Commonwealth.

Subchapter F. CHILD ABUSE REPORTING REQUIREMENTS

§ 45.401. **Definitions.**

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

* * * * *

Licensee—An audiologist[, **speech pathologist or teacher of the hearing impaired**] or **speech-language pathologist** licensed by the Board.

* * * * *

Subchapter G. CONTINUING EDUCATION

§ 45.501. **Credit hour requirements.**

(a) Each speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** shall have completed 20 clock hours of continuing education per license during each preceding biennial renewal period[, **beginning with the renewal period commencing August 1, 2008**]. Excess clock hours may not be carried over to the next biennium.

(b) Up to 10 clock hours of approved continuing education credit per biennial renewal period may be granted on a case-by-case basis for services as a lecturer or speaker, and for publication of articles, books and research relating to the practice of speech-language pathology[, **audiology or teaching of the hearing impaired**] or **audiology**. A licensee seeking continuing education credit under this subsection shall submit a written request with a copy of the lecture, presentation, article, book or research and a fee for continuing education approval as required under § 45.1 (relating to fees). The request shall be submitted 180 days prior to the expiration of the biennial renewal period for which the licensee is seeking credit. An instructor of a program approved under § 45.505 (relating to approval of continuing education programs) will receive credit to the same extent that an attendee will receive credit and is not required to apply for approval under this subsection.

(c) Unless granted a waiver under § 45.502 (relating to exemption and waiver), the Board will not renew or reactivate any speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** license until the continuing education requirement for the current biennial **renewal** period has been completed.

(d) A licensee may not receive credit for participation in substantially the same program more than once during a single renewal cycle.

§ 45.505. **Approval of continuing education programs.**

* * * * *

(d) The following programs are deemed approved for continuing education credit:

* * * * *

(3) Courses and programs offered for credit by academic programs in speech-language pathology[, **audiology or teaching of the hearing impaired**] or **audiology** associated with institutions accredited by any state's department of education or a regional commission on institutions of higher education.

* * * * *

§ 45.507. **Disciplinary action authorized.**

(a) A licensed speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** who submits fraudulent continuing education records may be subject to discipline under section 10 of the act (63 P.S. § 1710).

(b) A licensed speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** who fails to complete the required continuing education requirement within any biennial renewal period may be subject to discipline unless the licensee is exempt or has been granted a waiver under § 45.502 (relating to exemption and waiver).

(c) Notwithstanding discipline imposed by the Board under subsection (b), whether by formal disciplinary proceedings or by issuance of a citation as set forth in § 43b.16a (relating to schedule of civil penalties—audiologists[, **speech-language pathologists and teachers of the hearing impaired**] and **speech-language pathologists**), a licensed speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** who has been found to be deficient in continuing education hours shall make up deficiencies within 6 months of receiving notice of the deficiency.

(d) Failure to make up deficient continuing education hours as required under subsection (c) may subject the licensed speech-language pathologist[, **audiologist or teacher of the hearing impaired**] or **audiologist** to further discipline under section 10 of the act.

[Pa.B. Doc. No. 16-1861. Filed for public inspection October 28, 2016, 9:00 a.m.]

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On October 18, 2016, the Environmental Quality Board accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy). The petition, submitted by the Darby Creek Valley Association, Inc., requests the amendment of 25 Pa. Code § 93.9g (relating to Drainage List G) to redesignate an unnamed tributary to Whetstone Run in Delaware County from Warm Water Fishery/Migratory Fishery waters to High Quality/Migratory Fishery waters.

Under 25 Pa. Code § 93.4d(a) (relating to processing of petitions, evaluations and assessments to change a designated use), the Department of Environmental Protection (Department) is required to publish a notice of intent to assess candidate waters. The Department's assessment notice for this rulemaking petition will appear in a future issue of the *Pennsylvania Bulletin*.

The previously-referenced petition is available to the public by contacting the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Environmental Quality Board (EQB)," then "2016 Meetings"; under "Meeting Agendas/Minutes/Handouts," see "October 18, 2016").

PATRICK McDONNELL,
Acting Chairperson

[Pa.B. Doc. No. 16-1862. Filed for public inspection October 28, 2016, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 131]

Preliminary Provisions; Replacement Costs for Wildlife Killed

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 19, 2016, meeting to amend § 131.8 (relating to replacement costs for wildlife killed) to increase replacement costs for osprey from \$200 to \$2,500.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 19, 2016, meeting of the Commission. Comments can be sent until January 27, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In accordance with the goals and objectives stated in the Management Plan for Osprey in Pennsylvania, 2015—2025, the osprey (*Pandion haliaetus*) has achieved a population level, geographical distribution and tolerance

of human activity that no longer meets the definition of a threatened species. As a result, the Commission proposes the removal of the osprey from the Commonwealth's threatened species list. Current replacement costs for osprey as a listed threatened species is \$5,000. Upon delisting, replacement costs for osprey will reduce to a default of \$200. Notwithstanding its proposal to delist, the Commission determined that the osprey necessitates further protection from unlawful takings in the form of increased replacement costs upon its effective delisting date. The Commission is proposing to amend § 131.8 to increase replacement costs for osprey from \$200 to \$2,500.

Section 925(i) of code (relating to jurisdiction and penalties) states that "[i]n addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the magisterial district judge in such amount as is fixed by regulation of the commission." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to § 131.8 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 131.8 to increase replacement costs for osprey from \$200 to \$2,500.

3. Persons Affected

Persons who unlawfully take or kill ospreys within the Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

(Editor's Note: See 46 Pa.B. 6869 (October 29, 2016) for a related proposed rulemaking.)

Fiscal Note: 48-401. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 131. PRELIMINARY PROVISIONS

§ 131.8. Replacement costs for wildlife killed.

Under section 925(i) of the act (relating to jurisdiction and penalties), in addition to any fines and costs imposed for violations of the act and this title, any person who unlawfully kills or possesses wildlife may be assessed replacement costs according to the following minimum cost scale:

(1) *General class.*

(i) Each threatened or endangered bird or mammal, \$5,000.

(ii) Each bald eagle [or], golden eagle or osprey, \$2,500.

* * * * *

[Pa.B. Doc. No. 16-1863. Filed for public inspection October 28, 2016, 9:00 a.m.]

[58 PA. CODE CH. 133]
Wildlife Classification; Birds

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed at its September 19, 2016, meeting to amend § 133.21 (relating to classification of birds) to remove the osprey from the Commonwealth's list of threatened and endangered birds.

The proposed rulemaking will not have an adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the September 19, 2016, meeting of the Commission. Comments can be sent until January 27, 2017, to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

In accordance with the goals and objectives stated in the Management Plan for Osprey in Pennsylvania, 2015—2025 (Plan), the osprey (*Pandion haliaetus*) has achieved a population level, geographical distribution and tolerance of human activity that no longer meets the definition of a threatened species under § 133.4 (relating to definitions). As of the 2016 nesting season, osprey populations have met the objectives of at least 50 total nesting pairs with a steady or increasing population, including at least 10 nesting pairs in each of 4 watersheds for the second consecutive comprehensive survey. As a result, the Commission is proposing to amend § 133.21 to remove the osprey from the Commonwealth's list of threatened and endangered birds. Upon delisting, ospreys will continue to be a protected species under the code and will continue to be afforded protection under the Migratory Bird Treaty Act (16 U.S.C.A. §§ 703—712). Commission staff will continue to implement the Plan and monitor osprey nests to ensure that this species does not regress toward endangerment.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to “[a]dd to or change the classification of any wild bird or wild animal.” Section 2167(a) of the code (relating to endangered or threatened species) states that “[t]he commission may, by regulation, add or remove any wild bird or wild animal native to this Commonwealth to or from the Pennsylvania native list of endangered or threatened species.” The amendments to § 133.21 are proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 133.21 to remove the osprey from the Commonwealth's list of threatened and endangered birds.

3. Persons Affected

Persons concerned with the protected status of the osprey within this Commonwealth will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

The proposed rulemaking should not result in additional cost or paperwork.

5. Effective Date

The proposed rulemaking will be effective upon final-form publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. Contact Person

For further information regarding the proposed rulemaking, contact Thomas P. Grohol, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

R. MATTHEW HOUGH,
Executive Director

(Editor's Note: See 46 Pa.B. 6868 (October 29, 2016) for a related proposed rulemaking.)

Fiscal Note: 48-400. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter B. BIRDS

§ 133.21. Classification of birds.

The following birds are classified:

* * * * *

(2) *Threatened.*

[(i) **Osprey (*Pandion haliaetus*)**

(ii)] (i) Northern Harrier (*Circus cyaneus*)

[(iii)] (ii) Long-eared Owl (*Asio otus*)

[Pa.B. Doc. No. 16-1864. Filed for public inspection October 28, 2016, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Public Hearing and Business Meeting

The Delaware River Basin Commission (Commission) will hold a public hearing on Wednesday, November 9, 2016. A business meeting will be held on Wednesday, December 14, 2016. The hearing and business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, PA.

Public hearing. The public hearing on November 9, 2016, will begin at 1:30 p.m. Hearing items will include draft dockets for the withdrawals, discharges and other water-related projects subject to the Commission's review.

Written comments on matters scheduled for hearing on November 9, 2016, will be accepted through 5 p.m. on November 10, 2016. After the hearing on all scheduled matters has been completed, and as time allows, an opportunity for open public comment will also be provided.

The public is advised to check the Commission's web site periodically prior to the hearing date, as items scheduled for hearing may be postponed if additional time is deemed necessary to complete the Commission's review, and items may be added up to 10 days prior to the hearing date. In reviewing docket descriptions, the public is also asked to be aware that project details commonly change in the course of the Commission's review, which is ongoing.

1. *Horsehead Corporation, D-1967-196-3.* An application to renew approval of the discharges from the existing Horsehead Palmerton East Plant. The facility will continue to discharge non-contact cooling water and stormwater generated by the Electric Arc Furnace dust processing and metal powder production facilities from Outfall No. 004 (up to 0.15 million gallons per day (mgd)) and Outfall No. 005 (up to 0.432 mgd). The facility will continue to discharge up to 0.15 mgd from Outfall No. 004 and up to 0.432 mgd from Outfall No. 005 to Aquashicola Creek, which is tributary to the Lehigh River, at River Mile 183.6—36.3—1.0 (Delaware River—Lehigh River—Aquashicola Creek). The facility is located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Palmerton Borough, Carbon County, PA.

2. *Easton Area Joint Sewer Authority, D-1987-010 CP-2.* An application to renew approval of the applicant's existing 10.0 mgd wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Water Quality Zone 1E of the Delaware River at River Mile 182.8, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in the City of Easton, Northampton County, PA.

3. *Horsham Water & Sewer Authority, D-1988-017 CP-3.* An application to renew the approval of the existing 2.79 mgd Horsham Water & Sewer Authority Park Creek WWTP and its discharge. Effluent limits from the Commission and the Department of Environmental Protection

are based upon an average flow of 2.25 mgd. The WWTP will continue to discharge treated effluent to Park Creek at River Mile 115.63—24.1—9.0—1.1 (Delaware River—Neshaminy Creek—Little Neshaminy Creek—Park Creek) in Horsham Township, Montgomery County, PA.

4. *Alburtis Borough, D-1991-042 CP-4.* An application to renew the approval of an existing groundwater withdrawal of up to 11.87 million gallons per month (mgm) to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2, 3A and 4. The requested allocation is not an increase from the previous allocation. Project Wells Nos. 1 and 2 are completed in Hornblende Gneiss and Wells Nos. 3A and 4 are completed in the Leithsville Formation. The project is located in the Swabia Creek Watershed in the Borough of Alburtis and Lower Macungie Township, Lehigh County, PA within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

5. *Upper Moreland-Hatboro Joint Sewer Authority, D-1998-048 CP-3.* An application to renew the approval of the applicant's existing WWTP and its discharge. The WWTP will remain at a hydraulic capacity of 9.08 mgd and continue to treat and discharge an annual average flow of 7.189 mgd to Pennypack Creek at River Mile 109.8—17.8 (Delaware River—Pennypack Creek) in Upper Moreland Township, Montgomery County, PA.

6. *Upper Bern Township, D-2001-002 CP-4.* An application to renew the approval of the applicant's existing 0.155 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Wolf Creek, above the Blue Marsh Reservoir, at River Mile 92.47—76.8—15.6—5.1—2.3 (Delaware River—Schuylkill River—Tulpehocken Creek—Northkill Creek—Wolf Creek) in Upper Bern Township, Berks County, PA.

7. *Pennsylvania American Water Company, D-2006-033 CP-3.* An application to renew the approval of an existing groundwater withdrawal of up to 19.19 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. PW-1—PW-3. Wells Nos. PW-1 and PW-2 are completed in the Manhatting Formation and Well No. PW-3 is completed in the Trimmers Rock Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Brodhead Creek Watershed in Stroud Township, Monroe County, PA within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

8. *Franconia Sewer Authority, D-2007-041 CP-2.* An application to renew the approval of the applicant's existing 0.15 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Skippack Creek, which is a tributary of Perkiomen Creek, which is a tributary of the Schuylkill River, at River Mile 92.5—32.3—3.0—12.5 (Delaware River—Schuylkill River—Perkiomen Creek—Skippack Creek) by means of Outfall No. 001 in Franconia Township, Montgomery County, PA.

9. *City of Lewes Board of Public Works, D-2012-011 CP-2.* An application to renew the approval of the applicant's existing 1.5 mgd Lewes City WWTP and its discharge. Treated effluent will continue to be discharged to the Lewes Rehoboth Canal, a tidal tributary of Water Quality Zone 6 of the Delaware River, at River Mile

0.82—2.0 (Delaware River—Lewes Rehoboth Canal) by means of Outfall No. 001, in the City of Lewes, Sussex County, DE.

10. *Blue Mountain View Estates, LLC, D-2012-014 CP-2*. An application to renew the approval of the applicant's existing 0.026 mgd WWTP and its discharge. The WWTP will continue to discharge to the Aquashicola Creek at River Mile 183.66—36.32—8.25 (Delaware River—Lehigh River—Aquashicola Creek), within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Lower Towamensing Township, Carbon County, PA.

11. *Sunoco Partners Marketing & Terminals, LP, D-1967-240-2*. An application to approve a withdrawal of up to 590.0 mgm of surface water from existing Intake No. RW-7 for industrial cooling, industrial processes, maintenance, training and testing of the fire suppression system and miscellaneous uses including leak and pressure testing of process equipment, dust suppression during construction activities, external cooling for overheated equipment/processes and wash down of process areas at the docket holder's Marcus Hook Industrial Complex (MHIC) facility. Up to 372 mgm of this allocation is diverted to and used by two separate energy and steam generating facilities owned by NextEra Energy located on the MHIC. The docket also approves the surface water withdrawals from existing fire water Intake No. RW-5 and new fire water Intake No. Dock-2B, which are used only for emergency fire flow purposes. The allocation of surface water approved by this docket is a reduction from the previously approved withdrawal of approximately 2,178 mgm (48,800 gpm) in Docket No. D-67-240. Intake No. RW-7 will continue to withdraw surface water from the Delaware River in New Castle County, DE. Fire water Intakes Nos. RW-5 and Dock 2B are located on the Delaware River in Marcus Hook Borough, Delaware County, PA.

12. *Kent County Levy Court, D-1977-087 CP-4*. An application to approve an upgrade and expansion to the existing Kent County Levy Court WWTP. The WWTP upgrade consists of the addition of two new secondary clarifiers and tertiary filtration, along with improvements to the existing influent screening, secondary clarifiers, blowers of the existing biological nutrient removal (BNR) treatment system, ultraviolet light disinfection system, and appurtenant structures and facilities. The upgrade also includes an expansion from 16.3 mgd to 20 mgd. The WWTP will continue to discharge to "The Gut," a tidal tributary of the Murderkill River, which is a tidal tributary of Delaware River Water Quality Zone 6, at River Mile 23.0—6.4—0.8 (Delaware River—Murderkill River—The Gut), near Frederica Town, Kent County, DE.

13. *Upper Montgomery Joint Authority, D-1987-028 CP-2*. An application to upgrade the Applicant's existing 2.0 mgd WWTP. The upgrade consists of replacing the existing trickling filter/solid contact treatment system with a new BNR treatment system, and appurtenant improvements, including expanding the hydraulic design capacity of the WWTP from 2.5 mgd to 2.75 mgd. The WWTP will remain at an average annual design flow of 2.0 mgd and will continue to discharge to the Green Lane Reservoir on Perkiomen Creek, which is a tributary of the Schuylkill River, at River Mile 92.5—32.3—25.0—0.2 (Delaware River—Schuylkill River—Perkiomen Creek—Green Lane Reservoir) in Upper Hanover Township, Montgomery County, PA.

14. *Aqua Pennsylvania, Inc., D-2001-015 CP-6*. An application to approve new Well No. SWC-14 for inclusion into the applicant's public water supply distribution system and to renew the approval of an existing groundwater withdrawal of up to 39.33 mgm from one new and 12 existing wells. All the wells are completed in the Brunswick Formation, except for Well No. CP-9 which is completed in the Lockatong Formation. The wells are located in the Commission's designated Ground Water Protected Area (GWPA) in the Swamp Creek, Minister Creek, Scioto Creek and Zacharias Creek watersheds in New Hanover, Douglass, Upper Fredrick and Worcester Townships, Montgomery County, PA.

15. *Lower Perkiomen Valley Regional Sewer Authority, D-2001-042 CP-5*. An application to rerate the maximum monthly average daily flow of the applicant's existing Oaks WWTP from 20 mgd to 26 mgd. The WWTP average daily flow will remain at 14.25 mgd. No modifications to the existing WWTP are proposed. The existing WWTP has adequate capacity to accommodate the rerate to 26 mgd. The WWTP will continue to discharge treated effluent directly to the Schuylkill River at River Mile 92.47—32.4 (Delaware River—Schuylkill River) in Perkiomen Township, Montgomery County, PA.

16. *EPR Concord II, LP, D-2006-035-2*. An application to approve a groundwater withdrawal of up to 6.2 mgm from existing Wells Nos. 1, 2 and PW-4 and surface water withdrawals of up to 3.1 mgm from Kiamesha Creek and 9.3 mgm from Irrigation Pond No. 1 for irrigation of the applicant's existing golf course that is being completely reconstructed. Additionally, groundwater from the same groundwater sources, but primarily Well No. 1, will be transferred to storage ponds from which up to 15 million gallons seasonally will be used for snowmaking purposes at an adjacent proposed tubing area and learn-to-ski hill. The project wells are completed in the Lower Walton Formation in the Sheldrake Stream Watershed, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Town of Thompson, Sullivan County, NY.

17. *Camp Moshava, D-2015-014-1*. An application to approve the applicant's existing 0.036 mgd WWTP and its discharge. Treated effluent will continue to be discharged to an unnamed tributary (UNT) of Indian Orchard Brook, which is a tributary of the Lackawaxen River, at River Mile 277.7—23.1—1.8—0.5 (Delaware River—Lackawaxen River—Indian Orchard Brook—UNT), within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Berlin Township, Wayne County, PA.

18. *Crossroads Ventures, LLC, D-2016-003 CP-1*. An application to approve a withdrawal of up to 8.122 mgm of groundwater from Wells Nos. K2—K4 and Q1 for public water supply of a new resort and the exportation of up to 8.122 mgm of water from the Delaware River Basin (DRB) to the Middle Hudson River Basin (MHRB). The water withdrawn for public supply from sources in the DRB will be used within the basin, and after use will be conveyed out-of-basin to an existing WWTP located in the MHRB. The docket also approves the importation of water for snowmaking on proposed ski trails and lift areas in the DRB from a surface water source located in the MHRB. The project is located in the Town of Middletown, Delaware County and the Town of Shandaken, Ulster County, NY. All but the easternmost portion of the property is located within the DRB. The wells are com-

pleted in the Lower Walton Formation in the Vly Creek-Bushkill Watershed, which is part of the East Branch Delaware River Watershed within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Middletown and Village of Fleischmanns, Delaware County, NY.

19. *Birdsboro Power, LLC, D-2016-004-1.* An application to approve a new 485 megawatt electric generating plant and its associated consumptive use of water. The facility will purchase up to 95.17 mgm of cooling water from the Reading Area Water Authority. The estimated average and maximum consumptive use for the facility is 2.35 mgd and 2.72 mgd, respectively. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission's Flood Plain Regulations. The facility will be located in the Borough of Birdsboro, Berks County, PA.

20. *Brookside Country Club, D-2016-005-1.* An application to approve a groundwater withdrawal of up to 8.208 mgm to irrigate the docket holder's golf course from new Well No. 2 completed in the Brunswick Formation. Well No. 2 is replacing the old golf course Well No. 1, which has experienced declining yield. The golf course has been supplementing groundwater use with water purchased from the Borough of Pottstown. The project is located in the Commission's designated GWPA in the Sprogels Run Watershed in the Borough of Pottstown and Lower Pottsgrove Township, Montgomery County, PA.

Public meeting. The public business meeting on December 14, 2016, will begin at 10:30 a.m. and will include: adoption of the minutes of the Commission's September 14, 2016, business meeting; announcements of upcoming meetings and events; a report on hydrologic conditions; reports by the Executive Director and the Commission's General Counsel; and consideration of any items for which a hearing has been completed or is not required.

After all scheduled business has been completed and as time allows, the meeting will also include up to 1 hour of open public comment.

There will be no opportunity for additional public comment for the record at the December 14, 2016, business meeting on items for which a hearing was completed on November 9, 2016, or a previous date. Commission consideration on December 14, 2016, of items

for which the public hearing is closed may result in approval of the item (by docket or resolution) as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date, or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance sign-up for oral comment. Individuals who wish to comment on the record during the public hearing on November 9, 2016, or to address the Commissioners informally during the open public comment portion of the meeting on either November 9, 2016, or December 14, 2016, as time allows, are asked to sign up in advance by contacting Paula Schmitt, paula.schmitt@drbc.nj.gov.

Addresses for written comment. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or by hand, United States Mail or private carrier to the Commission Secretary, P.O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522 or e-mail (preferred) paula.schmitt@drbc.nj.gov. If submitted by e-mail, written comments on a docket should also be sent to David Kovach, Manager, Project Review Section, david.kovach@drbc.nj.gov.

Accommodations for special needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711 to discuss how the Commission can accommodate their needs.

Additional information, contacts. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Carol Adamovic at (609) 883-9500, Ext. 249. For other questions concerning hearing items, contact Judith Scharite, Project Review Section assistant at (609) 883-9500, Ext. 216.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 16-1865. Filed for public inspection October 28, 2016, 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 October 18, 2016.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-1-2016	DNB Financial Corporation Downingtown Chester County Application for approval to acquire 100% of East River Bank, Philadelphia.	Effective
10-14-2016	Prudential Bancorp, Inc. Philadelphia Philadelphia County Application for approval to acquire 100% of Polonia Bancorp, Inc., Huntingdon Valley, and thereby indirectly acquire 100% of Polonia Bank, Huntingdon Valley.	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-14-2016	Prudential Savings Bank Philadelphia Philadelphia County Application for approval to merge Polonia Bank, Huntingdon Valley, with and into Prudential Savings Bank, Philadelphia.	Approved
10-17-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County Application for approval to purchase assets and assume liabilities of one branch of Wayne Bank, Honesdale, located at: 623 South Main Street Scranton Lackawanna County	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-3-2016	Orrstown Bank Shippensburg Cumberland County	4750 Lindle Road Harrisburg Dauphin County	Opened
10-4-2016	PeoplesBank, A Codorus Valley Company York York County	3002 Hempland Road Lancaster Lancaster County	Opened
10-11-2016	Jonestown Bank & Trust Company Jonestown Lebanon County	Route 42 and Anthony Drive Manheim Lancaster County	Approved
10-12-2016	Luzerne Bank Luzerne Luzerne County	669 State Route 93 Highway Sugarloaf Luzerne County	Filed
10-12-2016	Jersey Shore State Bank Williamsport Lycoming County	2842 Earlstown Road Centre Hall Centre County	Filed
10-18-2016	CNB Bank Clearfield Clearfield County	535 Washington Street Buffalo Erie County, NY	Filed
10-18-2016	CNB Bank Clearfield Clearfield County	5190 Sheridan Drive Williamsville Erie County, NY	Filed
10-18-2016	CNB Bank Clearfield Clearfield County	3049 Orchard Park Road Orchard Park Erie County, NY	Filed
10-18-2016	F&M Trust Co. of Chambersburg Chambersburg Franklin County	711 Centerville Road Newville Cumberland County	Withdrawn

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-18-2016	Jersey Shore State Bank Williamsport Lycoming County	491 Sycamore Road Snow Shoe Centre County	Filed
10-18-2016	PeoplesBank, A Codorus Valley Company York York County	2001 Harrisburg Pike Lancaster Lancaster County (Limited Service Facility)	Filed

Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-17-2016	Fidelity Deposit & Discount Bank Dunmore Lackawanna County	<i>Into:</i> 400 South Main Avenue Scranton Lackawanna County <i>From:</i> 623 South Main Avenue Scranton Lackawanna County	Filed

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-18-2016	TruMark Financial Credit Union Fort Washington Montgomery County Application for approval to merge Dow Northeast Employees Federal Credit Union, Philadelphia, with and into TruMark Financial Credit Union, Fort Washington.	Approved

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. 16-1866. Filed for public inspection October 28, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PAS602204 (Storm Water)	SR Recycling Inc. (a/k/a SR Used Parts) 400 Daniels Road (Route 946) Nazareth, PA 18064-8753	Northampton County Bushkill Township	Unnamed Tributary of East Branch Monocacy Creek (2-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0020044 (Sewage)	Fredonia WWTP PO Box 487 45 Water Street Fredonia, PA 16124-0487	Mercer County Fredonia Borough	Mill Run (20-A)	Yes

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

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

PA0026450 A-1, Sewage, SIC Code 4952, **Bristol Township**, 2501 Bath Road, Bristol, PA 19007. Facility Name: Bristol Township STP. This existing facility is located in Bristol Township, **Bucks County**.

Description of Existing Activity: The permit amendment grants Bristol Township's request by applying 88.5% removal requirement to BOD₅ and not to CBOD₂₀.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 2.25 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	Inst Min 4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	Inst Min XXX	0.6	XXX	1.3

<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>Daily Maximum</i>	
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)						
Influent	Report	XXX	XXX	Report	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	357.0	544.0	XXX	19.0	29.0	38
Biochemical Oxygen Demand (BOD ₅) (%)					Wkly Avg	
Percent Removal	XXX	XXX	88.5	XXX	XXX	XXX
Influent	Report	XXX	XXX	Report	XXX	XXX
BOD, carbonaceous, 20 day, 20 C	590.0	XXX	XXX	XXX	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	563.0	844.0	XXX	30.0	45.0	60
Total Dissolved Solids	Report	XXX	XXX	XXX	Wkly Avg Report	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	200.0	XXX	1,000.0
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200.0	XXX	1,000.0
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	657.0	XXX	XXX	35.0	XXX	70
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Copper, Total	XXX	XXX	XXX	XXX	Report	XXX
PCBs Dry Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs Wet Weather Analysis (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Ceriodaphnia Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Reproduction (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Toxicity, Chronic—Pimephales Survival (TUc)	XXX	XXX	XXX	XXX	Report	XXX
Growth (TUc)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Monitoring Point MP 101 are:

<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>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	Report Inst Min	XXX	XXX	Report
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand (COD)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Iron, Dissolved	XXX	XXX	XXX	XXX	Report	XXX

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

- Notification of the designation of the responsible operator
- Development of O&M plan
- POTW pretreatment implementation
- WET requirements
- PCB pollutant minimization plan

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 not in effect.

PA0244864, Industrial, SIC Code 4941, **Warminster Municipal Authority**, 415 Gibson Road, Warminster, PA 18974. Facility Name: Warminster Well 26 GWCU. This proposed facility is located in Warminster Township, **Bucks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.266 MGD:

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX Daily Max	6.0 Inst Min	XXX	XXX	9.0
Tetrachloroethylene	XXX	XXX	XXX	0.001	XXX	0.0025
Trichloroethylene	XXX	XXX	XXX	0.004	XXX	0.010
PFOA	XXX	XXX	XXX	Report	XXX	Report
PFOS	XXX	XXX	XXX	Report	XXX	Report
Total PFOA and PFOS	XXX	XXX	XXX	0.00007	XXX	0.000175

The proposed effluent limit for Total PFOA and PFOS is based on the latest EPA Drinking Water Health Advisories which recommended a maximum combined concentration of PFOA and PFOS as 70 parts per trillion (0.07 ppm). (EPA, May 2016).

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

- Obtain Necessary Property Rights
- Proper Sludge Disposal
- BAT/BCT Reopener
- Small 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: Clean Water Program Manager, 2 Public Square, Wilkes Barre, PA 18701-1915. Phone: 570-826-2511.

PA0275841, Industrial Stormwater, SIC Code 3561, **Curtiss Wright EPD**, 1185 Feather Way, Bethlehem, PA 18015. Facility Name: Curtiss Wright EPD. This existing facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of uncontaminated stormwater and non-process pump test water.

The receiving stream, Saucon Creek, is located in State Water Plan watershed 02C 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 n/a MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Iron, Total	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Internal Monitoring Point (IMP) 101 are based on a design flow of 0.00135 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Total Volume (gal)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

The proposed effluent limits for IMP 201 are based on a design flow of 0.00135 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (GPM)	Report	XXX	XXX	XXX	XXX	XXX
Duration of Discharge (hours)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	0.05
Oil and Grease	XXX	XXX	XXX	15.0	XXX	30.0
Iron, Dissolved	XXX	XXX	XXX	Report	XXX	XXX
Total Volume (gal)	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					

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

- Requirements Applicable to Stormwater Outfalls

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

The EPA Waiver is in effect.

PA0023469-A1, Sewage, SIC Code 4952, **Central Wayne Regional Authority**, 574 Bucks Cove Road, Honesdale, PA 18431. Facility Name: Central Wayne Regional Authority WWTP. This existing facility is located in Honesdale Borough, **Wayne County**.

Description of Existing Activity: The application is for an amendment of an NPDES permit for an existing discharge of treated sewage.

The receiving stream, the Lackawaxen River, is located in State Water Plan watershed 01B and is classified for, High Quality Waters—Trout Stocking, Migratory 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 2.2 MGD for the period from Permit Effective Date through May 31, 2019.

<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	7.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	275	422	XXX	15.0	23.0	30.0
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	385	578	XXX	21.0	31.5	42.0
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
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
Nitrite-Nitrate as N	147	XXX	XXX	8.0	XXX	16.0
Total Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	357	XXX	XXX	19.5	XXX	39.0
May 1 - Oct 31	119	XXX	XXX	6.5	XXX	13.0
Total Kjeldahl Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	22.9	XXX	XXX	1.25	XXX	2.5

The proposed additional effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.—Interim Limits for the period from Permit Effective Date through April 30, 2019.

<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>Daily Maximum</i>	
Copper, Total	XXX	XXX	XXX	Report	Report	XXX
Lead, Total	XXX	XXX	XXX	Report	Report	XXX
Zinc, Total	XXX	XXX	XXX	Report	Report	XXX

The proposed additional effluent limits for Outfall 001 are based on a design flow of 2.2 MGD.—Final Limits for the period from May 1, 2019, through May 31, 2019.

<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>	
Copper, Total	0.23	0.36	XXX	0.013	0.020	XXX
Lead, Total	0.09	0.16	XXX	0.005	0.009	XXX
Zinc, Total	2.0	3.3	XXX	0.11	0.18	XXX

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

- Combined Sewer Overflows—Management and Control; Continued Implementation of Nine Minimum Controls; Implementation of Long Term Control Plan

- Toxics Reduction Evaluation (TRE)
- Whole Effluent Toxicity (WET) Testing

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

The EPA Waiver is not in effect.

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

PA0029491, Sewage, SIC Code 4952, **PA American Water Co.**, 425 Waterworks Road, Clarion, PA 16214. Facility Name: Clarion Area STP. This existing facility is located in Monroe Township, **Clarion 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, Trout Run, is located in State Water Plan watershed 17-B 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 2.9 MGD.

<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	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD ₅)	605	967	XXX	25.0	40.0	50
Biochemical Oxygen Demand (BOD ₅)						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	726	1,088	XXX	30.0	45.0	60
Influent	Report	XXX	XXX	Report	XXX	XXX
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	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Chlorine Minimization
- Solids Management
- Requirements Governing the Acceptance of Hauled-In waste

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

The EPA Waiver is not in effect.

PA0264725, Sewage, SIC Code 8800, **Richard A Edwards**, 476 Methodist Road, Greenville, PA 16125. Facility Name: Rick Edwards SRSTP. This proposed facility is located in Hempfield Township, **Mercer County**.

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

The receiving stream, Mathay Run, is located in State Water Plan watershed 20-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 Outfall 001 are based on a design flow of 0.0004 MGD.

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

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

- Prohibition of Stormwater Discharges
- Right of Way
- Department Revocation of Permit
- Aerobic Tank Pumping Requirement
- Abandonment of the Treatment System
- Requirement to Submit Annual Maintenance & Discharge Monitoring Reports
- Solids Handling

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.

PA0264750, Sewage, SIC Code 4952, 8800, **Jamie Fitch**, 1470 Brown Hill Road, Youngsville, PA 16371. Facility Name: Jamie Fitch SRSTP. This proposed facility is located in Brokenstraw Township, **Warren County**.

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

The receiving stream is Indian Camp Run, located in State Water Plan watershed 16-B 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 0.0004 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 (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

The EPA Waiver is in effect.

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>
PAI010916006	Richland Township 1328 California Road Quakertown, PA 18951	Bucks	Richland Township	Unami Creek HQ-TSF-MF
PAI010916008	Solvay USA, Inc. 504 Carnegie Center Princeton, PA 08540-6241	Bucks	Falls Township	Biles Creek WWF-MF
PAI014616003	Bridgeview Development Associates 2701 Renaissance Boulevard King of Prussia, PA 19406	Montgomery	Bridgeport Borough	Schuylkill River

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD380001	Keystone Protein Company Wastewater Treatment Plant Expansion	Lebanon	Bethel Township	UNT Elizabeth Run (WWF) Earlkill Run (WWF) UNT Little Swatera Creek (WWF)
PAD360002	Scott Brinton 323 Riverview Road Peach Bottom, PA 17563	Lancaster	Fulton Township	UNT Susquehanna (HQ-CWF, MF) Haines Branch (HQ-WWF, MF) Puddle Duck Creek (HQ-WWF, MF)
PAI032116010	UGI Utilities, Inc. 2525 N. 12th St. Suite 360 PO Box 12677 Reading, PA 19612-2677	Cumberland	South Middleton Township and Carlisle Boro	UNT Hogestown Run (CWF, MF) LeTort Spring Run (EV, MF)
PAI036716003	Conewago Township Wastewater Treatment Facility 600 Locust Point Road York, PA 17406	York	Conewago Township	Little Conewago Creek (TSF)

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

Columbia County Conservation District: 702 Sawmill Road, Suite 204, Bloomsburg, PA 17815, (570) 784-1310, X 102.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD190001	Integrity Land Development Dennis Reedy	Columbia	Hemlock Twp	Hemlock

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

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD650002	Dominion Transmission, Inc. 5000 Dominion Blvd. Glen Allen, VA 23060	Westmoreland County	Salem Township	Beaver Run (HQ-CWF)

STATE CONSERVATION COMMISSION

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These

NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Hillandale Gettysburg, LP Bailey Farms 2820 Daron Road Spring Glenn, PA 17362	York	282.1	4,083.9	Layers	None	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Permit No. 4616525 , Public Water Supply.
Applicant Aqua Pennsylvania, Inc.
Township Horsham
County Montgomery
Responsible Official Curt R. Steffy Vice President—Production 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility PWS
Consulting Engineer Margo M. Weigner, P.E. GHD 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date September 26, 2016
Description of Action Installation of ammonia feed equipment at Hatboro Well station No. 6.

Permit No. 4616527 , Public Water Supply.
Applicant Aqua Pennsylvania, Inc.
Township Upper Moreland
County Montgomery
Responsible Official Curt R. Steffy Vice President—Production 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility PWS
Consulting Engineer Margo M. Weigner, P.E. GHD 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date September 26, 2016

Description of Action Installation of ammonia feed equipment at Hatboro Well station No. 21.

Permit No. 4616528, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township Horsham
County **Montgomery**
Responsible Official Curt R. Steffy
Vice President—Production
762 West Lancaster Avenue
Bryn Mawr, PA 19010

Type of Facility PWS
Consulting Engineer Margo M. Weigner, P.E.
GHD
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date September 26, 2016

Description of Action Installation of ammonia feed equipment at Hatboro Well station No. 8.

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

Application No. 4516508, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**
410 Mill Creek Road
East Stroudsburg, PA 18301

[Township or Borough] Stroud Township
Monroe County

Responsible Official Kenneth R. Brown
410 Mill Creek Road
East Stroudsburg, PA 18301

Type of Facility PWS
Consulting Engineer Russell D. Scott IV, PE
RKR HESS
112 North Courtland Street
East Stroudsburg, PA 18301

Application Received Date 10/05/2016

Description of Action Upgrade booster pumps station

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

Permit No. 6516509, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**
124 Park & Pool Road
New Stanton, PA 15672

[Township or Borough] Bell Township
Responsible Official Christopher H. Kerr, Resident
Manager
Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Type of Facility Water system

Consulting Engineer Municipal Authority of
Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Application Received Date October 17, 2016

Description of Action Switching from existing
potassium permanganate
injection to a sodium
permanganate system.

Permit No. 1115510-A1, Public Water Supply.

Applicant **Nanty Glo Water Authority**
1015 First Street
Suite 1
Nanty Glo, PA 15943

[Township or Borough] Cambria Township

Responsible Official Harry Gearhart, Chairman
Nanty Glo Water Authority
1015 First Street
Suite 1
Nanty Glo, PA 15943

Type of Facility Water system
Consulting Engineer Stiffler, McGraw and Associates,
Inc.
1731 North Juniata Street
Hollidaysburg, PA 16648

Application Received Date October 17, 2016

Description of Action Replacing chlorine gas
disinfection system with a
sodium hypochlorite system;
replace sodium hydroxide storage
tank; and replace the potassium
permanganate feed system with
a sodium permanganate feed
system.

Permit No. 0216534, Public Water Supply.

Applicant **Wilksburg-Penn Joint
Water Authority**
220 Robinson Boulevard
Pittsburgh, PA 15235

[Township or Borough] Trafford Borough

Responsible Official Nick Bianchi, Executive Director
Wilksburg-Penn Joint Water
Authority
220 Robinson Boulevard
Pittsburgh, PA 15235

Type of Facility Trafford water storage tank

Consulting Engineer Chester Engineers
1555 Coraopolis Heights Road
Moon Township, PA 15108

Application Received Date October 14, 2016

Description of Action Installation of a TTHM removal
system in the Trafford water
storage tank.

Permit No. 0216535, Public Water Supply.

Applicant **Wilksburg-Penn Joint
Water Authority**
220 Robinson Boulevard
Pittsburgh, PA 15235

[Township or Borough]	Pitcairn Borough
Responsible Official	Nick Bianchi, Executive Director Wilkesburg-Penn Joint Water Authority 220 Robinson Boulevard Pittsburgh, PA 15235
Type of Facility	Pitcairn standpipe
Consulting Engineer	Chester Engineers 1555 Coraopolis Heights Road Moon Township, PA 15108
Application Received Date	October 14, 2016
Description of Action	Installation of a TTHM removal system in the Pitcairn standpipe.

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

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

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

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

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

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

J. Adams Well Pad 1, 3268 State Route 547, Harford Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburg, PA 15275, submitted a Notice of Intent to Remediate. A release of recycled water occurred at this site impacting soil and groundwater. The proposed future use of the property will be non-residential. The Notice of Intent to Remediate was published in *he Susquehanna County Transcript, Inc.* on August 10, 2016.

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

Quaker Building, 485 Saint John's Church Road, Shiremanstown, PA 17011, Hampden Township, **Cumberland County**. HRG Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of QB Limited Partnership, 5351 Jaycee Avenue, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with VOCs, SVOCs and Inorganics. The site will be remediated to the combination of Background, Site Specific and Statewide Health Standards. Future use of the site is unknown at this time. The Notice of Intent to Remediate was published in the *Patriot News* on September 18, 2016.

MUNICIPAL WASTE GENERAL PERMITS

New Permit Application 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

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

General Permit Application No. WMGM061SC001, Pure Recovery Group, Inc., 613 Memory Lane York, PA 17402. General Permit Number WMGM061 is for the beneficial use of recycled course and fine aggregate from municipal solid waste incinerator ash used as an aggregate in construction material. The general permit application was found to be administratively complete by Central Office on October 1, 2016.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits

Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. 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 General Permit Number WMGM061SC001" 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.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) received for Determination of Applicability 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 a Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

Southwest Region: Bureau of Waste Management, Environmental Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

General Permit No. WMGR081D010. JVS Environmental, LLP, 413 Broadway Street, Rockwood, PA 15557. JVS Electronics Recycling Facility, 1466 Cornerstone Road, Friedens, PA 15541. A minor modification of the determination of applicability under residual waste general permit for the processing and beneficial use of waste electronics in Stonycreek Township, **Somerset County**, was deemed administratively complete in the Regional Office on September 16, 2016.

General Permit No. WMGR082SW004. Laurel Sand & Stone, Inc., PO Box 556, Ligonier, PA 15658-0556. The General Permit is for the processing and beneficial use of steel and iron slag and refractory bricks mined from an existing slag pile for use as a construction material and as an alkaline amendment at the Laurel Sand & Stone Processing Facility, Chickaree Road, Jackson Township, **Cambria County**. The application for determination of applicability was administratively complete by the Southwest Regional Office on October 18, 2016.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412.442.4000. 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 Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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

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

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

PA 66-00001H: Procter and Gamble Company (P.O. Box 32, Route 87 South, Mehoopany, PA 18629) for the

Modification of the steam header on four (4) boilers in order to add flexibility to the steam injection system of COGEN 1.

Additionally P&G has elected to take more restrictive PM₁₀, and PM_{2.5} emissions limits and take limits on the amount of natural gas usage of all four boilers. This plan approval does not modify the boilers in any way other than changing the steam header on the boilers. Additionally all requirements that have already been established in the facilities current Title V Permit will be complied with in Washington Township, **Wyoming County**:

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

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

36-05136D: Granger Energy of Honeybrook, LLC (16980 Wood Road, Lansing, MI 48909-7185) for an increase in the SO₂ limit for each of the facility's two landfill gas-fired engines at the Lanchester Landfill located in Caernarvon Township, **Lancaster County**. As a result of the changes proposed, the modification will revise the facility's potential-to-emit (pte) for SO_x emissions to 21.7 tpy. The facility's potential emissions for all other pollutants will remain unchanged with CO emissions at 151.0 tpy, NO_x emissions at 43.1 tpy, VOC emissions at 38.0 tpy, PM₁₀ emissions at 5.3 tpy, and HAP emissions at 20.1 tpy. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 123.13 Process Particulate Matter. Based on these findings, the Department proposes to issue a plan approval for the proposed modification. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

41-00077B: Kellogg USA, Inc. (572 Industrial Park Road, Muncy, PA 17756) for the construction of a Haas brand, 13.4 MMBtu/hr, natural gas-fired pastry bake oven at its existing facility in Muncy Creek Township, **Lycoming County**. The Department of Environmental Protection's (Department) review of the information submitted by Kellogg USA, Inc. indicates that the air contamination source to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from the proposed oven will not exceed the following limits: 2.88 TPY NO_x, 4.83 TPY CO, <22 TPY VOCs, 0.04 TPY SO_x, 0.44 TPY PM/PM₁₀/PM_{2.5}, 0.11 TPY HAPs, 6,919 TPY CO₂e. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: the oven shall be fired only on natural gas, the permittee shall keep records of all raw materials used and production rates to verify compliance with all emissions limitations.

The facility is a State Only facility. If the Department determines that the source is constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 41-00077B, the requirements established in the plan approval will be incorporated into State Only (Synthetic Minor) Operating Permit 41-00077 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. 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.

49-00063A: Sensenig Milling Services, Inc. (10705 State Route 44, Watsontown, PA 17777) for the construction of a bakery waste rotary dryer incorporating a 40 million Btu per hour, natural gas/solid fuel-fired suspension burner at the Sensenig Milling Services' facility located in Lewis Township, **Northumberland County**. The Department of Environmental Protection's (Department) review of the information submitted by Sensenig Milling Services' indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction. The emissions from the proposed source included in this project will not exceed the following limits: 13.00 tons of nitrogen oxides (NO_x, expressed as NO₂) per year, 30.00 tons of carbon monoxide per year, 22.55 tons of volatile organic compounds per year and 10.73 tons of particulate matter per year.

In addition to the emission limitations, the following is a brief description of the types of conditions and limits the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements. The Plan Approval conditions shall not permit the emission of: sulfur oxides, expressed as SO₂, into the outdoor atmosphere from the rotary dryer in such a manner that the concentration of the sulfur oxides in the effluent gas from the associated dust collector exceeds 500 parts per million, by volume, dry basis; particulate matter from the rotary dryer into the outdoor atmosphere in such a manner that the concentration in the effluent gas from the associated dust collector exceeds 0.01 grain per dry standard cubic foot.

The rotary dryer shall be operated and maintained in accordance with the manufacturer's instructions and shall not be operated more than 5,000 hours in any 12 consecutive month period. The 40 million Btu per hour suspension burner incorporated in the rotary dryer shall only be fired on natural gas and non-hazardous secondary material which are not solid wastes when used as a fuel for the rotary dryer that remain within the control of the

generator and that meet the legitimacy criteria specified in the plan approval. The non-hazardous secondary material must have a meaningful heating value of greater than 5,000 Btu per pound in accordance with the permit-by rule requirements specified in 25 Pa. Code § 287.102. The non-hazardous secondary material used to fire the burner incorporated in the rotary dryer shall not have as constituents chloride-containing plastic packaging and non-combustible materials such as aluminum pie plates.

The 40 million Btu per hour suspension burner incorporated in the rotary dryer shall be equipped with an interlock, or other such device, which prevents the burner from firing more than 2,500 pounds of non-hazardous secondary material per hour. The combustion chamber of the suspension burner incorporated in the rotary dryer shall be equipped with instrumentation to continuously monitor the temperature of the chamber and an interlock, or other such device, which prevents the auger from feeding non-hazardous secondary material into the combustion chamber of the burner when the temperature of the combustion chamber is less than 1,300°F.

The cyclone separator and the dust collector, which shall be installed inside a heated building, shall each be equipped with instrumentation to continuously monitor the differential pressure across the respective control device along with instrumentation to continuously monitor the inlet temperature of the control device. Additionally, should the subject instrumentation detect temperatures approaching the dew point, the instrumentation shall signal the automatic dryer temperature control system to increase the heat input of the rotary dryer and/or decrease the waste feed rate to the rotary dryer. The cyclone separator and the dust collector, as well as all associated ducting from the outlet of the rotary dryer to the inlet of the cyclone separator and from the outlet of cyclone separator to the inlet of dust collector, shall be insulated in such a fashion to prevent effluent gas from dropping to dew point or condensing in the control device surfaces. The permittee shall keep on hand a sufficient quantity of spare fabric collector bags for the dust collector in order to be able to immediately replace any bags requiring replacement. Only bags treated with a fluoropolymer, or equivalent, which reduces filter cake build-up of agglomerating and strongly adhesive particulate matter, shall be used in the fabric collector.

All conditions contained in State Only Operating Permit 49-00063 remain in effect unless superseded or amended by conditions contained in this plan approval. If there is a conflict between a condition or requirement contained in this plan approval and a condition or requirement contained in State Only Operating Permit 49-00063, the permittee shall comply with the condition or requirement contained in this plan approval rather than the conflicting condition or requirement contained in State Only Operating Permit 49-00063. The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 49-00063A, the requirements established in the plan approval will be incorporated into a state only operating permit pursuant to 25 Pa. Code § 127.421. 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.

OPERATING PERMITS

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

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

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

01-05035: Tucker Liquid Industrial Coating, Inc./East Berlin (407 North Avenue, East Berlin, PA 17316) to issue a Title V Operating Permit for two (2) conveyor painting lines, one (1) overhead carry painting line, two (2) spray booths, a cure oven, and one (1) enclosed truck booth at the surface coating facility in East Berlin Borough, **Adams County**. The actual annual emissions based on 2015 data were approximately 10.32 tons of VOC and 1.7 ton of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart M—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products, and 40 CFR Part 63, Subpart Z—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

The City of Philadelphia, Air Management Services (AMS) intends to renew a Title V/State Operating Permit for the following facility:

V1600005: University of Pennsylvania (3451 Walnut Street, Philadelphia, PA 19104) for the operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources nine <10 MMBTU/hr heaters and furnaces, 56 emergency generators, and two fire pumps.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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

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

35-00011: Alliance Sanitary Landfill, Inc., Taylor Landfill (398 S. Keyser Avenue, Taylor, PA 18517-1009). The Department intends to issue a renewal Title V Operating Permit for landfill operations in Taylor Borough, **Lackawanna County**. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The main sources at this facility consist of landfill and gas collection systems and diesel generators. The sources are controlled by flares. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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.

06-03107: Morgan Corporation Grace Mine Plant (One Morgan Way, P.O. Box 588, Morgantown, PA 19543) for the flatbed truck bodies, frames and parts manufacturing plant in New Morgan Borough, **Berks County**. The actual emissions from the facility in 2015 are estimated at 6.9 tons VOC and 1.0 ton of HAP. 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.

67-05139: Hanover Foods Corporation (P.O. Box 334, Hanover, PA 17331) to issue a State Only Operating Permit for the vegetable processing and canning facility (Hanover Cannery) located in Penn Township, **York County**. The facility currently operates under Title V O.P. No. 67-05042. However, the permittee has agreed to operate its facility with restrictions to keep the actual emissions of criteria pollutants and HAPs below their respective Title V emission thresholds during any consecutive 12-month period in order to obtain a synthetic minor permitting status. The actual emissions from the facility in 2015 were reported to be 8.5 tons CO; 8.4 tons NO_x; 2.4 tons VOC; 0.3 ton PM₁₀; 0.3 ton PM_{2.5}; 0.1 ton SO_x; 0.3 ton hexane; 0.3 ton total HAPs; 20,654.6 tons CO₂; 0.4 ton CH₄; and 20,675.1 tons CO_{2e}. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units (Source IDs 030 and 037); 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources (Source ID 036); and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 201, 202, 203, and 204).

22-03005: Harsco Metals Americas (Old # 5 Dump Track, Steelton, PA 17113) to issue a State Only Operating Permit for the steel slag processing facility located in Steelton Borough, **Dauphin County**. The potential emissions from the facility are estimated at 9.5 tpy of PM and 4.7 tpy of PM₁₀. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 123.1 Prohibition of certain fugitive emissions and 25 Pa. Code § 123.2 Fugitive particulate matter.

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

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

OP-56-00241: Rockwood Area School District (439 Somerset Ave., Rockwood, PA 15557-1030). In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Synthetic Minor Operating Permit renewal for the Rockwood Junior/Senior High School located in Rockwood Borough, **Somerset County**. Equipment at this facility includes two 4.3 mmbtu/hr tri-fuel boilers, two emergency electric generators, small hot water boilers, and radiant heaters. Potential emissions from the facility are based on a limit of burning 2,070 tons of coal per consecutive 12 month period and are estimated to be 9.8 tons NO_x, 1.3 ton VOCs, 11.4 tons CO, 4.7 tons particulate matter and 77.0 tons SO_x. Actual emissions from the facility are much lower. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

25-00955: Foam Fabricators, Incorporated (6550 West 26th Street, Erie, PA 16506) for a renewal of the Synthetic Minor Operating Permit. The facility is located in Fairview Township, **Erie County** and manufactures pre expanded polystyrene foam products. The emitting sources included one Boiler, Miscellaneous natural gas usage, Pre expander C, Pre expander D, Pre expander E, Bag storage- pre puff, Molding machines with central vacuum, Warehouse Post Molding, and a Degreaser unit. The facility has taken a restriction of VOC emissions from the facility not more than 49.5 tons per year and is therefore a Synthetic Minor. The emission inventory submitted by the facility for 2015 is as follows: Particulate Matter less than 2.5 micron (PM_{2.5}): 0.0710 Ton per year (TPY), Oxides of Nitrogen (NO_x): 0.9290 TPY, Oxides of Sulfur (SO_x): 0.0060 TPY, Carbon Monoxide (CO): 0.7250 TPY, Volatile Organic Compound (VOC): 28.8680 TPY, Particulate Matter less than ten micron (PM₁₀): 0.0710 TPY.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35

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

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

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

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

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

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

Coal Applications Received

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

30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Morris and Richhill Townships, **Greene County** and Morris Township, Washington County and related NPDES permit for installation of a power line. Surface Acres Proposed 52.8. Application also includes a request for a Section 401 Water Quality Certification. No additional discharges. The application was considered administratively complete on October 13, 2016. Application received June 7, 2016.

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

Permit No. 56090107 and NPDES No. PA0262790. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Woodland to Cropland, in Stonycreek Township, **Somerset County**, affecting 108.7 acres. Receiving stream: unnamed tributary to Stonycreek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016.

Permit No. 32950104 and NPDES No. PA0213055. Big Mack Leasing Co., Inc., 568 Silvis Hollow Road, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 62.9 acres. Receiving streams: unnamed tributary to/and Whisky Run to Blacklegs Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 6, 2016.

Permit No. 32150101 and NPDES No. PA0279421. Amerikohl Mining Inc., 202 Sunset Drive, Butler, PA 16001, commencement, operation and restoration of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 58.4 acres. Receiving streams: unnamed tributary to/and Roaring Run to Conemaugh River, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 7, 2016.

The application includes a stream encroachment to extend an existing culvert for the purpose of widening the haul road where it crosses the stream within the barrier area of unnamed tributary to Roaring Run.

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

17000111 and NPDES PA0243027. Gregg Barrett Coal (288 Watts Road, Curwensville, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Ferguson Township, **Clearfield County** affecting 65.0 acres. Receiving stream(s): Unnamed Tributaries to Watts Creek and Watts Creek classified for the following use(s): HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016.

17080118 and NPDES PA0257028. Waroquier Coal Company (P.O. Box 128, Clearfield, PA 16830). Permit renewal for continued operation and restoration of a bituminous surface and auger mine located in Lawrence Township, **Clearfield County** affecting 53.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

10070303. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to change the post-mining land use from cropland, forestland, pastureland/land occasionally cut for hay, and residential to unmanaged natural habitat and open water impoundment in Slippery Rock Township, **Butler County**. Receiving streams: Unnamed tributary to Slippery Rock Creek and unnamed tributary to Wolf Creek, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 28, 2016.

3074SM13. Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing large industrial minerals mine to change the post-mining land use from cropland, forestland, pastureland/land occasionally cut for hay, and residential to unmanaged natural habitat and open water impoundment in Slippery Rock Township, **Butler County**. Receiving streams: Unnamed tributary to Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: September 28, 2016.

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

12160801 and NPDES PA0269751. Nelson Excavating & Electrical, LLC (6771 Beechwood Road, Emporium, PA 15834). Commencement, operation, and restoration of a small noncoal (sandstone) quarry in Shippen Township, **Cameron County** affecting 4.4 acres. Receiving stream(s): Unnamed Tributary to East Branch Hicks Run and Unnamed Tributary to Finley Run classified for the following use(s): HQ-CWF and EV. Application received: September 21, 2016.

60840401 and NPDES PA0614181. New Enterprise Stone & Lime Company, Inc./dba Eastern Industries (3724 Crescent Court West, Suite 200, Whitehall, PA 18052). NPDES renewal for continued operation and reclamation of a large noncoal surface mining site located in Buffalo Township, **Union County** affecting 218.7 acres. Receiving stream(s): Unnamed Tributary to Buffalo Creek. Application received: September 28, 2016.

6075SM3 and NPDES PA0069744. New Enterprise Stone & Lime Company, Inc./dba Eastern Industries, Inc. (3724 Crescent Court West, Suite 200, Whitehall, PA 18052). NPDES renewal for continued operation and reclamation of a large noncoal surface mining site located in Union Township, **Union County** affecting

414.7 acres. Receiving stream(s): Unnamed Tributary to Winfield Creek. Application received: September 28, 2016.

PAM216024. P&P Gravel Company (76 Barclay View Road, Monroeton, PA 18832), hereby approves the Notice of Intent (NOI) submitted for coverage to discharge stormwater associated with Permit 08970301 to the following surface water(s) in Franklin Township, **Bradford County**. Receiving stream(s): Unnamed Tributary to North Branch Towanda Creek. Application received: October 13, 2016.

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

Permit No. 19110301C and NPDES No. PA0225002. Hanson Aggregates Pennsylvania, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hemlock and Madison Townships, **Columbia County** affecting 281.9 acres, receiving stream: unnamed tributary to Little Fishing Creek, classified for the following uses: cold water and migratory fishes. Application received: October 12, 2016.

Permit No. 58070827. Thomas D. Stepniak, (2660 Waterford Road, Montrose, PA 18801), Stage I & II bond release of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 1.0 acre on property owned by Thomas D. Stepniak. Application received: October 13, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

<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

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

NPDES No. PA0213527 (Mining Permit No. 30841317), Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). A renewal to the NPDES and mining activity permit for the Enlow Fork Mine in Morris and Richhill Townships, **Greene County**, Buffalo, East Finley, Morris, South Franklin and West Finley Townships, **Washington County**. Surface Acres Affected 1,296.06. Receiving stream: Enlow Fork to Wheeling Creek, classified for the following use: TSF. Receiving stream: Unnamed Tributary to Long Run, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Boothe Run, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Enlow Fork, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Templeton Fork, classified for the following use: TSF. Receiving stream: Unnamed Tributary to Robinson Fork, classified for the following use: WWF. Receiving stream: Unnamed Tributary to Beham Run, classified for the following use: WWF. Receiving stream: Unnamed Tributaries to Rocky Run, classified for the following use: TSF. Receiving stream: Rocky Run,

classified for the following use: TSF. Receiving stream: Unnamed Tributaries to Short Creek, classified for the following use: TSF. Monongahela River Watershed. Receiving stream: Archer Run, classified for the following use: TSF. Monongahela River Watershed. Receiving stream: Unnamed Tributaries to Buffalo Creek, classified for the following use: HQ-WWF. Receiving stream: Unnamed Tributary to Crafts Creek, classified for the following use: WWF. Monongahela River Watershed. Receiving stream: Long Run, classified for the following use: TSF. Receiving stream: Unnamed Tributary to Enlow Fork, classified for the following use: WWF. Receiving stream: Enlow Fork, classified for the following use: TSF. Receiving stream: Unnamed Tributary to Tenmile Creek, classified for the following use: TSF. Monongahela River Watershed.

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

Outfall 003 discharges to: Unnamed Tributary to Enlow Fork

The proposed effluent limits for *Outfall 003* (Lat: 39° 59' 32" Long: 80° 24' 48") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 004 discharges to: Unnamed Tributary to Templeton Fork

The proposed effluent limits for *Outfall 004* (Lat: 39° 59' 59" Long: 80° 26' 42") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 005 discharges to: Unnamed Tributary to Templeton Fork

The proposed effluent limits for *Outfall 005* (Lat: 39° 59' 58" Long: 80° 26' 54") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 007 discharges to: Unnamed Tributary to Boothe Run

The proposed effluent limits for *Outfall 007* (Lat: 39° 59' 10" Long: 80° 22' 23") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 008 discharges to: Unnamed Tributary to Long Run

The proposed effluent limits for *Outfall 008* (Lat: 40° 00' 22" Long: 80° 23' 36") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	1.4	2.0	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 009 discharges to: Unnamed Tributary to Enlow Fork

The proposed effluent limits for *Outfall 009* (Lat: 39° 59' 19" Long: 80° 21' 06") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 010 discharges to: Rocky Run

The proposed effluent limits for *Outfall 010* (Lat: 40° 01' 22.7" Long: 80° 22' 58.6") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	2.0	4.0	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 011 discharges to: Unnamed Tributary to Templeton Fork

The proposed effluent limits for *Outfall 011* (Lat: 40° 02' 13.1" Long: 80° 25' 39") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 012 discharges to: Unnamed Tributary to Rocky Run

The proposed effluent limits for *Outfall 012* (Lat: 40° 02' 12.3" Long: 80° 22' 38.3") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 013 discharges to: Unnamed Tributary to Short Creek

The proposed effluent limits for *Outfall 013* (Lat: 40° 00' 49" Long: 80° 20' 22") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 014 discharges to: Unnamed Tributary to Templeton Fork

The proposed effluent limits for *Outfall 014* (Lat: 40° 03' 29" Long: 80° 21' 53") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 015 discharges to: Unnamed Tributary to Templeton Fork

The proposed effluent limits for *Outfall 015* (Lat: 40° 03' 35" Long: 80° 24' 52") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 016 discharges to: Unnamed Tributary to Short Creek

The proposed effluent limits for *Outfall 016* (Lat: 40° 02' 09" Long: 80° 19' 33") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 017 discharges to: Unnamed Tributary to Short Creek

The proposed effluent limits for *Outfall 017* (Lat: 40° 02' 13" Long: 80° 19' 37") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 025 discharges to: Unnamed Tributary 32991 to Buffalo Creek

The proposed effluent limits for *Outfall 025* (Lat: 40° 04' 53" Long: 80° 21' 13") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	50	100	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Selenium	(mg/l)	-	Report	Report	-

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 026 discharges to: Unnamed Tributary 32688 to Robinson Fork

The proposed effluent limits for *Outfall 026* (Lat: 40° 04' 49" Long: 80° 24' 24") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 027 discharges to: Unnamed Tributary to Rocky Run

The proposed effluent limits for *Outfall 027* (Lat: 40° 02' 29.1" Long: 80° 22' 28.5") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	2.0	4.0	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 028 discharges to: Unnamed Tributary to Crafts Creek

The proposed effluent limits for *Outfall 028* (Lat: 40° 03' 38" Long: 80° 18' 48") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	2.0	3.1	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 029 discharges to: Long Run

The proposed effluent limits for *Outfall 029* (Lat: 40° 00' 56" Long: 80° 23' 14") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.9	3.0	4.6

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

*The following are narrative effluent limits for Outfall 030 when the non-degrading option is utilized. The non-degrading option is utilized during the time period between site construction and reclamation, while the site is stabilized.

*Outfall 030** discharges to: Unnamed Tributary of Buffalo Creek

The proposed effluent limits for *Outfall 030* (Lat: 40° 06' 01.6" Long: 80° 20' 41.9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	Report	Report	-
Manganese	(mg/l)	-	Report	Report	-
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	Report	Report	-
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Selenium	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

*The following are effluent limits for Outfall 030 if an unanticipated discharge occurs during non-discharge alternative operations, i.e. pumping to Outfall 035. The non-discharge alternative option is utilized during site construction and reclamation.

*Outfall 030** discharges to: Unnamed Tributary of Buffalo Creek

The proposed effluent limits for *Outfall 030* (Lat: 40° 06' 01.6" Long: 80° 20' 41.9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	0.38	0.76	0.95
Manganese	(mg/l)	-	0.11	0.22	0.28
Aluminum	(mg/l)	-	0.40	0.80	1.0
Total Suspended Solids	(mg/l)	-	7.07	14.14	17.68
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	1.72	3.44	4.3
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Selenium	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 031 discharges to: Unnamed Tributary to Rocky Run

The proposed effluent limits for *Outfall 031* (Lat: 39° 59' 52" Long: 80° 24' 53") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 032 discharges to: Unnamed Tributary to Enlow Fork

The proposed effluent limits for *Outfall 032* (Lat: 39° 59' 20" Long: 80° 25' 9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 033 discharges to: Enlow Fork

The proposed effluent limits for *Outfall 033* (Lat: 39° 58' 33" Long: 80° 25' 3") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 034 discharges to: Enlow Fork

The proposed effluent limits for *Outfall 034* (Lat: 39° 58' 19" Long: 80° 25' 31") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

*Outfall 035 is a non-discharge alternative of Outfall 030 during site construction and site reclamation.

*Outfall 035** discharges to: Unnamed Tributary to Tenmile Creek

The proposed effluent limits for *Outfall 035* (Lat: 40° 06' 12.4" Long: 80° 20' 30.1") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Selenium	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Outfall 036 discharges to: UNT 32979 to Buffalo Creek

The proposed effluent limits for *Outfall 036* (Lat: 40° 06' 52.3" Long: 80° 22' 38.7") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	Report	Report	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Sulfate	(mg/l)	-	Report	Report	-
Osmotic Pressure	(mos/kg)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Selenium	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0595497 on Surface Mining Permit No. 09920302. Delaware Valley Landscape Stone, Inc., (PO Box 778, New Hope, PA 18938), renewal of an NPDES Permit for a sandstone quarry operation in Middletown Township, **Bucks County**, affecting 16.9 acres. Receiving stream: unnamed tributary to Neshaminy Creek, classified for the following uses: warm water and migratory fishes. Application received: October 7, 2014.

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

The outfall(s) listed below discharge to unnamed tributary to Neshaminy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0013722 on Surface Mining Permit No. 8074SM1. Glasgow, Inc., (PO Box 1089, Glenside, PA 19038), renewal of an NPDES Permit for an argillite quarry operation in Montgomery Township, **Montgomery County**, affecting 63.5 acres. Receiving streams: Park Creek/Little Neshaminy Creek Watershed, classified for the following uses: warm water and migratory fishes. Application received: January 8, 2015.

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(s) listed below discharge to Park Creek/Little Neshaminy Creek Watershed.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Average Daily Discharge</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	0.15 MGD	35.0	70.0	90.0
	0.30 MGD	17.0	35.0	45.0
	0.385 MGD	14.0	27.0	35.0
	0.55 MGD	10.0	19.0	24.0
	1.0 MGD	5.0	11.0	13.0
	<i>Minimum</i>			
pH ¹ (S.U.)	6.0			9.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0595659 on Surface Mining Permit No. 7775SM9. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Perry Township, **Berks County**, affecting 225.0 acres. Receiving stream: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes. Application received: September 13, 2012.

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(s) listed below discharge to unnamed tributary to Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Stormwater/E&S
003	No	Stormwater/E&S
004	No	Stormwater/E&S
005	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

NPDES Permit No. PA0119121 on Surface Mining Permit No. 7775SM6. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Perry Township, **Berks County**, affecting 114.7 acres. Receiving stream: unnamed tributary to Schuylkill River, classified for the following use: warm water fishes. Application received: September 13, 2012.

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(s) listed below discharge to unnamed tributary to Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0119563 on Surface Mining Permit No. 4875SM2. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Dover Township, **York County**, affecting 156.3 acres. Receiving stream: Fox Run, classified for the following uses: trout stock and migratory fishes. Application received: April 20, 2016.

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

The outfall(s) listed below discharge to Fox Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
003	No	Stormwater/E&S
005	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0223999 on Surface Mining Permit No. 67990301. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Dover Township, **York County**, affecting 40.0 acres. Receiving stream: unnamed tributary to Fox Run, classified for the following uses: trout stock and migratory. Application received: June 9, 2014.

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

The outfall(s) listed below discharge to unnamed tributary to Fox Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0224588 on Surface Mining Permit No. 06070301. Glen-Gery Corp., (1166 Spring Street, Wyomissing, PA 19610), renewal of an NPDES Permit for a shale quarry operation in Perry Township, **Berks County**, affecting 129.0 acres. Receiving stream: Schuylkill River, classified for the following use: warm water fishes. Application received: October 16, 2013.

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

The outfall(s) listed below discharge to Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Stormwater/E&S
002	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0595284 on Surface Mining Permit Nos. 4873SM10, 67910301 and 67960301. Codorus Stone & Supply Co., Inc., (135 Mundis Race Road, York, PA 17402), renewal of an NPDES Permit for a limestone quarry operation in Manchester Township, **York County**, affecting 140.4 acres. Receiving stream: Codorus Creek, classified for the following uses: warm water and migratory fishes. Application received: January 19, 2016.

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

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

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	Groundwater/Pit Sump (currently inactive)

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594563 on Surface Mining Permit Nos. 7775SM4 and 06960301. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a limestone quarry operation in Oley Township, **Berks County**, affecting 287.0 acres. Receiving stream: unnamed tributary to Manatawny Creek, classified for the following use: cold water fishes. Application received: June 10, 2014.

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

The outfall(s) listed below discharge to unnamed tributary to Manatawny Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594954 on Surface Mining Permit No. 7775SM5. Lehigh Cement Co., LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a limestone quarry operation in Oley Township, **Berks County**, affecting 91.04 acres. Receiving stream: Limekiln Creek, classified for the following uses: warm water and migratory fishes. Application received: May 19, 2015.

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(s) listed below discharge to Limekiln Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0225606 on State Contract No. M91:10-101.1. Stoudt's Ferry Preparation Co., Inc., (PO Box 279, St. Clair, PA 17970), new NPDES Permit for a desilting basin operation in Upper Providence Township, **Montgomery County**, affecting 44.5 acres. Receiving stream: Schuylkill River, classified for the following use: cold water fishes. Application received: December 12, 2015.

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(s) listed below discharge to Schuylkill River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
SP-01	No	Groundwater/Stormwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Total Iron (mg/l)		3.0	6.0	7.0
Total Manganese (mg/l)		2.0	4.0	5.0
Total Aluminum		0.75	1.5	1.75

¹ The parameter is applicable at all times.

NPDES Permit No. PA0593885 on Surface Mining Permit Nos. 8275SM2, 36970301, 36990301, 36080302. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a limestone quarry operation in Earl and Ephrata Townships, **Lancaster County**, affecting 238.0 acres. Receiving stream: Conestoga River, classified for the following use: warm water fishes. Application received: May 16, 2012.

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 Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0117986 on Surface Mining Permit No. 8275SM3. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a limestone quarry operation in Caernarvon and East Earl Townships, **Lancaster County**, affecting 123.0 acres. Receiving stream: unnamed tributary to Conestoga River, classified for the following use: warm water fishes. Application received: June 23, 2016.

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

The outfall listed below discharge to unnamed tributary to Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594512 on Surface Mining Permit No. 6276SM2. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506), renewal of an NPDES Permit for a limestone quarry operation in East Earl Township, **Lancaster County**, affecting 232.0 acres. Receiving stream: Conestoga River, classified for the following use: warm water fishes. Application received: December 14, 2015.

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 Conestoga River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0595641 on Surface Mining Permit No. 06920301. Martin Stone Quarry, Inc., (1355 North Reading Avenue, Bechtelsville, PA 19505), renewal of an NPDES Permit for a gneiss quarry operation in Washington Township, **Berks County**, affecting 96.4 acres. Receiving stream: Swamp Creek, classified for the following use: HQ—cold water fishes. Application received: April 4, 2014.

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

The outfalls listed below discharge to Swamp Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Groundwater/Pit Sump
003	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594466 on Surface Mining Permit No. 09890301. Naceville Materials, (6100 Easton Road, Pipersville, PA 18947), renewal of an NPDES Permit for an argillite quarry operation in West Rockhill Township, **Bucks County**, affecting 100.63 acres. Receiving stream: unnamed tributary to Ridge Valley Creek, classified for the following use: Trout Stock Fishes. Application received: June 23, 2014.

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

The outfall listed below discharge to unnamed tributary to Ridge Valley Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594849 on Surface Mining Permit No. 8073SM4. H & K Group, Inc., (PO Box 196, Skippack, PA 19474), renewal of an NPDES Permit for an argillite and hornfels quarry operation in Lower Pottsgrove Township, **Montgomery County**, affecting 37.45 acres. Receiving stream: Sanatoga Creek, classified for the following use: warm water fishes. Application received: February 19, 2015.

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 Sanatoga Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
PTS-001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0224758 on Surface Mining Permit No. 6473SM3. Wilkes-Barre Materials, LLC, (500 Chase Road, Shavertown, PA 18708) renewal of an NPDES Permit for a sandstone/shale quarry operation in Plains Township and Laflin Borough, **Luzerne County**, affecting 138.0 acres. Receiving stream: Gardner Creek, classified for the following use: cold water fishes. Application received: September 24, 2014.

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

The outfall listed below discharge to Gardner Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0123480 on Surface Mining Permit No. 8274SM5. Allan Myers Materials PA, Inc. d/b/a Allan Myers Materials, (638 Lancaster Avenue, Malvern, PA 19355), renewal of an NPDES Permit for a serpentinite quarry operation in Fulton Township, **Lancaster County**, affecting 321.82 acres. Receiving stream: Octoraro Creek, classified for the following use: warm water and migratory fishes. Application received: December 15, 2014.

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

The outfalls listed below discharge to Octoraro Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Stormwater/E&S
003	No	Stormwater/E&S
004	No	Groundwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594415 on Surface Mining Permit No. 6575SM1. Hanson Aggregates Pennsylvania, LLC, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a limestone quarry operation in Hamilton Township, **Monroe County**, affecting 180.0 acres. Receiving streams: unnamed tributary to Lake Creek (001) and unnamed tributary to Cherry Creek (002), classified for the following uses: HQ—cold water and migratory fishes. Application received: January 6, 2015.

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 Lake Creek (001) and unnamed tributary to Cherry Creek (002).

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0614602 on Surface Mining Permit No. 8073SM1. Highway Materials, Inc., (1750 Walton Road, Blue Bell, PA 19422), renewal of an NPDES Permit for an argillite quarry operation in Marlborough Township, **Montgomery County**, affecting 80.0 acres. Receiving stream: Unami Creek, classified for the following use: HQ—trout stock fishes. Application received: January 12, 2015.

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 Unami Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/E&S
002	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0
Turbidity				40.0 NTUs

¹ The parameter is applicable at all times.

NPDES Permit No. PA0612305 on Surface Mining Permit No. 7475SM3. Keystone Cement Company, (PO Box A, Suite 329, Bath, PA 18014), renewal of an NPDES Permit for a limestone quarry operation in East Allen Township, **Northampton County**, affecting 549.7 acres. Receiving stream: Monocacy Creek, classified for the following use: HQ—cold water and migratory fishes. Application received: June 20, 2016.

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

The outfalls listed below discharge to Monocacy Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Groundwater/Pit Sump
003	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0594644 on Surface Mining Permit Nos. 4873SM8 and 4873SM5. Kinsley Construction, Inc., (PO Box 2886, York, PA 17405), renewal of an NPDES Permit for a limestone quarry operation in West Manchester Township, **York County**, affecting 561.9 acres. Receiving stream: unnamed tributary to Codorus Creek, classified for the following uses: warm water and migratory fishes. Application received: March 22, 2016.

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

The outfall(s) listed below discharge to unnamed tributary to Codorus Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
004	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0119263 on Surface Mining Permit No. 7474SM1. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for a limestone quarry operation in Upper Nazareth and Lower Nazareth Townships, **Northampton County**, affecting 129.1 acres. Receiving stream: unnamed tributary to Schoeneck Creek, classified for the following use: warm water fishes. Application received: May 22, 2015.

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 Schoeneck Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0119555 on Surface Mining Permit No. 5575SM1. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc., (3724 Crescent Court West, Suite 200, Whitehall, PA 18052), renewal of an NPDES Permit for a sandstone quarry operation in Clifford Township, **Susquehanna County**, affecting 212.6 acres. Receiving stream: East Branch Tunkhannock Creek, classified for the following use: cold water fishes. Application received: March 5, 2015.

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 East Branch Tunkhannock Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Stormwater/E&S

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0224146 on Surface Mining Permit No. 06010301. Berks Products Corporation, (167 Berks Products Drive, Leesport, PA 19533), renewal of an NPDES Permit for a limestone quarry operation in Maxatawny Township, **Berks County**, affecting 38.4 acres. Receiving stream: Maiden Creek Watershed, classified for the following uses: warm water and migratory fishes. Application received: June 22, 2016.

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

The outfalls listed below discharge to Maiden Creek Watershed.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater/Pit Sump
002	No	Groundwater/Pit Sump

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES Permit No. PA0223387 on Surface Mining Permit No. 64940302. Bedrock Quarries, Inc., (PO Box 79, Skippack, PA 19474), renewal of an NPDES Permit for a sandstone/shale quarry operation in Damascus Township, **Wayne County**, affecting 65.22 acres. Receiving stream: unnamed tributary to North Branch Calkins Creek, classified for the following use: HQ—cold water fishes. Application received: February 24, 2016.

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

The outfall listed below discharge to unnamed tributary to North Branch Calkins Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Stormwater/Groundwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

¹ The parameter is applicable at all times.

NPDES No. PA0594571 on Surface Mining No. 6276SM1. New Enterprise Stone & Lime Co., Inc. d/b/a Martin Limestone, Inc., (PO Box 550, Blue Ball, PA 17506) renewal of NPDES Permit for a limestone quarry operation in Salisbury Township, **Lancaster County**, affecting 93.0 acres. Receiving Stream: unnamed tributary to the Pequea Creek, classified for the following uses: HQ—cold water and migratory fishes. Application received: August 2, 2016.

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

The outfalls listed below discharge to unnamed tributary to the Pequea Creek

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	Groundwater & Stormwater from Sed. Pond
002	No	Stormwater
003	No	Stormwater

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Total Suspended Solids		35.0	70.0	90.0

NPDES No. PA0119628 on Surface Mining No. 4874SM1. County Line Quarry, Inc., 1750 Walton Road, Blue Bell, PA 19422, renewal application of NPDES Permit for a limestone quarry in Wrightsville Borough and Hellam Township, **York County**, affecting 285.12 acres, receiving stream: Kreutz Creek, classified for the following use: warm water fishes. Application received: August 29, 2016.

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

The outfall listed below discharge to Kreutz Creek.

Parameter	Outfall No.	New Outfall Y/N	Type		
	001	No	Sedimentation Pond		
			30-Day Average	Daily Maximum	Instantaneous Maximum
Discharge Rate (MGD)			.001	4.32	-
Total Suspended Solids (mg/L)			35.0	70.0	90
Sulfates (mg/L)			Monitor and Report 2/Month—Grab Sample		250.0
Osmotic Pressure (mg/L)			Monitor and Report 2/Month—Grab Sample		500
Total Oil and Grease			Monitor and Report 1/Year—Grab Sample		

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

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1142. Sunoco Logistics Partners, L.P., 525 Fritztown Road, Sinking Springs, PA 19608-1509, Limerick Township, **Montgomery County**, ACOE Philadelphia District.

To maintain a partially exposed 8-inch liquid petroleum pipe line measuring approximately 150 feet in length across the bottom of the Brooke Evans Creek (WWF, MF) and associated banks. The exposed pipeline will be protected with Ercoform E-60 grout mats, and bank stabilization with riprap and retaining wall.

The site is located at about 500 southeast of the Longview Road and Church Road (Phoenixville- PA USGS Quadrangle Latitude: 40.2193, Longitude: -75.5804).

E46-1132. New Hanover Township, 2990 Fagleysville Road, Gilbertsville, PA 19525, New Hanover Township, **Montgomery County**, ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the New Hanover Municipal Authority West Branch Interceptor Upgrade Project:

1. To install and maintain assorted segments of 8-inch, 10-inch and 12-inch diameter sanitary pipes, running a proposed total of 8,000 linear feet in the floodway and crossing approximately 429 feet of UNT to Swamp Creek (TSF-MF) replacing assorted segments of 12-inch and 16 inch old pipes.

2. To temporarily impact approximately 0.194 acre of wetlands to facilitate the pipe installation.

3. To conduct digging, excavation and modification work to existing sanitary manholes located within the floodway of the stream to accommodate the replacement pipe work.

The pipe work commences at Manhole 359, West of Rhodes Road by the UNT to Swamp Creek and runs eastward crossing the stream and several of its tributaries 16 times ending at Manhole 326, northeast of Swamp Pike in New Hanover Township, Montgomery County, (USGS Quadrangle PA Sassamansville—Latitude 40° 16' 53"—Longitude 75° 34' 46").

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

E45-601. Clarence Tarvin, 1432 Clover Road, Long Pond, PA 18334, in Tobyhanna Township, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill a de minimus area of EV wetlands equal to 0.01 acre for the construction of a private driveway. The project is located directly north of East Emerald Lake Drive. (Pocono Pines, PA Quadrangle, Latitude: 41.081130; Longitude: -75.426938). Subbasin: 2A.

E64-308. Ken & Kris Tanji, 285 East Shore Drive, Lake Ariel, PA 18436, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a boathouse cantilevered over approximately 1,220 square feet of Lake Ariel. The boathouse extends into the lake approximately 35 feet from the shoreline. The project is located at 285 East Lake Shore Drive (Lake Ariel, PA Quadrangle, Latitude: 41°26'56"; Longitude: -75°22'33").

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

E06-705: Plenary Walsh Keystone Partners, Cumru Township, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove the existing bridge structure and to construct and maintain a 50.1 foot long, 26.0 foot wide concrete box culvert with baffles, depressed below the existing stream bed elevation, and place R-6 riprap scour protection, depressed to match the existing stream bed elevation and choked with native stream bed material, in Angelica Creek (CWF, MF) and its associated floodway and floodplain and temporarily impact 0.03 acre of Exceptional Value Palustrine Forested wetland (Latitude 40°17'27", Longitude -75°56'48") for the purpose of replacing a structurally deficient bridge as part of the Public Private Partnership (P3) Rapid Bridge Replacement Program. The project is located along S.R. 0625 (New Holland Road) in Cumru Township, Berks County.

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

E17-498. Winn Development LLC, 2165 Louisa Drive, Belleair Beach, FL 33786. Winn Development LLC DuBois Retail Center Project. Sandy Township, **Clearfield County**, ACOE Pittsburgh District (Luthersburg, PA Quadrangle, Latitude: 41° 07' 27.9"; Longitude: 78°, 44' 18").

The applicant is seeking authorization to remove an existing stream enclosure of an unnamed tributary to Beaver Run and replace, operate and maintain that existing enclosure as part of their DuBois Retail Center Project. Department Chapter 93 Rules and Regulations designate the unnamed tributary to Beaver Run as a Cold Water Fishery. The replacement stream closure will be constructed 325-feet of high density polyethylene culvert pipes having minimum diameter of 36-inches. The project is located along the western right-of-way of SR 0255 (East DuBois Avenue) immediately west of Industrial Drive and East DuBois Avenue intersection. Installation of the replacement stream enclosure shall be performed in dry work conditions by dam and pumping, fluming or diverting stream flow around the stream section where culvert pipe installation is being conducted.

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

E25-783, Material Recovery of Erie, Inc., P.O. Box 1102, Chardon, OH 44024. Material Recovery Wetland Restoration, in Girard Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 41°, 58', 2.36"; W: 80°, 22', 34.11").

Applicant proposes to modify, operate and maintain two block retaining walls, each approximately 6 feet high by 4.5 feet wide by 170 feet long, that were part of a former arched railroad culvert that was dismantled during 2013 within Crooked Creek approximately 0.75 mile upstream of PA State Route 20 in Girard Township, Erie County, and to restore 0.14 acre of PEM/PSS floodplain wetlands that were impacted during dismantling of the culvert. Project includes creation of 0.18 acre of PEM/PSS wetland at the site to compensate for permanent impact to 0.12 acre of wetlands associated with site grading and streambank stabilization activities.

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E0829-110: Talisman Energy USA Inc., 337 Daniel Zenker Drive, Horseheads, NY 14845, Columbia Township and Sylvania Borough, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain an access road with:

1. A 62-foot long by 20 foot wide bridge and a temporary timber mat bridge impacting 55 linear feet of Morgan Creek (TSF, MF) (Dushore, PA Quadrangle Latitude: 41°34'23", Longitude: -76°29'36"),

The project will result in 27 linear feet of permanent stream impact and 55 linear feet of temporary stream impact, all for the purpose of installing a permanent access road to a natural gas well pad.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D67-020EA. Dave Lewis, Columbia Water Company, 220 Locust Street, Columbia, PA 17512, Hellam Township, **York County**, USACOE Baltimore District.

Project proposes to remove Dugan Run Reservoir Dam for the purpose of eliminating a threat to public safety and to restoring approximately 200 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of an upstream stone wall and construction of grade control structures through the breach. The project is located across Dugan Run (WWF, MF) (Columbia West, PA Quadrangle, Latitude: 40.0439; Longitude: -76.5913).

D67-021EA. Dave Lewis, Columbia Water Company, 220 Locust Street, Columbia, PA 17512, Hellam Township, **York County**, USACOE Baltimore District.

Project proposes to remove Wildcat Run Reservoir Dam for the purpose of eliminating a threat to public safety and to restoring approximately 325 feet of stream channel to a free-flowing condition. The proposed restoration project includes the removal of an upstream grate, concrete walls and channel and construction of grade control structures through the breach. The project is located across Wildcat Run (WWF, MF) (Columbia West, PA Quadrangle, Latitude: 40.0479; Longitude: -76.6022).

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

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>
PA0085511— SEW	West Hanover Township Water & Sewer Authority 7901 Jonestown Road Harrisburg, PA 17112-9728	Dauphin County/West Hanover Township	UNT Manada Creek/7-D	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>
PA0228206 (Industrial)	Montgomery Run Water Treatment Facility 107 E Market Street Clearfield, PA 16830-2405	Clearfield County Pike Township	Montgomery Creek (8-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>
PA0004995 (Industrial)	Armstrong Cement & Supply 100 Clearfield Road Cabot, PA 16023-9531	Butler County Winfield Township	Unnamed Tributary to Rough Run and Rough Run (18-F)	Yes
PA0027341 (Industrial)	Pittsburgh Glass Works Kebert Ind 5123 Victory Boulevard Cochranton, PA 16314-3969	Crawford County Greenwood Township	Williams Run and Unnamed Tributary of Conneaut Outlet (16-D)	Yes

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

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

NPDES Permit No. PA0266051, Sewage, **Albert C. Kuhn**, 240 Springview Road, Carlisle, PA 17015.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit authorization for discharge to Conodoguinet Creek in Watershed 7-B.

NPDES Permit No. PA0266035, Sewage, **Albert C. Kuhn**, 240 Springview Road, Carlisle, PA 17015.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit authorization for discharge to Conodoguinet Creek in Watershed 7-B.

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

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

WQM Permit No. 5416402, Sewage, SIC Code 4952, **Pine Grove Borough Authority Schuylkill County**, 115 Mifflin Street, Pine Grove, PA 17963.

This proposed facility is located in Pine Grove Borough, **Schuylkill County**.

Description of Proposed Action/Activity: Installation of a new emergency generator, security fence, existing pump replacements and general refurbishment at Pump Station # 7.

WQM Permit No. 6616401, Sewage, SIC Code 4952, **Factoryville Borough & Clinton Township Wyoming County** Joint Municipal Sewer Authority, PO Box 277, Factoryville, PA 18419-0277.

This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Action/Activity: Refurbishment and modifications to an existing Sludge holding lagoon.

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

WQM Permit No. 2115405, Sewerage, **Albert C. Kuhn**, 240 Spingview Road, Carlisle, PA 17015.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve Kendor Summit Lots 3i and 4i.

WQM Permit No. 2115403, Sewerage, **Albert C. Kuhn**, 240 Springview Road, Carlisle, PA 17015.

This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of a small flow sewage treatment system to serve Kendor Summit Lots 5i and 6i.

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

WQM Permit No. 1799404 A-1, Sewage, **Wallaceton Borough & Boggs Township Municipal**.

This existing facility is located in Boggs Township, **Clearfield County**.

Description of Proposed Action/Activity: Improvements to sludge handling & process equipment at the WWTF. This project will replace the existing sludge conditioning/bagging equipment with a belt filter sludge drying press.

WQM Permit No. 4916401 A-1, Sewage, SIC Code 4952, **Timothy L. Lutz**, 794 E. Ridge Road, Sunbury, PA 17801-5219. This proposed facility is located in Lower Augusta Township, **Northumberland County**.

Description of Proposed Action/Activity: Amended permit for the constructions of a single residence sewage treatment plant. The treatment system was changed to a Norweco Singulair Bio-Kinetic wastewater treatment system.

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

WQM Permit No. WQG01251608, Sewage, **Brian Tobin**, 2811 Sunset Trail, Waterford, PA 16441.

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

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

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

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>
PAI026416003	John Krajkovich 7 Canaan Road Waymart, PA 18742	Wayne County	Canaan Township	Van Auken Creek (HQ-TSF, MF) UNT to Racket Brook (CWF, MF)
PAI024810010R	Mr. Edward Mertz 480 Nolf Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI03361508	Mr. Kenneth Steele 227 Green Lane Quarryville, PA 17566	Lancaster	Little Britain Township	UNT Reynolds Run (HQ-CWF, MF) UNT McCreary Run (HQ-CWF, MF)
PAI033615007	Mr. Brad Byers 1116 Deaver Road Quarryville, PA 17566	Lancaster	Drumore Township	Fishing Creek (HQ-CWF)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041416006	J.J. Powell, Inc. 109 W. Presqueisle Street PO Box 30 Philipsburg, PA 16866	Centre	Milesburg Borough	Spring Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050215005	Riviera Land Partners, LP 2585 Washington Road Building 100 Suite 130 Pittsburgh, PA 15241	Allegheny County	Pine Township	UNTs to North Fork Pine Creek (CWF)
PAI050416001	PTV Darlington, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	Beaver County	Darlington Township	Dilworth Run (HQ-CWF)

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>
Upper Providence Township Montgomery County	PAG02004607150R(2)	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Unnamed Tributary to Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG02004616033	Merk & Co., Inc 770 Sumneytown Pike West Point, PA 19485	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bryn Athyn Borough Montgomery County	PAG02004616064	Bryn Athyn College 2945 College Drive Bryn Athyn, PA	Unnamed Tributary to Huntingdon Valley Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG02004616074	Cottage Avenue Realty, LP 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004615099	Morgan Tract LP 1030 West Germantown Pike East Norriton, PA 19403	Unnamed Tributary to Perkiomen Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Souderton Borough Montgomery County	PAG02004616003	Souderton Area School District 760 Lower Road Souderton, PA 18964	Unnamed Tributary to Skippack Creek TSF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Salford Township Montgomery County	PAG02004616009	Mary Jane Hershey 1191 Sumneytown Pike Harleysville, PA 19438	Vaughn Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004616042	Klines Road LP 1853 William Penn Way Suite 4 Lancaster, PA 17601	Mingo Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG02004616069	Trustees of Local Union 126 3455 Germantown Pike Collegeville, PA 19426	Unnamed Tributary to Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
City of Philadelphia Philadelphia County	PAC510002	Penrose Ave PA Realty, LP 5201-5211 Darrah Street Philadelphia, PA 19124	Lower Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG02000913037	United States Cold Storage, LLC 15 Emery Street Bethlehem, PA 18015	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG02000916023	Covenant Presbyterian Church 4000 Route 202 Doylestown, PA 18902	Unnamed Tributary to Watson Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Britain Township Bucks County	PAG02000916048	55 East Court Street Doylestown, PA 18901-4318	Lake Galena 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>
Slatington Borough Lehigh County	PAG02003916007	Greg Derr Northern Lehigh School District One Bulldog Lane Slatington, PA 18080	UNT to Trout Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583
Edwardsville Borough Luzerne County	PAC400004	Sunoco Partners Marketing & Terminals, L.P. 60 South Wyoming Avenue Edwardsville, PA 18704-3102	Toby Creek (WWF, MF) Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Wilkes-Barre City Luzerne County	PAG02004016019	Wilkes-Barre Area School District Joe Caffrey 730 South Main Street Wilkes-Barre, PA 18711-0376	Susquehanna River (WWF, MF)	Luzerne Conservation District 570-674-7991
Pittston Township Luzerne County	PAG02004016006	Memco Realty Company Lawrence Medico 1500 Highway 315 Wilkes-Barre, PA 18711	UNT to Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Rush Township Schuylkill County	PAG02005416010	Susan J. Biege & Robert C. Dunn 63 Peach Street New Ringgold, PA 17960	UNT to Little Schuylkill River (CWF, MF)	Schuylkill County Conservation District 570-622-3742

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

<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>
Howard Twp Centre Cnty	PAG02001416010	PA DCNR—Facility Design & Construction Division of Dams, Bridges & Roadways Engineering 400 Market Street Harrisburg, PA 17105	UNT-Bald Eagle Creek, CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Fairfield Twp Lycoming Cnty	PAG02004116016	Sam Shaheen Welteroth Properties Group 356 Laurens Rd Montoursville, PA 17754	Tules Run, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

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>
Muncy Creek Twp Lycoming Cnty	PAC410003	Jason Mitchell J.C. Bar Development LLC 415 Fallowfield Rd Suite 301 Camp Hill, PA 17011	Muncy Creek TSF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Clinton Twp Lycoming Cnty	PAG02004116017	Daphne Bowers Montgomery Area School District 120 Penn St Montgomery, PA 17752	Black Hole Creek TSF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Borough of Riverside Northumberland Cnty	PAC490001 (formally PAG 02004915008(2))	UGI Penn National Gas, Inc. Attn: Chris Morris 1 UGI Center Wilkes-Barre, PA 17802	Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4
Ralpho Twp Northumberland Cnty	PAC490002	Geisinger CLAM 210 Industrial Park Road Elysburg, PA 17824	UNT Shamokin CK CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 (570) 286-7114 ext. 4

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
South Fayette Township	PAG02000216075	SoFay Realty Partners, LLC 58 Wildwood Road Ridgewood, NJ 07450	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Town of McCandless	PAG02000216079	Mr. Andrew Baechle 542 Forbes Avenue Room 501 Pittsburgh, PA 15219-2904	North Fork Pine Creek (CWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Moon Run	PAG02000216088	Guardian Robinson 5879 Centre Avenue Pittsburgh, PA 15206-3709	Moon Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
North Fayette Township	PAG02000216100	DWH Properties, LLC 205 Whittengale Road Oakdale, PA 15071	North Branch Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Borough of Forest Hills	PAG02000216099	Borough of Forest Hills Municipal Building 2071 Ardmore Boulevard Pittsburgh, PA 15221	UNT to Turtle Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

<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>
North Fayette Township	PAG02000215084	Bright Oaks Associates, LP 3100 Seven Fields Boulevard Suite 350 Seven Fields, PA 16046-4307	North Branch Robinson Run (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
City of Pittsburgh	PAG02000216096	Catholic Institute of Pittsburgh 111 Boulevard of the Allies Pittsburgh, PA 15222	Chartiers Creek (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Sewickley Heights Borough	PAC020007	Mr. LeRoy Thompson, Jr. 268 Merriman Road Sewickley, PA 15143	UNT to Ohio River (WWF)	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645
Kilbuck Township	PAG02000213077	Stroyne Family, LP 300 Camp Horne Road Pittsburgh, PA 15202	UNT to Ohio River	Allegheny County Conservation District 33 Terminal Way Suite 325B Pittsburgh, PA 15219 (412) 242-7645

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>
Bethlehem City Lehigh County	PAR202202	Air Products & Chemicals Inc.— Gardner Cryogenics 7201 Hamilton Boulevard Allentown, PA 18195-1501	Unnamed Tributary to Lehigh River—2-C	DEP North East Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Selinsgrove Borough Snyder County	PAG034837	Mastic Home Exteriors 149 Keene Lane Middleburg, PA 17842-8293	Unnamed Tributary to Penns Creek—6-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
West Chillisquaque Township Northumberland County	PAG034836	New England Motor Freight 141 E 26th Street Erie, PA 16504-1082	Unnamed Stream To West Branch Susquehanna River—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636
Lawrence Township Clearfield County	PAR214804	Swisher Concrete Products PO Box 55 Clearfield, PA 16830-0055	West Branch Susquehanna River—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101 Williamsport, PA 17701-6448 570.327.3636

General Permit Type—PAG-4

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

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
PAG041214	Brian Tobin 2811 Sunset Trail Waterford, PA 16441	Unnamed Tributary of Sixmile Creek—15-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942
PAG041216	Moraine Trails Council BSA 830 Morton Avenue Ext Butler, PA 16001	Unnamed Tributary to Slippery Rock Creek—20-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

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>
David and Cathy Reifsneider 2596 New Bridgeville Road Felton, PA 17322	York	13.9	366.7	Poultry	NA	Approved
Stones Hog Production, LLC John and Bronson Stone 12547 Stage Road McClure, PA 17841	Snyder	415	924.69	Swine	None	Approval

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 sec-

tion 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 appropri-

ate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit # 0916506 issued to: **Oldcastle Precast**, 200 Keystone Drive, Telford, PA 18969, [(PWSID)] Hilltown Township, **Bucks County** on October 17, 2016 for the operation of arsenic removal at Well No. 1 facilities approved under construction permit # 0916506.

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

Permit No. 3540038, Operations Permit. Public Water Supply.

Applicant	Schuylkill County Municipal Authority 221 South Centre Street Pottsville, PA 17901
[Borough or Township]	New Castle Township
County	Schuylkill
Type of Facility	PWS
Consulting Engineer	Mr. Samuel F. Wood, PE Gannett Fleming Inc P.O. Box 67100 Harrisburg, PA 17106
Permit to Operate Issued	09/26/2016

Permit No. 4016509MA, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661
[Borough or Township]	Butler Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	Steven Riley, PE Entech Engineering, Inc. PO Box 32 Reading, PA 19603
Permit to Construct Issued	September 27, 2016

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

Permit No. 1414502—Operation—Public Water Supply.

Applicant	Upper Halfmoon Water Company
Township/Borough	Halfmoon Township
County	Centre
Responsible Official	Mr. Ben Pisoni Upper Halfmoon Water Company 1952 Halfmoon Valley Road Port Matilda, PA 16854
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	October 4, 2016
Description of Action	Authorizes use of Well # 6 as an additional source of supply, including a sodium hypochlorite disinfection system and detention piping for 4-log inactivation of viruses.

Permit No. 4915503MA—Operation—Public Water Supply.

Applicant	Sunbury Municipal Authority
Township/Borough	City of Sunbury
County	Northumberland
Responsible Official	Scott Debo, Water Manager Municipal Authority of the City of Sunbury 1600 Market Street Sunbury, PA 17801
Type of Facility	Public Water Supply
Consulting Engineer	John R. Segursky Jr. Uni-Tec Consulting Engineers, Inc. 2007 Cato Avenue State College, PA 16801
Permit Issued	October 5, 2016
Description of Action	Operation of the 0.42 million gallon (MG) treatment plant backwash tank, the 2 MG Hill Tank North and the 2 MG Hill Tank South, and supercedes the partial operation permits that authorized operation of the 2 MG Hill Tank North and the 2 MG Hill Tank South before the backwash tank was repaired and repainted.

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

Operations Permit issued to: **Municipal Authority of the City of New Kensington**, 920 Barnes Street, PO Box 577, New Kensington, PA 15068, **(PWSID # 5650070)** Lower Burrell Township, **Westmoreland County** on October 11, 2016 for the operation of facilities approved under Construction Permit # 6515506MA.

Operations Permit issued to: **Municipal Authority of the Borough of Edgeworth**, 313 Beaver Road, Edgeworth, PA 15143, **(PWSID # 5020015)** Bell Acres Borough, **Allegheny County** on October 11, 2016 for the operation of facilities approved under Construction Permit # 0216503.

Operations Permit issued to: **Hastings Municipal Authority**, 207-1 Fifth Avenue, PO Box 559, Hastings, PA 16646, (PWSID # 4110013) Hasting and Elder Townships, **Cambria County** on October 7, 2016 for the operation of facilities approved under Construction Permit # 1114505MA.

Permit No. 5034-T1, Minor Amendment. Public Water Supply.

Applicant **West Carroll Water Authority**
PO Box 328
Elmora, PA 15737

[Borough or Township] West Carroll Township
County **Cambria**
Type of Facility Facilities formerly owned by
Watkins Area Water Authority

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 6594505-T1, Minor Amendment. Public Water Supply.

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

[Borough or Township] Salem Township
County **Westmoreland**
Type of Facility Facilities formerly owned by
David Bailey (Bailey's MHP)

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 0486503-T3, Minor Amendment. Public Water Supply.

Applicant **UMH Properties, Inc.**
150 Clay Street
Suite 450
Morgantown, WV 26501

[Borough or Township] Somerset Township
County **Somerset**
Type of Facility Facilities formerly owned by
Stonewood Family Limited
Partnership

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 5688505-T1, Minor Amendment. Public Water Supply.

Applicant **Evergreen Associates, LLC**
26 Maple Street
Frostburg, MD 21532

[Borough or Township] Conemaugh Township
County **Somerset**
Type of Facility Facilities formerly owned by
Robert McKool

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 5604503-T1, Minor Amendment. Public Water Supply.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Borough or Township] Somerset Township
County **Somerset**
Type of Facility Facilities formerly owned by H
Manor, LLC

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 5611522GWR-T1, Minor Amendment. Public Water Supply.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Borough or Township] Somerset Township
County **Somerset**
Type of Facility Facilities formerly owned by H
Manor, LLC

Consulting Engineer
Permit to Operate October 13, 2016
Issued

Permit No. 5613504-T1, Minor Amendment. Public Water Supply.

Applicant **Hillcrest Manor MHP, LLC**
7 Commerce Center Drive
Henderson, NV 89014

[Borough or Township] Somerset Township
County **Somerset**
Type of Facility Facilities formerly owned by H
Manor, LLC

Consulting Engineer
Permit to Operate October 13, 2016
Issued

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

Operation Permit issued to **Slippery Rock Municipal Authority**, PWSID No. 5100079, Slippery Rock Township, **Butler County**. Permit Number 1014506 issued October 12, 2016 for the operation of the modified Forrester Road Water Treatment Plant. This permit is issued in response to an operation inspection conduction by Department of Environmental Protection personnel on June 14, 2016 and a meeting with Authority representatives on October 4, 2016.

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.

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

WA-306, Water Allocation. Pine Grove Borough, One Snyder Avenue, Pine Grove, PA 17963, Pine Grove Borough, **Schuylkill County**. The Department has rescinded the referenced Order of Confirmation, which

established the Borough's right to use water from Adams Run in Pine Grove Township, and Black Creek in Tremont Township, both in Schuylkill County. The two sources are no longer utilized and have been abandoned.

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

WA32-1004, Water Allocations. Indiana County Municipal Services Authority, 602 Kolter Drive, Indiana, PA 15701, **Indiana County**. The right for ICMSA-Coy to purchase up to 100,000 gallons of water per day from the Central Indiana County Water Authority.

WA32-1005, Water Allocations. Indiana County Municipal Services Authority, 602 Kolter Drive, Indiana, PA 15701, **Indiana County**. The right for ICMSA-Lucerne to purchase up to 100,000 gallons of water per day from the Central Indiana County Water Authority.

WA11-1003, Water Allocations-rescission. Watkins Area Water Authority, PO Box 375, Elmora, PA 15737, **Cambria County**. Rescission of the right to purchase 35,000 gallons of water per day from West Carroll Water Authority.

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>
Springettsbury Township	1501 Mount Zion Rd York, PA 17402	York
Windsor Township	1480 Windsor Rd Red Lion, PA 17356	

Plan Description: Approval is granted for a revision to the official plans of Springettsbury and Windsor Townships, York County. The project is known as the East York Interceptor. The plan provides for the abandonment of the Beaverson and Penn Oaks pump stations with new lines tying into the East York Interceptor, which will be upgraded to accommodate an additional 0.887 mgd, which will ultimately be tributary to the Springettsbury Township Wastewater Treatment Plant. The sewer line improvements will begin at Pond Drive in Windsor Township and follow an un-named tributary of Kreutz Creek north to the northern side of Eastern Boulevard across from its intersection with Torrington Drive in Springettsbury Township. The approved project will require a Water Quality Management (Part II) permit for the construction and operation of the proposed sewage facilities. The permit application must be submitted in the name of the municipality. The Department's review of the revision amendment has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-67957-450-3m and A3-67966-475-3m, and the APS Id is 911800.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Grove City Borough	123 West Main Street Grove City, PA 16127	Mercer

Plan Description: The approved plan provides an evaluation of the alternatives associated with the use of the conventional activated sludge process as well as the capacity needs of the tributary municipalities to the Grove City Borough WWTP. The tributary municipalities include Grove City Borough, Harrisville Borough and Liberty, Pine, Springfield and Mercer Townships, Mercer and Butler Counties. The plan recommends the conversion of the sewage treatment plant from a two stage activated sludge process to a conventional activated sludge process, expansion of the wastewater treatment plant from 3.0 MGD to 3.342 MGD and the replacement of the existing 30 foot primary digester by a new 55 foot diameter anaerobic digester. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bellefonte Borough	236 West Lamb Street Bellefonte, PA 16823	Centre

Plan Description: The approved plan calls for the conversion of the municipal sewage treatment plant's Rotating Biological Contactor (RBC) treatment process to the BIOMAG treatment process. The scope of work to convert to the BIOMAG treatment process is to occur entirely within the existing fence line of the existing treatment plant. The estimated total project cost for the selected alternative is approximately \$6,500,000; with Bellefonte Borough being responsible for fifty eight percent of the costs and the Spring-Benner-Walker Joint Authority being responsible for the remaining forty two percent of costs, as per an existing inter-municipal agreement. Bellefonte Borough plans to fund their portion of the project costs via a private bond and/or loan, whereas the Spring-Benner-Walker Joint Authority intends to cover their share of the project costs via the use of capital reserve fund monies. The required WQM Permit for this treatment conversion must be obtained in the name of the Bellefonte Borough Authority. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts.

HAZARDOUS SITES CLEANUP ACT OF OCTOBER 18, 1988

Notice of Interim Response

Keystone Metals Reduction Site, Cheswick Borough, Allegheny County, Southwest Region

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P.S. § 6020.101 et. Seq. (HSCA), has proposed an interim response at the Keystone Metals Reduction Site (Site). The Site is located in the 1000 block of Freeport Road in the Borough of Cheswick, Allegheny County, Pennsylvania on property that is now owned by North American Fencing Corporation. The Keystone Metal Reduction Company (KMR) purchased the Site in 1921 and operated a uranium processing facility on the property for a few years. Records indicate that the facility ceased operations in the 1920s.

Beginning in 2010, the Department conducted investigations at the Site and determined that Radium-226 is

the primary Contaminant of Concern on the property. Radium-226 is a hazardous substance as defined by the Hazardous Sites Cleanup Act and is a carcinogen.

The Department considered the following four alternatives to address the threats at the site: 1) no action; 2) cap the Site with 4.5 to 6 feet of clean fill and restrict the Site to industrial or commercial use; 3) remove contaminated soil to the groundwater table and bring the area back to grade using clean fill; 4) excavate and dispose of all contaminated soil.

Alternative number 2 was chosen because it complies with applicable or relevant and appropriate requirements and is cost effective.

This notice is being provided under Section 506(b) of the Hazardous Sites Cleanup Act. The Administrative Record which contains information forming the basis and documenting the selection of this response action is available for public review and comment at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 between 9:00 a.m. and 4:00 p.m.

The Administrative Record will be open for comment until January 30, 2017. Persons may submit written comments into the record, during this time only, by sending them or delivering them to Dawna Saunders, Project Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the Administrative Record at a public hearing scheduled for December 1, 2016 at 5:30 p.m. at the Cheswick Municipal Building Council Chambers located at 220 South Atlantic Ave in Cheswick, PA 15024.

Persons wishing to present comments must register with Brian Schimmel at the Department's Southwest Regional Office, in writing, at 400 Waterfront Drive, Pittsburgh, PA 15222 or by telephone at (412) 442-4199 before noon on December 1, 2016.

Persons with a disability who wish to attend the hearing and require an auxiliary aide, service, or other accommodations to participate in the proceeding should contact Brian Schimmel at (412) 442-4199 or through the Pennsylvania AT&T Relay Service at (800) 654-5954 (TDD) to discuss how the Department may accommodate their needs.

Public Notice of Proposed Consent Order and Agreement

AZC Township Soil Area, Smith Township, Washington County

Under section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (HSCA) (35 P.S. § 6020.101—6020.1305), notice is hereby given that the Department of Environmental Protection (Department) has entered into a proposed Consent Order and Agreement (CO&A) with Cyprus Amax Minerals Company (Cyprus) for the implementation of cleanup plan detailed designs for the former American Zinc and Chemical Company Smelter (Site). The Site is located in Smith Township, Washington County.

The terms of the settlement are set forth in the CO&A, which is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. The Department will receive and consider comments relating to the CO&A for sixty (60) days from the date of this Public Notice. Comments may be submitted, in writing, to Terry Goodwald, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront

Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Mr. Goodwald at 412-442-4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-645-5984.

The Department has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Pennsylvania Environmental Hearing Board.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P.S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

J. Adams Well Pad 1, 3268 State Route 547, Harford Township, Susquehanna County. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000

Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning remediation of site soils and groundwater contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, Zinc, and Chloride. The report is intended to document remediation of the site to meet the Statewide Health and Background Standards.

Hospital Central Services, Inc., 2139 and 2171 28th Street SW, Allentown City, **Lehigh County**. Leidos, Inc., 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Air Products and Chemicals, Inc., 7201 Hamilton Boulevard, Allentown, PA 18195, submitted a Final Report concerning remediation of site groundwater contaminated with Tetrachloroethene, Trichloroethene, 1,1-Dichloroethene, cis/trans-1,2-Dichloroethene, 1,2-Dichloroethane, 1,1,1-Trichloroethane. The report is intended to document remediation of the site to meet the Background Standard.

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

Metropolitan Edison Company North Hanover Substation, Radio Road West of High Street, Hanover, PA 17332, Conewago Township, **Adams County**. Ramboll Environmental, 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203, on behalf of Miller Chemical & Fertilizer, LLC, 120 Radio Road, Hanover, PA 17332, and FirstEnergy Corporation, P.O. Box 16001, Reading, PA 19612, submitted a Final Report concerning remediation of site soils contaminated with inorganics as a result of fire-fighting activities. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Zimmer-Naef Property, 98 Millers Gap Road, Enola, PA 17025, Silver Spring Township, **Cumberland County**. Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Carrie Zimmer-Naef and Hans Naef, 98 Millers Gap Road, Enola, PA 17025, submitted a Final Report concerning remediation of site soils contaminated with # 2 fuel oil. The release also affected properties at 78 and 80 Millers Gap Road. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Sun Pipeline/Walters Farm, 539 Swamp Road, Reinholds, PA 17569, West Cocalico Township, **Lancaster County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 19382, on behalf of Pipeline Operations, A Series of Evergreen Resources Group, LLC, 2 Righter Parkway, Suite 200, Wilmington, DE 19803, and John and Cliff Walter, 530 Swamp Church Road, Reinholds, PA 17569, submitted Final Report concerning remediation of site groundwater contaminated with unleaded gasoline from a pipeline release. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Area Storage & Transfer/Diesel & UMO Release, 5005 Lincoln Highway, Kinzers, PA 17535, Salisbury Township, **Lancaster County**. JK Environmental Services, LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Area Storage and Transfer, P.O. Box 60370, Harrisburg, PA 17106, and Roamers Retreat Campground LLC, 5005 Lincoln Highway, Kinzers, PA 17535 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard and was submitted within 90 days of the release.

Wissler Motors Inc., 1205 West Main Street Mt. Joy, PA 17552, Mt. Joy Borough, **Lancaster County**. Environmental Products and Services of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Wissler Motors, Inc., 1205 West Main Street, Mt. Joy, PA 17552, and J.B. Hostetter and Sons, 1225 West Main Street, Mt. Joy, PA 17552, submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

Former CNH Industrial America LLC (CNH Industrial) Old Plant Property (OPP), 36 Maple Street, Belleville, PA 17004, Union Township, **Mifflin County**. TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103, CNH Industrial America LLC, 700 State Street, Racine, WI 53404, on behalf of William Dancy, William Dancy, LLC, 36 Maple Street (Lots 1 and 4), Belleville, PA 17004, Thomas C. Daubert, T.C. Daubert LLC, 36 Maple Street (Lot 2), Belleville, PA 17004, and Mathew and Jane Fisher, Lakeview LLC, 36 Maple Street (Lot 3), Belleville, PA 17004, submitted Final Report concerning remediation of site soil and groundwater contaminated with VOCs, SVOCs and Inorganics. The report is intended to document remediation of the site to meet the Site Specific Standard.

J. Walter Miller Company, 226 North Ann Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Reliance Environmental, Inc., 225 North Duke Street, Lancaster, PA 17602, on behalf of Canerector, Inc., 1 Sparks Avenue, North York, ON M2H 2W1, submitted a Final Report concerning remediation of site soil contaminated with iron. 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:

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

J. Adams Well Pad 1, 3268 State Route 547, Harford Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with Aluminum, Barium, Boron, Iron, Lithium, Manganese, Selenium, Strontium, Vanadium, Zinc, and Chloride. The Final Report demonstrated attainment of the Statewide Health and Background Standards, and was approved by the Department on October 11, 2016.

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

Conestoga MHP Lot 20, 3327 Main Street, Lot 20, Conestoga, PA 17516, Conestoga Township, **Lancaster County**. Liberty Environmental, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Conestoga Mobile Home Park, 252 Willow Valley Road, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Residential Statewide Health Standard, and was disapproved by the Department on October 12, 2016.

FCI USA, Inc., 320 Busser Road, Emigsville, PA 17318-0248, Manchester Township, **York County**. HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, on behalf of AFCI Americas, 825 Old Trail Road, Etners, PA 17319, submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with Chlorinated Solvents. The Remedial Investigation Report was administratively incomplete and was disapproved by the Department on October 17, 2016.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

Mill Run Personal Care Facility, 1201 Wilson Avenue, Bristol Borough, **Bucks County**. Richard S. Wernber, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, Redevelopment Authority of Buck County, One North Wilson Avenue, Suite 1, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 3, 2016. PF619945.

Mack Oil Berwyn, 45 Branch Avenue, Easttown Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc. 311 Clearview Drive, Downingtown, PA 19335 on behalf of Tim McCorry, Mack Services Group, 45 Branch Avenue, Berwyn, PA 19312 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with petroleum hydrocarbons. The Remedial Investigation Report was approved by the Department on September 26, 2016. PF617237.

Happ Contractors, Inc., 260 West Ashland Street, Doylestown Borough, **Bucks County**. Sean Fullmer, 21350 Welsh Road, North Wales, PA 19454 on behalf of Andy Happ, 260 West Ashland, Street, Philadelphia, PA 18901 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater and soil contaminated with leaded gasoline. The Remedial Investigation/Final Report was approved by the Department on September 29, 2016. PF810392.

Village Residence 3(VR3), 101 Bryce Lane, Upper Merion Township, **Montgomery County**. Scott Bisbort Sr. Ransom, 2127 Hamilton Avenue, Hamilton, NJ 08619, Peter Sikora, Bozzuto Development Company, 4830 East Swedesford Road, Suite 110, Wayne, PA 19087 on behalf of CRP/BA VR3, LLC, 101 Bryce Lane, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final report demonstrated attainment of the Statewide Hatch Standard and was approved by the Department on September 27, 2016. PF811157.

Mario's Complete Auto Repair, 2709 East Westmoreland Street, City of Philadelphia, **Philadelphia County**. John Krinis, JK Environmental Services, LLC, P.O. Box 509 Lafayette Hill, PA 19444 on behalf of Mario Dworniczak, Mario's Complete Auto Repair, 2709 East Westmoreland Street, Philadelphia, PA 19134 has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 3, 2016. PF812037.

Prizer Great Valley Office, 31-43 Moreland Road, East Whiteland Township, **Chester County**. William Schmidt, PR, Pennoni Associates, Inc., 3001 Market Street, Suite 200, Philadelphia, PA 19104 on behalf of Michael Bray, Horatio Realty Trust, c/o The Vanguard Group, Inc., P.O. Box 2600, Valley Forge, PA 19482-2600 has submitted a Background Final Report concerning the remediation of site soil contaminated with arsenic. Final report demonstrated attainment of the Background Standard was approved by the Department on October 5, 2016. PF748303.

383 West Cederville Road, North Coventry Township, **Chester County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Joyce Geyer, 5433 Leary Avenue, NW, Seattle, WA 98107 has

submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 28, 2016.

Academy of the New Church, 2775 Buck Road, Borough of Bryn **Montgomery County**. Thomas A. Petercz, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Brian Llewelly, Academy of the New Church, 2775 Buck Road, Bryn Athyn, PA 19009 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 30, 2016. PF812026.

Saint Matthews Roman Catholic Church, 219 Fayette Street, Conshohocken Borough, **Montgomery County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Mike Kubiak, Saint Mathews Roman Catholic Church, 219 Fayette Street, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site soil contaminated with no 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 15, 2016. PF810282.

4050-4066 Haverford Avenue, 4050-4066 Haverford Avenue, City of Philadelphia, **Philadelphia County**. Douglas B. Schott, P.G. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Jacqueline Wilson, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Kurt Spiess, EMG Remediation Services, LLC, 506R West Chester Pike, P.O. Box 129, Edgemont, PA 19028 on behalf Stephanie Wall, 4050 Apartments LP, 325 North 39th Street, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 14, 2016. PF812038.

Zieger Rose Nursery, 1756 and 1760 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Brian M. Cicak, P.E. Tool PA XIV, L.P., 250 Gibraltar Road, Horsham, PA 19044, Terence A. O'Reilly, P.G., TriState Environmental Management, Services, Inc., 368 Dunksfery Road, Bensalem, PA 19020 on behalf of John Zieger, Zieger Floral, Inc., 7483 Rosebud Lane, Cape Charles, VA 23310, Richard R. McBride, Esq., The Cutler Group, Inc., 5 Apollo Road, Suite One, Plymouth Meeting, PA 19462 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on September 13, 2016. PF713282.

915 North Bethlehem Pike, 915 North Bethlehem Pike, Lower Gwynedd Township, **Montgomery County**. Richard S. Werner, Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Paul Bucco, 915 1/2 North Bethlehem Pike, Partners LP, 10 East 6th Avenue, Suite 100, Conshohocken, PA 19428 has submitted a Final Report concerning the remediation of site soil contaminated with gasoline. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 8, 2016. PF811562.

2800 North American Street, 2800 North American Street, City of Philadelphia, **Philadelphia County**. Jenney Cutright, REPSG, Inc., 6901 Kingsessing Avenue,

Philadelphia, PA 19142, Cynthia Figuereroa, Congreso De Lantino Unidos Inc., 2800 North American Street Company, 2800 North American Street, Philadelphia, PA 19133 on behalf of Dario Bellott, Congreso del lantino Unidos, Inc., 2800 North American Street, Philadelphia, PA 19133 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic, naphthalene and benzo. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 31, 2016. PF733330.

Speedi King, 249 Lancaster Avenue, East Whiteland Township, **Chester County**. David Farrington, PG., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Frank King, Jr., Estate of Frank King, Jr., 417 Water Dam Road, Waynesburg, PA 15370 on behalf of Mr. and Mrs. Glenn King, 675 East Reeceville Road, Coatesville, PA 19320 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report was withdrawn by the Department on September 9, 2016. PF785201.

801 Baltimore Pike, 801 Baltimore Pike, Springfield Township, **Delaware County**. Brian Loughnane, Synergy Environmental, Inc., 155 Railroad Plaza Royersford, PA 19468 on behalf of Joseph S. Botta, Jr, Pineville Properties, LLC, 1288 Valley Forge Road, # 987 Unit 66, Phoenixville, PA 19460 has submitted a Final Report concerning the remediation of site soil contaminated with naphthalene, 1,2,4-TMB and 1,3,5-TMB. The Final report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department on August 19, 2016. PF810291.

Flint Property, 730 Wheatland Street, Borough of Phoenixville, **Chester County**. Alexander Ulmer, PG, Barry, Isett & Associates, 1003 Egypt Road, Phoenixville, PA 19460 on behalf of Steve Kambic, Petra Community Housing, 201 South Main Street, Spring City, PA 19475 has submitted a remedial Investigation Report concerning the remediation of site soil contaminated with other organics. The Remedial Investigation was approved by the Department on September 7, 2016. PF806062.

Shafer Residence, 3795 Church School Road, Buckingham Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Stephanie McLaughlin, Selective Insurance Company of America, P.O. Box 7264, London, KY 40742 on behalf of Amy and Mark Shaffer, 3795 Church School Road, Doylestown, PA 18902 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on August 26, 2016. PF810209.

East Central Incinerator Site, 601 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with metals, pcbs, and vocs. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on August 29, 2016. PF760986.

Waterside Development Parcel B, 2215 State Road, Bensalem Township, **Bucks County**. Michael D. Lat-

tanze, Penn Environmental & Remediation, Inc., 275 Bergy Road, Hatfield, PA 19440, Jeffery Walsh, P.G. Penn Environmental & Remediation, Inc., 275 Bergy Road, Hatfield, PA 19440 on behalf of Arnold Boyer, Waterside Construction, LP, 2310 Terwood Drive, Huntingdon Valley, PA 19006 has submitted a Cleanup Plan and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with leaded gasoline. The Cleanup Plan was approved by the Department on September 6, 2016. PF620175.

Dreshertown Plaza, 1424 Dreshertown Road, Upper Dublin Township, **Montgomery County**. Craig Herr, P.G., RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406-3207 on behalf of Jim Bladel, Dreshertown Plaza, LP, 1301 Lancaster Avenue, Berwyn, PA 19312 has submitted a Remedial Investigation and Final Report concerning the remediation of site groundwater and soil contaminated with pce. The Remedial Investigation and Final Report were disapproved by the Department on September 8, 2016. PF631832.

Brigadoon Tract, Hook and Calcon Hook Roads, Darby Township, **Delaware County**. Robert Goldman, TRC Environmental Corporation, 1601 Market Street, Suite 2555, Philadelphia, PA 19103 on behalf of Brian W. Coyle, Brigaloon, Inc., 112 Chelsey Drive, Suite 200, Media, PA 19063 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with gasoline constituents. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 2, 2016. PF689145.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Hazardous Waste Transporter License Reissued

Neier, Inc., PO Box 151, Coatesville, IN 46121. License No. PA-AH 0777. Effective Oct 12, 2016.

Hazardous Waste Transporter License Reinstated

TNI (USA), INC. dba AATCO, PO Box 545, Duenweg, MO 64841. License No. PA-AH 0604. Effective Oct 13, 2016.

New Applications Received

Hugill Sanitation Inc., 779 Front Street, Mahaffey, PA 15757. License No. PA-AH 0853. Effective Oct 12, 2016.

Specialty Disposal Services, Inc., 115 Route 46 West, Mountain Lakes, NJ 07046. License No. PA-AH 0852. Effective Oct 11, 2016.

REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170.

Regulated Medical and Chemotherapeutic Waste Transporter Reissued

The Pennsylvania State University, 6 Eisenhower Parking Deck, University Park, PA 16802. License No. PA-HC 0153. Effective Oct 12, 2016.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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. WMGR155. Lafarge North America Inc., 5160 Main Street, Whitehall, PA 18052, **Lehigh County**. This permit authorizes the processing of Types 4 through 7 plastics from municipal recycling facilities and residual waste generators to produce plastic-derived fuel for use in the cement kiln. The permit was issued by Central Office on October 12, 2016.

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

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability Issued Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

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

General Permit Application No. WMGR081D017B. Computer Recycler of Eastern PA, LLC, 35 Queen Street, Sinking Spring, PA 19608.

The Southcentral Regional Office, Waste Management Program received a determination of applicability (DOA) under Residual Waste General Permit No. WMGR081 for Computer Recycler of Eastern PA, LLC, 35 Queen Street, Sinking Spring, PA 19608 in Sinking Spring Borough, Berks County. This general permit is for processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices The DOA was issued on October 13, 2016.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Permitting Section Chief, Southcentral Re-

gional 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

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

Southcentral Region: Air Quality Program, 909 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.

GP7-36-03118A: ITP of USA, Inc. (200 South Chestnut Street, Elizabethtown, PA 17022) on October 6, 2016, for three (3) existing sheet-fed offset lithographic printing presses, under GP1, at the printing facility located in Elizabethtown Borough, **Lancaster County**. The general permit authorization was renewed.

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

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

GP5-41-626B: Anadarko Marcellus Midstream LLC (1201 Lake Robbins Drive, The Woodlands, TX 77380) on October 12, 2016, for the continued operation of four (4) 1,380 bhp Caterpillar model G3516ULB compressor engines each equipped with an oxidation catalyst, two (2) 87 bhp Capstone model G65 Microturbine generators, one (1) 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler and flash tank, one (1) J.W. Williams glycol dehydration unit rated at 15 MMscf/day and equipped with a 0.35 MMBtu/hr natural-gas fired reboiler and flash tank, Two (2) 87 bhp Capstone model G65 Microturbine generators, two (2) 16,800 gallon produced water tanks, two (2) 500 gallon lube oil tanks, one (1) 500 gallon engine coolant tank and one (1) 500 gallon triethylene glycol tank under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the COP Tract 289 Compressor Station in McHenry Township, **Lycoming County**.

GP5-18-193A: Anadarko Marcellus Midstream LLC (1201 Lake Robbins Drive, The Woodlands, TX 77380) on October 13, 2016, for the continued operation of three 1,380 bhp Caterpillar model G3516TA-ULB four-stroke lean-burn natural-gas fired compressor engines each equipped with an Emit Technologies model EAH-3050Z-1616F-21XEE oxidation catalyst, two 87 bhp Capstone model G65 Microturbine generators, one 40 MMscf/day Valerus model GLY-DEHY-750 dehydration unit equipped with a 0.75 MMBtu/hr natural-gas fired reboiler, two 16,800-gallon produced water tanks, two 500-gallon engine lube oil tanks, one 500-gallon engine coolant tank, one 500-gallon triethylene glycol tank, one 1000-gallon waste oil tank under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the COP Tract 285 Compressor Station in Grugan Township, **Clin-ton County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

GP14-10-344A: Fannie's Friends (352 Railroad St. Evans City, PA 16033) on October 7, 2016, for the authority to operate One (1) B&L Cremation Systems propane fired animal crematory, model: BLP-500 rated 150 lbs/hr (BAQ-GPS/GP14) located at their facility in Evans City, **Butler County**.

GP5-24-168D: Diversified Oil & Gas, LLC-Owl's Nest Compressor Station (PO Box 381087 Birmingham, AL 35238) on October 7, 2016, for the authority to construct and/or operate a 400 bhp Waukesha F-18GL compressor engine and facility fugitive emissions (BAQ-GPS/GP5) located at their facility in Highland Township, **Elk County**.

GP11-37-332G: Amerikohl Aggregates, Inc. (1384 State Route 711, Stahlstown, PA 15687) on October 11, 2016, for the authority to install and operate a diesel or No. 2 fuel fired nonroad internal combustion engine (Caterpillar C15) (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence 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.

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

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

46-0093A: Main Line Hospitals Inc./Bryn Mawr Hospital (130 S Bryn Mawr Ave, Bryn Mawr, PA 19010) On October 11, 2016 for the installation and operation of three emergency only electric generators powered by diesel fuel in Lower Merion Township, **Montgomery County**.

46-0271A: Ratoskey & Trainor, Inc. (240 Flint Hill Road, King of Prussia, PA 19406) On October 11, 2016 for the installation and operation of a portable nonmetallic mineral crushing plant and associated diesel fuel-fired engine at its existing facility, which is located in Upper Merion Township, **Montgomery County**.

09-0223: Morton Salt, Inc. (12 Solar Drive, Fairless Hills, PA 19030) On October 11, 2016 for the modification of Plan Approval No. 09-0223 for their facility located in Falls Township, **Bucks County**. The Plan Approval has been modified to reflect the following changes to the proposed equipment and setup at the facility:

- The rated capacities of the proposed salt processing equipment and fluid bed dryer have been reduced.
- The design air flow rate for and dimensions of the individual cyclones in the proposed high-efficiency multi-cyclone have been reduced (though the proposed number of individual cyclones has been increased).
- The setup of the proposed salt processing equipment has been changed such that all equipment will be contained within Morton Salt, Inc.'s, existing production building. The portion of the adjacent building leased from Toll Brothers, Inc., which Morton Salt, Inc., originally proposed to contain some salt processing equipment, is now proposed to be used solely as a finished product storage area.

The modified Plan Approval will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

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.

21-05005D: PA Department of Corrections-State Correctional Institution-Camp Hill (2500 Lisburn Road, Camp Hill, PA 17011) on October 11, 2016, for an already-onsite natural gas/No. 2 oil-fired Nebraska/Cleaver Brooks, model NOS-2AS-67 boiler, rated at 94.7 mmBtu/hr, at the Camp Hill State Correctional Institution in Lower Allen Township, **Cumberland County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

20-037B: US Bronze Foundry & Machine, Inc. (18649 Brake Shoe Rd., PO Box 458, Meadville, PA 16335) on October 6, 2016 issued a Plan Approval to construct, modify or operate two (2) 2,000 lb. capacity electric induction furnaces, two (2) 80 lb. aluminum/bronze crucible furnaces, grinding operations, a sand handling system, and a rotary drop media surface abrader in Woodcock Township, **Crawford County**. This is a State Only 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.

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.

05-05014B: WSI Sandy Run Landfill, Inc. (995 Landfill Road, Hopewell, PA 16650-8653) on October 6, 2016, for the construction of an enclosed ground flare to control landfill gas emissions from the landfill expansion at the Sandy Run Landfill located in Broad Top Township, **Bedford County**. The plan approval was extended.

06-05069X: East Penn Manufacturing Co., Inc. (P.O. Box 147, Lyon Station, PA 19536) on October 14, 2016, for modifying A-2 Facility production lines. The sources are located at the Lyon Station lead-acid battery assembly facility in Richmond Township, **Berks County**. The plan approval was extended.

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

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

08-00052A: REV LNG SSL BC, LLC (1005 Empson Road, Ulysses, PA 16948) on September 23, 2016, to extend the plan approval expiration date to April 16, 2017 to allow completion of construction of several sources for the production of liquefied natural gas at the proposed Clark Facility in Herrick Township, **Bradford County**.

47-00001D: Montour LLC (PO Box 128, Washingtonville, PA 17884) on October 12, 2016, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from October 13, 2016 to April 11, 2017, at their Montour SES facility located in Derry Township, **Montour County**. The plan approval has been extended.

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

Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.

65-00839B: Texas Eastern Transmission, L.P. (PO Box 1642, Houston, TX 77251) Extension effective September 28, 2016, to extend the period of temporary operation of the Solar Titan 250 turbine rated at 30,000 HP and controlled by an oxidation catalyst authorized under PA-65-00839B the Delmont Compressor Station located in Salem Township, **Westmoreland County**.

32-00055I: NRG Homer City Services LLC (1750 Power Plant Rd., Homer City, PA 15748) Extension effective September 28, 2016, to allow continued temporary operation of the boiler Unit 1 & 2 Novel Integrated Desulfurization (“NID”) systems to control SO₂ emissions at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

32-00055H: NRG Homer City Services LLC (1750 Power Plant Rd., Homer City, PA 15748) Extension effective September 28, 2016, to allow continued temporary operation of the boiler Unit 1 & 2 Novel Integrated Desulfurization (“NID”) systems to control SO₂ emissions at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

32-00055G: NRG Homer City Services LLC (1750 Power Plant Rd., Homer City, PA 15748) Extension effective September 28, 2016, to allow continued temporary operation of the boiler Unit 1 & 2 activated carbon injection (“ACI”) systems to control mercury emissions at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-079E: BNZ Materials (191 Front Street, Zelienople, PA 16063), on October 14, 2016, effective November 30, 2016, issued a plan approval extension for the modification of emission limits associated with Kiln # 3 from plan approval 10-079D in Zelienople Borough, **Butler County**, to expire May 31, 2017. This is a Title V facility.

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.

06-05073: Dyer Quarry, Inc. (Rock Hollow Road, PO Box 188, Birdsboro, PA 19508-0188) on October 11, 2016, for the stone crushing operations at the quarry located in Robeson Township, **Berks County**. The State-only permit was renewed.

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

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

18-00025: Moriarty Funeral Home & Crematory (112 East Church Street, Lock Haven, PA 17745) on October 12, 2016 issued a state only operating permit for their facility located in Lock Haven, **Clinton County**. The state only operating permit contains all applicable regulatory requirements including monitoring, record-keeping and reporting conditions.

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

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

65-01037: Alcoa Technical Center LLC (859 White Cloud Road, New Kensington, PA 15068) on October 13, 2016 a State Only Operating Permit (SOOP) to Alcoa Technical Center to authorize the operation of a new R & D facility that was created out of a portion of the original Alcoa Technical Center complex located in Upper Burrell Township, **Westmoreland County**.

11-00516: Gamesa Wind US, LLC/Ebensburg Plant (100 Commerce Drive, Ebensburg, PA 15931) on October 7, 2016, the Department issued a State Only Operating Permit renewal for the wind turbine rotor blade repair facility located in Cambria Township, **Cambria County**.

SOOP-56-00155: Somerset Area District School (645 S Columbia Avenue, Somerset, PA 15501-2513) State Only Operating Permit renewal issuance date effective October 11, 2016, for their Somerset Area High School located in Somerset Borough, **Somerset County**.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

NM-43-00378: A Stucki D.B.A. American Industries (1 American Way, Sharon, PA 16146) on October 18, 2016, for an initial Natural Minor Operating Permit to operate a railroad components manufacturing and reconditioning facility located in Sharon City, **Mercer County**. The emitting sources include Oil Quenching, Painting, Punching, Cutting/Grinding, Welding, Maintenance Parts Cleaner, 18 Infrared Gas Heaters and, a Shot Blast Operation. The sources were exempt from plan approval but the PM₁₀ emissions are over the Operating Permit exemption threshold so the facility must obtain an Operating Permit. The potential emissions from the facility are: NO_x: 6.53 TPY, CO 5.48 TPY, PM₁₀ 11.35 TPY, SO_x 0.04 TPY, VOC 2.37 TPY and, Total HAP 0.22 TPY.

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:

S16-002: PA Convention Center (1101 Arch Street, Philadelphia, PA 19107), for the operation of a non residential Building used for Conventions and other entertainment activities in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include two (2) 500 kilowatt (kW) diesel fuel fired emergency generators, one (1) 600 kW diesel fuel fired emergency generator, one (1) 270 hp diesel fuel fired fire pump, two (2) 20.4 MMBTU/hr boilers firing No. 2 fuel oil

or natural gas, two (2) 8.76 MMBTU/hr chillers firing No. 2 fuel oil or natural gas, and one (1) 600,000 BTU/hr hot water heater firing natural gas.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00005: Merck & Company (770 Sumneytown Pike, West Point, PA 19486-0004) On October 13, 2016 for a minor permit modification is to place an enforceable limitation of less than 500 operating hours for the following six generators (Source 150 (92-1 and 95-1 generators), Source 735, Source 737, Source 738 and Source 753). This limitation is to address the presumptive RACT II requirement found in 25 Pa. Code § 127.97(c)(8) at their facility located in Upper Gwynedd Township, **Montgomery County**. This permit modification of the Title V Operating Permit was issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

09-00037: WestRock Packaging, Inc. (3001 State Road, Croydon, PA 19021) On October 11, 2016 for the issuance of a minor modification of State Only Operating Permit for their facility located in Bristol Township, **Bucks County**. The minor modification of State Only Operating Permit is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462. The modification addresses an increase in the hours of operation for the Rotomec-10 (Source ID 204A) from 6,120 hr/yr to 8,760 hr/yr. This change in the number of operating hours results in a de minimis increase in VOC emissions equal to 0.11 ton per year. Sources at the facility are not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64, and the facility is not subject to the Greenhouse Gas Requirements pursuant to the GHG Tailoring Rule, 40 CFR Parts 51, 52, 70 and 71, et al. The modified permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00031: Glaxosmithkline (1250 S. Collegeville Road, Upper Providence Township, Montgomery County) On October 11, 2016 for a minor modification to the Title V Operating Permit (TVOP) for their facility located in Upper Providence Township, **Montgomery County**. The following changes were made to the permit to address RACT II:

1. A facility wide NO_x limit of 100 tons per year (tpy) calculated on a 12-month rolling sum was established. The new facility NO_x limit complies with RACT II 25 Pa. Code § 129.96(d).

2. The combined NO_x emission limit on the four boilers and six electric generators of 229.74 tpy was removed.

3. The NO_x emission limit for the six electric generators of 138.14 tpy was reduced to 100 tpy.

4. The combined throughput of No. 2 fuel oil for the six electric generators was reduced from 530,400 gallons to 383,570 gallons in any 12 consecutive month period.

The modified TVOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of TVOP No. 46-00031 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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.

01-05006: NRG REMA LLC (121 Champion Way, Suite 300, Canonsburg, PA 15317-5817) on October 13, 2016, for the Orrtanna electric generating station located in Highland Township, **Adams County**. The State-only permit was administratively amended in order to update the address and responsible official information.

67-05028: NRG REMA LLC (121 Champion Way, Suite 300, Canonsburg, PA 15317-5817) on October 13, 2016, for the Tolna electric generating station located in Hopewell Township, **York County**. The State-only permit was administratively amended in order to update the address and responsible official information.

01-05004: NRG REMA LLC (121 Champion Way, Suite 300, Canonsburg, PA 15317-5817) on October 13, 2016, for the Hamilton electric generating station located in Hamilton Township, **Adams County**. The State-only permit was administratively amended in order to update the address and responsible official information.

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

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

17-00021: West Branch Area School District (516 Allport Cutoff, Morrisdale, PA 16858) on September 28, 2016, was issued a revised state only operating permit to incorporate the terms and conditions of Plan Approval 17-00021A for their Bigler Cutoff Junior/Senior High School located in Morris Township, **Clearfield County**. The revised state only operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

55-00019: Professional Building Systems, Inc. (72 East Street, Middleburg, PA 17842) on October 13, 2016 to modify the operating permit to increase the allowable amount of CPVC pipe cement that could be used for the modular home manufacturing operation at their facility located in Middleburg Borough, **Snyder County**. The operating permit has been modified.

De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.

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.

06-05007: Carpenter Technology Corporation (101 Bern Street, Reading, PA 19601). Pursuant to 25 Pa. Code § 127.449(i), this *Pennsylvania Bulletin* Notice is for de minimis emissions increases of 0.88 TPY of NO_x, 0.74 TPY of CO, 0.06 TPY of PM and 0.02 TPY of VOC resulting from the addition of a 2.0 mmBtu/hr natural gas burner to their Rotary Hearth Furnace in the Reading Plant located in Reading City, **Berks County**. This is the first de minimis emissions increase at the facility during the term of the current operating permit.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

Permit No. 56100107 and NPDES No. PA0263117. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 192.2 acres. Receiving streams: unnamed tributaries to and Buffalo Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 9, 2016. Permit issued: October 6, 2016.

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

SMP 17080105 and NPDES PA0256781. King Coal Sales, Inc. (P.O. Box 712, Philipsburg, PA 16866). Permit renewal for continued operation and restoration of a bituminous surface mine located in Morris Township, **Clearfield County** affecting 94.2 acres. Receiving stream(s): Unnamed Tributaries to Alder Run and Alder Run classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: April 11, 2016. Permit issued: October 12, 2016.

59060101 and NPDES PA0256315. Phoenix Resources, Inc. (782 Antrim Road, Wellsboro, PA 16901). Permit renewal for continued operation and restoration of a bituminous surface mine located in Duncan Township, **Tioga County** affecting 80.9 acres. Receiving stream(s): Unnamed Tributaries to Rock Run to Babb Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 28, 2016. Permit issued: October 12, 2016.

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

65140101 and NPDES Permit No. PA0278122. Ligonier Stone & Lime Co., Inc. (117 Marcia Street, Latrobe, PA 15650). Permit issued for commencement, operation and restoration of a bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 92.4 acres. Receiving streams: unnamed tributaries to Stony Run. Application received: April 20, 2015. Permit issued: October 12, 2016.

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

Permit No. 54120901R. Keystone Quarry, Inc., (249 Dunham Drive, Dunmore, PA 18512), renewal of an existing anthracite incidental coal extraction for CES Landfill Permit No. 101615 in Foster, Reilly and Frailey Townships, **Schuylkill County**, receiving streams: Swatara Creek Watershed and Hans Yost Creek Watershed. Application received: August 18, 2016. Renewal issued: October 11, 2016.

Permit No. 40900203R5. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek. Application received: April 1, 2016. Renewal issued: October 13, 2016.

Permit No. 40900203C9. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), correction to update the post-mining land use of an existing anthracite coal refuse reprocessing operation to in Newport Township, **Luzerne County** affecting 49.5 acres, receiving stream: Newport Creek. Application received: April 1, 2016. Renewal issued: October 13, 2016.

Permit No. PAM111025R. Northampton Fuel Supply Co., Inc., (1 Horwith Drive, Northampton, PA 18067), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40900203 in Newport Township, **Luzerne County**, receiving stream: Newport Creek. Application received: April 1, 2016. Renewal issued: October 13, 2016.

Noncoal Permits Issued

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

Permit No. 28960301 and NPDES No. PA0223735, New Enterprise Stone & Lime Co., Inc., P.O. Box 77, New Enterprise, PA 16664, renewal of NPDES permit, located in Fannett Township, **Franklin County**. Receiving streams: unnamed tributary to Dry Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 22, 2016. Permit Issued: October 13, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

Permit No. 15164110. Rock Work, Inc., (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Reserve at West Goshen in West Goshen Township, **Chester County** with an expiration date of October 31, 2017. Permit issued: October 12, 2016.

Permit No. 35165112. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for PPL Summit Substation in the City of Scranton, **Lackawanna County** with an expiration date of October 31, 2017. Permit issued: October 12, 2016.

Permit No. 35164113. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Mt. Margaret Development in Roaring Brook Township, **Lackawanna County** with an expiration date of October 31, 2017. Permit issued: October 12, 2016.

Permit No. 40164110. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), blasting at the Silverbrook Strip in Laffin Borough, **Luzerne County** with an expiration date of December 31, 2016. Permit issued: October 12, 2016.

Permit No. 15164109. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Sage at Atwater in Tredyffrin Township, **Chester County** with an expiration date of October 10, 2017. Permit issued: October 17, 2016.

Permit No. 36164162. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Eden Road Custom Lots in Manheim Township, **Lancaster County** with an expiration date October 6, 2017. Permit issued: October 17, 2016.

Permit No. 36164163. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for F & M Fields in the City of Lancaster, **Lancaster County** with an expiration date of October 7, 2017. Permit issued: October 17, 2016.

Permit No. 36164164. Maine Drilling & Blasting, Inc., (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Grandview Development in Manheim Township, **Lancaster County** with an expiration date of October 12, 2017. Permit issued: October 17, 2016.

Permit No. 51164101. Ed Wean Drilling & Blasting, Inc., (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Penn Pavilion Hospital in the City of Philadelphia, **Philadelphia County** with an expiration date of December 30, 2017. Permit issued: October 17, 2016.

Permit No. 52164105. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting for 14 Robin Hood Drive in Greene Township, **Pike County** with an expiration date of October 10, 2017. Permit issued: October 17, 2016.

Permit No. 64164108. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Suite A, Lackawaxen, PA 18435), construction blasting at Paupacken Lake Estates in Lake Township, **Wayne County** with an expiration date of October 10, 2017. Permit issued: October 17, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E46-1139. Marlborough Township, 6040 Upper Ridge Road, Green Lane, PA 18054, Marlborough Township, **Montgomery County,** ACOE Philadelphia District.

To demolish partially collapsed wooden structure, remove the debris and to restore the disturbed area along the floodplain of the Unami Creek (HQ-TSF, MF) associated with the floodplain site restoration.

The site is located near the crossing of Swamp Creek Road and Magazine Road (Perkiomenville, PA USGS Quadrangle, Latitude: 39.8534; Longitude: -75.3966).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1138. Lower Moreland Township, 650 Red Lion Road, Huntingdon Valley, PA 19006, Lower Moreland Township, **Montgomery County,** ACOE Philadelphia District.

To remove, construct and maintain concrete bridge across Huntingdon Valley Creek (TSF, MF) having an approximate waterway opening of 14 feet wide by 6.53 feet high measuring approximately 55 feet in length associated with the Red Lion Road bridge rehabilitation.

The site is located about 100-feet southeast of the intersection of Rout 63 and Red Lion Road (Frankford and Harboro, PA USGS Quadrangle Latitude: 40.120286; Longitude: -75.056772).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E46-1132. New Hanover Township, 2990 Fagleysville Road, Gilbertsville, PA 19525, New Hanover Township, **Montgomery County,** ACOE Philadelphia District.

To perform the below listed water obstruction and encroachment activities associated with the New Hanover Municipal Authority West Branch Interceptor Upgrade Project:

1. To install and maintain assorted segments of 8-inch, 10-inch and 12-inch diameter sanitary pipes, running a proposed total of 8,000 linear feet in the floodway and crossing approximately 429 feet (0.197 acre) of an unnamed tributary (UNT) to Swamp Creek (TSF-MF) replacing assorted segments of 12-inch and 16 inch old pipes.

2. To temporarily impact approximately 0.194 acre of wetlands to facilitate the pipe installation.

3. To conduct digging, excavation and modification work to existing sanitary manholes located within the floodway of the stream to accommodate the replacement pipe work.

The pipe work commences at Manhole 359, West of Rhodes Road by the UNT to Swamp Creek and runs eastward crossing the stream and several of its tributaries 16 times ending at Manhole 326, northeast of Swamp Pike in New Hanover Township, Montgomery County, (USGS Quadrangle, PA Sassamansville -Latitude 40° 16' 53" -Longitude 75° 34' 46") ending at Longitude: 75°05'27"W, Latitude: 40°00'19"N) near the center of the Aramingo Avenue Bridge.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

E51-272. City of Philadelphia, Philadelphia Parks and Recreation Department, 1 Parkway, 1515 Arch Street,

10th Floor, Philadelphia, PA 19102, **Philadelphia County**, ACOE Philadelphia District.

To construct and maintain an 8 to 10-foot wide trail, approximately 1,700 linear feet in length. Located partially along the floodway/floodplain of the Tacony Creek (WWF, MF) associated with the multi-use trail connector in the Tacony Creek Park. The proposed trail will require placement of fill about 450 linear feet beneath and immediately upstream and downstream of the Roosevelt Boulevard bridge over Tacony Creek.

The site is located along Tacony Creek and Roosevelt Boulevard, (Frankford, PA, USGS Quadrangle Latitude: 40.026606; Longitude: -75.113388).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275 in Lykens Township, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To remove an existing structure and to construct and maintain a 19.0-foot long by 9.0-foot high by 28-foot 6.5 inch wide pre cast concrete box culvert uniformly depressed 1.0-foot in and across Deep Creek (WWF, MF), for the purpose of replacing a structurally deficient bridge as part of the Public Private Partnership (P3) Rapid Bridge Replacement Program. The project is located along Valley Road (Pillow, PA Quadrangle; Latitude 40°37'41"N, Longitude 76°46'39.5"W) in Lykens Township, Dauphin County. No wetlands will be impacted by this project.

Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, Pennsylvania 15275 in Leacock & Upper Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure and to install and maintain a 72 foot long, 32.4 foot wide concrete box beam bridge having an under clearance of 4.90 feet over Mill Creek (WWF, MF) (Latitude 40°3'18.73", Longitude -76°10'13.27") for the purpose of improving safety standards. No wetlands will be impacted by the activity.

Lancaster County, 150 North Queen St., Suite 612, Lancaster, PA 17603 in Paradise and Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To remove existing bridge and to install and maintain a 90 foot x 28-foot bridge over Pequea Creek (WWF, MF) with R-7 rip-rap scour protection for the purpose of improving transportation safety and roadway standards. The project proposed to permanently impact 40 linear feet and temporarily impact 113 linear feet of Pequea Creek.

Jeff Rosenberry, 10283 Blacklog Road, Honey Grove, PA 17035 in Turbett Township, **Juniata County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a 50-foot long by 14-foot wide steel and concrete bridge with stone approaches over Hunters Creek (CWF, MF) (Latitude 40°31'04", Longitude -77°23'25") in Turbett Township, Juniata County, permanently impacting approximately 405 square feet of PFO wetlands. The wetland impacts are considered de minimus and replacement is not required.

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

Certification Request initiated by **Tennessee Gas Pipeline Company LLC**, 1001 Louisiana Street, Suite 1460A, Houston, Texas 77002-5089. Susquehanna West Project, in Shippen, Chatham, Delmar, Middlebury and Charleston Townships, **Tioga County** (Keeneyville, PA Quadrangle Lat: 41° 49' 32"; Long: -77° 27' 46"), and Wyalusing and Troy Townships, **Bradford County**. ACOE Baltimore District.

WQ04-002. The proposed project consists of two separate loops: A western loop, approximately 6.2 miles in length, located west of Compressor Station 315 ("CS 315") in Shippen, Middlebury, Delmar and Charleston Townships; and an eastern loop, approximately 1.9 mile in length, located immediately east of CS 315 in Charleston Township. The project will also be modifying one existing compressor station CS 315—Charleston Township, Tioga County and two existing compressor Stations, CS 317 and CS 319, in Wyalusing and Troy Townships, Bradford County.

On April 2, 2015, Tennessee Gas Pipeline Company, LLC filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No. CP15-148-000). The FERC Environmental Assessment for the Project, which was issued on March 17, 2016, may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-148-000).

On February 17, 2016, Tennessee Gas Pipeline Company, LLC requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The project as proposed consists of two separate loops: A western loop, approximately 6.2 miles in length, located west of Compressor Station 315 ("CS 315") in Shippen, Middlebury, Delmar and Charleston Townships; and an eastern loop, approximately 1.9 mile in length, located immediately east of CS 315 in Charleston Township. The project will also be modifying one existing compressor station CS 315—Charleston Township and two compressor stations, CS 317 and CS 319, in Wyalusing and Troy Townships, Bradford County. The project as proposed will require approximately 136.1 acres of earth disturbance. The total estimated stream impacts for the project are approximately 3,524 ft² of permanent impacts. The total estimated wetland impacts for the project are approximately 75,800 ft² (1.74 acre) of permanent impacts and 24,400 ft² (0.56 acre) of temporary impacts. Bear Wallow Branch, Left Straight Run, Wildcat Hollow and Right Straight Run are classified with a designated use of High Quality-Cold Water Fishery (HQ-CWF) and with an existing use of Exceptional Value (EV).

PADEP published notice of its proposed state water quality certification in the 46 Pa.B. 17 (April 23, 2016). Comments were received and considered in the review of the Water Quality Certification Request.

On October 14, 2016, PADEP issued Section 401 Water Quality Certification PADEP to Tennessee Gas Pipeline

Company, LLC for the Susquehanna West Pipeline Project PADEP certifies to Tennessee Gas Pipeline Company, LLC that the construction, operation and maintenance of the Project will not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93, provided Tennessee Gas Pipeline Company, LLC complies with the permitting programs, criteria and conditions established pursuant to State law:

1. *Discharge Permit*—Tennessee Gas Pipeline Company, LLC shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Tennessee Gas Pipeline Company, LLC shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Tennessee Gas Pipeline Company, LLC shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Tennessee Gas Pipeline Company, LLC.

5. *Operation*—Tennessee Gas Pipeline Company, LLC shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Tennessee Gas Pipeline Company, LLC.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If Tennessee Gas Pipeline Company, LLC intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant Tennessee Gas Pipeline Company, LLC shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the

existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to: Department of Environmental Protection, Northcentral Regional Office, Mr. David W. Garg, P.E., Environmental Program Manager, Waterways and Wetlands, 201 West Third Street, Suite 101, Williamsport, PA 17701

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Tennessee Gas Pipeline Company, LLC's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant Tennessee Gas Pipeline Company, LLC from any responsibilities, liabilities or penalties established pursuant to any applicable Federal or State law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Any person aggrieved by this action may file a petition for review pursuant to Section 19(d) of the Federal Natural Gas Act, 15 U.S.C. 717r(d), with the Office of the Clerk, United States Court of Appeals for the Third Circuit, 21400 U.S. Courthouse, 601 Market Street, Philadelphia, PA 19106-1790 within 30 days of publication of this notice, or within 30 days of receipt of written notice of this action, whichever occurs first. Important legal rights are at stake, so you should show this document to a lawyer promptly.

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

E32-515, PennDOT District 10-0, 2550 Oakland Avenue, Indiana, PA 15701, Canoe Township, **Indiana County**, Pittsburgh ACOE District.

Has been given consent to:

Remove the existing SR 1045 two lane, 34' wide by 40' long single span bridge having an underclearance of 11' and construct and maintain a replacement two lane, 27.3' wide by 68' long, integral abutment bridge having an underclearance of 11 feet over Canoe Creek (CWF) with a drainage area of 8.91 square miles; remove the existing 27' long 14" culvert carrying a UNT to Canoe Creek (CWF) with a drainage area of 2.9 acres and construction and maintain a replacement 45' long 14" culvert in the same location; place and maintain fill in 94' of the same UNT to Canoe Creek and construct and maintain a 115' long replacement channel; and place and maintain fill in a de minimis 0.038 acre of PEM/PSS wetland. In addition, construct and maintain stormwater outfalls and temporarily impact 0.031 acre of PEM/PSS wetland and 61' of stream for the purpose of constructing these encroachments.

The project is associated with the SR 1045 improvement project, and is located approximately 1.1 miles west of Rossiter, PA (Punxsutawney Quadrangle, Latitude: 40° 53' 20", Longitude: -78° 57' 48") in Canoe Township, Indiana County.

E63-685, Century Hospitality, 1233 Main Street, Suite 1500, Wheeling, WV 26003, North Strabane Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Place and maintain fill within approximately 0.11 acre of Palustrine Forested (PFO) Wetland for the purpose of constructing a hotel and restaurant complex. The proposed hotels and restaurant will be located at the intersection of Curry Avenue and Morganza Road (Canonsburg, PA USGS topographic quadrangle; Latitude: 40° 16' 01"; Longitude: -80° 10' 05"; Sub-basin: 20F; ACOE: Pittsburgh District), in North Strabane Township, Washington County. A 0.11 acre PFO Mitigation Wetland will be created, on-site, to compensate for the permanently impacted PFO wetlands at a 1:1 ratio.

ENVIRONMENTAL ASSESSMENTS

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.

D46-114EA. Mr. David Froehlich, Wissahickon Waterfowl Preserve, 12 Morris Road, Ambler, PA 19002, and Josh Shapiro, Chair, Board of Commissioners, County of Montgomery, 1 Montgomery Plaza, Suite 800, Norristown, PA 19404, Upper Dublin Township, **Montgomery County**, USACOE Philadelphia District.

Project proposes to remove the breached remains of K&M Dam for the purpose of eliminating a threat to public safety and restoring approximately 500 feet of stream channel to a free-flowing condition. Work includes construction of habitat enhancement/grade control structures within the former reservoir of the dam. The project is located across Wissahickon Creek (TSF, MF) (Ambler, PA Quadrangle, Latitude: 40.1533; Longitude: -75.2290).

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 A&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 # ESG14-059-0077
Applicant Name EQM Gathering OPCO, LLC
Contact Person Brinton Goettel
Address 625 Liberty Ave.
City, State, Zip Pittsburgh, PA 15222
County Greene
Township(s) Center Township
Receiving Stream(s) and Classification(s) UNT to McCourtney Run (HQ-WWF), UNTs to West Run (HQ-WWF), UNT to Scott Run (HQ-WWF), UNT to Hoge Run (EV), UNTs to South Fork Ten Mile Creek (HQ-WWF)/South Fork Ten Mile Creek Watershed

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX16-019-0018
Applicant ETC Northeast Pipeline, LLC
Contact Mr. Kevin Roberts
Address 7000 Stonewood Drive, Suite 351
City Wexford State PA Zip Code 15090
County Butler
Township(s) Washington & Parker Township
Receiving Stream(s) and Classification(s) UNT to North Branch Bear Creek, UNT to Slippery Rock Creek

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX11-015-0118(02)
Applicant Name Appalachia Midstream Services LLC
Contact Person Josh Brown
Address 400 IST Center, Suite 404
City, State, Zip Horseheads, NY 14845
County Bradford
Township(s) Wysox
Receiving Stream(s) and Classification(s) UNT to Laning Ck (WWF, MF); Laning Ck (WWF, MF); UNT to Wysox Ck (CWF, MF); Wysox Ck (CWF, MF); UNT to Pond Hill Run (CWF, MF); Pond Hill Run (CWF, MF); Hollow Run (CWF, MF); Dry Run (CWF, MF); UNT to Johnson Ck (CWF, MF); UNT to Rummerfield Ck (CWF, MF); UNT Susquehanna River (WWF, MF)
Secondary—Susquehanna River

ESCGP-2 # ESG29-105-16-0007
Applicant Name JKLM Energy LLC
Contact Person Scott Blauvelt
Address 2200 Georgetowne Dr, Suite 500
City, State, Zip Sewickley, PA 15143
County Potter
Township(s) Ulysses
Receiving Stream(s) and Classification(s) UNT to Cushing Hollow (HQ-CWF)
Secondary—Cushing Hollow (HQ-CWF)

ESCGP-2 # ESG29-131-16-0007
Applicant Name Josh Brown
Contact Person Appalachia Midstream Services LLC
Address 400 IST Center, Suite 404
City, State, Zip Horseheads, NY 14845
County Wyoming
Township(s) Mehoopany
Receiving Stream(s) and Classification(s) Sugar Hollow Ck (HQ-CWF); UNTs to Susquehanna River (CWF)
Secondary—Bowman Ck (HQ-CWF); Susquehanna River (WWF)

[Pa.B. Doc. No. 16-1867. Filed for public inspection October 28, 2016, 9:00 a.m.]

Aggregate Advisory Board Meeting Location Change

The Aggregate Advisory Board's November 2, 2016, meeting has been relocated to the Department of Environmental Protection's (Department) Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The meeting is scheduled to begin at 10 a.m. Individuals interested in participating in the meeting by conference call should visit the Department's web site at www.dep.pa.gov for additional instructions.

Questions concerning the meeting can be directed to Daniel E. Snowden, DEd at (717) 783-8846 or dsnowden@pa.gov. The agenda and meeting materials for the meetings are available through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Mining Advisory Committees," then "Aggregate Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Daniel E. Snowden, DEd at (717) 783-8846 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1868. Filed for public inspection October 28, 2016, 9:00 a.m.]

Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
EnergyWorks Group (Adams County) Gettysburg Energy and Nutrient Recovery Facility	This certification is for a manure gasification or conversion technology.

The Department must receive comments on this application for credit certification no later than Monday, November 28, 2016. Commentators are encouraged to submit electronic comments using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "EnergyWorks Group" as the subject line in written communication.

For further information about this certification request or the Trading Program contact Jay Braund, Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov or visit the Department's web site at www.dep.pa.gov/Nutrient_Trading.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1869. Filed for public inspection October 28, 2016, 9:00 a.m.]

Nutrient Credit Trading Program; Certification Requests

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed).

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 14 days.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
LASA Farm Property Lancaster Area Sewer Authority (Lancaster County)	This certification is for continuous no-till, cover crops and forest buffers.

The Department must receive comments on this application for credit certification no later than Monday, November 14, 2016. Commentators are encouraged to submit electronic comments using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "LASA Farm" as the subject line in written communication.

For further information about this certification request or the Trading Program contact Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov or visit the Department's web site at www.dep.pa.gov/Nutrient_Trading.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-1870. Filed for public inspection October 28, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for an exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following ASF is requesting an exception under 28 Pa. Code § 571.1 (relating to minimum standards). Requests for exceptions under this section relate to minimum standards that ASFs must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following includes the citation to the section under the *Guidelines* that the ASF is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Pennsylvania Surgery and Laser Center, LLC	3.7-7.2.2.1(3)	Corridor widths	2014

The request previously listed is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1871. Filed for public inspection October 28, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). Department regulations governing hospital licensure can be found in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals). The following hospitals are requesting exceptions to 28 Pa. Code § 153.1 (relating to minimum standards) which contains minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Chambersburg Hospital	2.2-2.10.2.2	Space requirements (NICU rooms and areas)	2014
Schuylkill Medical Center— East Norwegian Street	2.2-2.2.2.7(2)(a)(i)	Patient bathing facilities (tubs or showers)	2014
	2.2-2.2.2.7(2)(c)	Patient bathing facilities (the following shall be. . .)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1872. Filed for public inspection October 28, 2016, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee Public Meetings

The Statewide HIV Planning Group, established by the Department of Health (Department) under sections 301(a) and 317 of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247b), will hold a public meeting on Wednesday, November 16, 2016, and Thursday, November 17, 2016, from 9 a.m. to 4 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

Jurisdictional HIV prevention planning is a required activity of the Department's Centers for Disease Control and Prevention grant for Comprehensive HIV Prevention Programs for Health Departments. Additionally, the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub.L. No. 111-87), previously known as the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 U.S.C.A. §§ 300ff-21—300ff-38), requires that the Department engage in a public advisory planning process in developing a comprehensive plan. The purpose of these meetings is to conduct an integrated prevention and care HIV planning process by which the Department works in partnership with the community and stakeholders to enhance access to HIV prevention, care and treatment services.

For additional information or persons with a disability who wish to attend the meeting who require an auxiliary aid, service or other accommodation to do so should contact Cynthia Findley, Bureau Director, Department of Health, Division of HIV Disease, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department reserves the right to cancel this meeting without prior notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1873. Filed for public inspection October 28, 2016, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

ManorCare Health Services—Kingston Court
2400 Kingston Court
York, PA 17402
FAC ID # 026302

Valley View Haven, Inc.
4702 East Main Street
Belleville, PA 17004
FAC ID # 220402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction):

Brookmont Healthcare Center, LLC
Brookmont Drive
P.O. Box 50
Effort, PA 18330
FAC ID # 023002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Athens Health and Rehabilitation Center
200 South Main Street
Athens, PA 18810
FAC ID # 24210201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-1874. Filed for public inspection October 28, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2015-2016 disproportionate share hospital payments to qualifying Medical Assistance enrolled acute care general hospitals that provide a high volume of acute care and psychiatric services and incur significant uncompensated costs. The Department did not otherwise change the qualifying criteria or payment methodology for these payments.

The Department published notice of its notice of intent to allocate funding for these payments at 46 Pa.B. 3345 (June 25, 2016). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

Fiscal Impact

The FY 2015-2016 impact as a result of the funding allocation for these payments is \$2.084 million (\$1.000 million in State general funds and \$1.084 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1060. (1) General Fund; (2) Implementing Year 2015-16 is \$1,000,000; (3) 1st Succeed-

ing Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$9,071,000; 2013-14 Program—\$9,071,000; 2012-13 Program—\$7,937,000; (7) Medical Assistance—Physician Practice Plans; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1875. Filed for public inspection October 28, 2016, 9:00 a.m.]

Additional Disproportionate Share Hospital Payment

The Department of Human Services (Department) is providing final notice of its allocation and the increase to this funding allocation for Fiscal Year (FY) 2015-2016 disproportionate share hospital (DSH) payments to qualifying Medical Assistance enrolled acute care general hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department initially published notice of its intent to allocate funding for these payments at 46 Pa.B. 1290 (March 5, 2016), and then published notice of its intent to increase funding for these DSH payments at 46 Pa.B. 3347 (June 25, 2016). 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 impact as a result of the allocation for the DSH payments for these qualifying hospitals is \$37.237 million (\$17.870 million in State general funds and \$19.367 million in Federal funds). Of this amount, \$15.237 million (\$7.312 million in State funds and \$7.925 million in Federal funds) will be paid out of FY 2015-2016. The increase of \$22.000 million (\$10.558 million in State funds and \$11.442 million in Federal funds) will be paid out of FY 2016-2017.

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1064. (1) General Fund; (2) Implementing Year 2015-16 is \$7,312,000; (3) 1st Succeeding Year 2016-17 is \$10,558,000; 2nd Succeeding Year 2017-18 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) Medical Assistance—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1876. Filed for public inspection October 28, 2016, 9:00 a.m.]

Additional Disproportionate Share Hospital Payment

The Department of Human Services (Department) is providing final notice of its allocation and the increase to this funding allocation for Fiscal Year (FY) 2015-2016 disproportionate share hospital (DSH) payments to qualifying Medical Assistance enrolled critical access hospitals and qualifying rural hospitals. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department initially published notice of its intent to allocate funding for these DSH payments at 46 Pa.B. 1393 (March 12, 2016), and then published notice of its intent to increase funding for these DSH payments at 46 Pa.B. 2741 (May 28, 2016). 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 2015-2016 impact as a result of the allocation for this additional class of DSH payments is \$18.496 million (\$8.876 million in State general funds and \$9.620 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1062. (1) General Fund; (2) Implementing Year 2015-16 is \$8,876,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$7,076,000; 2013-14 Program—\$6,776,000; 2012-13 Program—\$4,076,000; (7) Medical Assistance—Critical Access Hospitals; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1877. Filed for public inspection October 28, 2016, 9:00 a.m.]

Additional Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its allocation and the increase to this funding allocation for Fiscal Year (FY) 2015-2016 disproportionate share hospital (DSH) payments to qualifying Medical Assistance enrolled hospitals that provide obstetrical and neonatal health care services. The Department is not otherwise changing the qualifying criteria or payment methodology for these payments.

The Department initially published notice of its intent to allocate funding for these DSH payments at 46 Pa.B. 1393 (March 12, 2016), and then published notice of its intent to increase funding for these DSH payments at 46 Pa.B. 2741 (May 28, 2016). 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 2015-2016 impact as a result of the allocation for this additional class of DSH payments is \$13.922 million (\$6.681 million in State general funds and \$7.241 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1063. (1) General Fund; (2) Implementing Year 2015-16 is \$6,681,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$6,681,000; 2013-14 Program—\$6,681,000; 2012-13 Program—\$3,681,000; (7) Medical Assistance—Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1878. Filed for public inspection October 28, 2016, 9:00 a.m.]

2017-18 through 5th Succeeding Year 2021-22 are \$335,000; (4) 2015-16 Program—\$339,077,000; 2014-15 Program—\$273,538,000; 2013-14 Program—\$233,104,000;

(7) Home and Community-Based Services; (2) Implementing Year 2016-17 is \$250,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$429,000; (4) 2015-16 Program—\$261,945,000; 2014-15 Program—\$132,951,000; 2013-14 Program—\$225,008,000;

(8) recommends adoption. The net fiscal impact would be budget neutral. Costs would shift between appropriations as a result of this change.

[Pa.B. Doc. No. 16-1879. Filed for public inspection October 28, 2016, 9:00 a.m.]

Disproportionate Share Hospital Payments for Access to Care

The Department of Human Services (Department) is providing final notice of its funding allocation for Fiscal Year (FY) 2015-2016 disproportionate share hospital payments made to qualifying Medical Assistance (MA) enrolled acute care general hospitals that provide a high volume of services to MA and low-income populations. The Department did not otherwise change the qualifying criteria or payment methodology for these payments.

The Department published notice of its intent to allocate funding for these payments at 46 Pa.B. 1290 (March 5, 2016). The Department received no public comments during the 30-day comment period and will implement the change as described in its notice of intent.

Fiscal Impact

The FY 2015-2016 impact, as a result of these payments, is \$1.651 million (\$0.792 million in State general funds and \$0.859 million in Federal funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1061. (1) General Fund; (2) Implementing Year 2015-16 is \$792,000; (3) 1st Succeeding Year 2016-17 through 5th Succeeding Year 2020-21 are \$0; (4) 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; 2012-13 Program—\$718,947,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1880. Filed for public inspection October 28, 2016, 9:00 a.m.]

Medical Assistance Reliant Hospital Supplemental Payments

The Department of Human Services (Department) is announcing its intent to allocate funding in Fiscal Year (FY) 2016-2017 and in subsequent fiscal years for supplemental payments to qualifying acute care general hospitals (hospitals) that provide a substantial portion of their inpatient services to Pennsylvania Medical Assistance (MA) beneficiaries. Hospitals with a patient population consisting largely of MA beneficiaries provide access to hospital services that otherwise may not be available to these individuals. The Department does not intend to otherwise change the qualifying criteria or payment methodology for these payments.

Fiscal Impact

Beginning with State FY 2016-2017, the Department will allocate an annualized amount of \$0.300 million for this payment (\$0.145 million in State general funds and \$0.155 million in Federal funds) upon approval by the Centers for Medicare & Medicaid Services.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. The Department will review and consider comments received within 30 days in determining the final payment methodology for these payments.

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).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1065. (1) General Fund; (2) Implementing Year 2016-17 is \$145,000; (3) 1st Succeeding Year 2017-18 through 5th Succeeding Year 2021-22 are \$0; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000; (7) MA—Fee-for-Service; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-1881. Filed for public inspection October 28, 2016, 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>
7-495	Environmental Quality Board Environmental Laboratory Accreditation 46 Pa.B. 5088 (August 20, 2016)	9/19/16	10/19/16

**Environmental Quality Board Regulation
7-495 (IRRC # 3157)
Environmental Laboratory Accreditation
October 19, 2016**

We submit for your consideration the following comments on the proposed rulemaking published in the August 20, 2016 *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 Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Determining whether the regulation is in the public interest.

Section 5.2 of the RRA (71 P.S. § 745.5b) directs this Commission to determine whether a regulation is in the public interest. When making this determination, the Commission considers criteria such as economic or fiscal impact and reasonableness. The Commission also considers the information a promulgating agency is required to provide under § 745.5(a) in the regulatory analysis form (RAF).

RAF question # 12 asks how this regulation compares to other states and how this will affect Pennsylvania's ability to compete with other states. EQB's response to the first part of question # 12 states that the proposed amendments are in line with other states. We ask EQB to provide a more detailed explanation of how this regulation compares to other states that surround the Commonwealth.

2. Section 252.201. Application and supporting documents.—Implementation procedures; Clarity.

Under Subsection (a), an environmental laboratory seeking accreditation must apply to the Department of Environmental Protection (DEP) in "writing on forms provided" by DEP. EQB is proposing to replace that phrase with the phrase "the format specified" by DEP. EQB explains that this change will allow for advances in technology and submission of electronic applications. EQB is also proposing to delete references to forms in the following sections: §§ 252.203(a), 252.702(d), 252.703(e), and 252.704(c). We recommend that the final-form regulation specify what information must be included in submissions to DEP. This will assist the regulated community in complying with the regulation. We also note that § 252.205(a)(2)(iii)(A), a subsection that is not being amended, includes a reference to "forms." For consistency throughout Chapter 252, should this provision also be amended?

3. Section 252.203. Accreditation renewal.—Clarity.

Subsection (d) is new language that requires a laboratory with an expired certification to notify their customers within 48-hours "in a manner approved by the Department" that their accreditation has lapsed. Similar to our concern above, we recommend that the final-form regulation specify where a laboratory can obtain information on what is an appropriate manner for providing the required notice to its customers.

4. Section 252.302. Qualifications of the laboratory supervisor.—Protection of the public health, safety and welfare and the effect on this Commonwealth's natural resources; Clarity.

EQB is proposing to reduce the years of experience requirement for laboratory supervisors from two years to one year under several provisions of this section. A commentator has requested that EQB retain the existing language found in the regulation. We ask EQB to explain its rationale for this change and why it believes the reduced years of experience is adequate for the protection of the public and the Commonwealth's natural resources.

In addition, new language is being added as Subsection (m). It reads as follows: "If a method, regulation or program requires more stringent qualifications for education or experience, or both, the laboratory shall meet the more stringent requirement." The Preamble to the proposal explains that this language is needed because the Environmental Protection Agency (EPA) granted DEP primacy for the certification of cryptosporidium, and EPA mandates specific experience for analysts performing testing of cryptosporidium that are not listed in Chapter 252. To improve the clarity of the regulation, we recommend that the final-form regulation specify the requirement for more stringent standards relates specifically to EPA requirements for analysts performing testing for cryptosporidium.

Finally, a commentator has suggested that the language of Subsection (m) should also be included under § 252.304 (relating to personnel requirements). We ask EQB to consider this suggestion as it develops the final-form regulation.

5. Section 252.306. Equipment, supplies and reference materials.—Implementation procedures.

Subsection (j) establishes a new requirement to perform temperature distribution studies for microbiology incubators. Commentators have raised three issues relating to this subsection and how it will be implemented. First, they ask if this subsection applies to circulating water baths. Second they suggest that more guidance is needed on how to develop the incubator distribution study. Third, under Subparagraph (1)(iii), they suggest that the regulation specify what an acceptable time frame for incubator temperature recovery would be. To assist the regulated community in complying with the regulation, we ask EQB to address these concerns in the Preamble to the final-form regulation.

6. Section 252.307. Methodology.—Implementation procedures.

Subsection (j) establishes a new requirement for laboratories to develop and maintain instructions for sample collection and preservation. A commentator has asked if instructions that already have been developed and published by another entity, such as the EPA, could be used to satisfy this requirement. Would instructions that have already been developed by a third party that meet the standards of this subsection be acceptable? If so, we

suggest that EQB add language to the final-form regulation that allow for the use documents that have already been developed.

7. Subsection 252.401. Basic requirements.—Need.

Under Subsection (f), environmental laboratories must establish procedures for handling environmental samples. The proposed rulemaking adds detail on how the samples shall be handled and checked. Commentators have questioned the need to test pH levels under (f)(1)(ii) and the rationale for checking for residual chlorine under (f)(i)(iii). What is the need for checking environmental samples in this manner? The rationale for these tests should be explained in the Preamble to the final-form regulation.

8. Subsection 252.404. Essential quality control requirement—microbiology.—Clarity.

Subsection (g) requires environmental laboratories to demonstrate that certain equipment and material has not been contaminated. Subsections (h)(4) and (h)(5) are being amended to require DEP approval for certain actions. To improve the clarity of the regulation, we suggest that the final-form regulation explain how the approval can be obtained or where information regarding the approval process can be found.

9. Section 252.601. Assessment requirements.—Implementation procedures; Clarity.

Subsection (h) explains time frames associated with correcting deficiencies found by DEP during an assessment. Subsection (h)(1) requires environmental laboratories to “correct” all deficiencies within 120 calendar days of receipt of the assessment report. Subsection (h)(2)

requires an environmental laboratory to “implement and maintain” the corrective actions within time frames specified in the corrective action report or as mandated by DEP. We have two concerns. First, it is unclear what the time frame for correcting deficiencies are under Subsections (h)(1) and (h)(2). Must deficiencies be corrected within 120 days or within time frames specified in the corrective action report or as mandated by DEP? This should be clarified in the final-form regulation. Second, outside of a corrective action report, in what other manner would DEP mandate corrective action? We ask EQB to explain this in the Preamble to the final-form regulation.

10. Miscellaneous clarity.

- Section 252.3 (relating to scope) is not being amended by this proposal. However, we note that the passage of Act 13 of 2012 has made the citation to the Oil and Gas Act found at § 252.3(a)(1) incorrect. We encourage EQB to review the 12 environmental statutes listed in § 252.3 to ensure the accuracy of the statutory citations.

- The phrase “including, but not limited to” is used in the following sections of the proposal: §§ 252.306(f)(9)(i), 252.402(c)(4), and 252.404(j). Section 6.16 of the *Pennsylvania Code & Bulletin Style Manual* recommends that the term “includes” or “including” be used instead of the phrase “including, not limited to.”

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-1882. Filed for public inspection October 28, 2016, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is 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>Reg. No.</i>	<i>Agency/Title</i>	<i>Comment Period</i>	<i>Public Meeting</i>
18-461	Department of Transportation Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic	10/17/16	11/17/16

GEORGE D. BEDWICK,
Chairperson

[Pa.B. Doc. No. 16-1883. Filed for public inspection October 28, 2016, 9:00 a.m.]

INSURANCE DEPARTMENT

Guidance Regarding Parity in Mental Health and Substance Use Disorder Coverage; Notice 2016-15

Concerns have been expressed to the Insurance Department about the implementation and enforcement of parity between mental health and substance use disorder (MH/SUD) insurance coverage, on the one hand, and medical/surgical insurance coverage, on the other hand. This guidance is issued to inform and remind insurance companies and the public of how parity in these coverages is to be applied. This guidance also addresses how other laws, such as the State mandates relating to MH/SUD coverage and the Affordable Care Act (ACA), interact with

the parity requirement. Finally, this guidance applies only to commercial insurance issued in this Commonwealth; it does not apply to health care coverage through a government program (such as Medicare, Medicaid or CHIP), employer-based self-funded coverage or insurance issued in another state.

MHPAEA

Health care treatment for MH/SUDs is an important element of insurance coverage. In 2008, Congress enacted the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA) (Pub.L. No. 110-343). MHPAEA aims to address many treatment issues for individuals with MH/SUD by requiring that any benefits for mental health or substance use disorder conditions, or both, be comparable to coverage of medical/surgical services. This law was adopted into

Commonwealth law by the act of March 22, 2010 (P.L. 147, No. 14) (Act 14) (40 P.S. §§ 908-11—908-16). When enacted, MHPAEA applied only to large groups of more than 50 employees that offered MH/SUD coverage. The ACA extended the application of MHPAEA to all nongrandfathered and nontransitional individual and small group policies effective January 1, 2014: (1) it revised the language of MHPAEA to include individual policies within its scope; (2) it added a separate provision (ACA § 1311(j)) to require both individual and small group qualified health plans on the Exchange to comply with MHPAEA; and (3) it requires all individual and small group policies to provide essential health benefits (EHB), which include MH/SUD coverage, without annual and lifetime dollar limits. Accordingly, MHPAEA applies, with respect to commercial insurance, to individual and small group health plans (other than grandfathered or transitional plans, as described in ACA guidance) offered, issued or renewed in the commercial market beginning on or after January 1, 2014, and to large group plans providing MH/SUD coverage.

The Commonwealth has not to date promulgated regulations under the State parity law, as it may do under the authority of section 2 of Act 14 (40 P.S. § 908-16). Until regulations are promulgated thereunder, the Department intends to use as guidance for the Department and the Commonwealth's insurance industry the Federal rules and guidance implementing MHPAEA, both currently in use and as may be promulgated in the future.

MHPAEA requires that MH/SUD benefits be no more restrictive than medical/surgical benefits, in three areas:

- *Financial requirements.* Examples include co-pays, co-insurance, deductibles and out-of-pocket maximums.
- *Quantitative treatment limitations.* Examples include limitations on services utilization, such as limits on the number of inpatient or outpatient visits that are covered, as well as parity with respect to aggregate lifetime and annual dollar limits.
- *Nonquantitative treatment limitations (NQTL).* Examples include the use of management tools such as medical necessity definitions, formulary designs, network tier design, network participation standards and reimbursement rates, methods for determining usual, customary and reasonable charges, step therapy or fail-first protocols, course of treatment requirements and other restrictions based on other criteria.

The current Federal regulation concerning MHPAEA benefits, codified at 45 CFR 146.136 (relating to parity in mental health and substance use disorder benefits), augmented by its preamble at 78 FR 68240 (November 13, 2013), provides significant detail regarding how parity is to be determined. Additional information, in the form of both Frequently Asked Questions and implementation tools, is also available from the Federal government.¹ The guidance in this notice highlights particular aspects of parity implementation, but should be read in conjunction with, and not as a substitute for, the complete guidance available from the Federal government.

First, for purposes of determining parity, MHPAEA categorizes benefits into six classifications. The classifications are: inpatient, in-network; inpatient, out-of-network; outpatient, in-network; outpatient, out-of-network; emer-

gency care; and prescription drugs. The outpatient classifications may be subclassified as office visits and all other outpatient items and services. If a health insurance plan provides MH/SUD benefits in any classification of benefits, MH/SUD benefits must be provided in every classification in which medical/surgical benefits are provided. Note that in determining the classification in which a particular benefit belongs, a plan must apply the same standards to medical/surgical benefits and to MH/SUD benefits.

Second, a health plan that provides both medical/surgical benefits and MH/SUD benefits may not apply any financial requirement or treatment limitation to MH/SUD benefits in any classification that is more restrictive than the "predominant" financial requirement or treatment limitation of that type applied to "substantially all" medical/surgical benefits in the same classification.

To assure that this "predominant/substantially all" requirement is being met with regard to financial requirements or quantitative treatment limitations, a health plan should use the calculations of what is "predominant" and what is "substantially all" outlined at 45 CFR 146.136(c)(3), where "substantially all" means a limitation that applies to at least 2/3 of all medical/surgical benefits in that classification, and "predominant" means the limitation applies to more than 1/2 of medical/surgical benefits in that classification. For purposes of these calculations, one must use the dollar amount of all plan payments for medical/surgical benefits in the classification expected to be paid under the plan for the plan year. Examples of these determinations are provided in the Federal regulation.

While parity is likewise required for treatment limitations that are not quantifiable, the nonquantitative nature of NQTLs supports the use of a different approach to analyzing parity with respect to NQTLs.² Thus, as explained in 45 CFR 146.136(c)(4), a health plan that provides both medical/surgical benefits and MH/SUD benefits may not apply any NQTL to MH/SUD benefits in any classification unless the processes, strategies, evidentiary standards or other factors used in applying that limitation to MH/SUD benefits within that classification are "comparable to, and are applied no more stringently than, the processes, strategies, evidentiary standards or other factors used in applying the limitation to medical/surgical benefits in the classification." See 45 CFR 146.136(c)(4)(i). Examples of these determinations are provided in the Federal regulation and in a "Warning Signs" document published jointly by the Federal Department of Health and Human Services and Department of Labor, available at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/MHAPeAChecklistWarningSigns.pdf>.

Other Relevant Laws

The Commonwealth has two laws in addition to Act 14 (the parity law) that deal specifically with MH/SUD benefits. First, the act of December 22, 1989 (P.L. 755,

¹See information from the Federal Department of Labor at <https://www.dol.gov/ebsa/healthreform/regulations/acaimplementationfaqs.html> (Parts V, VII and XVII); <https://www.dol.gov/ebsa/faqs/faq-mhpaea.html>; https://www.dol.gov/ebsa/pdf/fsmhpaea_enforcement.pdf. Additional information is available from the Federal Department of Health and Human Services at <https://www.cms.gov/CCIIO/Resources/Regulations-and-Guidance/Downloads/MHAPeAChecklistWarningSigns.pdf>.

²The framework of the regulation at 45 CFR 146.136(c) suggests that the "predominant/substantially all" requirement also applies to NQTL, but neither the regulation nor its preamble explains how that analysis would work in practice, and they effectively substitute the "comparable to, and are applied no more stringently than" test for NQTLs. 45 CFR 146.136(c)(4)(i). Thus, the preamble to the Final Rule assumes parity between most NQTLs: "the regulations do not require plans and issuers to use the same NQTLs for both [MH/SUD] benefits and medical/surgical benefits," but at the same time a plan may not have "separate treatment limitations that are applicable only with respect to [MH/SUD] benefits. Moreover, . . . it is unlikely that a reasonable application of the NQTL requirement would result in all [MH/SUD] benefits being subject to an NQTL in the same classification in which less than all medical/surgical benefits are subject to the NQTL." 78 FR 68240, 68245 (November 13, 2013).

No. 106) (Act 106) (40 P.S. §§ 908-1—908-8), which provides for substance use and dependency coverage, establishes minimum standards for coverage of inpatient detoxification, nonhospital residential and outpatient services. Act 106 applies to all group policies, regardless of size. Second, the act of December 21, 1998 (P.L. 1108, No. 150) (Act 150) (40 P.S. § 764g), which applies to policies issued to large groups (50 or more employees), requires coverage of 9 specified mental health conditions, establishing minimum standards for inpatient and outpatient services.

Layered over these Commonwealth laws and MHPAEA are additional Federal requirements, including: the ACA's EHB requirement for individual and small group policies to provide MH/SUD benefits (42 U.S.C.A. §§ 300gg-6(a) and 18022(b)); the ACA's requirement that there be no lifetime or annual dollar limits on EHBs (42 U.S.C.A. § 300gg-11); the ACA regulatory requirement that for EHBs, both the benefits and the limitations on coverage such as benefit amount, duration, and scope must be "substantially equal" to the EHB benchmark plan (45 CFR 156.115(a)(1) (relating to provision of EHB))³; and the MHPAEA regulatory provision specifying that if MH/SUD benefits are provided in any classification of benefits, they must be provided in every classification for which medical/surgical benefits are provided. See 45 CFR 146.136(c)(2)(ii).

The practical effect of this layering for individual, small group and large group policies results in the extensive application of parity within each market.⁴ Thus:

- Individual Market

- Act 106 does not apply.

- However, the benefits required by Act 106 are contained in the Commonwealth's EHB benchmark plans, and therefore the ACA requires that they be provided without annual or lifetime dollar limits and for plan years beginning on or after January 1, 2017, without any quantitative limits.
- Because Act 106 does not apply, medical management techniques may be used with respect to the Act 106 benefits provided as EHBs. Any medical management techniques used must comply with the NQTL requirements of MHPAEA.

- Act 150 does not apply.

- However, the benefits required by Act 150 are contained in the Commonwealth's EHB benchmark plans, and therefore the ACA requires that they be provided without annual or lifetime dollar limits and for plan years beginning on or after January 1, 2017, without any quantitative limits.
- Because the ACA EHB provision requires coverage of a least some MH/SUD benefits in the benefit classifications outlined in the MHPAEA regulation, an individual plan must provide MH/SUD benefits in every classification for which medical/surgical benefits are provided. See 45 CFR 146.136(c)(2)(ii)(A).

³Both the Commonwealth's 2016 EHB Benchmark Plan and 2017 EHB Benchmark Plan are available at <https://www.cms.gov/ccio/resources/data-resources/ehb.html#Pennsylvania>.

⁴The following analysis assumes the exemplar plans being discussed are nongrandfathered. Provisions relating to EHB compliance and annual and lifetime limits may vary with grandfathered plans.

- Small Group Market

- Act 106 applies.

- The benefits required by Act 106 are contained in the EHB benchmark plan, and therefore must be provided without annual or lifetime dollar limits and for plan years beginning on or after January 1, 2017, without any quantitative limits.
- Because Act 106 applies, a small group plan is subject to the statutory limitations on prerequisites with respect to the minimum coverage requirements of Act 106; medical management techniques may only be used with respect to those benefits once the Act 106 minimum coverage requirements have been met.⁵ Any medical management techniques used must comply with the NQTL requirements of MHPAEA.
- The Act 106 benefits are minimum levels of coverage, and are not to be construed as functioning as a cap or ceiling on any benefits required to be provided as a result of the implementation of MHPAEA and the ACA.

- Act 150 does not apply.

- However, the benefits required by Act 150 are contained in the Commonwealth's EHB benchmark plans, and therefore must be provided without annual or lifetime dollar limits and for plan years beginning on or after January 1, 2017, without any quantitative limits.
- Because Act 106 and the ACA EHB provision require coverage of a least some MH/SUD benefits in the benefit classifications outlined in the MHPAEA regulation, a small group plan must provide MH/SUD benefits in every classification for which medical/surgical benefits are provided. See 45 CFR 146.136(c)(2)(ii)(A).

- Large Group Market

- Act 106 applies.

- Because Act 106 applies, a large group plan must comply with the minimum coverage requirements of Act 106. That means the plan must cover SUD services; as a result of MHPAEA, those SUD services must be provided in parity with medical/surgical health services.
- In addition, because Act 106 applies, the SUD coverage is subject to the statutory limitations on prerequisites with respect to the minimum coverage requirements of Act 106; medical management techniques may only be used with respect to those benefits once the Act 106 minimum coverage requirements have been met.⁶ Any medical management techniques used must comply with the NQTL requirements of MHPAEA.

- Act 150 applies.

- Because Act 106 and Act 150 require coverage of a least some MH/SUD benefits in the benefit classifications outlined in the MHPAEA regulation, a large group plan must provide benefits in every classification for which medical/surgical benefits are provided. See 45 CFR 146.136(c)(2)(ii)(A).

⁵See *Insurance Federation of Pennsylvania, Inc., et al. v. Insurance Department*, 601 Pa. 20, 970 A.2d 1108 (May 27, 2009); see also Notice 2003-06, 33 Pa.B. 4041 (August 9, 2003).

⁶See fn. 5, supra.

- The Act 106 and Act 150 benefits are minimum levels of coverage, and are not to be construed as functioning as a cap or ceiling on any benefits required to be provided as a result of the implementation of MHPAEA and the ACA.
- While a large group policy is not required to cover EHBs, it may not have annual or lifetime dollar limits on its coverage of the EHBs in the plan that it follows for purposes of compliance with this ACA limitation.⁷

Finally, the Department offers two examples of how the interaction of these statutory and regulatory provisions would work in practice. (The Department also commends a close reading of the examples in 45 CFR 146.136.)

- *Example 1:* An enrollee is prescribed residential treatment for a substance use disorder.⁸ This benefit is required to be covered directly under Act 106 (for all group policies) and indirectly through the EHB benchmark's inclusion of Act 106 benefits (for individual and small group policies). Under Act 106, the enrollee may receive 30 days per year and 90 days of lifetime treatment based on a certification and referral from a licensed physician or licensed psychologist. Under MHPAEA, these limits may only apply if they are imposed on analogous medical/surgical benefits. Also under MHPAEA, any medical management standards applied to a determination of coverage for the benefit must be in parity with those used for analogous medical/surgical benefits.
- If the enrollee has a large group policy, the enrollee will have, at a minimum, the Act 106 level of benefits, but under MHPAEA may have a greater level of benefits depending on what limitations may apply to analogous inpatient medical/surgical benefits. In any case, if the large group policy is complying with a state EHB benchmark plan that includes SUD residential treatment, under the ACA it must be provided without annual or lifetime dollar limits. In addition, medical management techniques may only be used with respect to those benefits once the Act 106 minimum coverage requirements have been met, and then only insofar as they comply with the NQTL requirements of MHPAEA.
- If the enrollee has a small group policy, the enrollee would have, at a minimum, the Act 106 level of benefits, as a result of both Act 106 and the ACA EHB requirement. Medical management techniques may only be used with respect to those benefits once the Act 106 minimum coverage requirements have been met, and then only insofar as they comply with the NQTL requirements of MHPAEA: under MHPAEA, the enrollee may have a greater level of benefits depending on what limitations may apply to analogous inpatient medical/surgical benefits. In addition, because those benefits are incorporated into the EHB benchmark plan, under the ACA the benefits must be provided without annual or lifetime dollar limits, and, for plan years beginning on or after January 1, 2017, without any quantitative limits.
- If the enrollee has an individual policy, Act 106 does not apply to the coverage of this benefit. However, because the Act 106 benefits are included in the EHB benchmark, as part of the required

MH/SUD benefits, the enrollee effectively would have, at a minimum, the Act 106 level of benefits (though without the constraints on the use of medical management techniques), and as a result of MHPAEA may have a greater level of benefits depending on what limitations may apply to analogous inpatient medical/surgical benefits. In any case, under the ACA, because those benefits are incorporated into the EHB benchmark plan, the benefits must be provided without annual or lifetime dollar limits, and, for plan years beginning on or after January 1, 2017, without any quantitative limits.

- *Example 2:* An enrollee in a plan, whether individual, small group or large group, needs a prescription for an opioid reversal agent, such as Naloxone.⁹ (Opioid reversal agents are required to be covered by any EHB benchmark plan, since a benchmark plan must cover “at least the greater of: (i) One drug in every United States Pharmacopeia (USP) category and class; or (ii) The same number of prescription drugs in each category and class as the EHB-benchmark plan.” See 45 CFR 156.122(a)(1) (relating to prescription drug benefits). “Anti-Addiction/Substance Abuse Treatment Agents- Opioid Reversal Agents” are a category-class of drugs that must be covered.¹⁰) Assume that the policy requires that, before any prescription is pre-authorized, the patient must be seen by a provider (primary or specialist), and assume also that the policy does not require that a patient see a specialist before receiving a medical/surgical prescription drug; but as applied, before a plan pre-authorizes an opioid reversal agent, the plan requires confirmation that the patient was seen by an SUD specialist. This policy, as applied, would violate parity requirements: the processes, strategies, evidentiary standards or other factors used in applying the prior authorization requirement to a prescription for an opioid reversal agent would be applied in a manner that is not comparable to, and is more stringent than, the manner in which the prior authorization requirement would be applied to medical/surgical prescription drugs.¹¹ In short, in this scenario, if medical/surgical prescription drugs, including pain medications (such as opioids), may be pre-authorized after a patient is seen by either a primary or specialist provider, then opioid reversal agents such as Naloxone may not be denied pre-authorization under a requirement that a patient be seen by an SUD specialist.

The Department is committed to ensuring residents of this Commonwealth are receiving all of the MH/SUD benefits guaranteed to them by law, and looks forward to working with industry to ensure full compliance with these laws. Questions concerning this notice may be directed to the Bureau of Life, Accident and Health, Office of Insurance Product Regulation, 1326 Strawberry Square, Harrisburg, PA 17120, ra-rateform@pa.gov.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1884. Filed for public inspection October 28, 2016, 9:00 a.m.]

⁷<https://www.cms.gov/CCIIO/Resources/Files/Downloads/ehb-faq-508.pdf> (FAQ 10).

⁸For a discussion in MHPAEA regulations regarding application of MHPAEA to categorization of “intermediate services” such as care in a residential treatment facility, see 78 FR 68240, 68246-47 (November 13, 2013).

⁹Assume for purposes of this example that the large group policy covers prescription drugs.

¹⁰See <http://www.usp.org/usp-healthcare-professionals/usp-medicare-model-guide-lines>.

¹¹See Example 5 in 45 CFR 146.136(c)(4).

Northwestern Long Term Care Insurance Company (NWST-130590081); Rate Increase Filing for Various LTC Forms

Northwestern Long Term Care Insurance Company is requesting an aggregate increase of 27% on 4,961 policyholders of the following individual LTC forms: RR.LTC. (0798), RR.LTC.ML. (0798), RS.LTC. (1101), RS.LTC.ML. (1101), RS.LTC. (0708), RS.LTC.ML. (0708), TT.LTC. (1010) and TT.LTC.ML. (1010).

Unless formal administrative action is taken prior to January 12, 2017, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.insurance.pa.gov. To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Long Term Care Rate Filings" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@pa.gov within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 16-1885. Filed for public inspection October 28, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 14, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to begin operating as common carriers for transportation of persons as described under the application.

A-2016-2571031. Jessie Express Limited Liability Corporation (1412 Washburn Street, Scranton,

Lackawanna County, PA 18504) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the Counties of Lackawanna and Luzerne, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2016-2568391. Moverama, LLC (1099 Grahams Wood Road, Newville, Cumberland County, PA 17241) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* William E. Scott, Esquire, Jackson, Cook, Caracappa & Scott PC, 312 Oxford Valley Road, Fairless Hills, PA 19030.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1886. Filed for public inspection October 28, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due November 14, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. K & S Transit, LLC; Docket No. C-2016-2565336

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 K & S Transit, LLC, (respondent) is under suspension effective August 26, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 522 Daniels Court, Bear, DE 19701.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 07, 2016, at A-6417763.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6417763 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: 9/13/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Duffy Excavation & Trucking, Inc.; Docket No. C-2016-2565868

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 Duffy Excavation & Trucking, Inc., (respondent) is under suspension effective August 30, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1651 New London Road, P.O. Box 769, Landenberg, PA 19350.

3. That respondent was issued a Certificate of Public Convenience by this Commission on May 19, 1999, at A-00115497.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00115497 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: 9/13/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

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**Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Metro Limousine & Transportation Group, Inc.;
Docket No. C-2016-2566211**

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 Metro Limousine & Transportation Group, Inc., (respondent) is under suspension effective August 23, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 1334 Easton Road, 2nd Floor, Warrington, PA 18976.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 16, 2016, at A-2015-2517346.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-2015-2517346 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: 9/13/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Transport Worldwide, LLC; Docket No. C-2016-2567521

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 Transport Worldwide, LLC, (respondent) is under suspension effective September 03, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 307 Oates Rd, Mooresville, NC 28117.
3. That respondent was issued a Certificate of Public Convenience by this Commission on January 27, 2015, at A-8916995.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The

Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8916995 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: 9/28/2016

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

**Pennsylvania Public Utility Commission; Bureau of
 Investigation and Enforcement v. David Marks
 Azar, t/a DMA Transportation;
 Docket No. C-2016-2567915**

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 David Marks Azar, t/a DMA Transportation, (respondent) is under suspension effective September 08, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 600 Eagleview Drive, Suite 300, Exton, PA 19010.

3. That respondent was issued a Certificate of Public Convenience by this Commission on July 24, 2007, at A-00123191.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00123191 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: 9/28/2016

David W. Loucks, Chief
 Motor Carrier Enforcement
 Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound

by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1887. Filed for public inspection October 28, 2016, 9:00 a.m.]

Telecommunications

A-2016-2571880. Verizon North, LLC and Emergency Networks, LLC. Joint petition of Verizon North, LLC and Emergency Networks, LLC for approval of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, LLC and Emergency Networks, LLC, by their counsel, filed on October 18, 2016, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and Emergency Networks, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1888. Filed for public inspection October 28, 2016, 9:00 a.m.]

Telecommunications

A-2016-2571866. Verizon Pennsylvania, LLC and Emergency Networks, LLC. Joint petition of Verizon Pennsylvania, LLC and Emergency Networks, LLC for approval of an interconnection agreement and Amendment No. 1 under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and Emergency Networks, LLC, by their counsel, filed on October 17, 2016, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and Emergency Networks, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-1889. Filed for public inspection October 28, 2016, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept sealed proposals for Project No. 16-133.S, RFP Facilities Condition Assessment for the PRPA, until 2 p.m. on Tuesday, November 22, 2016. Information (including mandatory preproposal information) can be obtained from www.philaport.com under "Our Port" then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,
Executive Director

[Pa.B. Doc. No. 16-1890. Filed for public inspection October 28, 2016, 9:00 a.m.]

STATE BOARD OF NURSING

Automatic Suspension of the License to Practice of Christina Richner Kopchik, LPN; Doc. No. 0657-51-2016

On April 29, 2016, Christina Richner Kopchik, LPN, license No. PN107364L, last known of Morrisdale, Clearfield County, was issued a notice and order of automatic suspension for 1 year based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the automatic suspension by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1891. Filed for public inspection October 28, 2016, 9:00 a.m.]

Automatic Suspension of the License to Practice of Stacey Smith Longarini, RN; Doc. No. 1884- 51-2015

On September 29, 2016, Stacey Smith Longarini, RN, license no. RN294406L, last known of Reading, Berks County, was issued a final order of automatic suspension based on her misdemeanor conviction under The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the automatic suspension by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1892. Filed for public inspection October 28, 2016, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Glenda Taylor Houtz, LPN; File No. 14-51-02450; Doc. No. 0611-51-2014

On September 23, 2016, Glenda Taylor Houtz, LPN, Pennsylvania license No. PN095018L, last known of Dillwyn, VA, was indefinitely suspended and assessed a \$500 civil penalty based on disciplinary action taken by another state and failing to report same to the State Board of Nursing (Board).

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P.O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,
Chairperson

[Pa.B. Doc. No. 16-1893. Filed for public inspection October 28, 2016, 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>
Spring Maple Farm Randall S. Andrews 421 Penn Grant Road Lancaster, PA 17602	Lancaster County/ West Lampeter Township	731.1	Broilers and Pullets	Amended	Approved
Ivan Esch 495 Noble Road Atglen, PA 19310	Lancaster County/ Salsbury Township	101.25	Cattle	Existing	Rescind
Keith Musser 300 Evergreen Road New Bloomfield, PA 17068	Perry County/ Carroll Township	211.6	Turkeys	New	Approved
Shawn Martin 1098 Gravel Hill Road Grantville, PA 17208	Lebanon County/ East Hanover Township	180.51	Broilers	Existing	Rescind
Myron Martin 645 Swamp Church Road Reinholds, PA 17569	Lancaster County/ West Cocalico Township	225.5	Broilers	New	Approved
Justin Sauder 34 Homestead Road Grantville, PA 17028	Lebanon County/ East Hanover Township	21.75	Swine	New	Approved
Lamar S. Sensenig Huckleberry Road Farm 114 Huckleberry Road Jonestown, PA 17038	Lebanon County/ Union Township	174.4	Broilers	Amended	Approved
Roman Lantz 8520 Otterbein Church Road Newburg, PA 17240	Franklin County/ Lurgan Township	0	Cattle	Amended	Approved

PATRICK McDONNELL,
Acting Chairperson

[Pa.B. Doc. No. 16-1894. Filed for public inspection October 28, 2016, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from September 1, 2016, through September 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the

Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

Approvals by Rule Issued Under 18 CFR 806.22(f)

1. Atlas Resources, LLC, Pad ID: Rhodes Well Pad, ABR-201201018.R1, Gamble Township, Lycoming County,

PA; Consumptive Use of Up to 3.6000 mgd; Approval Date: September 2, 2016.

2. Chesapeake Appalachia, LLC, Pad ID: Krise, ABR-201111022.R1, Leroy Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

3. Chesapeake Appalachia, LLC, Pad ID: Schlapfer, ABR-201202006.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

4. Chesapeake Appalachia, LLC, Pad ID: Moyer, ABR-201202019.R1, Overton Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: September 2, 2016.

5. Chief Oil & Gas, LLC, Pad ID: L & L Construction A Drilling Pad # 1, ABR-201202014.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 6, 2016.

6. SWN Production Company, LLC, Pad ID: Shively Pad, ABR-201108011.R1, Lenox Township, Susquehanna County, PA; Consumptive Use of Up to 4.9900 mgd; Approval Date: September 6, 2016.

7. Range Resources—Appalachia, LLC, Pad ID: Gulf USA 40H—42H, ABR-201609001, Snow Shoe Township, Centre County, PA; Consumptive Use of Up to 1.0000 mgd; Approval Date: September 15, 2016.

8. Chief Oil & Gas, LLC, Pad ID: Stasiak Drilling Pad # 1, ABR-201203025.R1, Pike Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 19, 2016.

9. SWN Production Company, LLC, Pad ID: SKELLY, ABR-201112005.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

10. SWN Production Company, LLC, Pad ID: TNT 1 LIMITED PARTNERSHIP, ABR-201112006.R1, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

11. SWN Production Company, LLC, Pad ID: INNES, ABR-201111032.R1, New Milford Borough, Susquehanna County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: September 19, 2016.

12. Chief Oil & Gas, LLC, Pad ID: Muzzy Drilling Pad # 1, ABR-201202027.R1, Ulster Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

13. Chief Oil & Gas, LLC, Pad ID: Ober Drilling Pad # 1, ABR-201203026.R1, Asylum Township, Bradford County, PA; Consumptive Use of Up to 2.0000 mgd; Approval Date: September 21, 2016.

14. Cabot Oil & Gas Corporation, Pad ID: EllsworthA P1, ABR-201110015.R1, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

15. Cabot Oil & Gas Corporation, Pad ID: Lippincoff P1, ABR-201110014.R1, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

16. Cabot Oil & Gas Corporation, Pad ID: WellsP P1, ABR-201111023.R1, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

17. Cabot Oil & Gas Corporation, Pad ID: HessR P1, ABR-201111034.R1, Dimock Township, Susquehanna County, PA; Consumptive Use of Up to 3.5750 mgd; Approval Date: September 22, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 14, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1895. Filed for public inspection October 28, 2016, 9:00 a.m.]

Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects from September 1, 2016, through September 30, 2016.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbcc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

Supplementary Information

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period previously specified:

Rescinded ABRs Issued

1. Seneca Resources Corporation, Pad ID: DCNR 007 Pad H, ABR-201110012, Delmar Township, Tioga County, PA; Rescind Date: September 7, 2016.

2. Seneca Resources Corporation, Pad ID: DCNR 595 Pad A, ABR-201405001, Covington Township, Tioga County, PA; Rescind Date: September 7, 2016.

Authority: Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 14, 2016.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 16-1896. Filed for public inspection October 28, 2016, 9:00 a.m.]

