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PENNSYLVANIA BULLETIN

Volume 43
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Agencies in this issue

The Courts

Department of Agriculture

Department of Banking and Securities

Department of Conservation and Natural
Resources

Department of Drug and Alcohol Programs

Department of Education

Department of Environmental Protection

Department of Health

Department of Labor and Industry

Department of Revenue

Department of Transportation

Environmental Hearing Board

Executive Board

Health Care Cost Containment Council

Independent Regulatory Review Commission

Liquor Control Board

Milk Marketing Board

Pennsylvania Public Utility Commission

State Board of Funeral Directors

State Board of Medicine

State Police

Detailed list of contents appears inside.



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

No. 468, November 2013

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CONTENTS

THE COURTS

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of administrative suspension..... 6500

JUDICIAL SYSTEM GENERAL PROVISIONS

Promulgation of Consumer Price Index pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); no. 413 judicial administration doc..... 6490

Promulgation of financial regulations pursuant to 42 Pa.C.S. § 3502(a); no. 414 judicial administration doc..... 6489

JUVENILE RULES

Proposed amendments to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608 and 1609 and proposed Rule 1149..... 6492

RULES OF CRIMINAL PROCEDURE

Proposed amendment to Pa.R.Crim.P. 648 6490

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Schedule for general inspection and testing of weights and measures 6524

DEPARTMENT OF BANKING AND SECURITIES

Notices

Actions on applications..... 6525

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Notices

Conservation and Natural Resources Advisory Council meeting 6527

Request for bids 6527

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Notices

Pennsylvania Advisory Council on Drug and Alcohol Abuse meeting..... 6527

DEPARTMENT OF EDUCATION

Notices

Application by Peirce College to amend articles of incorporation 6528

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices

Applications, actions and special notices..... 6528

Availability of technical guidance 6596

Bid opportunity (2 documents)..... 6597

Nutrient Credit Trading Program; interbasin trading request..... 6598

Proposed fine particulate nonattainment area designation recommendations 6598

Proposed reissuance of general permit BWEW-GP-8: temporary road crossings and associated 401 water quality certification..... 6599

Public notice of draft NPDES general permit for wet weather overflow discharges from combined sewer systems 6606

2014 Environmental Education Grants Program application announcement..... 6606

Water Resources Advisory Committee meeting cancellation..... 6607

DEPARTMENT OF HEALTH

Notices

Applications for exception

Divine Providence Hospital (2 documents)..... 6608

Dubois Regional Medical Center (2 documents) ... 6608

Forbes Regional Hospital 6609

Milton S. Hershey Medical Center 6609

Monroeville Surgery Center (2 documents) . 6609, 6610

UPMC Northwest 6610

Wilkes-Barre General Hospital 6610

Williamsport Regional Medical Center (2 documents)..... 6610, 6611

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee public meetings..... 6611

Long-term care nursing facilities; request for exception..... 6611

DEPARTMENT OF LABOR AND INDUSTRY

Notices

Current Prevailing Wage Act debarments..... 6612

DEPARTMENT OF REVENUE

Notices

Pennsylvania Millionaire Raffle XVII raffle lottery game..... 6612

DEPARTMENT OF TRANSPORTATION

Notices

Availability of Local Real Estate Tax Reimbursement Grants for taxes paid in 2013 6613

Finding 6613

Motor Carrier and Safety Advisory Committee meeting..... 6614

ENVIRONMENTAL HEARING BOARD

Notices

Emerald Coal Resources, LP v. DEP; EHB doc. no. 2013-182-M 6614

Pennsylvania Fish and Boat Commission v. DEP; EHB doc. no. 2013-183-M 6615

Rosebud Mining Company v. DEP; EHB doc. no. 2013-181-L 6615

EXECUTIVE BOARD

Statements of Policy

Reorganization of the Department of General Services 6512

Reorganization of the Governor's Office of Administration 6512

Now Available Online at <http://www.pabulletin.com>

HEALTH CARE COST CONTAINMENT COUNCIL**Notices**

Meetings scheduled 6615

**INDEPENDENT REGULATORY REVIEW
COMMISSION****Notices**

Notice of comments issued 6616

Notice of filing of final rulemakings 6619

LIQUOR CONTROL BOARD**Notices**

Expiration of leases 6620

MILK MARKETING BOARD**Notices**

Hearing and presubmission schedule; milk market-
ing area no. 1 6620

Hearing and presubmission schedule; milk market-
ing area no. 2 6620

Hearing and presubmission schedule; milk market-
ing area no. 3 6621

PENNSYLVANIA PUBLIC UTILITY COMMISSION**Proposed Rulemaking**

Recovery of fuel costs by gas utilities 6503

Statements of Policy

Utility service outage response, recovery and public
notification 6518

Notices

Service of notice of motor carrier applications 6622

Service of notice of motor carrier formal complaints . 6622

Telecommunications 6628

Telecommunications services 6628

Water service 6628

STATE BOARD OF FUNERAL DIRECTORS**Statements of Policy**

Inspections 6515

STATE BOARD OF MEDICINE**Notices**

Bureau of Professional and Occupational Affairs v.
Van Edward Scott, MD; doc. no. 1188-49-13; file
no. 10-49-03508 6628

STATE POLICE**Notices**

Mobile video recording system equipment standards
and approved mobile video recording systems 6629

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

4 Pa. Code (Administration)

Proposed Rules

405 1850

Statements of Policy

9 220, 875, 1084, 1283, 1863, 2610, 3113,
3510, 4101, 4601, 5599, 6006, 6512
58 1731
67a 877

7 Pa. Code (Agriculture)

Adopted Rules

143 216
144 216

Proposed Rules

107 6366
137b 4344

10 Pa. Code (Banking and Securities)

Proposed Rules

5 5455

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

Proposed Rules

149 3110

17 Pa. Code (Conservation and Natural Resources)

Adopted Rules

45 4077

Proposed Rules

45 1419

22 Pa. Code (Education)

Adopted Rules

4 4079
19 3337
31 2436

Proposed Rules

121 6368

25 Pa. Code (Environmental Protection)

Adopted Rules

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

Proposed Rules

78 5457
127 677
208 2587, 5819
271 4858
272 4858
273 4858
284 4858
285 4858
287 4858
288 4858

299 4858
806 872
901 4740, 5995
1021 2591

Statements of Policy

16 4103

28 Pa. Code (Health)

Adopted rules

1001 6093
1003 6093
1005 6093
1007 6093
1009 6093
1011 6093
1013 6093
1015 6093
1021 6093
1023 6093
1025 6093
1027 6093
1029 6093
1031 6093
1033 6093

31 Pa. Code (Insurance)

Adopted Rules

124 6345
161 2816
163 2819

Proposed Rules

25 5996
124 1269

34 Pa. Code (Labor and Industry)

Adopted Rules

63 2438
65 4730

37 Pa. Code (Law)

Proposed Rules

79 2589

40 Pa. Code (Liquor)

Adopted Rules

5 3946, 5817
15 12

Proposed Rules

7 5825
11 2040, 5826

49 Pa. Code (Professional and Vocational Standards)

Adopted Rules

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

Proposed Rules

1	1279
3	1854
6	2041
7	1855
13	2044
15	1859
16	6212
18	6212
27	2439
33	1857
36	5827
45	2042, 5828
47	1281, 6382
48	6382
49	6382

Statements of Policy

13	1422, 6515
33	6385

51 Pa. Code (Public Officers)**Proposed Rules**

53	3009
----	------

52 Pa. Code (Public Utilities)**Adopted Rules**

1	5593
5	5593
33	2820
59	4586, 5705
62	1413
111	3473
1005	2992

Proposed Rules

1	1273, 2602
3	2602
5	1273, 2602
23	2602
29	2602, 6203
32	2602
53	2602, 6503
54	2602
57	2602
59	2602
62	2602
65	870
121	6206
1001	6373
1011	1725, 6373
1015	1725
1017	1720, 1725, 6373
1019	6373
1021	1725, 6373
1027	1725
1051	1725
1053	1725
1055	1720
1057	1725
1059	1725

Statements of Policy

41	2852
69	6518

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

52	833
5230	2572

Proposed Rules

1187	4599, 4855, 5822
1189	4855, 5822

Statements of Policy

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

58 Pa. Code (Recreation)**Adopted Rules**

29	2714
51	4214
65	3232, 5451, 5452
69	4214
75	5453
93	4214
113	4214
139	2999, 3006
141	3006
143	3007
147	2311
401a	660, 4096
403a	660
405a	660
407a	660
437a	4096
441a	4096
461a	660
471a	660
491a	660
493a	660
494a	660
495a	660
497a	660
499a	660
501a	660
511a	660
581	3495
583	3495
585	3495
587	4971

Proposed Rules

51	5462
53	3238
61	3237
63	3235, 5466
65	2034, 2035
69	5467
75	15, 3233
93	5463
101	3238
105	3238
137	2039
139	1712, 1718, 2037
141	1710
143	2037, 4741
421a	2152
421b	2152
439a	2152
461a	834
465a	834, 2152, 2827
481a	2152
501a	2152
503a	2152
503b	2152
513a	2152

525	834
575	834
577	834
579	834
603a	834, 2152
605a	2312
609a	834
623a	834
627a	834
629a	834
631a	834
633a	834, 2152
635a	834
637a	834
639a	2312, 2827
641a	2312, 2827
643a	2312, 2827
645a	2827
647a	2312, 2827
649a	834, 2827
653a	2312, 2827
655a	2312, 2827
657a	2312, 2827
659a	834
661a	834
663a	834
665a	834

Statements of Policy

57	5469
439b	1733
461b	4744

61 Pa. Code (Revenue)

Adopted Rules

7	532
117	535
119	535
121	535
901	532

67 Pa. Code (Transportation)

Adopted Rules

175	6349
-----	------

Proposed Rules

231	3010
-----	------

101 Pa. Code (General Assembly)

Statements of Policy

31	17
303	878

201 Pa. Code (Rules of Judicial Administration)

Adopted Rules

1	2988
7	3327
19	3223

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

29	6489, 6490
71	2559
81	1173
83	1173
303	3655

Proposed Rules

71	1699
81	1997
83	4967

303	431
-----	-----

207 Pa. Code (Judicial Conduct)

Proposed Rules

51	2269
----	------

210 Pa. Code (Appellate Procedure)

Adopted Rules

1	2007
2	2007
3	2423, 3327
5	2423
9	3327
11	3223
15	3327
17	2271, 3223
19	2810
21	2007, 2704, 5589
25	964, 2007
31	5394, 5989
33	3223, 3470
37	3225
63	514, 3227
65	298

Proposed Rules

3	3082
9	3082
11	3082
19	1700, 3084, 5393
21	3082
25	5393
40	1700

225 Pa. Code (Rules of Evidence)

Adopted Rules

Article I	620
Article II	620
Article III	620
Article IV	620
Article V	620
Article VI	620
Article VII	620
Article VIII	620
Article IX	620
Article X	620

Proposed Rules

Article VIII	210
--------------	-----

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules

200	525
1000	1835
1300	2135
1900	3932
1910	801, 2272, 5701
1915	2559, 3936, 3937, 4702
1930	3329
3000	2136
Part II	1836

Proposed Rules

1900	5448
1910	3932, 5449
Part II	2010, 6321

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules

1	652
2	652

4	654, 4323
5	2560, 2704, 3330, 4062, 4715
6	2704, 3330
7	1702
8	4715
10	2560, 2704, 4062

Proposed Rules

5	210, 4210
6	2304, 6490
8	801

237 Pa. Code (Juvenile Rules)**Adopted Rules**

1	3938, 3941
2	3938
6	1551, 3938
11	3941

Proposed Rules

1	2306, 6192
11	2306, 6192, 6492
12	6492
13	6192, 6492
14	6492
15	6492
16	6492
18	6192

246 Pa. Code (Minor Court Civil Rules)**Adopted Rules**

200	4967, 5589
300	5989
400	4967, 5989
1000	4969

Proposed Rules

200	8, 2136
300	3470, 5701
400	8
500	3085, 3470
1000	3085

249 Pa. Code (Philadelphia Rules)

Unclassified	657, 658, 1078, 2138, 4064, 4212
--------------	----------------------------------

252 Pa. Code (Allegheny County Rules)

Unclassified	2711, 3229, 5702
--------------	------------------

255 Pa. Code (Local Court Rules)

Unclassified	9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726, 4839, 4845, 4848, 4970, 5395, 5450, 5590, 5703, 5797, 5798, 5799, 5804, 5991, 5993, 6201, 6344
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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Financial Regulations Pursuant to 42 Pa.C.S. § 3502(a); No. 414 Judicial Adminis- tration Doc.

Order

Per Curiam:

And now, this 17th day of October, 2013, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to promulgate the following Financial Regulations. The costs outlined in the Financial Regulations are effective as of January 1, 2014.

To the extent that notice of proposed rule-making may be required by Pa.R.J.A. No. 103, the immediate promulgation of the regulations is hereby found to be in the interests of efficient administration.

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

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401. Scope.

The Pennsylvania Supreme Court, pursuant to Art. V, § 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, has authorized by Administrative Order, the Court Administrator of Pennsylvania to promulgate regulations relating to the accounting methods to be utilized in connection with the collection of fees and costs charged and collected by prothonotaries, and clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, as well as by the minor judiciary, including magisterial district judges, and judges and staff of all divisions of the Philadelphia Municipal Court.

Under authority of said Administrative Order and pursuant to the authority vested in the governing authority under 42 Pa.C.S. § 3502(a) of the Judicial Code, the following regulations are adopted to implement Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

§ 29.402. 42 Pa.C.S. § 1725.1. Costs.

(a) *Civil cases.*—In calendar year 2014, the costs to be charged by magisterial district judges in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less	\$50.00
(2) Actions involving more than \$500 but not more than \$2,000	\$67.00
(3) Actions involving more than \$2,000 but not more than \$4,000	\$83.50
(4) Actions involving between \$4,001 and \$12,000	\$125.00
(5) Landlord-tenant actions involving less than \$2,000	\$75.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000	\$92.00
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$12,000	\$125.00
(8) Order of execution	\$37.50
(9) Objection to levy	\$17.00
(10) Reinstatement of complaint	\$8.50
(11) Entering Transcript on Appeal or Certiorari	\$4.50

Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) *Custody cases.*—In calendar year 2014, the cost (in addition to the cost provided by general rule) to be charged by the court of common pleas shall be as follows:

(1) Custody cases, except as provided in section 1725(c)(2)(v)	\$7.50
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(b) *Criminal cases.*—In calendar year 2014, the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$47.50
(2) Summary conviction, motor vehicle cases, other than paragraph (3)	\$37.50
(3) Summary conviction, motor vehicle cases, hearing demanded	\$45.50
(4) Misdemeanor	\$54.50
(5) Felony	\$62.50

Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) *Unclassified costs or charges.*—In calendar year 2014, the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary	\$8.50
(2) Marrying each couple, making record thereof, and certificate to the parties	\$42.00
(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)	\$17.00
(4) Issuing a search warrant (except as provided in subsection (d))	\$17.00
(5) Any other issuance not otherwise provided in this subsection	\$17.00

§ 29.403. 42 Pa.C.S. § 3571.

In calendar year 2014, Commonwealth portion of fines, etc.

* * * * *

(c) <i>Costs in magisterial district judge proceedings.</i>	
(2) Amounts payable to the Commonwealth:	
(i) Summary conviction, except motor vehicle cases	\$16.70
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii)	\$16.70
(iii) Summary conviction, motor vehicle cases, hearing demanded	\$16.70
(iv) Misdemeanor	\$21.80
(v) Felony	\$33.35
(vi) Assumpsit or trespass involving:	
(A) \$500 or less	\$20.80
(B) More than \$500 but not more than \$2,000	\$33.50
(C) More than \$2,000 but not more than \$4,000	\$50.10
(D) Between \$4,001 and \$12,000	\$83.35
(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less	\$33.30
(B) More than \$2,000 but not more than \$4,000	\$41.85
(C) More than \$4,000 but not more than \$12,000	\$58.35
(viii) Objection to levy	\$8.50
(ix) Order of execution	\$25.00
(x) Issuing a search warrant (except as provided in section 1725.1(d) (relating to costs))	\$11.90
(xi) Order of possession	\$15.00
(xii) Custody cases (except as provided in section 1725(c)(2)(v))	\$6.00

[Pa.B. Doc. No. 13-2037. Filed for public inspection November 1, 2013, 9:00 a.m.]

PART II. GENERAL ADMINISTRATION

[204 PA. CODE CH. 29]

Promulgation of Consumer Price Index Pursuant to 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4); No. 413 Judicial Administration Doc.

Order

Per Curiam:

And now, this 17th day of October, 2013, it is *Ordered* pursuant to Article V, Section 10(c) of the Constitution of Pennsylvania and Section 3502(a) of the Judicial Code, 42 Pa.C.S. § 3502(a), that the Court Administrator of Pennsylvania is authorized to obtain and publish in the *Pennsylvania Bulletin* the percentage increase in the Consumer Price Index for calendar year 2012 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended).

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART II. GENERAL ADMINISTRATION

CHAPTER 29. MISCELLANEOUS PROVISIONS

Subchapter K. COSTS, FINES AND FEES

§ 29.401a. Consumer Price Index—costs and fines.

Pursuant to Article V, Section 10 of the Pennsylvania Constitution, and 42 Pa.C.S. § 1721, the Supreme Court has authorized the Court Administrator of Pennsylvania to obtain and publish in the *Pennsylvania Bulletin* on or before November 30 the percentage increase in the Consumer Price Index for calendar year 2012 as required by Act 96 of 2010, 42 Pa.C.S. §§ 1725.1(f) and 3571(c)(4) (as amended). See, No. 413 Judicial Administration Docket.

The Court Administrator of Pennsylvania reports that the percentage increase in the Consumer Price Index, All Urban Consumers, U.S. City Average, for calendar year 2012 was 1.7% percent. (See, U.S. Department of Labor, Bureau of Labor Statistics, Series CUUROOOSAO, February 21, 2013.)

[Pa.B. Doc. No. 13-2038. Filed for public inspection November 1, 2013, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CH. 6]

Proposed Amendment to Pa.R.Crim.P. 648

The Criminal Procedural Rules Committee is considering recommending that the Supreme Court of Pennsylvania amend Rule 648 (Verdicts) to standardize the practice of requiring juries to make specific verdicts as to essential facts as required under *United States v. Alleyne*, ___ U.S. ___, 133 S.Ct. 2151 (2013). This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. Please note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the explanatory Reports.

The text of the proposed amendments to the rules precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal in writing to the Committee through counsel,

Jeffrey M. Wasileski, Counsel
 Supreme Court of Pennsylvania
 Criminal Procedural Rules Committee
 601 Commonwealth Avenue, Suite 6200
 Harrisburg, PA 17106-2635
 fax: (717) 231-9521
 e-mail: criminalrules@pacourts.us

no later than Friday, December 6, 2013.

By the Criminal Procedural Rules Committee

NANCY L. BUTTS,
Chair

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C(2). Conduct of Jury Trial

Rule 648. Verdicts.

* * * * *

(F) If there is a sentencing fact that must be found by the jury, the jury shall be instructed to render a specific verdict as to that fact, separate from its verdict or verdicts on the charged criminal offenses. If the jury cannot agree with respect to the specific verdict, its failure to agree shall have no effect on the other verdict or verdicts it has reached.

(G) If there is a summary offense joined with the misdemeanor, felony, or murder charge that was tried before the jury, the trial judge shall not remand the summary offense to the issuing authority. The summary offense shall be disposed of in the court of common pleas, and the verdict with respect to the summary offense shall be recorded in the same manner as the verdict with respect to the other charges.

[(G)] (H) Before a verdict, whether oral or sealed, is recorded, the jury shall be polled at the request of any party. Except where the verdict is sealed, if upon such poll there is no concurrence, the jury shall be directed to retire for further deliberations.

Comment

Paragraph (A) of the rule replaces the practice of automatically appointing the first juror chosen as foreman of the jury. Paragraphs (C), (D), and (E) serve only to codify the procedure where conviction or acquittal of one offense operates as a bar to a later trial on a necessarily included offense. Similarly, the rule applies to situations of merger and *autrefois* convict or acquit. No attempt is made to change the substantive law that would operate to determine when merger or any of the other situations arise. See, e.g., *Commonwealth v. Comber*, 374 Pa. 570, 97 A.2d 343 (1953).

New paragraph (F) was added in 2013 to conform procedure with the requirement enunciated by the U.S. Supreme Court in *Alleyne v. U.S.*, ___ U.S. ___ 133 S.Ct. 2151 (2013), that any fact, other than a prior conviction, that increases a mandatory minimum sentence, must be submitted to the jury. The separate verdict should be required on the verdict slip with the charged offense(s), and the jury should deliberate on the separate fact at the same time it deliberates on the charged offense(s).

Paragraph [(F)] (G) provides for the disposition in the court of common pleas of any summary offense that is joined with the misdemeanor, felony, or murder charges that were tried before the jury. Under no circumstances may the trial judge remand the summary offense to the issuing authority, even in cases in which the defendant is found not guilty by the jury. See also Rule 543 (Disposition of Case at Preliminary Hearing).

Paragraph [(G)] (H) provides for the polling of the jury and requires the judge to send the jury back for deliberations in accordance with *Commonwealth v. Martin*, 379 Pa. 587, 109 A.2d 325 (1954). With respect to the procedure upon non-concurrence with a sealed verdict, see Rule 649(C).

Although most references to indictments and indicting grand juries were deleted from these rules in 1993 because the indicting grand jury was abolished in all counties, see PA. CONST. art. I, § 10 and 42 Pa.C.S. § 8931(b), the reference was retained in paragraphs (D) and (E) of this rule because there may be some cases still pending that were instituted under the former indicting grand jury rules prior to the abolition of the indicting grand jury in 1993. These references to "indictment" do not apply in the context of an indicting grand jury convened pursuant to the new indicting grand jury procedures adopted in 2012 in which an information would be filed after a grand jury indicts a defendant. See Rules 103 and 556.11.

Official Note: Rule 1120 adopted January 24, 1968, effective August 1, 1968; amended February 13, 1974, effective immediately; paragraph (E) amended to correct printing error June 28, 1976, effective immediately; paragraph (F) amended April 26, 1979, effective July 1, 1979; amended August 12, 1993, effective September 1, 1993; renumbered Rule 648 and amended March 1, 2000, effective April 1, 2001; amended March 9, 2006, effective September 1, 2006; Comment revised June 21, 2012, effective in 180 days; **amended** , 2013, effective , 2013.

Committee Explanatory Reports:

* * * * *

Report explaining the proposed amendment concerning specific verdicts published for comment at 43 Pa.B. 6491 (November 2, 2013).

REPORT

Proposed amendment to Pa.R.Crim.P. 648

Specific Verdicts

On June 17, 2013, the United States Supreme Court issued its opinion in *Alleyne v. United States*, ___ U.S. ___, 133 S.Ct. 2151 (2013). In *Alleyne*, the defendant was convicted of using a firearm in the commission of a violent crime. The offense carried a mandatory minimum sentence of five years' incarceration but the mandatory minimum would be increased to seven years if it was found that the firearm was brandished or to ten years if the firearm was discharged during the commission of the crime. The jury found that the defendant had "used or carried a firearm" but the verdict slip did not contain a specific finding that the defendant had brandished it. During sentencing, the trial judge determined that the defendant had likely brandished the firearm during the offense and imposed the seven year mandatory minimum sentence.

Relying on *Apprendi v. New Jersey*, 530 U.S. 466 (2000), the Court concluded that any facts that increase the prescribed range of penalties to which a criminal defendant is exposed are not merely sentencing factors that the trial judge could decide, but are elements of the crime and the Sixth Amendment provides defendants with the right to have a jury find those facts beyond a reasonable doubt. The Court overruled the earlier case of *Harris v. United States*, 536 U.S. 545 (2002) which had

held that judicial fact-finding that increased the mandatory minimum sentence for a crime is permissible under the Sixth Amendment.

Recently, the Committee has been receiving reports that there is some confusion about the requirements imposed by *Alleynes* and the method by which facts that increase mandatory minimum sentences must be submitted to the jury. The Committee concluded that it would be helpful to the bench and bar if the rules provided guidance in this area.

The Committee examined current practice and concluded that, especially since *Apprendi, supra.*, it has become commonplace to add specific findings to a verdict slip when the case is given to the jury in cases in which a particular fact will affect the sentence. Since such a finding is considered one element of the offense, it is logical for that specific fact to be determined as part of the general deliberations of the jury.

The Committee considered the holding in *Commonwealth v. Samuel*, 599 Pa. 166, 961 A.2d 57 (2008), a case that stated that, in contrast to civil cases, where there is specific authority for special verdicts, there is no such provision in criminal trials. However, the Committee concluded that *Samuels* arose in a situation different from that in *Alleynes* and was of limited application.

The proposed amendments would add a new paragraph (F) to Rule 648 (Verdicts) that would state the requirement for a specific verdict when there is a sentencing fact that is required to be found by the jury. A proposed revision to the Rule 648 Comment would cite to *Alleynes* and elaborate that the specific verdict be included in the verdict slip to be deliberated as part of the general deliberation of the offense. Current paragraphs (F) and (G) would be re-lettered accordingly.

[Pa.B. Doc. No. 13-2039. Filed for public inspection November 1, 2013, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CHS. 11—16]

Proposed Amendments to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608 and 1609 and Proposed Rule 1149

The Juvenile Court Procedural Rules Committee is eliciting public comment on proposed modifications to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 and adoption of new Rule 1149 before it considers any recommendations to the Supreme Court of Pennsylvania. These proposed modifications and additions address family finding.

The Committee requests that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel, Christine Riscili at juvenilerules@pacourts.us. Email is the preferred method for receiving comments in an effort to conserve paper and expedite the distribution of comments to the Committee. Emailed comments need not be reproduced and sent via hard copy. The Committee will acknowledge receipt of your comment.

For those who do not have access to email, comments may be faxed to the Committee at 717-231-9541 or written comments may be mailed to:

Christine Riscili, Esq.
Supreme Court of Pennsylvania
Juvenile Court Procedural Rules Committee
Pennsylvania Judicial Center
601 Commonwealth Ave, Suite 6200
P. O. Box 62635
Harrisburg, PA 17106-2635.

All comments shall be received no later than Monday, December 2, 2013.

By the Juvenile Court
Procedural Rules Committee

HONORABLE TODD A. HOOVER,
Chair

Annex A

TITLE 237. JUVENILE RULES

PART I. RULES

Subpart B. DEPENDENCY MATTERS

CHAPTER 11. GENERAL PROVISIONS

PART A. BUSINESS OF COURTS

Rule 1120. Definitions.

* * * * *

COURT is the Court of Common Pleas, a court of record, which is assigned to hear dependency matters. Court shall include masters when they are permitted to hear cases under these rules. Juvenile court shall have the same meaning as court.

DILIGENT EFFORTS are the comprehensive and ongoing efforts made to identify and locate adult relatives and kin for a child until the permanency goal is achieved.

EDUCATIONAL DECISION MAKER is a responsible adult appointed by the court to make decisions regarding a child's education when the child has no guardian or the court has limited the guardian's right to make such decisions for the child. The educational decision maker acts as the child's representative concerning all matters regarding education unless the court specifically limits the authority of the educational decision maker.

FAMILY FINDING is the ongoing diligent efforts of the county agency, or its contracted providers, to search for and identify adult relatives and kin, and engage them in the county agency's social service planning and delivery of services, including gaining commitment from relatives and kin to support a child or guardian receiving county agency services.

FAMILY SERVICE PLAN is the document in which the county agency sets forth the service objectives for a family and services to be provided to a family by the county agency.

* * * * *

JUVENILE PROBATION OFFICER is a person who has been appointed by the court or employed by a county's juvenile probation office, and who has been properly commissioned by being sworn in as an officer of the court to exercise the powers and duties set forth in Rule 195, the Juvenile Act, and the Child Protective Services Law.

KIN is a relative of the child through blood or marriage, godparent of the child as recognized through an organized church, a member of the

child's tribe or clan, or someone who has a significant positive relationship with the child or the child's family.

KINSHIP CARE is the full-time nurturing and protection of a child who is separated from the child's guardian and placed in the home of a caregiver who has an existing relationship with the child and/or the child's family.

LAW ENFORCEMENT OFFICER is any person who is by law given the power to enforce the law when acting within the scope of that person's employment.

* * * * *

Comment

* * * * *

An "educational decision maker" is to be appointed by court order. The scope of the appointment is limited to decisions regarding the child's education. The educational decision maker acts as the child's spokesperson on all matters regarding education unless the court specifically limits the authority of the educational decision maker. The educational decision maker holds educational and privacy rights as the child's guardian for purposes of 20 U.S.C. § 1232g and 34 C.F.R. § 99.3. *See also* Rule 1147(C) for the duties and responsibilities of an educational decision maker.

The definition of "family finding" is derived from 62 P. S. § 1302.

Diligence is to include utilizing reasonable resources available when engaging in family finding, never ceasing efforts until multiple relatives and kin are identified, and going beyond basic searching tools by exploring alternative tools and methodologies. "Diligent efforts" is to include, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

It is insufficient to complete only a basic computer search or attempt to contact known relatives at last known address or phone number.

For multiple resources efforts that may be utilized, see Commonwealth of Pennsylvania, Department of Public Welfare, Office of Children, Youth and Families Bulletin, No. 3130-12-03, issued May 11, 2012, effective July 1, 2013; Senaca Family Finding, which may be found at www.findingfamily.org, or Legal Search Initiative, diligent search packet (March 2013), Statewide Adoption and Permanency Network, which may be found at www.diakin-swan.org.

Supporting a child under the definition of "family finding" means any type of aid, including but not limited to emotional, financial, physical, or psychological help.

See also 62 Pa.C.S. § 1301 *et seq.* and 42 U.S.C. § 675 (Fostering Connections) to comply with state and federal regulations.

For the family service plan, see 55 Pa. Code § 3130.61

* * * * *

PART B(1). EDUCATION [AND], HEALTH, AND WELFARE OF CHILD

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

Rule 1149. Family Finding.

A. *Court's inquiry.* The court shall inquire as to the efforts made by the county agency to comply with family finding requirements pursuant to 62 P. S. § 1301 *et seq.*

B. *Court's determination.* At each hearing, the court shall place findings on the record indicating whether the county agency has reasonably engaged in family finding.

C. *Discontinued family finding.* Family finding may be discontinued only if, after a hearing, the court has made a specific determination that:

- 1) continued family finding no longer serves the best interests of the child;
- 2) continued family finding is a threat to the child's safety; or
- 3) the child is in a preadoptive placement and the court proceedings to adopt the child have been commenced pursuant to 23 Pa.C.S. Part III (relating to adoption).

D. *Resuming family finding.* The county agency shall resume family finding when the court determines that resuming family finding:

- 1) is best suited to the safety, protection and physical, mental and moral welfare of the child; and
- 2) does not pose a threat to the child's safety.

Comment

Pursuant to paragraph (A), efforts by the county agency may include, but are not limited to whether the county agency is or will be: a) searching and finding adult relatives and kin; b) identifying and building positive connections between the child and the child's relatives and kin; c) when appropriate: i) supporting the engagement of relatives and kin in social service planning and delivery of services; and ii) creating a network of extended family support to assist in remedying the concerns that lead the child to be involved with the county agency; d) when possible, maintaining family connections; and e) when in the best interests of the child and when possible, keeping siblings together in care.

The extent to which the county agency is involved in the case when a child is still in the home is dependent on several variables and specific to each case. In some instances, the county agency will be more involved and actively engaged in family finding because the child needs support services or could be removed from the home. The search in these instances is used to find resources to help keep the child in the home by preventing removal, or to find resources if removal becomes necessary.

See 62 P. S. § 1301 for legislative intent regarding family finding and promotion of kinship care.

Family finding is required for every child when a child is accepted for services by the county agency. *See* 62 P. S. § 1302. It is best practice to find as many kin as possible for each child. These kin may help with care or support for the child. The county agency should ask the guardian, the child, and siblings about relatives or other adults in their life, including key supporters of the child or guardians.

Specific evidence should be provided indicating the steps taken to locate and engage relatives and kin. *See* Comment to Rule 1120 regarding diligent efforts considerations for locating relatives and kin. When considering the method by which relatives and kin have been engaged in service planning and delivery, courts and the parties are encouraged to be creative. Strategies of engagement

could include, but are not limited to, inviting relatives and kin to: 1) be involved in a family group decision making conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan; 2) assist with visitation; 3) to assist with transportation; 4) provide respite or child care services; or 5) provide actual kinship care.

Paragraph (C)(3) is meant to include notice of intent to adopt, petition to adopt, or voluntary relinquishment of parental rights, or consent to adopt.

CHAPTER 12. COMMENCEMENT OF PROCEEDINGS, EMERGENCY CUSTODY, AND PRE-ADJUDICATORY PLACEMENT

PART B. EMERGENCY CUSTODY

Rule 1210. Order for Protective Custody.

* * * * *

B. *Finding of court.* A child may be taken into protective custody by court order when the court determines that removal of the child is necessary for the welfare and best interests of the child, **including family finding efforts pursuant to Rule 1149.** The order may initially be oral, provided that it is reduced to writing within twenty-four hours or the next court business day.

* * * * *

[D. *Execution of order.* The court shall specify:

- 1) the limitations of the order;
- 2) the manner in which the order is to be executed; and
- 3) who shall execute the order.

E. *Contents of order.* The court order shall include:

- 1) the name of the child sought to be protected;
- 2) the date of birth of the child, if known;
- 3) the whereabouts of the child, if known;
- 4) the names and addresses of the guardians;
- 5) the reasons for taking the child into protective custody;
- 6) a finding whether reasonable efforts were made to prevent placement of the child; and
- 7) a finding whether the reasons for keeping the child in shelter care and that remaining in the home is contrary to the welfare and best interests of the child.]

D. *Contents of order.* The court order shall include:

- 1) the name of the child sought to be protected;
- 2) the date of birth of the child, if known;
- 3) the whereabouts of the child, if known;
- 4) the names and addresses of the guardians;
- 5) the reasons for taking the child into protective custody;
- 6) a finding whether reasonable efforts were made to prevent placement of the child;
- 7) a finding whether the reasons for keeping the child in shelter care and that remaining in the home is contrary to the welfare and best interests of the child; and

8) findings and orders related to the requirements of Rule 1149 regarding family finding.

E. *Execution of order.* The court shall specify:

- 1) the limitations of the order;
- 2) the manner in which the order is to be executed; and
- 3) who shall execute the order.

Comment

* * * * *

The court is to determine whether reasonable efforts, **including services and family finding efforts**, were made to prevent placement or in the case of an emergency placement where services were not offered and could not have prevented the necessity of placement, whether this level of effort was reasonable due to the emergency nature of the situation, safety considerations and circumstances of the family. 42 Pa.C.S. § 6332.

See also *In re Petition to Compel Cooperation with Child Abuse Investigation*, 875 A.2d 365 (Pa. Super. Ct. 2005).

Pursuant to paragraph (D)(8), the county agency should be looking for family and kin as a placement prevention, as well as, a placement resource for the child to help reduce the potential trauma of removal from the home. See Rule 1149 regarding family finding requirements.

* * * * *

PART C. SHELTER CARE

Rule 1240. Shelter Care Application.

* * * * *

B. *Application contents.* Every shelter care application shall set forth:

* * * * *

6) a statement detailing:

- a) the reasonable efforts made to prevent placement, **including family finding efforts**; and
- b) why there are no less restrictive alternatives available;

* * * * *

Comment

* * * * *

Pursuant to paragraph (B)(6), the application is to contain a statement detailing the reasonable efforts made to prevent placement and the specific reasons why there are no less restrictive alternatives available. This statement may include information such as: 1) the circumstances of the case; 2) **family finding efforts made by the county agency**; 3) contact with family members or other kin; [3] 4) the child's educational, health care, and disability needs; and [4] 5) any need for emergency actions.

See Rule 1149 regarding family finding requirements.

* * * * *

Rule 1242. General Conduct of Shelter Care Hearing.

* * * * *

C. *Findings.* The court shall determine whether:

* * * * *

3) **the county agency has reasonably engaged in family finding;**

4) a person, other than the county agency, submitting a shelter care application, is a party to the proceedings; and

[4] 5) there are any special needs of the child that have been identified and that the court deems necessary to address while the child is in shelter care.

* * * * *

E. *Court order.* At the conclusion of the shelter care hearing, the court shall enter a written order [set] setting forth:

1) its findings pursuant to paragraph (C);

2) any conditions placed upon any party;

3) **any orders regarding family finding pursuant to Rule 1149;**

4) any orders for placement or temporary care of the child;

[4] 5) any findings or orders necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

[5] 6) any findings or orders necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and

[6] 7) any orders of visitation.

Comment

* * * * *

Pursuant to paragraph (C), the court is to make a determination that the evidence presented with the shelter care application under Rule 1240 is supported by sufficient facts. After this determination, the court is to determine whether the custody of the child is warranted by requiring a finding that: 1) remaining in the home would be contrary to the health and welfare of the child; 2) reasonable efforts were made by the county agency to prevent the placement of the child; 3) the child was placed in the least restrictive placement available; and 4) if the child was taken into emergency placement without services being offered, the lack of efforts by the county agency was reasonable. Additionally, the court is to state the reasons why there are no less restrictive alternatives available.

Pursuant to paragraph (C)(2)(b) & (c), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rule 1330(B)(6) and Comment to Rules 1330, 1409, 1515, 1608, and 1609 for reasonable efforts determinations.

Pursuant to paragraph (C)(3), the court is to make a determination whether the county agency has engaged or is to engage in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. See Rule 1149 for requirements of family finding. See also Rules 1408(2), 1512(D)(1)(h), 1514(A)(4), and 1608(D)(1)(h) and their Comment for court's findings as to the county agency's satisfaction of the family finding requirements and Rules

1409(C) and 1609(D) and Comment to Rules 1408, 1409, 1512, 1514, 1515, 1608, and 1609 on court's orders.

Pursuant to paragraph [(C)(3)] (C)(4), the court is to determine whether or not a person is a proper party to the proceedings. Regardless of the court's findings on the party status, the court is to determine if the application is supported by sufficient evidence.

* * * * *

CHAPTER 13. PRE-ADJUDICATORY PROCEDURES

PART C. PETITION

Rule 1330. Petition: Filing, Contents, Function, Aggravated Circumstances.

* * * * *

B. *Petition contents.* Every petition shall set forth plainly:

* * * * *

6) **a statement detailing family finding efforts and, if the county agency is seeking placement:**

a) **the reasonable efforts made to prevent placement, including family finding efforts; and**

b) **why there are no less restrictive alternatives available;**

7) a concise statement of facts in support of the allegations for which the petition has been filed;

a) facts for each allegation shall be set forth separately;

b) the relevant statute or code section shall be set forth specifically for each allegation;

[7] 8) a verification by the petitioner that the facts set forth in the petition are true and correct to the petitioner's personal knowledge, information, or belief, and that any false statements are subject to the penalties of the Crimes Code, 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities;

[8] 9) the signature of the petitioner and the date of the execution of the petition; and

[9] 10) the whereabouts of the child unless disclosure is prohibited by court order and if taken into custody, the date and time thereof.

* * * * *

Comment

* * * * *

For the safety or welfare of a child or a guardian, the court may order that the addresses of the child or a guardian not be disclosed to specified individuals.

Pursuant to paragraph (B)(6), when the county agency is seeking placement, the petition is to include the reasonable efforts made to prevent placement, including efforts for family finding, and why there are no less restrictive alternatives available. See Rule 1149 for family finding requirements. See also Rule 1242(C)(2)(b) & (c) and Comment to Rules 1242, 1409, 1515, 1608, and 1609 for reasonable efforts determinations.

If a petition is filed after the county agency has discontinued family finding for non-court cases, the county agency is to aver reasons for the discontinuance in the petition. See 62 P. S. § 1302.2(a).

A motion for finding of aggravated circumstances may be brought in a dependency petition. *See* Rule 1701(A). If aggravated circumstances are determined to exist after the filing of a petition, a written motion is to be filed pursuant to Rules 1701 and 1344.

* * * * *

CHAPTER 14. ADJUDICATORY HEARING

Rule 1408. Findings on Petition.

[After] The court shall enter findings, within seven days of hearing the evidence on the petition or accepting stipulated facts by the parties [but no later than seven days, the court shall enter a finding]:

1) by specifying which, if any, allegations in the petition were proved by clear and convincing evidence[.]; and

2) when appropriate, its findings as to whether the county agency has reasonably engaged in family finding as required pursuant to Rule 1149.

Comment

The court is to specify which allegations in the petition are the bases for the finding of dependency.

Pursuant to paragraph (2), the court is to make a determination whether the county agency has reasonably engaged in family finding in the case. The county agency will be required to report its diligent family finding efforts at subsequent hearings. *See* Rule 1149 for requirements of family finding. *See also* Rules 1242(E)(3), 1512(D)(1)(h), 1514(A)(4), and 1608(D)(1)(h) and their Comment for court's findings as to the county agency's satisfaction of the family finding requirements and Rules 1242(E)(3), 1409(C), and 1609(D) and Comment to Rules 1242, 1409, 1512, 1514, 1515, 1608, and 1609 on court's orders.

* * * * *

Rule 1409. Adjudication of Dependency and Court Order.

* * * * *

C. *Court order.* The court shall include the following in its court order:

* * * * *

3) Any orders as to any aids in disposition that may assist in the preparation of the dispositional hearing, including orders regarding family finding.

Comment

* * * * *

See also 42 Pa.C.S. §§ 6341 & 6302.

Pursuant to paragraph (C)(3), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1242(C)(2)(b) & (c) and 1330(B)(6) and Comment to Rules 1242, 1330, 1515, 1608, and 1609 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* 62 P. S. 1301 *et seq.* *See*

also Rules 1242(E)(3) and 1609(D) and Comment to Rules 1242, 1408, 1512, 1514, 1515, 1608, and 1609.

* * * * *

CHAPTER 15. DISPOSITIONAL HEARING

PART B. DISPOSITIONAL HEARING AND AIDS

Rule 1512. Dispositional Hearing.

* * * * *

C. *Duties of the court.* The court shall determine on the record [that] whether the parties have been advised of the following:

* * * * *

D. *Court's findings.* The court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1515.

1) On the record in open court, the court shall state:

* * * * *

h) whether the county agency has reasonably satisfied the requirement of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;

i) any findings necessary to ensure the stability and appropriateness of the child's education, and when appropriate, the court shall appoint an educational decision maker pursuant to Rule 1147;

[i] j) any findings necessary to identify, monitor, and address the child's needs concerning health care and disability, if any, and if parental consent cannot be obtained, authorize evaluations and treatment needed; and

[j] k) a visitation schedule, including any limitations.

2) The court shall state on the record in open court or enter into the record through the dispositional order, [a finding] findings pursuant to Rule 1514, if the child is placed[, that;].

[a] remaining in the home would be contrary to the welfare, safety, or health of the child;

b) reasonable efforts were made by the county agency to prevent the child's placement;

c) the child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there are no less restrictive alternatives available; and

d) if preventive services were not offered due to the necessity of an emergency placement, that such lack of services was reasonable under the circumstances.]

Comment

* * * * *

Rule 1608 mandates permanency hearings at least every six months. It is best practice to have three-month hearings to ensure permanency is achieved in a timely fashion and the court is informed of the progress of the case. *See* Comment to Rule 1608.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed

to meet the diligent family finding efforts requirements of Rule 1149, the court may utilize its powers to enforce this legislative mandate. *See* 62 P. S. 1301 *et seq.* *See also* Rules 1242(E)(3) and 1609(D) and Comment to Rules 1242, 1408, 1409, 1514, 1515, 1608, and 1609.

Pursuant to paragraph [(D)(1)(h)] (D)(1)(i), the court is to address the child's educational stability, including the right to an educational decision maker, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519. The court's findings should address the child's right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child's best interest; b) immediate enrollment when a school change is in the child's best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P. S. §§ 13-1371 and 13-1372, 55 Pa. Code § 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child's transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child's educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph [(D)(1)(i)] (D)(1)(j), the court is to address the child's needs concerning health care and disability. The court's findings should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32, and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child's health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within 90 days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child's case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

Pursuant to the Juvenile Act, the court has authority to order a physical or mental examination of a child and medical or surgical treatment of a minor, who is suffering from a serious physical condition or illness which requires prompt treatment in the opinion of a physician. The court may order the treatment even if the guardians have not been given notice of the pending hearing, are not available, or without good cause inform the court that they do not consent to the treatment. 42 Pa.C.S. § 6339(b).

Pursuant to paragraph [(D)(1)(j)] (D)(1)(k), the court is to include siblings in its visitation schedule. *See* 42 U.S.C. § 671(a)(31), which requires reasonable efforts be made to place siblings together unless it is contrary to the safety or well-being of either sibling and that frequent visitation be assured if joint placement cannot be made.

* * * * *

Rule 1514. Dispositional Finding Before Removal from Home.

A. *Required findings.* Prior to entering a dispositional order removing a child from the home, the court shall state on the record in open court the following specific findings:

1) Continuation of the child in the home would be contrary to the welfare, safety, or health of the child;

2) The child's placement is the least restrictive placement that meets the needs of the child, supported by reasons why there is no less restrictive alternative available; [and]

3) If the child has a sibling who is subject to removal from the home, whether reasonable efforts were made prior to the placement of child to place the siblings together or whether such joint placement is contrary to the safety or well-being of the child or sibling;

4) the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding; and

5) One of the following:

a) Reasonable efforts were made prior to the placement of the child to prevent or eliminate the need for removal of the child from the home, if the child has remained in the home pending such disposition; or

b) If preventive services were not offered due to the necessity for emergency placement, whether such lack of services was reasonable under the circumstances; or

c) If the court previously determined that reasonable efforts were not made to prevent the initial removal of the child from the home, whether reasonable efforts are under way to make it possible for the child to return home.

* * * * *

Comment

See 42 Pa.C.S. § 6351(b).

Pursuant to paragraph (A)(4), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court may utilize its powers to enforce this legislative mandate. *See* 62 P. S. 1301 *et seq.* *See also* Rules 1242(E)(3) and 1609(D) and Comment to Rules 1242, 1408, 1409, 1512, 1515, 1608, and 1609.

* * * * *

Rule 1515. Dispositional Order.

* * * * *

Comment

See 42 Pa.C.S. § § 6310, 6351.

When issuing a dispositional order, the court should issue an order that is "best suited to the safety, protection, and physical, mental, and moral welfare of the child." 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa.

348, 580 A.2d 750 (1990)), for issues addressing a child's mental and moral welfare.

When making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. See also Rules 1242(C)(2)(b) & (c) and 1330(B)(6) and Comment to Rules 1242, 1330, 1409, 1608, and 1609 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. See 62 P. S. 1301 et seq. See also Rules 1242(E)(3) and 1609(D) and Comment to Rules 1242, 1408, 1409, 1512, 1514, 1608, and 1609. 45 C.F.R. § 1356.21 provides a specific foster care provider may not be placed in a court order to be in compliance with and receive funding through the Federal Financial Participation.

Dispositional orders should comport in substantial form and content to the [**Juvenile Court Judges' Commission**] model orders to receive funding under the federal Adoption and Safe Families Act (ASFA) of 1997 (P. L. 105-89). The model forms are also in compliance with Title IV-B and Title IV-E of the Social Security Act. For model orders, see [<http://www.jcjc.state.pa.us> or <http://www.dpw.state.pa.us> or request a copy on diskette directly from the Juvenile Court Judges' Commission, Room 401, Finance Building, Harrisburg, PA 17120] <http://www.pacourts.us/forms/dependency-forms>.

See In re Tameka M., 525 Pa. 348, 580 A.2d 750 (1990).

* * * * *

CHAPTER 16. POST-DISPOSITIONAL PROCEDURES

PART B(2). PERMANENCY HEARING

Rule 1608. Permanency Hearing.

* * * * *

D. Court's findings.

1) *Findings at all six-month hearings.* At the permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

* * * * *

h) **whether the county agency has satisfied the requirements of Rule 1149 regarding family finding, and if not, the findings and conclusions of the court on why the requirements have not been met by the county agency;**

i) whether the child is safe;

[i] j) if the child has been placed outside the Commonwealth, whether the placement continues to be best suited to the safety, protection, and physical, mental, and moral welfare of the child;

[j] k) the services needed to assist a child who is sixteen years of age or older to make the transition to independent living, including:

* * * * *

[k] l) any educational, health care, and disability needs of the child and the plan to ensure those needs are met[.];

m) if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and sibling of the child together or whether such joint placement is contrary to the safety or well-being of the child or sibling; and

n) if the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling.

* * * * *

F. Family Service Plan or Permanency Plan.

1) The county agency shall review the family service plan or permanency plan at least every six months, **including all family finding efforts pursuant to Rule 1149.**

2) **The family service plan or permanency plan shall identify which relatives and kin were included in its development and the method of that inclusion.**

3) If the plan is modified, the county agency shall follow the filing and service requirements pursuant to Rule 1345.

4) The parties and when requested, the court, shall be provided with the modified plan at least fifteen days prior to the permanency hearing.

Comment

* * * * *

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. *See* Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court may utilize its powers to enforce this legislative mandate. See 62 P. S. 1301 et seq. See also Rules 1242(E)(3), 1409(C), and 1609(D) and Comment to Rules 1242, 1408, 1409, 1512, 1514, 1515, and 1609.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. See also Rules 1242(C)(2)(b) & (C) and 1330(B)(6) and Comment to

Rules 1242, 1330, 1409, 1515, and 1609 for reasonable efforts determinations.

Pursuant to paragraph (D)(2), a “petition to terminate parental rights” is a term of art used pursuant to 23 Pa.C.S. § 2511 and Pa.R.O.C. Rule 15.4 to describe the motion terminating parental rights. This does not refer to the “petition” as defined in Pa.R.J.C.P. 1120.

* * * * *

Rule 1609. Permanency Hearing Orders.

* * * * *

D. Orders on family finding.

1) The court order shall determine whether family finding efforts made by the county agency were reasonable;

2) If the family finding efforts were not reasonable, the court shall order the county agency to engage in family finding prior to the next permanency hearing;

E. Orders concerning education.

* * * * *

[E.] F. Orders concerning health care and disability.

* * * * *

[F.] G. Guardians. The permanency order shall include any conditions, limitations, restrictions, and obligations imposed upon the guardian.

Comment

When issuing a permanency order, the court should issue an order that is “best suited to the safety, protection, and physical, mental, and moral welfare of the child.” 42 Pa.C.S. § 6351(a). *See In re S.J.*, 906 A.2d 547, 551 (Pa. Super. Ct. 2006) (citing *In re Tameka M.*, 525 Pa. 348, 580 A.2d 750 (1990)), for issues addressing a child’s mental and moral welfare.

Pursuant to paragraph (D), when making its determination for reasonable efforts made by the county agency, the court is to consider the extent to which the county agency has fulfilled its obligation pursuant to Rule 1149 regarding family finding. *See also* Rules 1242(C)(2)(b) & (C) and 1330(B)(6) and Comment to Rules 1242, 1330, 1409, 1515, and 1609 for reasonable efforts determinations.

If the requirements of Rule 1149 regarding family finding have not been met, the court is to make necessary orders to ensure compliance by enforcing this legislative mandate. *See* 62 P. S. 1301 *et seq.* *See also* Rules 1242(E)(3) and 1409(C) and Comment to Rules 1242, 1408, 1409, 1512, 1514, 1515, and 1608.

Pursuant to paragraph [(D)] (E), the court’s order is to address the child’s educational stability, including the right to an educational decision maker. The order should address the child’s right to: 1) educational stability, including the right to: a) remain in the same school regardless of a change in placement when it is in the child’s best interest; b) immediate enrollment when a school change is in the child’s best interest; and c) have school proximity considered in all placement changes, 42 U.S.C. §§ 675(1)(G) and 11431 *et seq.*; 2) an educational decision maker pursuant to Rule 1147, 42 Pa.C.S. § 6301, 20 U.S.C. § 1439(a)(5), and 34 C.F.R. § 300.519; 3) an appropriate education, including any necessary special education, early intervention, or remedial services pursuant to 24 P. S. §§ 13-1371 and 13-1372, 55 Pa. Code

§ 3130.87, and 20 U.S.C. § 1400 *et seq.*; 4) the educational services necessary to support the child’s transition to independent living pursuant to 42 Pa.C.S. § 6351 if the child is sixteen or older; and 5) a transition plan that addresses the child’s educational needs pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days.

Pursuant to paragraph [(E)] (F), the court’s order is to address the child’s needs concerning health care and disability. The order should address the right of: 1) a child to receive timely and medically appropriate screenings and health care services pursuant to 55 Pa. Code §§ 3700.51 and 3800.32 and 42 U.S.C. § 1396d(r); 2) a child to a transition plan that addresses the child’s health care needs, and includes specific options for how the child can obtain health insurance after leaving care pursuant to 42 U.S.C. § 675(5)(H) if the child will age out of care within ninety days; and 3) a child with disabilities to receive necessary accommodations pursuant to 42 U.S.C. § 12132; 28 C.F.R. § 35.101 *et seq.*, Section 504 of the Rehabilitation Act of 1973, *as amended*, 29 U.S.C. § 794, and implementing regulations at 45 C.F.R. § 84.1 *et seq.* In addition, the court is to ensure progress and compliance with the child’s case plan for the ongoing oversight and coordination of health care services under 42 U.S.C. § 622(b)(15).

* * * * *

EXPLANATORY REPORT

The Juvenile Court Procedural Rules Committee (Committee) is seeking public comment on amendments to Rules 1120, 1210, 1240, 1242, 1330, 1408, 1409, 1512, 1514, 1515, 1608, and 1609 and adoption of new Rule 1149.

With the adoption of Act 55 of 2013 (P. L. 169, No. 25), the county agency is required to perform family finding on an ongoing basis in every case. These rule modifications and additions reflect these requirements and ensure the court is inquiring about family finding at each proceeding and making necessary orders to ensure compliance.

Rule 1120

Diligent Efforts, Family Finding, Kin, and Kinship Care have been defined to add the practitioner in understanding their usage throughout the Rules.

The definition of “Family Finding,” is derived from 62 P. S. § 1302.

The Comment to the rule gives examples of resources that may be utilized when performing diligent family finding searches. Counties should be creative when performing searches. Basis computer searches and attempting to contact relatives at last known addresses are insufficient as diligent family finding searches.

Rule 1149

This new rule sets forth the basic requirements of family finding. The court must inquire at each hearing whether the county agency has complied with the family finding requirements and whether it has been reasonably engaged in family finding. *See* paragraphs (A) & (B).

Efforts made by the county agency should include whether it has or is currently searching and finding adult relatives and kin; identifying and building positive connections between the child and the child’s relatives and kin; when appropriate, supporting the engagement of relatives and kin in social service planning and delivery of services, and creating a network of extended family

support to assist in remedying the concerns that lead the child to be involved with the county agency; when possible, maintaining family connections; and when in the best interests of the child and when possible, keeping siblings together in care.

Paragraph (C) sets forth the requirements for discontinuing family finding and paragraph (D) provides when family finding should be resumed. *See* 62 P.S. § 1301 *et seq.*

Rule 1210

Prior to the initial removal of the child from the home, it is important to ask whether the county agency has engaged in family finding. Reducing the initial trauma of removal from the home can be alleviated if there is an opportunity to place with family or kin when removal is necessary.

The county agency should be prepared to make a showing of its initial family findings efforts before the child is taken into protective custody.

Pursuant to paragraph (D), the court must place its findings and orders as to family finding in its court order for protective custody.

Rules 1242, 1408, 1409, 1512, 1514, 1515, 1608 & 1609

The county agency is required to report its diligent family findings efforts at each hearing. The court must make findings as to the county agency's reports to ensure family finding is occurring. If family finding efforts are not reasonable, the court must make necessary orders to ensure compliance.

Rule 1330

The petition must include an averment specifically detailing the efforts made by the county agency regarding family findings. Paragraphs (B)(6)(a) & (b) require averments addressing reasonable efforts made to prevent placement, including family finding efforts, and why there are no less restrictive alternatives available.

Rule 1514 & 1608

With Act 115 of 2010 (P.L. 1140, No. 115), the court is required to make a determination that if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and the sibling of the child together or whether such joint placement is contrary to the safety and well-being of the child or sibling.

If the siblings are not placed together, the court is to order visitation no less than twice a month unless a finding is made that visitation is contrary to the safety of well-being of the child or sibling.

[Pa.B. Doc. No. 13-2040. Filed for public inspection November 1, 2013, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated September 13, 2013, pursuant to Pennsylvania Rules of Disciplinary Enforce-

ment 219 which requires that all attorneys admitted to practice in any court of this Commonwealth must pay an annual assessment of \$200.00. The Order became effective October 18, 2013.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Andrews, Katherine Palmer
Atlanta, GA

Anwar, Ovais
Brookeville, MD

Arena, Jean Marlene
Lexington, KY

Barlow, Rebekah Marie
Delaware, OH

Battaglia, Lauren
San Rafael, CA

Bell, Eleanor Lorraine
Lorton, VA

Birmingham, Maureen E.
Alpharetta, GA

Blit, Matthew J.
New York, NY

Blough, Toni Marie
Ocean City, NJ

Bressman, Marc I.
Cherry Hill, NJ

Brown, Dylan Dean
Linwood, NJ

Brown, Robert
Oklahoma City, OK

Brown, Scott Franklin
Menomonee Falls, WI

Calcaterra, Regina Marie
New Suffolk, NY

Cappuccilli, Timothy John
Syracuse, NY

Carter, Kristin Hope
Lake Forest, IL

Carter, Leslie Nicole
Lake Forest, IL

Charles, Valerie Corene
Brooklyn, NY

Chiacchio, Michael P.
Hillsboro, OR

Chuey-Cosca, Mary Kay
Cincinnati, OH

Danziger, John Falzer
Flemington, NJ

De Mont, Ellen Hughes
McKinney, TX

DiCenso, Happy Melissa
Pepper Pike, OH

Downes, Lynne G.
Pawleys Island, SC

Egger, Mary H.
Fairfax, VA

Elias, Mazin Issam Arlington, VA	Kolodner, Deborah E. Cherry Hill, NJ
Emandi, Rani New York, NY	Kosmowski, Edward Joseph Wilmington, DE
Espaillet, Joseph Gustavo White Plains, NY	Lagay, Christopher P. Cinnaminson, NJ
Finkelston, Timothy Jon Columbia, MD	Lam, Ilana Quincy, MA
Fisher, Hugh William Patrick Haddonfield, NJ	Larin, Genevieve Sarah Wilmington, DE
Fleming, Jeffrey E. Wilmington, DE	Leder, Debra Michelle Fort Lauderdale, FL
Fodor, Christine Anne Haddonfield, NJ	Lee, Benedict Annandale, VA
Garber, Adrienne Ann New York, NY	Lee, Tamara L. Ithaca, NY
Garrison, Christopher Walter New York, NY	Levy, Jonathan Deitz Princeton, NJ
Garzio, Ronald Samuel Hamilton, NJ	Li, Feng Parsippany, NJ
Gathany, Eleonora S. Manteca, CA	Macaluso, Adam Vincent Reston, VA
Girgis, Sophie Mount Laurel, NJ	Manion, William Louis Medford, NJ
Graves, Lisa Rachelle Cross Plains, WI	Manning, Dennis J., III The Netherlands
Guzzi, Mark Earl Forsyth, GA	Manton, Katie Nicole Barrington, NJ
Hatti, Aruna Kiran Fullerton, CA	Maroccia, John Philip Medford, NJ
Heck, Andrew James Cherry Hill, NJ	Masciocchi, Thomas G. Clementon, NJ
Helmrich, Ryan Frank Skillman, NJ	McCarren, Brian Patrick Swampscott, MA
Hoffman, Nicholas Pieter Mequon, WI	McCarty, William H., Jr. Bristow, VA
Holmes, William George Laurel Springs, NJ	McGinnis, Mary L. North Cape May, NJ
Ippolito, Carl M. Lambertville, NJ	McGowan, Joseph F., Jr. Cherry Hill, NJ
Isaacson, Marcia Ruth New York, NY	McWilliams, Thomas John Wilmington, DE
Johnson, Nancy Fairfax, VA	Medina, Victor Juan Pennington, NJ
Judge, Patrick, Jr. Toms River, NJ	Millar, Fredrick Lloyd Sacramento, CA
Kaiser, James Patrick, Jr. Alameda, CA	Miller, Michael D. Haddonfield, NJ
Kaleda, David Christopher Washington, DC	Mitchell, Jerome David Port Orange, FL
Katz, Steven Eric Iselin, NJ	Mogul, Rubin Collingswood, NJ
Keating, Maureen Katherine Dunkirk, MD	Morgan, Diana Willingboro, NJ
Kim, Byungkuk North Bergen, NJ	Morris, Stefanie LaDawn Newark, DE
Kolli, HimaBindu Newark, DE	Nelson, Larry N. Dublin, OH

O'Handly, Colleen Lynn
Cinnaminson, NJ

O'Malley, Michael John
Somerset, NJ

Odabashian, Stephen A.
Hoboken, NJ

Oller, Richard S.
Delray Beach, FL

Omotalade, Kia-Jacquelyn N. R. O.
San Francisco, CA

Passaportis, Michael Stephen
Charlottesville, VA

Payton, Leslie Levi
St. Thomas, Virgin Islands

Perry, Alison Marie
Milford, CT

Picariello, Pasquale
Vineland, NJ

Pletcher, Caitlin
Cherry Hill, NJ

Potash, Vella R.
Pompano Beach, FL

Rasor, Michael Charles
Largo, FL

Raut, Anant Premanand
Washington, DC

Ray, Sumita
Cambridge, MA

Reid, Scott Edward
Baltimore, MD

Reinhard, Alicia Nancy
Pinecrest, FL

Riley, Matthew Barker
Alexandria, VA

Rooney, Rita Marie
Milton, MA

Ruggles, Meredith Christine
Washington, DC

Sahl, Brad Scott
Cary, NC

Segesdy, Scott Allen
Lexington Park, MD

Shaw, Kimberly Nicole
Washington, DC

Spence, Gregory Keith
New York, NY

Tamen, Emmanuel N.
Washington, DC

Terrell, Lori Elizabeth
Washington, DC

Thompson, Jason Fletcher
Palo Alto, CA

Torres, Janyd R.
Millsboro, DE

Ulbrick, Josef Trevor
Lawrence, KS

Vassallo, Carol L.
Clarksboro, NJ

Velez, Linda
Danbury, CT

Wade, Harry Calvin, III
Garfield Heights, OH

Weeks, Rachael Leah
Tuckahoe, NJ

Weiner, Richard J.
Juno Beach, FL

Wolseley, Lorianne Melissa
Brooklyn, NY

Yampell, Sandra Ellen
Washington, DC

Zabokritsky, Florence Daniela
Brooklyn, NY

Zerbee, David Edward
Fairfax, VA

Zucker, Scott Robert
Annandale, VA

SUZANNE E. PRICE,
Attorney Registrar
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 13-2041. Filed for public inspection November 1, 2013, 9:00 a.m.]

PROPOSED RULEMAKING

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 53]

[L-2013-2346923]

Recovery of Fuel Costs by Gas Utilities

The Pennsylvania Public Utility Commission (Commission), on May 9, 2013, adopted a proposed rulemaking order designed to simplify and streamline information and procedures small gas utilities use when submitting gas cost rate filings with the Commission.

Executive Summary

In order to evaluate the operational and financial viability of small natural gas utilities within the Pennsylvania Public Utility Commission's (Commission) jurisdiction, the Commission directed the establishment of a Small Gas Task Force (Task Force) consisting of internal staff from the Commission's Law Bureau, Bureau of Technical Utility Services, Bureau of Audits and the Bureau of Investigation and Enforcement. In its October 28, 2011 Final Order regarding a request for relief from interest charges by North East Heat and Lighting Company (NEH&L), the Commission granted NEH&L's request that the Task Force examine issues involving the Gas Cost Rate mechanism as well as interest rate issues as applicable to small gas utilities. After a period of study and discussion, the Task Force determined that the Commission should amend its regulations to streamline the information and procedures small gas utilities use when submitting Gas Cost Rate filings with the Commission.

Specifically, the Commission proposes to implement changes to its regulations to (1) classify all natural gas utilities not qualifying for 1307(f) treatment as small gas utilities; (2) modify the schedules included in small gas utilities' GCR filings for purposes of efficiency; (3) provide small gas utilities with uniform time schedules to allow more accurate gas cost projections as winters approach; (4) allow small gas utilities to collect interest, at the interest rate specified at 66 Pa.C.S. § 1307(f)(5), on both net over and under collections from ratepayers; (5) eliminate the requirement that at least 90% of a small gas utility's annualized gas costs be rolled into base rates; and (6) implement a GCR interim tariff filing procedure to be effective on one day's notice.

Public Meeting held
May 9, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley, statement follows; Pamela A. Witmer

Proposed Rulemaking for Revision of 52 Pa. Code, Chapter 53 §§ 53.61—53.68, pertaining to the Recovery of Fuel Costs by Gas Utilities; Doc. No. L-2013-2346923

Proposed Rulemaking Order

By the Commission:

In accordance with Section 501 of the Public Utility Code, 66 Pa.C.S. § 501, the Commission formally commences its rulemaking process to amend its existing regulations at 52 Pa. Code §§ 53.61 through 53.68, "Re-

covery of Fuel Costs by Gas Utilities," to the proposed language attached at Annex A. The purpose of this rulemaking is to simplify and streamline the information and procedures small gas utilities use when submitting gas cost rate filings with the Commission.

Background and Procedural History

On January 15, 2009, the Commission directed the establishment of a Small Gas Task Force (Task Force or SGTF). Since its establishment, the Task Force has, among other tasks, evaluated the operational and financial viability of small natural gas utilities within the Commission's jurisdiction, met with small gas utilities operating in Pennsylvania to discuss gas safety issues and provide an overview of the standard rate case process as well as the "short form" process, and created a package of documents and a webpage on the Commission's website to help meet the gas utilities' perceived needs.¹ The Commission's webpage is meant to provide a one-stop location for small gas utilities to access the forms and information needed to effectively operate their companies within compliance of the law.

On October 2, 2009, the North East Heat and Lighting Company (NEH&L) submitted its 2009/2010 annual gas cost rate (GCR) filing, pursuant to 52 Pa. Code § 53.66 (related to filing requirements), to become effective November 1, 2009. NEH&L sought relief from interest charges, pursuant to section 53.66(d) (related to overcollections), for the twelve-month GCR reconciliation period that ended August 31, 2009. NEH&L's overcollections were the result of its purchasing strategy which allowed the company to take advantage of rapidly falling natural gas prices and to pass those savings on to its customers. NEH&L did not forecast rates that were unreasonable and did file an interim GCR when it realized that there would be significant overcollections, thereby seeking to minimize their accrual. The Commission granted equitable relief to NEH&L in the form of reduced interest rates on its overcollections, but emphasized that NEH&L's situation was unique and that this was a one-time partial waiver of the interest rate. See Commission Docket No. M-2009-2134358, (Order entered December 17, 2009).

The following year, on November 24, 2010, NEH&L similarly requested relief and exemption from interest charges on overcollections which accrued during the 2009/2010 GCR year. However, this time the Commission entered a Final Order denying NEH&L's request for relief. See Docket No. P-2010-2214432 (Final Order entered October 28, 2011). The Commission reasoned that (1) the amount of interest was markedly different than in the previous GCR year in which relief was granted; (2) the extraordinary circumstances such as the unusually low gas prices in the winter of 2008/2009 were not clearly evident in this year's request; and (3) NEH&L did not file an interim GCR to attempt to mitigate their overcollections as it had done previously. NEH&L argued that interest rates on overcollections were harmful because NEH&L was punished by an excessive interest rate even though it engaged in prudent business practices to procure low cost fuel below the GCR cost. Despite denying NEH&L's requested exemption, the Commission did grant NEH&L's request for the Commission's SGTF to examine

¹ See webpage at: http://www.puc.pa.gov/utility_industry/natural_gas/committees_and_working_groups/small_gas_task_force.aspx

issues involving the GCR mechanism and to review interest rate issues raised by NEH&L as applicable to small gas utilities.

Discussion

The facts surrounding NEH&L's requests for relief submitted to the Commission, and referred to above, demonstrated to the Commission that its current regulations, at 52 Pa. Code §§ 53.61–53.68 relating to small gas utilities, should be reexamined. It was against this backdrop that the Commission ordered its Small Gas Task Force to investigate the GCR mechanism and the manner in which interest rates are assessed. The recommendations of the Task Force are the subject of the instant Proposed Rulemaking Order. By this Order, the Commission believes that the information small gas utilities must include in GCR filings will be streamlined to better accommodate the resources and capabilities of these utilities. Also, the proposed changes to interest rate assessments reflect industry advancements and the current natural gas market while creating consistency between large and small gas utilities.

The primary objectives of this proposed rulemaking include amending existing Commission regulations to allow small gas utilities to collect interest from ratepayers on net undercollections to be consistent with the rules applicable to gas utilities with revenues in excess of \$40 million (1307(f) gas utilities). Right now, small gas utilities are charged interest on net overcollections to compensate customers for the time value of their money before overcollections are refunded, but, unlike 1307(f) utilities, these small gas utilities are not allowed to collect interest on net undercollections. Also, this rulemaking is intended to amend the interest rate currently used within small gas utilities' GCR from the maximum residential mortgage rate to the rate as calculated in the manner specified at 66 Pa.C.S. § 1307(f)(5). Moreover, this rulemaking proposes to eliminate the requirement that 90% of small gas utilities' annualized gas costs be rolled into base rates so that the GCR in the line charge of customers' bills will represent 100% of their gas costs. Additional changes to the regulations at 52 Pa. Code §§ 53.61 through 53.68 include revising the schedules that GCR filings contain, providing a GCR procedure that allows interim tariff filings to become effective on one day's notice, and reclassifying all natural gas utilities that do not qualify for 1307(f) treatment as small gas utilities by eliminating Group I and Group II designations.

Section 53.61. Purpose.

Section 53.61(b) of the Commission's regulations currently provides that natural gas utilities are classified into three categories for the purpose of establishing procedures under which the Commission reviews requests by gas utilities to recover purchased gas costs and to specify information which gas utilities must file with the Commission. The Commission's recommendations in the instant Proposed Rulemaking Order require a reclassification of natural gas utilities to two categories by eliminating Group I and Group II designations. Instead, for the reasons explained below, all natural gas utilities not categorized as 1307(f) gas utilities² will be classified as small gas utilities.

² 1307(f) gas utilities have gross intrastate annual operating revenues in excess of \$40 million. 66 Pa.C.S. § 1307(f)(1).

Section 53.62. Additional information to be filed by gas utilities with gross annual intrastate operating revenues in excess of \$40 million seeking a change in base rates.

No revision to the language of this section is being proposed by the Commission as part of this Proposed Rulemaking Order.

Section 53.63. Categories of gas utilities.

The Commission's regulations refer to natural gas utilities with gross intrastate annual operating revenues in excess of \$40 million as 1307(f) gas utilities. Throughout the industry, the term "1307(f) gas utility" is commonly used interchangeably with "large gas utility." Directly below in this Order, the Commission proposes that all natural gas utilities with annual operating revenues less than \$40 million be referred to as small gas utilities. As the Commission believes it necessary to reclassify gas utilities from three designations to two, the Commission recommends that, hereafter, the term "Large Gas Utility" be included in its provision that defines utilities qualifying for 1307(f) treatment.

"Small gas utility" is a new classification of gas utility that will eliminate the "Group I Gas Utility" and "Group II Gas Utility" designations. Presently, classification as a Group I or Group II gas utility is determined by gross intrastate annual operating revenues. See 52 Pa. Code § 53.63. Group I utilities have annual revenues between \$2.5 million and \$40 million, inclusive, whereas Group II utilities have annual revenues less than \$2.5 million. Both Group I and Group II gas utilities have been commonly referred to as small gas companies, different from companies with annual revenues greater than \$40 million that qualify for 1307(f) treatment. 52 Pa. Code § 53.63; 66 Pa.C.S. § 1307(a)–(f).

Group I and Group II gas utilities have identical annual filing requirements; in fact, the only difference between Group I and Group II utilities is that they currently have different time schedules for reporting their filings. Group I gas utilities are required to make annual filings sixty days earlier than Group II utilities, a requirement developed with the purpose of providing the Commission a means to manage the review and approval process of filings when there were significantly more small gas utilities than today.

In the instant Proposed Rulemaking Order, the Commission proposes an identical time schedule for filings reported by Group I and Group II gas utilities. This amendment to Commission regulations eliminates the need for separate designations. This change corrects problems that may occur when variables like gas prices, market conditions, and over/under collections fluctuate from year to year. For example, a Group II gas utility might end one year with revenues that place the utility in the Group I designation, thereby changing their filing timetable for that year, but might be re-classified as a Group II gas utility the following year and again need to adjust its filing time schedule.

Therefore, pertaining to section 53.63, the term "Large Gas Utility" will be added to the definition describing utilities with operating revenues of at least \$40 million, and the terms "Group I Gas Utility" and "Group II Gas Utility" will be removed and replaced by the term "small gas utility" having the definition that appears at Annex A to this Proposed Rulemaking Order.

Section 53.64. Filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million.

No revisions to the substantive language of this section are being proposed by the Commission as part of this Proposed Rulemaking Order. However, the Commission takes this opportunity to update relevant provisions of this section to reflect the Commission's current organizational framework. In sections 53.64(i)(5)(iii) and 53.64(j) of this chapter, 1307(f) gas utilities are required to file a letter and quarterly reports, respectively, with the Commission. Currently, copies of these filing must be forwarded to, inter alia, the Office of Trial Staff. However, the Office of Trial Staff has since been incorporated into the Commission's Bureau of Investigation and Enforcement. Therefore, in the abovementioned provisions at Annex A, the "Office of Trial Staff" has been replaced with the "Bureau of Investigation and Enforcement."

Section 53.65. Special provisions relating to natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million with affiliated interests.

No revision to the language of this section is being proposed by the Commission as part of the Proposed Rulemaking Order.

Section 53.66. Filing requirements for Small Gas Utilities.

1. References to Group I gas utilities should be amended to small gas utilities in section 53.66. Also, the Office of Trial Staff should be replaced with the Bureau of Investigation throughout the section.

Section 53.66 currently refers only to filing requirements for Group I gas utilities. The Commission proposes supplanting the term "Group I Gas Utility" in the section title and throughout this section with "small gas utility." Pursuant to this Proposed Rulemaking Order, section 53.66 will regulate all natural gas utilities that do not qualify for 1307(f) treatment. This enables the Commission to reserve entirely section 53.67 which is specific to Group II gas utilities.

Additionally, section 53.66(b) provides that certain information and data may be required to be filed with the Commission's Bureau of Audits or other bureaus as the Commission might direct. Both the preliminary and the final GCR filing must be served upon additional parties including the Office of Trial Staff. As mentioned above, the former Office of Trial Staff is now part of the Commission's Bureau of Investigation and Enforcement. Therefore, this rulemaking will remove the term "Office of Trial Staff" and replace it with the "Bureau of Investigation and Enforcement" for filing purposes. These functional changes are reflected at Annex A of this Proposed Rulemaking Order.

2. Schedules included in a Small Gas Utility's GCR filing should be amended to make filings more efficient and more manageable for small gas utilities.

Section 53.66(a)(1) mandates that "Group I gas utilities," which will be referred to as small gas utilities for purposes of the proposed changes to this section, comply with filing requirements established by Commission orders entered in 1978 and 1984 when seeking to recover gas costs under 66 Pa.C.S. § 1307. As a result of those

orders, gas utilities filing gas cost rate tariffs have been required to submit the following nineteen schedules:

Schedule 1	Calculation of the GCR
Schedule 2	Projected Sales and Costs
Schedule 3	Projected Supply Volumes
Schedule 4	Projected Supply Rates
Schedule 5	Projected Supply Costs
Schedule 6	Summary of E-Factor
Schedule 7	Statement of Over/Under Collections
Schedule 8.1	Actual Supply Volumes
Schedule 8.2	Actual Supply Rates
Schedule 8.3	Actual Supply Costs
Schedule 9	Reconciliation of Prior Period—Over/Under Collections
Schedule 9.1	Reconciliation of Prior Period—Miscellaneous Items
Schedule 10	Pipeline Refunds
Schedule 11	Reconciliation of Prior Period—Pipeline Refunds
Schedule 12.a	Calculation of Base Cost of Gas
Schedule 12.b	Annualization of Gas Costs
Schedule 13	Projected Statement of Over/Under Collections
Schedule 14	Effect of Rate Change on Residential Customer
Schedule 15	Roll-in of Base Cost of Gas for Tariff

By this Proposed Rulemaking Order, the Commission proposes to remove the references to the 1978 and 1984 orders and replace them with the actual filing requirements. Through this proposed change, the filing requirements will be more readily available to small gas utilities preparing gas cost rate filings and alleviate the need to review orders issued over twenty-five years ago during those preparations.

Also, the Commission plans to reduce, consolidate and streamline the filing requirements for small gas utilities filing gas cost rate tariffs. Specifically, the Commission proposes to eliminate the existing schedule called "Projected Sales and Costs," because it provides the same information that is or will be available in other schedules. The Commission further proposes to include both supply and sales volumes in the same schedule rather than having them shown in separate schedules. Similarly, the Commission's proposed changes would consolidate various schedules showing over/under collections and reconciliations into a single "1307(e) Statement of Over/Under Collections," and eliminate "Projected Statement of Over/Under Collections" and "Annualization of Gas Costs" schedules, which are unnecessary in calculating gas cost rates. In addition, the Commission is proposing to eliminate the schedule called "Roll-in of Base Cost of Gas for Tariff" to be consistent with our proposal in subsection five (5) below calling for removal of base costs of gas from gas cost rates.

In reviewing the existing schedules provided by small gas utilities, the Commission proposes to retain only those that are necessary for the calculation and review of gas cost rates. The proposed list of filing requirements contains the following eleven schedules:

Schedule 1	Calculation of the GCR
Schedule 2	Projected Supply and Sale Volumes
Schedule 3	Projected Supplier Rates
Schedule 4	Calculated Projected Gas Cost
Schedule 5	Summary of E-Factor
Schedule 6	1307(e) Statement of Over/Under Collections
Schedule 7	Schedule of Actual Supply Volumes
Schedule 8	Schedule of Actual Supply Rates
Schedule 9	Schedule of Actual Supply Costs
Schedule 10	Reconciliation of E-Factor
Schedule 11	Effect of Rate Changes on Residential Customer

The Commission is confident that this proposed list of schedules will provide a sufficient basis upon which to review the small gas utilities' filings and ensure the appropriateness of the gas cost rates charged by small gas utilities.

3. Uniform time schedule should be implemented for GCR filings of small gas utilities.

In the Commission's regulations presently, section 53.66(a)(2) identifies the annual time schedule for Group I gas utilities to submit a preliminary and final GCR filing to the Commission. Group I utilities are required to make such filings sixty days earlier than Group II utilities. By this rulemaking, the Commission proposes amending this section to unify the time schedules for all small gas utilities. For the reasons stated directly below, the Commission will use the time schedule that has been applicable to Group II gas utilities.

At present, Group I utilities' preliminary filings must be made in July using as much actual data as is then available. Their final filings, which occur at the beginning of August and must include updates or corrections to the data contained in their initial filing, become effective in September. Thus, a Group I gas utility projects its winter gas costs in the middle of summer. Group II utilities, however, make their initial filings in September and their final filings in October, with the filings becoming effective in November. Therefore, the Commission advises that it is more advantageous for small gas utilities to use the latter time schedule in order to more accurately project winter gas costs and to limit the number of corrections and updates to be made in actual data available between preliminary and final filings.

Likewise, to assist small gas utilities in simplifying the time schedules of annual filing requirements, the Commission proposes that section 53.66(c) (addressing reconciliation statements under 66 Pa.C.S. § 1307(e)) be amended to coincide with the abovementioned filing schedule. Therefore, reconciliation statements for small gas utilities should be filed by October 1 of each year for the 12-month period running from September 1 through August 31.

4. Small gas utilities should be allowed to collect interest on net undercollections at the interest rate specified at 66 Pa.C.S. § 1307(f)(5), to be consistent with large gas utilities.

As currently mandated by Commission regulations at 52 Pa. Code § 53.66(d), small gas utilities are required to pay interest to their customers only for net overcollections of gas costs. Small gas utilities are not permitted to

collect interest from ratepayers when they experience a net undercollection of their gas costs. Prior to the passage of the Natural Gas Choice and Competition Act in 1999 (Act), 1307(f) companies operated under the same rules as small gas companies regarding interest on over/under collected gas costs. However, since the Act passed, 1307(f) utilities have been permitted to recover interest from ratepayers on net undercollected gas costs.

Recognizing the inequity to small gas utilities because of this differential treatment in our present regulations, the Commission proposes that, hereafter, small gas utilities be allowed to collect interest on their company's money when net undercollections occur. This affords small gas utilities the same opportunity currently enjoyed by 1307(f) utilities. The Commission recognizes that small gas utilities operate in a similar manner to that of 1307(f) utilities, while often encountering more obstacles in the marketplace due to their diminished purchasing options and capabilities. Since no justification exists for differential treatment on the recovery of interest on net undercollections, the ability to recover interest should be extended to small gas utilities.

In reaching this conclusion, the Commission does recognize that this change departs from prior Commission policy that must now be explained. The Commission's policy on the issue of interest applied to net over/under collections of gas costs can be traced to a 1984 Opinion and Order that investigated the merits of the "Gas Cost Rate."³ In that Order, the Commission affirmed its policy of requiring natural gas utilities to pay interest on overcollected gas costs, while not permitting these utilities to collect interest on any undercollected gas costs. At the time, the Commission stated the following:

The utility, not the customer, has complete control over the projection of gas supply costs and the projection of sales volume. It follows that the utility, not the customer, must bear the interest burden which results when the estimate is incorrect.

However, the 1984 Opinion and Order did allow for a one-time recovery of interest on undercollected gas costs for that portion of an undercollection that occurred as a result of Commission action,⁴ and stated that the interest rate to be paid or received on any over/under collections be at the rate of six percent (6%) per annum.

Concerns expressed by small gas utilities as well as the goal to achieve consistency with 1307(f) utilities has prompted the Commission to reevaluate its policy as it pertains to small gas utilities. As stated above, the Commission finds that its prior position disallowing for the collection of interest on undercollections is unfair to small gas utilities. Expecting small gas utilities to project, without error, annual gas supply costs and sales volumes—both highly variable factors subject to the fickle nature of market conditions and weather patterns—places an unreasonable burden upon them. If such factors are allowed to justify why projections are skewed and overcollections occur, and hence interest paid out to customers, then the same logic should apply when there are undercollections. Also, absent evidence of negligent purchasing practices or other abuse of management discretion, the cost of capital for purchasing natural gas in advance of the time the gas utility will be paid for the gas provided to its customers is a legitimate cost of service and, therefore, should be recoverable in rates.

³ See Investigation of Gas Cost Rate No. 5 at Docket Nos. M-78050055, D. 79S00192, Folder GCR No. 5 (entered March 16, 1984).

⁴ See Investigation of Gas Cost Rate No. 5, p. 11, at Docket Nos. M-78050055, D. 79S00192, Folder GCR No. 5 (entered March 16, 1984) (regarding Commission action that led to the allowance of a one-time recovery of interest on undercollected gas costs.)

Furthermore, the Commission proposes that the interest rate applied to both over and under collections by small gas utilities should be the interest rate as calculated in the manner specified at 66 Pa.C.S. 1307(f)(5). This proposal creates consistency in interest rate assessments between large and small gas companies. If, during the pendency of this proposed rulemaking, or after, 1307(f) utilities' method of calculating interest rates changes, so too will the method for small gas utilities. We invite comments on the Commission's proposed use of the same standard that regulates large gas utilities, 66 Pa.C.S. 1307(f)(5) or, in the alternative, on other interest rates with evidence supporting their use.

Therefore, for the reasons stated above, the Commission recommends that, in addition to paying interest to ratepayers for net overcollections, all small gas utilities be permitted to recover interest from ratepayers on net undercollected gas costs. Additionally, the Commission proposes that the interest rate small gas utilities apply to both over and under collections be the same interest rate specified at 66 Pa.C.S. § 1307(f)(5).

5. Retail customers should be able to see a GCR in the line charge of their bill that represents 100% of their gas costs by eliminating the requirement that 90% of small gas utilities annualized gas costs be rolled into base rates.

The current GCR regulations require that at least ninety percent (90%) of a small gas utility's annualized gas costs be rolled into base rates. 52 Pa. Code § 53.66(e)(1). When this requirement commenced, gas costs fluctuated wildly; a roll-in was one way to avoid rate shock on a retail gas customer's bill. Gas costs continue to fluctuate, but now emphasis is placed on providing reliable information to the retail customers so that they may evaluate the costs of gas compared to their usage. A GCR mechanism allows for recovery of 100% of natural gas costs incurred. 66 Pa.C.S. § 1307(a)—(b). The Commission believes that small gas utility customers should see a GCR in the line charge of their bill that represents 100% of their gas costs, not one that represents only 10% or less plus the E-Factor. A small gas utility may not meet the definition of a natural gas distribution company for purposes of 66 Pa.C.S. § 2202 (Natural Gas Competition), and therefore, its customers might not have the ability to purchase their gas from an alternative supplier. However, this should not preclude small gas utilities from providing reliable information consistent with other industry providers.

The Commission proposes that the base rate roll-in of gas costs should be eliminated because it leads to a lack of consistency and comparability with rates. Presently, small gas utilities may vary the percentage of gas costs rolled into base rates. In cases where a 90% roll-in resulted in a negative GCR, the Bureau of Audits has requested from the Commission a waiver of the 90% requirement to a lower roll-in percentage. The reason for the waiver is that negative GCR is more likely to lead to confusion and question. If the base rate roll-in is eliminated, the GCR formula becomes:

$$\text{Gas Cost Rate} = \text{Cost/Sales} + \text{E-Factor/Sales}.$$

The current procedure for rolling gas costs into base rates does not require a base rate case. Presently, GCR filings result in an annual change to small gas utilities' tariffs because these utilities must roll-in at least 90% of gas costs into base rates. 52 Pa. Code § 53.66(e)(1). The amount that must be rolled into base rates is based on the annualized cost of gas divided by a utility's projected sales for the upcoming year. This unit cost is multiplied

by the base rate allocation (at least 90%) and the product is the revised base cost of gas. Then, the current base cost of gas is subtracted from the revised cost of gas; the resulting increase or decrease is the adjustment to base rates. If the gas cost roll-in to base rates is eliminated as this Rulemaking Order proposes, there will be a transition away from an annual adjustment in base rates. In the first year under the Commission's amended regulations, the revised base cost will be \$0.00 and the current base cost of gas will be subtracted from this revised base cost. The difference will be adjusted out of base rates and into small gas utilities' GCR filings. In subsequent GCR filings, 100% of gas costs will be included in the GCR and there will be no base rate roll-in. This eliminates the need of Schedule 12.a presently in our regulations.

The current gas cost roll-in to base rates does not include company-owned production recovered through base rates. If a small gas utility owns gas wells that provide gas supply, the costs associated with the production is recovered through base rates and not the GCR. Unlike gas cost roll-in to base rates, which does not require a base rate case, any change in the ownership or viability of the company's wells may require a general base rate case to adjust rates.

The elimination of the base rate roll-in will help to reduce tariff and billing errors. Currently, when a small gas company files its GCR, it must file revised tariffs. The tariff for the GCR is usually a rider with the GCR formula and rate. A small gas company typically files a revised rider page with the new GCR. The base rate roll-in is more complicated. The base rates for each customer classification in the company's tariff have to be adjusted for the change due to the roll-in. The additional procedures increase the likelihood for clerical and arithmetical errors. Removing the base rate roll-in will make the GCR filing easier because three schedules will be eliminated and at least three other schedules will become simpler. The schedules that would be included in the revised GCR filing can be found at Annex A of this proposed Rulemaking Order.

6. The Commission recommends a GCR interim tariff filing procedure; to be beneficial to small gas utilities, the filings should be effective on one day's notice.

Currently, Group I and Group II gas utilities are required to annually submit a preliminary and final Gas Cost Rate (GCR) filing to the Commission. The GCR filing should contain as much actual data as is available at the time. No GCR rates are to be implemented without prior Commission approval and that approval is only tentative until the utility's projections are audited in accordance with 66 Pa.C.S. § 1307(d). 52 Pa. Code § 53.66(a)—(b). The ratemaking amendment introduced at section 53.66(g), which permits interim tariff filings effective on one day's notice, is necessary and should be implemented for small gas companies for several reasons.

The GCR is based on twelve months of projected gas costs and revenues. However, in that time, gas costs can fluctuate greatly due to market demand, temperature, and customer usage. For example, an unusually warm January may result in a utility significantly overcollecting from retail customers because the utility's sales to those customers are lower than projected. Likewise, an unusually cold period might cause the utility to increase its purchases more than projected and result in significant undercollections, potentially impacting cash flows.

Another example may occur when the small gas utility operator discerns that market conditions provide an

opportunity for the utility to purchase gas at rates that are lower than projected. If a utility takes advantage of an opportunity to purchase gas at rates lower than initially projected, it is likely that overcollections will occur. On the other hand, if the utility does not act on the opportunity, its ratepayers lose because they will pay for gas at higher rates. Thus, under the Commission's present regulations, a small gas utility may be penalized for making the most of favorable market conditions when it projected paying higher gas costs over a twelve month period. See North East Heat & Light Company Request for Relief from Interest Charges Pursuant to 52 Pa. Code § 53.66(d), Related to Over-Collections, Pa. PUC Docket No. P-2010-2214432 (Final Order entered October 28, 2011). Any overcollection, if not reversed by activity in subsequent months, must be refunded to the utility's customers with interest.

A procedure that provides a small gas utility with the ability to make interim rate changes will help these utilities support their least-cost purchasing strategies. To be beneficial, however, an interim filing must be allowed to become effective on one day's notice. Fluctuations in over/under collections that cannot be addressed quickly may result in higher costs to the small gas utility in the form of interest on overcollections or to the ratepayers in the form of higher gas rates.

The Commission encourages small gas utilities to regularly monitor GCR activity as a good business practice and to utilize the interim filing option. However, the Commission will not make it a mandatory requirement that small gas utilities submit interim filings. The purpose of the ratemaking changes in this proposed rulemaking is not to create a regulation that will overburden small gas utilities. Rather, the proposed provision at 53.66(g) is meant to provide small gas utilities with a means to better manage their operations by remaining aware of their limited capabilities and resources.

Section 53.67. Filing requirements for Group II gas utilities. (Reserved)

In accordance with removing Group I and Group II Gas Utility designations to be replaced using small gas utilities, the Task Force recommends reserving section 53.67 in its entirety. Under the proposed rulemaking, section 53.66 will provide the filing requirements for all gas utilities that do not qualify for 1307(f) treatment. The time schedule in section 53.66(a)(2)(c) at Annex A of this proposed Rulemaking Order reflects the uniform schedule that all small gas utilities will follow and that allows section 53.67 to be reserved.

Section 53.68. Notice requirements

The terms "Group I Gas Utility" and "Group II Gas Utility" will be deleted and replaced by "small gas utility" with the definition that appears at Annex A to this Order. This amendment correlates with the changes proposed throughout the instant Proposed Rulemaking Order.

Section 53.69. Fixed rate option.

No revision to this language is being proposed by the Commission as part of the proposed Rulemaking Order.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 17, 2013, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the

Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

Conclusion

With this rulemaking, the Commission intends to revise its provisions regarding the recovery of fuel costs by small gas utilities. As stated above, the Commission proposes to (1) classify all natural gas utilities not qualifying for 1307(f) treatment as small gas utilities; (2) modify the schedules included in small gas utilities' GCR filings for purposes of efficiency; (3) provide small gas utilities with uniform time schedules to allow more accurate gas cost projections as winters approach; (4) allow small gas utilities to collect interest, at the interest rate specified at 66 Pa.C.S. 1307(f)(5), on both net over and under collections from ratepayers; (5) eliminate the requirement that at least 90% of a small gas utility's annualized gas costs be rolled into base rates; and (6) implement a GCR interim tariff filing procedure to be effective on one day's notice.

Comprehensive and detailed comments will assist in the development of cohesive and thorough final regulations. Accordingly, pursuant to Sections 501, 504, 523, 1301, 1307, and 1501 of the Public Utility Code (66 Pa.C.S. §§ 501, 504, 523, 1301, 1307 and 1501), the Commonwealth Documents Law (45 P.S. § 1201 et seq.) and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5, we shall initiate a rulemaking proceeding to comply with our October 28, 2011 Order at Docket No. P-2010-2214432, and we are considering adopting the proposed regulations as set forth in Annex A; *Therefore,*

It Is Ordered That:

1. A proposed rulemaking be opened, at Docket Number L-2013-2346923, to consider the regulations set forth in Annex A relating to the recovery of fuel costs by small gas utilities.
2. The Secretary shall submit this proposed rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Secretary shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Secretary shall certify this proposed rulemaking Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Comments referencing the Docket Number L-2013-2346923 be submitted within 30 days and reply comments within 45 days of publication in the *Pennsylvania Bulletin*.
6. A copy of this proposed rulemaking Order and Annex A shall be served on the Bureau of Audits, the Bureau of

Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and all jurisdictional Natural Gas Distribution Companies.

7. The contact person for legal matters for this proposed rulemaking is Colin W. Scott, Assistant Counsel, Law Bureau, (717) 783-5949. The contact persons for technical matters for this proposed rulemaking are, Richard Layton, Bureau of Technical Utility Services, (717) 214-9117, or Barbara Sidor, Bureau of Audits, (412) 423-9301. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-297. No fiscal impact; (8) recommends adoption.

Statement of Commissioner James H. Cawley

In Docket No. P-2010-2214432 (Final Order entered October 28, 2011), the Commission initiated an investigation by the Small Gas Task Force (SGTF) to examine issues involving the Gas Cost Recovery (GCR) mechanism and to review interest rate issues raised by North East Heat & Light Company (NEH&L) as applicable to small gas utilities.⁵ The proposed rulemaking that we are initiating today is an effort to improve the GCR mechanisms that enable our small gas utilities to recover their just and reasonable gas costs.

Specifically, in this rulemaking, the Commission proposes the following changes to the GCR regulations:

- Reclassify all natural gas utilities that do not qualify for § 1307(f) treatment as small gas utilities by elimination of Group I and Group II designations.
- Instead of only allowing small gas utilities to refund interest on over-collections, allow small gas utilities to collect interest on under-collections.
- Change the interest rate from the maximum residential mortgage rate to the same interest rate as for large gas utilities.
- Eliminate the requirement that 90% of small gas utilities' annualized gas costs be rolled into base rates so that the GCR in the line charge of customers' bills will represent 100% of their gas costs.
- Revise the GCR filing schedules
- Provide for a GCR procedure that allows interim tariff filings to become effective on one day's notice.

As noted, this rulemaking was initiated as a result of a Petition filed by NEH&L that sought relief from the high interest costs imposed on over-collections. NEH&L asserted that these high interest rates discouraged it from reducing gas costs relative to the projected costs, because the interest on over-collections was often in excess of their earnings. As proposed, these rulemaking changes do not appear to fundamentally address this issue. However, recent proposed statutory amendments⁶ to § 1307(f)(5) of the Public Utility Code for large gas companies would modify the applicable interest rates to those companies, and by extension according to this proposed rulemaking, small gas companies, as follows:

Refunds to customers shall be made with and recoveries from customers shall include interest at the

prime rate for commercial borrowing in effect 60 days prior to the tariff filing made under paragraph (1) and as reported in a publicly available source identified by the commission or at an interest rate which may be established by the commission by regulation.

Given the inherent uncertainty regarding the adoption of any proposed legislation seeking to address this issue, we invite interested parties to comment on what they believe is the optimal interest rate to approve as part of this rulemaking proceeding, including historical options of (1) legal rate of interest, (2) the maximum residential mortgage rate, (3) the proposed prime rate for commercial borrowing, (4) the LIBOR 3-month, 6-month, or 12-month rate, or (5) another interest rate (noting that the proposed legislation does provide for another interest rate other than the prime rate to be established by the Commission).

JAMES H. CAWLEY,
Commissioner

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS

RECOVERY OF FUEL COSTS BY GAS UTILITIES

§ 53.61. Purpose.

* * * * *

(b) This section and §§ 53.62—53.68 classify gas utilities into [**three**] **two** categories and set forth the filing requirements and procedures to be followed in reviewing requests for recovery of purchased gas costs in proceedings under 66 Pa.C.S. § 1307 and § 1308 (relating to voluntary changes in rates). The inclusion of this section and §§ 53.62—53.68 has been necessitated by passage of the act of May 31, 1984 (P.L. 370, No. 74), 66 Pa.C.S. §§ 514, 1307, 1317, 1318 and 2107. These sections provide for a transition from existing procedures to the new procedures.

* * * * *

§ 53.63. Categories of gas utilities.

The following categories of jurisdictional gas utilities shall be applicable for the purposes of this section, §§ 53.61, 53.62 and 53.64—53.68 (relating to recovery of fuel costs by gas utilities) but shall not modify the categories of gas utilities established for other purposes, such as to prescribe proper accounting methods:

(1) *Section 1307(f) gas utility or large gas utility.* A natural gas distributor with gross intrastate annual operating revenues in excess of \$40 million, in the preceding calendar year, shall be categorized as a Section 1307(f) gas utility.

(2) [*Group I Gas Utility*] *Small gas utility.* A natural gas utility with gross intrastate annual operating revenues of [**between \$2.5 million and \$40 million, inclusive**] **\$40 million or less**, in the preceding calendar year, shall be categorized as a [*Group I Gas Utility*] **small gas utility**.

(3) [*Group II Gas Utility*]. A natural gas utility with gross intrastate annual operating revenues of **less than \$2.5 million in the preceding calendar year, shall be categorized as a Group II Gas Utility**.

⁵ The Commission proposes that all natural gas utilities with annual operating revenues less than \$40 million be referred to as small gas utilities.

⁶ House Bill 1188, Printers No. 1484.

(4)] *Periodic orders.* The Commission shall periodically enter an order designating the category of each gas utility for the purposes of §§ 53.61—53.68.

§ 53.64. Filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million.

* * * * *

(i) Utilities shall comply with the following:

* * * * *

(5) A Section 1307(f) utility which files tariffs reflecting increases and decreases in gas costs in accordance with 66 Pa.C.S. § 1307(f) shall make quarterly filings in accordance with the following provisions:

* * * * *

(iii) If the recalculated rate does not differ by more than 2% from the currently effective rate, the utility shall file a letter with the Commission to that effect, with copies to the Office of Consumer Advocate, the [**Office of Trial Staff**] **Bureau of Investigation and Enforcement** and the Office of Small Business Advocate. If the recalculated rate differs from the currently effective rate by more than 2%, the utility shall file a tariff incorporating the recalculated rate in accordance with this section. If the recalculated rate results in an increase that is reasonably expected to have an immaterial effect on the utility's annual gas costs, the utility shall file a letter and supporting data to that effect in lieu of a tariff rate change. Notwithstanding the letter and supporting data, the Commission may nevertheless direct the utility to file a tariff rate change. For the final 3-month period (being the 3-month period ending 1 month before the effective date of the utility's next annual Section 1307(f) tariff filing), the utility shall recalculate the rate as described in this paragraph and adjust the rate as part of its tariff filing in compliance with the Commission's final order resolving the utility's next annual Section 1307(f) proceeding.

* * * * *

(j) Utilities under 66 Pa.C.S. § 1307(f) shall also file quarterly reports with the Commission, with a copy to the **Office of Consumer Advocate, [Office of Trial Staff and] the Bureau of Investigation and Enforcement and the Office of Small Business Advocate** concerning monthly gas costs incurred by the utility. The quarterly reports shall include by month change in supply source, supplier refunds received, change in supplier rates and comparison between actual costs and projected gas costs.

§ 53.66. Filing requirements for [Group I] small gas utilities.

(a) A [**Group I Gas Utility**] **small gas utility** seeking recovery of purchased gas costs under 66 Pa.C.S. § 1307(a) or (b) (relating to sliding scale of rates; adjustments) shall comply with the following procedures:

(1) [**Tariffs filed by Group I**] **Gas Cost Rate (GCR) tariffs filed by small gas utilities** for the purpose of recovery of gas costs under 66 Pa.C.S. § 1307 shall [**comply with the Gas Cost Rate (GCR) tariff requirements established by Commission orders entered on June 7, 1978 (52 Pa.P.U.C. 217 (1978)), and March 16, 1984 at P.U.C. Docket No. M-78050055, as amended by §§ 53.61—53.65, this section and §§ 53.67 and 53.68.**] include the following sched-

- (i) **Schedule 1: Calculation of the GCR.**
- (ii) **Schedule 2: Projected Supply and Sales Volumes.**
- (iii) **Schedule 3: Projected Supplier Rates.**
- (iv) **Schedule 4: Calculated Projected Gas Cost.**
- (v) **Schedule 5: Summary of E-Factor.**
- (vi) **Schedule 6: 1307(e) Statement of Over/Under Collections.**
- (vii) **Schedule 7: Actual Supply Volumes.**
- (viii) **Schedule 8: Actual Supply Rates.**
- (ix) **Schedule 9: Actual Supply Costs.**
- (x) **Schedule 10: Reconciliation of E-Factor.**
- (xi) **Schedule 11: Effect of Rate Changes on Residential Customer.**

(2) A [**Group I Gas Utility**] **small gas utility** seeking recovery of its gas costs under 66 Pa.C.S. § 1307(a) or (b) shall annually submit a preliminary and a final GCR filing to the Commission to be effective [**September**] **November 1**, with notice to the public at the time of its initial filing as required by § 53.68 (relating to notice requirements). The preliminary filing is to be made by [**July 3**] **September 2**, and shall contain as much actual data as is then available. The final filing shall be made on [**August**] **October 2** and shall contain actual data and any updates or corrections to the data contained in the initial filing. Both the preliminary and the final filings shall be based on forecasted costs for the subsequent 12-month period ending August 31. The GCR computation is to follow a formula designated by the Commission. Upon Commission approval, a tariff shall be filed reflecting rates as approved.

* * * * *

(b) In addition to the statements and supporting data filed as required by 66 Pa.C.S. § 1307(e), [**Group I**] **small gas utilities** shall file the information and data as may be required by the Bureau of Audits or other bureau as the Commission may direct. Both the preliminary and the final filing shall be served upon the Office of Consumer Advocate, the [**Office of Trial Staff**] **Bureau of Investigation and Enforcement** and the Office of Small Business Advocate and shall be provided to intervenors, upon request. This evidence will be considered by the Commission in formulating its audit review under 66 Pa.C.S. § 1307(d) or in other proceedings as described in subsection (c) and may be supplemented by submissions from interested persons. The audit under 66 Pa.C.S. § 1307(d) and the review of procurement policies will not be the subject of the Commission's statutorily required reconciliation hearings under 66 Pa.C.S. § 1307(e), which are governed by strict time limits.

(c) [**Group I**] **Small gas utilities** shall file a reconciliation statement under 66 Pa.C.S. § 1307(e) for the 12-month period running from [**July**] **September 1** through [**June 30**] **August 31** by [**July 31**] **October 1**. Questions on the underlying propriety of a utility's procurement policies, and the like, can be raised in a separately docketed complaint proceeding filed by a party, by Commission investigation, or in a proceeding arising from audit findings under 66 Pa.C.S. § 1307(d).

(d) Overcollections are subject to refund with interest [**as calculated in the manner specified at 66 Pa.C.S.**

§ 1308(d) (relating to voluntary changes in rates). Customers are not liable for interest on net undercollections caused by the setting of rates under 66 Pa.C.S. § 1307] applied at the rate as calculated in the manner specified in 66 Pa.C.S. § 1307(f)(5). Undercollections may be recovered from ratepayers. When undercollections are recovered, interest shall be applied at the rate as calculated in the manner specified in 66 Pa.C.S. § 1307(f)(5). Adjustments to the E-Factor for correction of prior reported over/under collections or as recommended by the Bureau of Audits may include interest. Unless directed otherwise by the Commission, the adjustment for interest is the difference between the amount of interest originally reported on the applicable over/under collection and the amount of interest applicable to the adjusted over/under collection.

(e) Utilities recovering fuel costs under the GCR shall state the following information about fuel costs on customer's bills:

"This bill includes _____ per MCF which is our average cost of gas acquired for your use."

[(1)] The cost of gas shall be calculated exclusive of taxes and current base costs-nonfuel costs. [The gas cost rate encompasses fuel costs, regardless of whether shown on the bill as a base cost or separately shown as a purchased gas cost. For purposes of how costs are to be shown on the bill, at least 90% of the utility's experienced gas rates will be rolled into base rates. Both rolled-in and rolled-out gas costs are gas cost rate related and are subject to refund and reconciliation under 66 Pa.C.S. § 1307(e). Base rate roll-ins shall be equally applied to rate classifications on a cents per Mcf basis for GCR related costs.] The cost of gas must include the direct costs paid by the natural gas distribution company for the purchase and delivery of natural gas to its system to supply its customers. The GCR must include 100% of the gas costs and be shown as a separate line item on the customer bill. Gas costs included in the GCR are subject to refund and reconciliation under 66 Pa.C.S. § 1307(e). The E-Factor of Gas Adjustment Charge is a mechanism to refund or recoup over/under collected amounts under 66 Pa.C.S. § 1307(e). The E-Factor rate or Gas Adjustment Charge may be combined with the GCR or shown as a separate rate.

[(2) Notwithstanding the language in this subsection, parties to base rate proceedings are not constrained to allocate the cost of purchased gas among customer rate classifications on a commodity basis in the preparation of class cost of service studies.]

(f) [Group I] Small gas utilities shall pay interest on pipeline refunds from the time received until disbursed at a 6% annual interest rate. The refunds are to be refunded through recomputation of the E factor of the GCR formula.

(g) Small gas utilities should monitor GCR activity to avoid becoming materially over/under collected. In the event a small gas utility anticipates a material over/under collection that would result in a change in the current GCR greater than 2%, the small gas utility may submit an interim GCR tariff filing to become effective on 1 day's notice. The interim filing shall be subject to audit in accordance with 66 Pa.C.S. § 1307(d).

§ 53.67. [Filing requirements for Group II gas utilities] (Reserved).

[Section 53.66 (relating to filing requirements for Group I gas utilities) applies to Group II gas utilities, with the following exceptions:

(1) The effective date for Gas Cost Rate (GCR) filings for Group II gas utilities is November 1 and a preliminary filing containing actual data then available shall be made September 2. A final filing, based upon actual data together with revisions to data in the preliminary filing shall be made October 2. Notice to customers shall be made in accordance with § 53.68(b) (relating to notice requirements) at the time of the preliminary filing. Filings shall be based on projected costs for the subsequent 12 months ending October 31. A Group II Gas Utility seeking to file its GCR for a different 12-month period shall first obtain express Commission approval to do so.

(2) The 66 Pa.C.S. § 1307(e) (relating to sliding scale of rates; adjustments) reconciliation statement shall be filed by October 1, based on the 12-month period ending August 31.

(3) GCR tariffs filed under this section shall be filed in compliance with the Commission order entered on August 3, 1979, at P.U.C. Docket no. D-79S00192, as amended by §§ 53.61—53.66, this section and § 53.68.

(4) In addition to the statements and supporting data filed as required by 66 Pa.C.S. § 1307(e), Group II gas utilities shall file information and data as may be required by the Bureau of Audits or other bureau as the Commission may direct.]

§ 53.68. Notice requirements.

* * * * *

(b) [Each Group I and Group II gas utility] Small gas utilities filing a [Gas Cost Rate] GCR shall provide public notice within 5 days of the preliminary filing by publishing a notice in major newspapers within the utility's service area. The notice shall inform the public of new or revised tariff filings, where the filing can be inspected, and how comments or complaints should be filed.

[Pa.B. Doc. No. 13-2042. Filed for public inspection November 1, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective October 16, 2013.

The organization chart at 43 Pa.B. 6513 (November 2, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2043. Filed for public inspection November 1, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

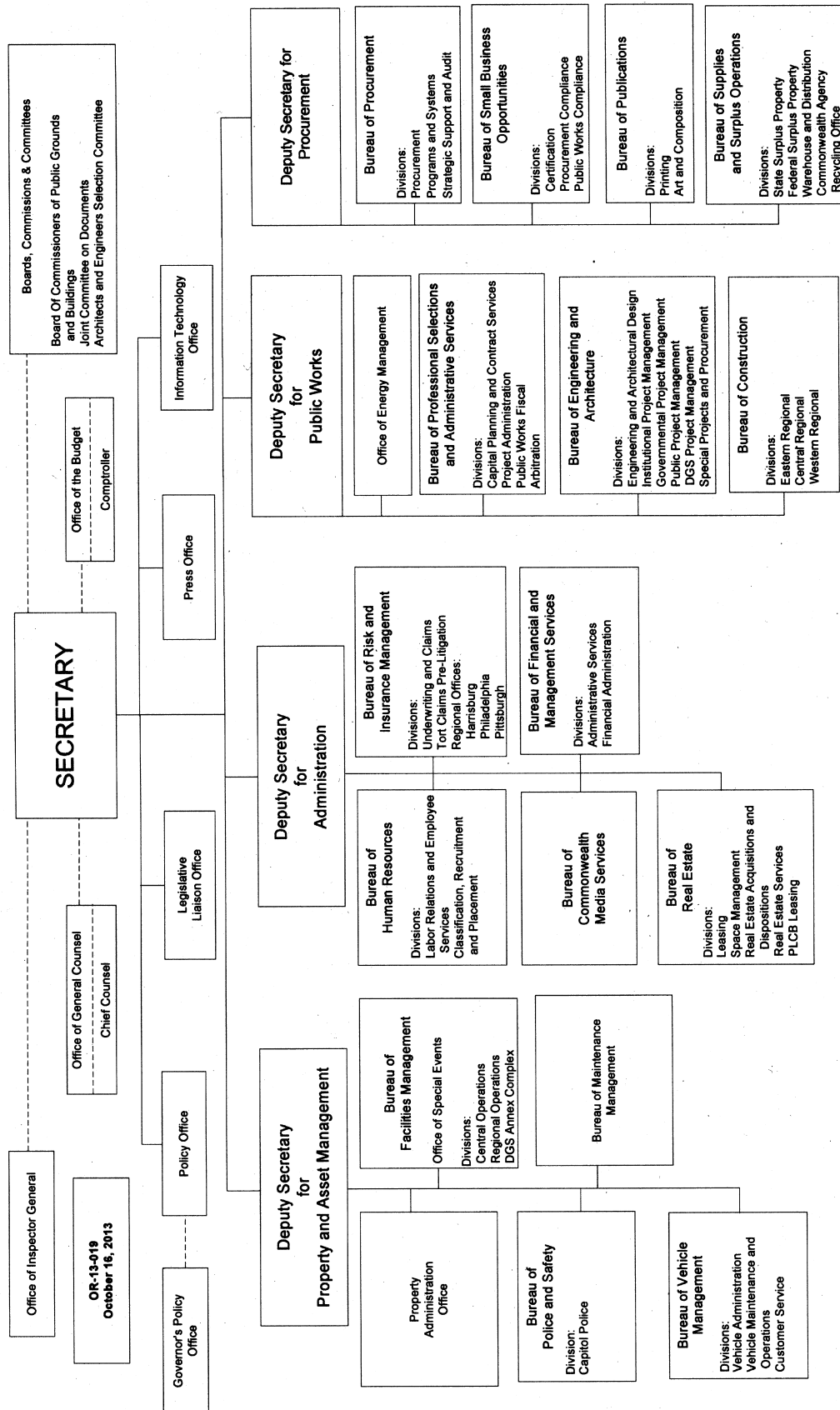
The Executive Board approved a reorganization of the Governor's Office of Administration effective October 16, 2013.

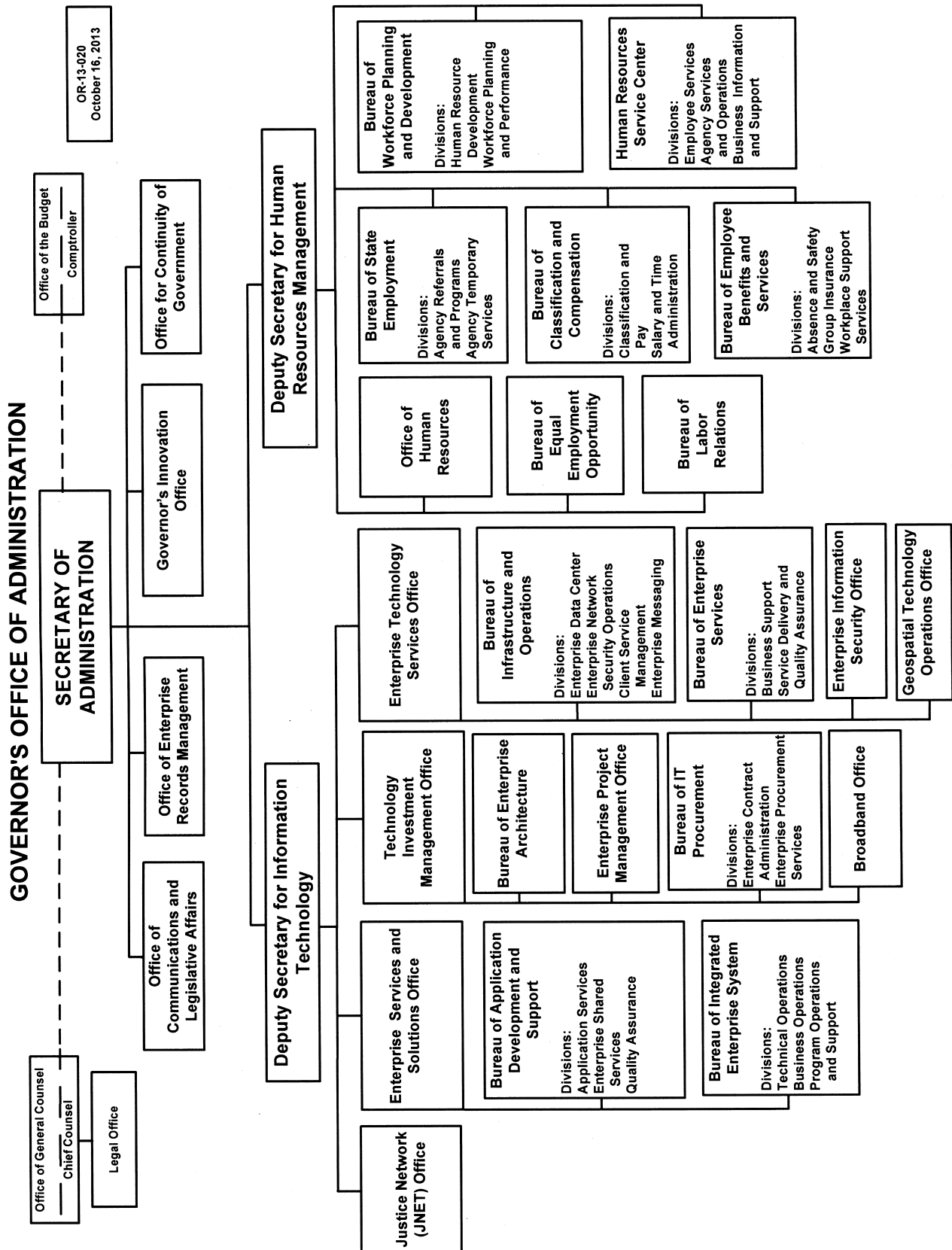
The organization chart at 43 Pa.B. 6514 (November 2, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)

[Pa.B. Doc. No. 13-2044. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES





Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF FUNERAL DIRECTORS

[49 PA. CODE CH. 13]

Inspections

The State Board of Funeral Directors (Board) adds § 13.253 (relating to inspections—statement of policy) to read as set forth in Annex A.

Effective Date

Although the underlying interpretation in this statement of policy has been effective since the beginning of licensure of funeral directors in this Commonwealth in 1895, this statement of policy is effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The statement of policy is authorized under sections 11, 13, 15 and 16(a) of the Funeral Director Law (act) (63 P. S. §§ 479.11, 479.13, 479.15 and 479.16(a)). Section 102 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1102), known as the Commonwealth Documents Law, defines “statement of policy” as “any document, except an adjudication or a regulation, promulgated by an agency which sets forth substantive or procedural personal or property rights, privileges, immunities, duties, liabilities or obligations of the public or any part thereof, and includes, without limiting the generality of the foregoing, any document interpreting or implementing any act of Assembly enforced or administered by such agency.” Statements of policy that are general and permanent in nature are required to be codified in the *Pennsylvania Code* under 1 Pa. Code § 3.1 (relating to contents of Code).

Background and Purpose of the Statement of Policy

Section 16(b) of the act provides that “[t]he board shall appoint an inspector or inspectors whose title shall be ‘Inspector, State Board of Funeral Directors, Commonwealth of Pennsylvania.’ Such inspectors shall be licensed funeral directors who have been actively engaged in the practice of such profession for at least ten years. Inspectors shall hold office at the pleasure of the board, and shall receive such compensation as shall be fixed by the board with the approval of the department. Inspectors shall be empowered to serve all processes and papers of the board, and shall have the right of entry into any place, where the business or profession of funeral directing is carried on or advertised as being carried on, for the purpose of inspection and for the investigation of complaints coming before the board and for such other matters as the board may direct.”

The statutory authority and organization of the enforcement and prosecution of violations of the act have been amended since the enactment of the act. The act of June 3, 1963 (P. L. 63, No. 44) (Act 44) added section 810 of The Administrative Code of 1929 (71 P. S. § 279.1) creating the Bureau of Professional and Occupational Affairs (BPOA) and the office of Commissioner of Professional and Occupational Affairs (Commissioner). Section 810 of The Administrative Code of 1929 delegates to the Commissioner the authority to perform a variety of functions on behalf of the licensing boards. Section 810(a) of The

Administrative Code of 1929 provides, in pertinent part, “[t]he Commissioner of Professional and Occupational Affairs shall be appointed by the Governor and have the power and his duty shall be . . . (4) To assist any professional and occupational examining board within the department, if, as and when requested by the board; . . . (6) to . . . make such investigations, require such information and do and perform all other acts which may be necessary to determine whether applicants for licensure or registration are qualified to practice the profession or work at the trade or occupation within this Commonwealth, . . . [and] (8) To be responsible for all administrative affairs of each of the professional and occupational examining boards and to coordinate their activities.”

Additionally, the Supreme Court of Pennsylvania has held that “. . . if more than one function is reposed in a single administrative entity, walls of division [must] be constructed which eliminate the threat or appearance of bias. . . . [W]here the very entity or individuals involved in the decision to prosecute are ‘significantly involved’ in the adjudicatory phase of the proceedings, a violation of due process occurs.” *Lyness v. Commonwealth, State Bd. of Medicine*, 529 Pa. 535, 546–547, 605 A.2d 1204, 1209–1210 (1992), citations omitted.

Given these changes to applicable law, the Board itself does not and, for several decades, has not directed, managed or otherwise supervised inspectors or the inspection program. Rather, the limitations of time, place and scope on funeral establishment inspections have been imposed by the BPOA and the Bureau of Enforcement and Investigation (BEI).

For decades inspections have been conducted by the BPOA and the BEI under the limitations of the act, namely, that inspections are limited to enforcement of the provisions of the act and this chapter, and to physical premises at which the profession of funeral directing is being conducted or advertised as being conducted. Moreover, personnel policies of the Commonwealth have served as the limits on the time that inspections are conducted. Therefore, inspections have always been conducted during regular business hours between Monday and Friday, excluding State holidays, and inspectors have performed inspections in a manner to avoid conflict with funeral viewings and ceremonies.

Notwithstanding the fact that limitations as to time, place and scope of inspections do exist and have been observed in practice, this issue has been a matter of litigation. The opinion of the United States District Court in *Heffner v. Murphy*, 866 F.Supp. 358 (M.D. Pa., 2012) appears to reverse, in part, the effects of Act 44 as well as the decision of the Supreme Court of Pennsylvania protecting due process rights, and imposes on the Board the responsibility to publish limitations as to time, place and scope of inspections. Therefore, to memorialize the existing limitations, the Board has adopted this statement of policy recognizing that it does not claim nor does it possess the legal authority to direct or control inspections or investigations.

Description of the Statement of Policy

In subsection (a), the Board has defined several terms according to long-established and recognized usage.

In subsection (b), the Board has memorialized the authority and rationale for inspections. Funeral directing is a heavily regulated profession. *Pennsylvania Funeral Directors Association v. State Board of Funeral Directors*, 90 Pa.Cmwlth. 175, 494 A.2d 67 (Pa.Cmwlth. 1985). Section 16(b) of the act requires the Board to appoint

inspectors who are individuals who have been licensed as funeral directors for at least 10 years. These inspectors are empowered by the act to serve processes and papers of the Board, and only have the right of entry into places where the practice of funeral directing is occurring or is advertised or held out as being conducted. Inspections further three categories of governmental interests. Inspections protect the public from practices that endanger public health, safety, welfare and result in unfair consumer transactions. Inspections promote price competition by including review of documents required by the Federal Trade Commission in 16 CFR Part 453 (relating to funeral industry practices), a violation of which constitutes unprofessional conduct as set forth in § 13.202(16) (relating to unprofessional conduct). Inspections also serve to educate and inform funeral directors of trends and conditions in the industry and encourage conformity to professional standards.

The Board has also adopted specific findings that the limitations as to time, place and scope have been observed historically and that it serves the public interest to adopt a statement of policy memorializing these longstanding practices at this time.

Under subsection (c), the Board has memorialized the limitations as to the frequency, time and scope of inspections. With regard to the approximate frequency of inspections, routine inspections will not occur more than once every 270 days. The outside range of 540 days is directory and not mandatory. The BEI has limited personnel resources. A funeral establishment that is geographically remote or which may not be open 40 hours a week may be difficult to inspect as often as funeral establishments that are in close proximity to other funeral establishments, or which are open for business 40 hours per week. New business inspections will ordinarily occur within 30 days of a request by the Board Administrator.

Follow-up inspections may be conducted in the exercise of sound discretion of the BEI. Consistent with the directives of Executive Order 1996-1, the goal of the Board's regulatory scheme is to promote compliance. Therefore, the BEI may exercise discretion within reasonable limits and permit a mortuary inspector to afford a licensee the opportunity to correct deficiencies or noncompliant conditions. Factors that may be considered by inspectors in determining whether to allow a licensee time to remedy a noncompliant condition, issue a citation or refer the matter for possible disciplinary action include the gravity of the violation, the number of violations identified during the inspection, the licensee's prior disciplinary history or lack thereof, the immediacy of an effect on the public or employees of the funeral establishment's noncompliance, whether consumer funds or property have been involved, or whether the licensee has articulated an express or implied intent to remain noncompliant. Factors that should not affect the exercise of discretion by an inspector include whether a competitor or a trade association has complained about the noncompliant condition, or whether a licensee is following the advice or instructions of counsel or another officer, employee or other agent of the funeral establishment. If a licensee is given additional time to remedy the deficiency, the inspector would then perform a follow-up inspection to ensure compliance. The timing of follow-up inspections will depend upon other duties of the inspector and any other factor reasonably related to the efficient and responsible administration of the BPOA, as well as affording a reasonable amount of time for the licensee to comply. A reasonable time will depend upon the totality of the circumstances, taking into consideration the noncompliant condition noted at the

inspection, the effect of the noncompliant condition on the public, as well as the amount of time that a reasonably diligent individual would require to become compliant.

Subsection (c) also sets forth limitations as to the time inspections will be performed and the scope of those inspections. Generally, inspections will be conducted only between Monday and Friday during the hours 8 a.m. and 5 p.m., excluding State holidays. Inspections will be limited in scope to information required for an inspector to complete preapproved inspection forms developed by the BPOA and ratified by the Board to include subjects that are within the Board's jurisdiction as defined by the act and other statutes enacted by the General Assembly and as interpreted by judicial decision. The scope of a follow-up inspection is limited to a review of the previously identified deficiency or noncompliant condition. This statement of policy also provides the general rule that routine and follow-up inspections will be conducted without prior notice. However, an appointment may be scheduled for funeral establishments that are remote or isolated and an unscheduled inspection would consume an unreasonable amount of time if nobody is there upon the arrival of the inspector. An appointment may also be scheduled if the funeral establishment is not open during regular business hours (Monday through Friday, 8 a.m. to 5 p.m.). Conversely, new funeral establishment inspections and closing inspections will be scheduled in advance.

Finally, this statement of policy sets forth the possible courses of action in the event of the observation by the inspector of actual or suspected violations depending on whether the violation is or is not within the scope of the inspection report forms ratified by the Board.

Fiscal Impact and Paperwork Requirements

This statement of policy will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose additional paperwork requirements upon the Commonwealth, political subdivisions or the private sector.

Additional Information

Persons who require additional information about this statement of policy should submit inquiries to Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-funeral@state.pa.us.

DONALD J. MURPHY,

Chairperson

(*Editor's Note:* Title 49 of the *Pennsylvania Code* is amended by adding a statement of policy in § 13.253 to read as set forth in Annex A.)

Fiscal Note: 16A-4823. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 13. STATE BOARD OF FUNERAL DIRECTORS

STATEMENTS OF POLICY

§ 13.253. Inspections—statement of policy.

(a) *Definitions.* The following words and terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

Board administrator—An employee of the Bureau with responsibility to administer the business of the Board or another employee assigned to assist this person.

Citation—A notice of a violation beginning disciplinary action issued under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) in accordance with Chapter 43b (relating to Commissioner of Professional and Occupational Affairs).

Closing inspection—An inspection performed for the purpose of determining whether a licensed funeral establishment that has discontinued business, changed location or notified the Board of its intent to discontinue business or change location has complied with the act and this chapter.

Complaint—A document filed with the Professional Compliance Office alleging one or more violations of the act or this chapter.

Follow-up inspection—An inspection relating to a prior inspection in which the funeral establishment was determined to be in noncompliance with the act or this chapter. This inspection is conducted for the purpose of determining whether the noncompliant element of the establishment has been brought into compliance.

Inspection—

(i) A visual examination, observation or view of a funeral establishment by an agent of the Bureau of Enforcement and Investigation, including an examination, observation or view of any of the following:

(A) The buildings, fixtures, equipment, implements and materials of the funeral establishment.

(B) Licenses of employees of the funeral establishment.

(C) Documents, forms, advertising and other records required by the act, this chapter or the regulations of the Federal Trade Commission in 16 CFR Part 453 (relating to funeral industry practices).

(D) Other matters that pertain to initial and continued licensure for the purpose of determining a funeral establishment's compliance with licensure requirements.

(ii) The term includes an oral interview or examination of an employee, agent or licensee with a principal place of business at the funeral establishment, or a licensee who assists at the funeral establishment, for the purpose of obtaining information that pertains to the visual examination.

Inspector—An employee under the supervision and direction of the Director of the Bureau of Enforcement and Investigation, regardless of employment classification or title of position assigned by the Office of Administration, who is a licensed funeral director who has been actively engaged in the practice of the profession of funeral directing for at least 10 years.

Investigation—An activity conducted in response to a complaint filed with the Professional Compliance Office regarding an alleged violation of the act or this chapter, or in response to a suspected violation discovered during an inspection, for the purpose of gathering evidence reasonably calculated to determine whether a violation has occurred.

New funeral establishment inspection—An inspection relating to an application for a funeral establishment license.

Routine inspection—An inspection performed for the purpose of determining compliance of a licensed funeral establishment with the provisions of the act, this chapter or 16 CFR Part 453.

(b) *Authority and rationale.*

(1) The profession of funeral directing is a heavily regulated profession.

(2) Section 16(b) of the act (63 P. S. § 479.16(b)) requires the Board to appoint mortuary inspectors.

(3) Under section 16(b) of the act, inspectors are empowered to serve all processes and papers of the Board and have the right of entry into any place, where the business or profession of funeral directing is carried on or advertised as being carried on, for the purpose of inspection and for investigation of complaints filed with the Professional Compliance Office and for other matters as the Board may direct.

(4) The Board finds that the periodic inspection of the premises at which the profession of funeral directing is carried on or advertised as being carried on is necessary to serve several important governmental interests, including:

(i) Ensuring that the public is protected against acts, practices and conditions in the profession of funeral directing that are inimical to public health, safety, welfare and fair consumer transactions.

(ii) Promoting price competition among practitioners of the profession of funeral directing by ensuring that economic advantage is obtained through efficient and sound business practices and not through acts, practices or conditions in the profession of funeral directing that compromise public health, safety, welfare or fair consumer transactions.

(iii) Educating and informing practitioners in the profession of funeral directing of the legal requirements of the profession and of economical and practical means of complying with Federal and State law.

(5) The Board finds that it has been the practice of the Bureau of Enforcement and Investigation to regulate the conduct of inspections and investigations by mortuary inspectors within appropriate limitations as to frequency, scope and timing so as not to impose unreasonable burdens upon licensees.

(6) The Board finds that it is in the interest of the public and of the regulated profession to memorialize a policy regarding the conduct of inspections and investigations performed under the act.

(c) *Limitations on inspections.*

(1) *Frequency.* Inspectors will perform inspections within the following ranges of frequency:

(i) *Routine inspection.* Each funeral establishment licensed by the Board will be inspected no more than once every 270 consecutive days and no less than once every 540 consecutive days.

(ii) *New funeral establishment inspection.* A new funeral establishment will be inspected within 30 days of the date of a request by the Board administrator.

(iii) *Follow-up inspection.* An existing funeral establishment, new funeral establishment, funeral establishment in which ownership is being transferred or a closing funeral establishment in which a deficiency was noted or reported will be inspected no sooner than 7 days and no later than 30 days from the date that the deficiency was noted or reported, or within 30 days of a follow-up inspection in which a prior reported deficiency was found to be uncorrected. This standard is directory and not mandatory. This limit may be extended if, in the exercise of the sound discretion of the inspector or the Bureau of

Enforcement and Investigation, additional time is warranted or other priorities require more immediate attention.

(2) *Time.* Inspectors will perform routine inspections, new funeral establishment inspections, closing inspections and follow-up inspections only between Monday and Friday during the hours of 8 a.m. and 5 p.m., excluding State holidays.

(3) *Scope.* Inspectors will limit the scope of new funeral establishment inspections, routine inspections, follow-up inspections and closing inspections to information required for the completion of forms designed by the Bureau of Enforcement and Investigation and ratified by the Board. As of the date of the adoption of this statement of policy, the form that is in use is an electronic form.

(i) During the course of an inspection, an inspector is not authorized to demand production of documents, or to demand entrance to a part of the premises of a funeral establishment, that are not within the scope of the subject matter of approved inspection report forms.

(ii) During the course of a follow-up inspection, an inspector will limit the scope of the inspection to a review of the previously reported deficiency.

(4) *Notice of inspection.*

(i) *General rule.* Routine inspections and follow-up inspections will be conducted without prior notice to the funeral establishment, its owners, officers, employees or funeral directors practicing at the funeral establishment. New funeral establishment inspections and closing inspections will be scheduled in advance.

(ii) *Exceptions.* Within the sound discretion of the Director of the Bureau of Enforcement and Investigation, an inspector may schedule an appointment to conduct a routine inspection or follow up inspection in the following circumstances:

(A) The funeral establishment is geographically remote or isolated and an unscheduled inspection would consume an unreasonable amount of time if a person was not present upon the arrival of the inspector.

(B) The funeral establishment is not open Monday through Friday from 8 a.m. to 5 p.m.

(5) *Amendments, modifications and changes to scope of inspections.* The Board will ratify amendments, modifications or changes to the scope of inspection forms only if amendments, modifications or changes include subjects that are within the Board's jurisdiction as defined by statutes enacted by the General Assembly and interpreted by judicial decision.

(6) *Observation of actual or suspected violations in the conduct of inspections.*

(i) *General rule.* An inspector is authorized to issue a citation, or refer for further investigation or formal disciplinary action, observed actual or suspected violation of the act or this chapter which is within the scope of the inspection report forms ratified by the Board.

(ii) *Evidence in plain view of violations not within the scope of inspection report forms.*

(A) *Observed actual violations.* If, during the course of an inspection, an inspector observes evidence in plain view of an actual violation of the act, this chapter, 16 CFR Part 453 or other law and the violation is not within the scope of the inspection report forms ratified by the

Board, the inspector is authorized to issue a citation or report the observed violation for investigation or formal disciplinary action.

(B) *Observed suspected violations.* If, during the course of an inspection, an inspector observes evidence in plain view of a suspected violation of the act, this chapter, 16 CFR Part 453 or other law and the violation is not within the scope of the inspection report forms ratified by the Board, the inspector is authorized to report the suspected violation for further investigation or formal disciplinary action.

[Pa.B. Doc. No. 13-2045. Filed for public inspection November 1, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-2013-2382943]

Utility Service Outage Response, Recovery and Public Notification

The Pennsylvania Public Utility Commission (Commission), on September 26, 2013, adopted a proposed policy statement which revises existing response, recovery and public notification guidelines with additional storm preparation and response best practices that were developed following hurricanes Irene and Sandy.

Public Meeting held
September 26, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Proposed Policy Statement Regarding Utility Service
Outage Response, Recovery and Public Notification
Guidelines; Doc. No. M-2013-2382943*

Proposed Policy Statement

By the Commission:

Background and Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through Pennsylvania interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, the Commission issued a Secretarial Letter to all electric distribution companies (EDCs) operating in Pennsylvania seeking information regarding their service and public notice practices. On the same date, an investigation was initiated into EDCs' service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April 2009, the Commission's Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, Electric Distribution Company Service Outage Response and Restoration Practices Report (Outage Response and Restoration Report). This report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of former Vice Chairman Tyrone J. Christy and Commissioner Kim

Pizzingrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages at 52 Pa. Code Section 67.1, et seq., and reportable incidents at 52 Pa. Code Sections 57.11, 59.11 and 65.2. The Joint Motion also directed that a Policy Statement be issued.

The Outage Response and Restoration Report summarized the findings of the staff's investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:

1. Development of written crisis communication plans consistent with national NIMS standards.

2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.

- During incident management, utilities should establish a schedule for the regular release of information to the news media.

- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.

- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa. Code § 67.1(b), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.

- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

Given the communication methods and reaction of consumers from the September 2008 electric outages and subsequent large-scale and extended duration outage events, including those in the late summer and fall of 2011, we subsequently issued a Final Policy Statement on December 15, 2011 for our EDCs and NGDCs. It was similar to the one adopted on November 9, 2006, for our jurisdictional water utilities. Additionally, we revised the policy statement for water to make it consistent with the electric and gas sections. For example, we revised the water section to encourage the use of social media and other emerging technology. We also added the section on the NIMS standards that water utilities should strive to follow.

On September 23, 2011, the Commission issued a Final Rulemaking Order revising 52 Pa. Code §§ 7, 59, 65 and 67 regarding utilities' service outage response and restoration practices with the goal of having even more effective responses to future unscheduled service outages. In general, under sections 57.11, 59.11 and 65.2, we expanded our regulations to capture more reportable events, such as cyber security attacks, and established deadlines for reporting accidents. Under section 67.1, we expanded our general provisions regarding service outages such that rather than just an approximate number of customers involved in a single incident is reported, the

total number of sustained outages during the event are reported. As utilities employ better technology to more accurately count their sustained outages, this information is reportable to the Commission and we should be made aware of it. Other changes to section 67.1 included reporting the number of not only utility workers, but also contract workers specifically assigned to the repair work and mutual aid workers.

Hurricane Irene hit Pennsylvania in August of 2011. On October 12, 2011, the Commission held a Special Reliability Meeting, focusing the discussion on the Commission's role in storm response as well as the preparation and response of the six EDCs that were affected most by Irene.¹ On August 7, 2012, the Commission issued three reports. The first report summarized the preparation and response of the PUC and EDCs to Hurricane Irene. The second report detailed information relating to handling of high-call volumes during major storms and corrective actions currently underway or completed. This report also addressed the need to focus on the increase in severe weather events and whether infrastructure improvements are necessary. The third report summarized outage information submitted by the EDCs for the period from May through November 2011 on full or partial circuit outages greater than 24 hours; between 24 and 48 hours; greater than 48 hours to 72 hours; and greater than 72 hours. This report also considered circuits that were among the worst performing 5 percent of circuits identified in the PUC-filed Quarterly Reliability Reports for the first three quarters of 2011.²

Hurricane Sandy swept through Pennsylvania in October of 2012. Following Hurricane Sandy, the Commission directed the EDCs to work together to share best practices learned from the response to Sandy and to develop best practices to address some of the issues identified during the response to Sandy. On January 10, 2013, the Commission held a Special Reliability Meeting which focused on the preparation and response of the EDCs for Sandy as well as a briefing on the EDC best practice group's progress.³ On March 20, 2013, the EDC Best Practices Team briefed the Commission Reliability staff on the group's progress at a meeting of the Energy Association of Pennsylvania's Electric Transmission and Distribution Committee. On May 7, 2013, the Commission and EDC Best Practices Team briefed the PA Senate Consumer Protection & Professional Licensure Committee on the lessons learned from Sandy and the Best Practice Team's progress. On September 13, 2013, the EDC Best Practices Team updated the Commission's Reliability and Emergency Response Staff on the group's progress.

As discussed above, over the past three years, the Bureau of Technical Utility Services (TUS) has reviewed several significant service outages, including the Sandy Report prepared in May of 2013.⁴ Following this review, TUS recommended that the Commission consider revising the Utility Service Outage Public Notification Guidelines for Pennsylvania EDCs so that the efforts that were undertaken by the EDCs to improve their storm response performance following Hurricanes Irene and Sandy can be memorialized.

While this Proposed Policy Statement focuses mainly on improving coordination, communications, event forecast-

¹ Link to documents from the meeting: http://www.puc.pa.gov/consumer_info/electricity/reliability.aspx.

² The reports are available on the Commission's website at: http://www.puc.pa.gov/utility_industry/electricity.aspx.

³ The presentations from this meeting are available here: http://www.puc.pa.gov/consumer_info/electricity/reliability.aspx.

⁴ The Sandy Report can be found on the Commission's website at http://www.puc.state.pa.us/Electric/pdf/October_2012_Sandy_Report-public.pdf.

ing, and holding exercises in order to better respond to major storms, the Commission will continue to work with various utility working groups to identify further best practices in an effort to achieve continuous improvement. The Commission will continue to enhance its policies as these best practices are further developed and defined.

Establishment of Critical Infrastructure Interdependency Working Group

In addition to revising this Policy Statement to account for the experience gained in the more recent significant service outages, the Commission recognizes the need to coordinate restoration of critical infrastructure facilities. Coordinating the response between electric, telephone, water, wastewater, and natural gas systems in areas where more than one of those systems may be affected during major outage events such as hurricanes, tropical storms, major flooding, ice storms, heavy snows, cybersecurity incidents and other similar occurrences is an important component to an effective response. Thus, the Commission has recommended the establishment of a Critical Infrastructure Interdependency Working Group. The Commission also recognizes that non-jurisdictional stakeholders such as municipal water and wastewater systems, mid-stream natural gas companies, wireless telecommunications carriers and cable companies provide vital services and would also benefit from coordination with regulated utilities. To provide a means for all parties to discuss interdependencies and share best practices, the Commission is establishing the Critical Infrastructure Interdependency Working Group (Working Group). We invite comment on the establishment of this Working Group from all interested persons.

The Working Group will meet at least once per calendar year. The Commission will invite all jurisdictional EDCs, incumbent telephone, facilities-based competitive telecommunications, water, wastewater, and natural gas distribution utilities with 5,000 or more customers. The Commission will also invite certain non-jurisdictional stakeholders to participate, including non-jurisdictional utilities as well as county and state emergency response officials.

One of the goals of the Working Group will be for parties to come to an understanding of their critical interdependencies and how to coordinate restoration of services where more than one party is affected in a geographic area. This would include identification of mission critical facilities and their interdependencies such as commercial power, natural gas service, telecommunications, and water/sewer service. Also, participants could discuss prioritization of restoration of those mission critical facilities based on their current and projected capabilities such as alternate power generation, water and gas storage, populations served, and other considerations. Many utilities already have relationships in place with critical interdependency partners and those utilities would be encouraged to share the best practices of those relationships with the group. Utilities are encouraged to work with their trade associations such as the Energy Association of PA, Pennsylvania Telephone Association, the Broadband Cable Association of Pennsylvania, the Electric Power Generation Association, CTIA-The Wireless Association, the National Association of Water Companies and the Pennsylvania Section of the American Water Works Association.

We hereby invite comment on the establishment of the Working Group and the adoption of a Proposed Policy Statement regarding Service Outage Response Recovery and Public Notification Guidelines. This Proposed Policy

Statement, coupled with the regulations at Chapters 57, 59, 65, and 67 of Title 52 of the Pennsylvania Code, represents a comprehensive strategy for addressing electric service outage restoration practices. We recommend all interested persons review this Order and submit comments to this Commission.

Proposed Policy Statement

General discussion

We are seeking comment on whether we should revise the policy statement to apply to other industries including water, wastewater, gas, and telecommunications. At this time, we are simply revising Section 69.1702 (NGDC) and Section 69.1602 (Water) to change the name of the Emergency Preparedness Coordinator to Lead Emergency Preparedness Liaison Officer consistent with the proposed revision here in 52 Pa. Code § 69.1902 (EDC).

Further, we invite comment on the cost/benefit analysis regarding what benefits versus what costs the EDCs, and potentially other industries, may incur with implementation of the policy statement. In particular, we invite comment regarding the associated costs in developing storm damage and outage prediction models as outlined in the proposed preparation and response measure at Section 69.1903(f).

§ 69.1902 Notification guidelines.

We are proposing revising § 69.1902 to change the name of the Emergency Preparedness Coordinator to Lead Emergency Preparedness Liaison Officer (Lead EPLO). This is based upon an internal administrative decision. This was not a substantive change to the administrative duties of this position but it is a different title. The Commission is proposing changing the title to Lead EPLO to be consistent with other Pennsylvania state agencies that use this same title.

§ 69.1903 Preparation and response measures.

Section 69.1903 is a proposed new section which sets forth the suggested measures for Pennsylvania EDCs that were developed after review of the utilities' storm response for Hurricanes Irene and Sandy. This will memorialize a number of the best practices that were identified in the review, as well as other initiatives that would be of benefit.

Subsection 69.1903(a) states that EDCs should offer company liaisons to counties including County Emergency Operations Centers or 9-1-1 Centers, depending on the county's preference, in the EDCs' service territories during high impact and major outage events.

Subsection 69.1903(b) states that EDCs should offer regional conference calls for state and local elected officials and local emergency managers for major service outage events. We defined major service outage events to include hurricanes, tropical storms, major flooding, ice storms, heavy snows, and other similar occurrences.

Subsection 69.1903(c) states that EDCs should develop and hold a storm restoration exercise at least once each calendar year and should notify the counties in their service territories of the dates and times of such exercises at least 3 months in advance and invite the counties to participate in the exercise. Although, these storm restoration exercises may already be a part of the normal emergency response or business continuity exercise programs required of EDCs under 52 Pa. Code § 101.3(b), we are now proposing in this subsection that EDCs bring in other stakeholders to this process as participants.

Subsection 69.1903(d) states that both large and small EDCs should provide outage information on their websites. However, dependent on the size of the EDC, as defined by 52 Pa. Code § 57.195(b), different requirements for the website are stated as well as different times for updating the information listed.

Subsection 69.1903(e) states that after a major outage event, EDCs should coordinate after action review with each other as well as solicit input from each county and other utilities as to the companies' performance during the event and any suggested improvements or comments on successful initiatives.

Subsection 69.1903(f) states that all EDCs should develop a storm damage and outage prediction model that provides a means for the EDC to estimate expected storm damage and the potential number of service outages given inputs such as weather data, service territory geography/topography, historical data on similar storms, customer density, and location of crew and service centers.

Subsection 69.1903(g) states that EDCs should continue their work on improving the process of providing timely and accurate estimated times of restoration (ETR) during all service outages, but especially during major service outage events.

Conclusion

The Commission welcomes comments on all aspects of this proposed policy statement and establishment of a Critical Infrastructure Interdependency Working Group. We anticipate that commenters will provide helpful suggestions concerning the utility service outage response recovery process and options discussed herein including applying this to other industries including water, wastewater, gas and telecommunications. Upon review and evaluation of the comments, we expect to issue a Final Order that will include a Statement of Policy concerning the Commission's expectations on these matters.

To facilitate public comment on these matters, a 30-day comment period is established. No reply comments will be permitted. *Therefore,*

It Is Ordered That:

1. The proposed amendments to 52 Pa. Code §§ 69.1602, 69.1702 and 69.1902—69.1903, as set forth in Annex A, are issued for comment.

2. The Secretary shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.

3. The Secretary shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

4. Interested parties shall have 30 days from the date of publication in the *Pennsylvania Bulletin* of the Proposed Policy Statement and Annex A to file an original copy of comments to the Pennsylvania Public Utility Commission, Attention: Secretary Rosemary Chiavetta, P. O. Box 3265, Harrisburg, PA 17105-3265.

5. An electronic copy of the comments should be electronically mailed to Patricia Wiedt, Assistant Counsel, at pwiedt@pa.gov, and these comments in turn will be placed on the Commission's website for public viewing at www.puc.pa.gov. Attachments may not exceed three megabytes.

6. Comments should, where appropriate, address the issues identified in this Order and should include, where applicable, a numerical reference to the attached Annex A

which the comment(s) address, proposed language for revision, and a clear explanation for the recommendation.

7. A copy of this Order and Annex A be filed at Docket No. M-2013-2382943.

8. A copy of this Order and Annex A be served upon all electric distribution companies operating in Pennsylvania, all jurisdictional water and wastewater companies, all natural gas distribution companies, all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, the Pennsylvania Telephone Association (PTA), the Director of the Pennsylvania Emergency Management Agency (PEMA), the County Commissioners Association, and the three Area Directors of PEMA.

9. The contact persons for this are Patricia Wiedt, Law Bureau, (717) 787-5755, pwiedt@pa.gov, Daniel Searfoorce, Bureau of Technical Utility Services, dsearfoorc@pa.gov, (717) 783-6159, and Jennifer Kocher, jekocher@pa.gov, (717) 783-6152.

ROSEMARY CHIAVETTA,
Secretary

Fiscal Note: 57-300. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 69. GENERAL ORDERS, POLICY STATEMENTS AND GUIDELINES ON FIXED UTILITIES

UNSCHEDULED WATER SERVICE INTERRUPTIONS AND ASSOCIATED ACTIONS

§ 69.1602. Public notification guidelines.

(a) *Acceptable methods of public notification.* In the event of an unscheduled water service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, the possible adverse health effects and the population or subpopulation particularly at risk, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and Lead Emergency Preparedness [**Coordinator**] **Liaison Officer** should also receive these notifications.

* * * * *

UTILITY SERVICE OUTAGE PUBLIC NOTIFICATION GUIDELINES—NATURAL GAS DISTRIBUTION MARKET

§ 69.1702. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and **Lead** Emergency Preparedness [**Coordinator**] **Liaison Officer** should also receive these notifications.

* * * * *

UTILITY SERVICE OUTAGE RESPONSE RECOVERY AND PUBLIC NOTIFICATION GUIDELINES— ELECTRIC DISTRIBUTION MARKET

§ 69.1902. Notification guidelines.

(a) *Acceptable methods of public notification.* In the event of a service interruption, the following acceptable methods of public notification should be considered and utilized as appropriate:

(1) *Mass media.* Facsimile/electronic mail notification to local radio and television stations, cable systems, newspapers and other print and news media as soon as possible after the event occurs. These notifications must provide relevant information about the event, such as the affected locations, its potential impact including the possible duration of the outage, and a description of actions affected ratepayers/occupants should take to ensure their safety, with updates as often as needed. Updates should be provided on a predictable, regular schedule for the duration of the event. The Commission's Office of Communications and **Lead** Emergency Preparedness [**Coordinator**] **Liaison Officer** should also receive these notifications.

* * * * *

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

§ 69.1903. Preparation and response measures.

(a) *Electric distribution company liaisons to counties.* An electric distribution company (EDC) should offer a company liaison to counties (County Emergency Operations Centers or 9-1-1 Centers, depending on the county's preference) in its service territory during high-impact and major service outage events.

(1) An EDC should inform the Commission's Lead Emergency Preparedness Liaison Officer (EPLO) of the counties in which the company has placed liaisons.

(2) The threshold for when a company liaison is offered should be determined in agreement with the counties.

(3) A county may request a company liaison for events that do not meet the established threshold.

(4) An EDC should respond to a county's request for a company liaison.

(5) An EDC should inform the Commission's Lead EPLO when a company liaison request has been made.

(6) In a county served by more than one EDC, the EDCs should coordinate their response to the county so that the county has representation from the desired EDCs.

(7) An EDC should meet at least yearly with each county to review the liaison program and other emergency response issues.

(b) *EDC regional conference calls.* An EDC should offer regional conference calls for State and local elected officials and local emergency managers for major service outage events.

(1) Examples of major service outage events include:

(i) Hurricanes.

(ii) Tropical storms.

(iii) Major flooding.

(iv) Ice storms.

(v) Heavy snows.

(vi) Cybersecurity incidents.

(2) Regions should be determined based on the geographic locations affected by the major service outage event.

(3) An EDC should begin conference calls at least 2 days prior to an expected major service outage event and should offer to continue the conference calls until affected customers' service is restored.

(4) An EDC should ensure participants on the conference call have the required call-in information prior to initiating the calls.

(5) EDCs should work together to share best practices on how to structure and manage the regional conference calls, especially in those areas that are served by multiple EDCs.

(6) An EDC should notify the Commission's Lead EPLO when initiating regional conference calls.

(c) *EDC storm exercises.* An EDC should develop and hold a storm restoration exercise at least once each calendar year.

(1) An EDC should notify the counties and other utilities in its service territory of the dates and times of storm restoration exercises at least 3 months in advance.

(2) An EDC should invite counties in its service territory to participate in its storm restoration exercises.

(3) An EDC is encouraged to coordinate the planning of its exercises with counties and the Commonwealth, especially in conjunction with the annual State-level Spring Weather Exercise event facilitated by the Pennsylvania Emergency Management Agency.

(4) An EDC that has a large service territory should hold several smaller-scale exercises on a regional level.

(5) An EDC should inform the Commission's Lead EPLO of the dates and times of its storm restoration exercises.

(6) An EDC should review its exercise After Action Reports with the Commission, including corrective actions or best practice implementations planned as a result.

(d) *EDC outage web sites.*

(1) A large EDC, as defined in § 57.195(b) (relating to reporting requirements), should have an outage information section or portal on its web site. The outage information should be updated on a periodic basis of at least once per hour. The outage section or portal should provide one of the following:

(i) A graphic outage map of the service territory with county boundaries clearly defined that shows current

service outages for the entire service territory and current outages in each county using text, colors or some other means. The outage map should:

(A) Allow users to click on a specific county and view the total number of customers out of service for the county.

(B) Indicate the current number of customers out of service by municipality or borough.

(C) Provide estimated times of restoration.

(D) Include the number of customers served in each county and municipality or borough.

(ii) A summary tab that allows users to view the total number of customers out of service for the municipality or borough in each county along with an option to view the total number of customers out of service for the municipality or borough in each county along with estimated times of restoration and the number of customers served in each county and municipality or borough.

(2) A small EDC, as defined in § 57.195(c), should provide an outage section on its web site that provides:

(i) Outage and estimated restoration information by county and municipality or borough for service outages that meet the reporting criteria as defined in § 67.1(b) (relating to general provisions).

(ii) Outage and estimated restoration information, updated at least twice daily, and noting the next update time for each posting.

(3) Outage information for large and small EDCs should be provided until the last customer's service affected by the outage event is restored.

(e) *EDC post-storm after action reviews.* After major service outage events as defined in subsection (b)(1), an EDC should:

(1) Coordinate after action reviews with other EDCs and solicit input from each county and other utilities as to the EDC's performance during the event and suggested improvements or comments on successful initiatives.

(2) Report to the Commission on best practices identified and areas for improvement along with a timeline of

implementation of those best practices and corrective actions for the areas of improvement. The report should be within 1 calendar year of the major service outage event's occurrence.

(3) Submit a consolidated report to the Commission for major service outage events involving multiple EDCs.

(f) *EDC storm outage prediction models.* An EDC should develop a storm damage and outage prediction model.

(1) A storm outage prediction model should be a means for an EDC to estimate expected storm damage and the potential number of service outages given inputs such as weather data, service territory geography/topography, historical data on similar storms, customer density, and location of crews and service centers.

(2) An EDC should provide the Commission with an overview of its model when it is completed. An EDC is encouraged to work together with other EDCs throughout the county and with academic institutions to develop its prediction model.

(3) An EDC that already has a working model is encouraged to share its best practices with other EDCs while respect is given to proprietary elements in its model.

(4) An EDC should provide an overview of its developed and implemented model to the Commission and county emergency managers in its service territory.

(5) An EDC should provide the Commission's Lead EPLO and county emergency managers with its model's predictions prior to storms that are expected to cause service outages that meet the reporting criteria under § 67.1(b) as affecting its service territory.

(g) *EDC estimated time of restoration messaging.* An EDC should continue its work on improving the process of providing timely and accurate estimated times of restoration during service outages, especially during major outage events as defined in subsection (b)(1).

[Pa.B. Doc. No. 13-2046. Filed for public inspection November 1, 2013, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Schedule for General Inspection and Testing of Weights and Measures

The Department of Agriculture (Department) gives notice of its schedule for the general inspection and testing of commercially used weighing and measuring devices. This schedule supplants and replaces the Schedule for General Inspection and Testing of Weights and Measures that was published at 28 Pa.B. 4800 (September 26, 1998).

Section 4112 of 3 Pa.C.S. (relating to general testing and inspections) requires that all commercially used weighing and measuring devices be inspected at regular intervals for accuracy. It prescribes specific inspection intervals for some types of weighing and measuring devices and affords the Department discretion to establish the inspection intervals for others. This order presents the inspection intervals for all commercially used weighing and measuring devices in this Commonwealth.

Section 1. 18-Month Maximum Inspection and Testing Interval.

(a) The Department will (as required by § 4112(b) of the Agriculture Code) inspect the following types of commercially used weighing and measuring devices for accuracy at intervals of no greater than 18 months:

- Vehicle scales
- Truck-mounted fuel oil meters
- Truck-mounted liquid petroleum gas meters
- Compressed natural gas meters
- Retail motor fuel dispensers

(b) The required inspection and testing of vehicle scales, truck-mounted liquid petroleum gas meters and compressed natural gas meters may be conducted by:

- (i) a State Inspector employed by the Department; or
- (ii) a county sealer or city sealer performing the inspection in accordance with a memorandum of understanding with the Department; or
- (iii) a Certified Examiner of Weights and Measures.

(c) The required inspection and testing of truck-mounted fuel oil meters and retail motor fuel dispensers may be conducted by:

- (i) a State Inspector employed by the Department; or
- (ii) a county sealer or city sealer performing the inspection and testing in accordance with a memorandum of understanding with the Department.

Section 2. 36-Month Maximum Inspection and Testing Interval.

(a) The Department will (as required by § 4112(c) of the Agriculture Code) inspect the following types of

commercially used weighing and measuring devices for accuracy at intervals of no greater than 36 months:

- Universal Product Code scanning systems
- Price look up devices
- All types of commercially used weighing and measuring devices not specifically assigned an 18-month or 60-month maximum inspection and testing interval in Section 1 or Section 3 of this schedule

(b) The required inspection and testing of any of the weighing and measuring devices described in subsection (a) may be conducted by a State Inspector employed by the Department or by a county sealer or city sealer performing the inspection in accordance with memorandum of understanding with the Department. In addition, if the weighing and measuring devices are small capacity retail computing scales, retail package shipping scales or small platforms scales which weigh items to 1,000 pounds, the required inspection and testing of these devices may also be performed by a Certified Examiner of Weights and Measures.

(c) A Universal Product Code scanning system or price look up device is exempt from the 36-month maximum inspection and testing interval described in subsection (a) if it is inspected at least annually on an unannounced basis as part of a private certification program which conforms with the examination procedures for price verification as adopted by the National Conference of Weights and Measures.

Section 3. 60-Month Maximum Inspection and Testing Interval.

If a local government unit, authority organized by a local government unit or person makes use of parking meters, that using entity shall (as required by § 4112(b.2) of the Agriculture Code)—at intervals of not greater than 60 months—inspect and test the parking meters to ascertain if they are correct.

The local government unit, appropriate authority or person may accept reports of certified parking meter inspectors as sufficient to meet the referenced inspection and testing requirements.

Section 4. Revisions to the Inspection Schedule.

The Department may revise this inspection schedule from time to time. The revisions will be published in the *Pennsylvania Bulletin*.

Section 5. Further Information.

Further information is available by contacting the Department at Bureau of Ride and Measurement Standards, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-9089 or RA-wghts&measures@pa.gov.

The foregoing Inspection Schedule is effective as of publication.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 13-2047. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 22, 2013.

Under section 503.E of the Department of Banking and Securities Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-15-2013	<p><i>From:</i> The Jim Thorpe National Bank Jim Thorpe Carbon County</p> <p><i>To:</i> Jim Thorpe Neighborhood Bank Jim Thorpe Carbon County</p> <p>Application for approval to convert from a National banking association to a Pennsylvania State-chartered bank.</p>	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-22-2013	<p>Peoples Financial Services Corp Hallstead Susquehanna County</p> <p>Application for approval to acquire 100% of Pensco Financial Services Corporation, Scranton, and thereby indirectly acquire 100% of Penn Security Bank and Trust Company, Scranton.</p>	Approved

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-22-2013	<p>Peoples Neighborhood Bank Hallstead Susquehanna County</p> <p>Application for approval to merge Penn Security Bank and Trust Company, Scranton, with and into Peoples Neighborhood Bank, Hallstead.</p>	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-21-2013	<p>Woodlands Bank Williamsport Lycoming County</p>	<p>2 South Main Street Hughesville Lycoming County</p>	Opened

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-3-2013	<p>Susquehanna Bank Lititz Lancaster County</p>	<p>12106 Centennial Road Warminster Bucks County</p>	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-4-2013	Susquehanna Bank Lititz Lancaster County	4501 Hanover Pike Manchester Carroll County, MD	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	329 North Main Street Chalfont Bucks County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	1262 Vocke Road La Vale Allegheny County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	407 South Broad Street Lansdale Montgomery County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	233 Hershey Road Hummelstown Dauphin County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	14 North Pearl Street Bridgeton Cumberland County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	One College Avenue Grantham Cumberland County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	2305 South Market Street Elizabethtown Lancaster County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	1001 Easton Road Willow Grove Montgomery County	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	1101 Professional Court Hagerstown Washington County, MD	Closed
10-4-2013	Susquehanna Bank Lititz Lancaster County	600 Richmond Drive Lancaster Lancaster County	Closed

Articles of Amendment

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
10-22-2013	First Cornerstone Bank King of Prussia Montgomery County Amendment to Article Fifth, Section A of the institution's Articles of Incorporation provides for an increase in the number of authorized shares of its Class A common stock from 100,000,000 to 200,000,000.	Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-22-2013	White Rose Credit Union York York County Application for approval to merge HD York Federal Credit Union, York, with and into White Rose Credit Union, York.	Filed

Branch Applications**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-18-2013	Belco Community Credit Union Harrisburg Dauphin County	<i>To:</i> Lot 9 Gateway Hanover Hanover York County <i>From:</i> 110 West Eisenhower Drive Hanover York County	Approved

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-2048. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council (Council) to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, November 13, 2013, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Joe Graci at (717) 787-9293. Persons who wish to participate during the public comment period are encouraged to submit their comments in writing to the Council to Joe Graci, Advisor to CNRAC, 400 Market Street, Harrisburg, PA 17105-8767.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lauren Adair directly at (717) 787-9293 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

ELLEN FERRETTI,
Acting Secretary

[Pa.B. Doc. No. 13-2049. Filed for public inspection November 1, 2013, 9:00 a.m.]

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

FDC-320-7202.1—Mansion Roof Replacement, Kings Gap Environmental Education Center, Dickenson Township, Cumberland County. Work included under this contract consists of a roof replacement on the mansion at Kings Gap Environmental Education Center. Work includes the removal of the existing roofing system and the installation of a new EPDM roofing system, to include

flashing and copings. Responsive bidders must hold a current small business certification from the Department of General Services (DGS).

FDC-226-7720.1—Connect Linesville Spillway to STP, Pymatuning State Park, Pine Township, Crawford County. Work included under this contract consists of installation of approximately 4,300 feet of 2" HDPE sewer force main, approximately 900 feet of 1-1/2" HDPE sewer force main and approximately 250 feet of 4" HDPE sewer gravity line. It also includes installation of a complete grinder pump station and of a grinder pump in an existing dosing tank. Responsive bidders must hold a current small business certification from DGS.

FDC-401-6124.1—General Construction, Rehabilitate Sewage Collection System, Frances Slocum State Park, Kingston Township, Luzerne County. Work included under this contract consists of sewage system cleaning and inspection, sewer pipe replacement using open trench trenchless methods and manhole replacement.

Bid documents will be available on or after October 30, 2013. The bid opening will be held on December 5, 2013.

ELLEN FERRETTI,
Acting Secretary

[Pa.B. Doc. No. 13-2050. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on November 20, 2013, from 1 p.m. to 3:30 p.m. at the Giant Food Store Community Center—Blue Mountain Commons, 2nd Floor, Blue Mountain and Dauphin Meeting Rooms, 2300 Linglestown Road, Harrisburg, PA 17110, (717) 545-0489. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at www.ddap.pa.gov.

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth, and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the Department's web site or contact Roseann Deutsch at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 214-1937.

This meeting is subject to cancellation without notice.

GARY TENNIS, Esq.,
Secretary

[Pa.B. Doc. No. 13-2051. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Peirce College to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Peirce College to amend its Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. Persons wishing to review the application should phone (717) 783-8228 or write to the previous address to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact the Division of Higher and Career Education at (717) 783-8228 to discuss accommodations.

CAROLYN C. DUMARESQ, Ed.D.,
Acting Secretary

[Pa.B. Doc. No. 13-2052. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

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

For NPDES renewal applications in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States Environmental Protection Agency (EPA) Region III Administrator has waived the right to review or object to proposed NPDES permit actions under the waiver provision in 40 CFR 123.24(d). Persons wishing to comment on NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the office noted before the application within 15 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the applications. A comment submittal should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063011 (Water Diversion)	Hazleton City Authority Water Department 400 E Arthur Gardner Parkway Hazleton, PA 18201	Luzerne County Hazle Township	Dreck Creek Reservoir (2-B)	Y
PA0053872 (SFTF Sewage)	Red Hill Water Authority Kemmerer Spring WWTP Sigmund Road Upper Milford Twp, PA 18076	Lehigh County Upper Milford Township	Perkiomen Creek (3-E)	Y

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>
PAS113502, Amendment No. 1 (IW—Stormwater)	GE Inspection Technologies LP 50 Industrial Park Road Lewistown, PA 17044	Mifflin County Granville Township	UNT of Juniata River / 12-A	Y

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

<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>
PA0115266 (Sewage)	Gregg Township Sewer Authority Wastewater Treatment Plant 259 Kline Road Spring Mills, PA 16875	Centre County Gregg Township	Penns Creek (6-A)	Y
PA0115215 (Industrial Waste)	Lucas Trucking Corp. 9657 North Route 220 Highway Jersey Shore, PA 17740	Lycoming County Piatt Township	UNT to West Branch Susquehanna River (10-A)	Y
PA0209627 (Sewage)	Stoltzfus Farms, Inc. SFTF 137 Wilson Road Wellsboro, PA 16901	Tioga County Shippen Township	UNT to Stowell Run (9-A)	Y
PA0209431 (SRSTP)	Thomas R Shrout Res Orchard Park Road Port Matilda, PA 16870	Halfmoon Township Centre County	UNT of Halfmoon Creek (11-A)	Y

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>
PA0210030 (Industrial Waste)	Knox Township WTP PO Box 130 Knox Dale, PA 15847-0130	Jefferson County Knox Township	Indiancamp Run (17-C)	Y

<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>
PA0222411 (Sewage)	Frank A Leonard SFTF 20 Carey Farms Road Erie, PA 16511	Harborcreek Township Erie County	Lake Erie 15-A	Y
PA0025283 (Sewage)	Knox Borough STP P. O. Box 366 194 McElhatten Road Knox, PA 16232	Knox Borough Clarion County	Canoe Creek 17-B	Y
PA0032549 (Sewage)	Presque Isle State Park West Fisher Avenue Presque Isle State Park Erie, PA 16505	Millcreek Township Erie County	Presque Isle Bay of Lake Erie 15-PI	Y

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

PA0055263, Sewage, SIC Code 4952, **Executive Center Condo Association, C/O B.C. Property Management, Inc.**, Doylestown, PA 18901. Facility Name: Executive Center Condo Association STP. This existing facility is located in Plumstead Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from a facility located at 5045 Swamp Road, Fountainville, PA, to an unnamed tributary to North Branch Neshaminy Creek.

The receiving stream(s), Unnamed Tributary of North Branch Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply is North Park North Wales Authorities located on the North Branch Neshaminy Creek.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>			<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	2.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.2	XXX	2.5
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- No Stormwater
- Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP
- Minimize Chlorine Usage
- Small Stream Discharge
- Notification of Designated Operator

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.

PA0244279, Industrial Waste, SIC Code 4941, **Telford Borough Authority Bucks & Montgomery County**, 122 Penn Avenue, Telford, PA 18969. Facility Name: Telford Borough Authority Water System. This existing facility is located in West Rockhill Township, **Bucks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated backwash water from the arsenic removal system of a potable water system (well No. 4). The rate of discharge will be 460 gallons per minute for 10 minutes every two to six weeks.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0046 MGD.

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Daily Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Arsenic	XXX	XXX	XXX	Report	XXX	XXX
Total Iron	XXX	XXX	XXX	1.5	3.0	3.75

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

- Necessary Property Rights
- Proper Sludge Disposal
- BAT/BCT Requirements
- 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.

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

PA0247391, Sewage, SIC Code 4952, **North Codorus Township Sewer Authority**, 1986 Stoverstown Road, Spring Grove, PA 17362. Facility Name: North Codorus Township STP. This existing facility is located in North Codorus Township, **York County**.

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

The receiving stream(s), Unnamed Tributary to Codorus Creek, is located in State Water Plan watershed 7-H 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 0.55 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum		Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD ₅	69	110	XXX	15	24	30
		Wkly Avg				
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	137	206	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	9.0	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	27	XXX	XXX	6.0	XXX	12
Total Phosphorus	9.0	XXX	XXX	2.0	XXX	4.0
Total Copper	XXX	XXX	XXX	XXX	XXX	Report
Total Lead	XXX	XXX	XXX	XXX	XXX	Report
Total Zinc	XXX	XXX	XXX	XXX	XXX	Report

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	13394	XXX	XXX	XXX
Net Total Phosphorus	Report	1674	XXX	XXX	XXX

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

The EPA Waiver is not in effect.

PA0262102, Sewage, SIC Code 4952, **Jack A Larkin**, 275 Pilgert Street, Alburtis, PA 18011. Facility Name: Larkin SR STP. This proposed facility is located in Longswamp Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Little Lehigh Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes and, 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.

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

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

The EPA Waiver is in effect.

PA0087912, Industrial Waste, SIC Code 5171, **Mechanicsburg Terminals Corporation**, P. O. Box 2621, Harrisburg, PA 17105. Facility Name: Mechanicsburg, PA Bulk Petroleum Storage Terminal. This existing facility is located in Silver Spring Township, **Cumberland County**.

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

The receiving stream(s), Trindle Spring Run and Hogestown Run, are located in State Water Plan watershed and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

The proposed effluent limits for IMP 101 are based on a design flow of 0.00 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

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

- Stormwater Requirements for Petroleum Marketing Terminals

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

The EPA Waiver is in effect.

PA0083674, Sewage, SIC Code 3999, 5812, **Rainworth Inc.**, 1979 Biglerville Road, Gettysburg, PA 17325-8038. Facility Name: Rainworth Apartments. This existing facility is located in Straban Township, **Adams County**.

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

The receiving stream(s), Unnamed Tributary to White Run, is located in State Water Plan watershed 13-D 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 0.0012 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30	XXX	XXX	XXX	9.0	XXX	18

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

The EPA Waiver is in effect.

PA0032964, Sewage, SIC Code 7999, 8412, **PA DCNR State Parks Bureau**, 6235 Aughwick Road, Fort Loudon, PA 17224-9603. Facility Name: Cowans Gap State Park. This existing facility is located in Todd Township, **Fulton County**.

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

The receiving stream(s), South Branch Little Aughwick Creek, is located in State Water Plan watershed 12-C and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.03 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
				Annl Avg		

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

The EPA Waiver is in effect.

PA0082996, Sewage, SIC Code 4952, **Summit School Of Ministry**, 74 Harrison School Road, Grantville, PA 17028-8222. Facility Name: Summit School of Ministry. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Activity: The application is for a renewal and amendment of existing NPDES permit for discharge of treated Sewage.

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.46	XXX	1.52
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		
Total Nitrogen	XXX	Report	XXX	Report	XXX	XXX
				Annl Avg		

The proposed effluent limits for Outfall 002 are based on a design flow of 0.015 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.08	XXX	0.26
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Total Annual</i>		<i>Average Monthly</i>		
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	XXX	XXX	XXX	7.5	XXX	15.0
Total Phosphorus	XXX	Report	XXX	Report	XXX	XXX
Total Nitrogen	XXX	Report	XXX	Annl Avg Report Annl Avg	XXX	XXX

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

The EPA Waiver is in effect.

PA0246620, Industrial Waste, SIC Code 4011, **Norfolk Southern Railway Company**, 1200 Peachtree Street, N.E., Box 13, Atlanta, GA 30309-0013. Facility Name: Rutherford Intermodal. This existing facility is located in Swatara Township, **Dauphin County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste and stormwater.

The receiving stream(s), is located in State Water Plan watershed 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:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Oil and Grease	XXX	XXX	XXX	XXX	15	30
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- Stormwater Requirements

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

The EPA Waiver is in effect.

PA0248088 A-1, Sewage, SIC Code 4952, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. Facility Name: Cashtown-McKnightstown STP. This existing facility is located in Franklin Township, **Adams County**.

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

The receiving stream, Unnamed Tributary to Marsh Creek, is located in State Water Plan watershed 13-D and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.500 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.026	XXX	0.084
CBOD ₅	104	167	XXX	25	40	50
		Wkly Avg				

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	125	188 Wkly Avg	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	8.3	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	25	XXX	XXX	6.0	XXX	12
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX

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

The EPA Waiver is in effect.

PA0029297, Sewage, SIC Code 8052, **PA DPW South Mountain Restoration Center**, 10058 S Mountain Road, South Mountain, PA 17261-0900. Facility Name: South Mountain Restoration Center. This existing facility is located in Quincy Township, **Franklin County**.

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

The receiving stream(s), Rocky Mountain Creek, is located in State Water Plan watershed 13-C and is classified for High Quality Waters—Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.395 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen						
(Interim)	XXX	XXX	5.0	XXX	XXX	XXX
(Final)	XXX	XXX	5.5	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
May 1 - Oct 31	XXX	XXX	XXX	20	XXX	40
Nov 1 - Apr 30	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	2000 Geo Mean	XXX	10000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	XXX	XXX	XXX	6.0	XXX	12
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report			Report	
Total Phosphorus	Report			Report	

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

The EPA Waiver is in effect.

Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.

PA0229211, SIC Code 2869, **PA Grain Processing LLC**, 250 Technology Drive, Clearfield, PA 16830-2663. Facility Name: Clearfield Borough Plant. This proposed facility is located in Clearfield Borough, **Clearfield County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 8-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.267 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Halogen	XXX	XXX	XXX	0.2	0.5	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	XXX	0.75	1.50	1.88
Total Iron	XXX	XXX	XXX	1.5	3.0	3.8
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 002 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are:

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
TRPH	XXX	XXX	XXX	XXX	Report	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX

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

- Disposal of Sludge.
- Using Approved list of Chemical Additives.
- Stormwater Outfalls Maintenance and inspection.
- No net addition of pollutants to non-contact cooling water.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is in effect.

PA0027057, Sewage, SIC Code 4952, **Williamsport Sanitary Authority**, 253 W 4th Street, Williamsport, PA 17701-6113. Facility Name: Central Plant. This existing facility is located in Williamsport City, **Lycoming County**.

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

The receiving stream(s), West Branch Susquehanna River, is located in State Water Plan watershed 10-B and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 8.4 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.217	XXX	0.710
CBOD ₅	1750	2800	XXX	25	40	50
		Wkly Avg			Wkly Avg	
BOD ₅						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	2100	3150	XXX	30	45	60
		Wkly Avg			Wkly Avg	
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	Report	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
Ammonia-Nitrogen	Report	Report	XXX	Report	Report	XXX
		Wkly Avg			Wkly Avg	
Hexavalent Chromium	Report	Report	XXX	Report	Report	XXX
Total Mercury	Report	Report	XXX	Report	Report	XXX
4,6-dinitro-o-cresol	8.40	10.50	XXX	0.12	0.15	0.30
3,3-Dichlorobenzidine (µg/L)	0.14	0.21	XXX	2.01	3.14	5.02
Pentachlorophenol (µg/L)	0.94	1.48	XXX	13.55	21.15	33.87
Acrolein (µg/L)	0.54	0.84	XXX	7.77	12.12	19.42
Acrylonitrile (µg/L)	0.34	0.53	XXX	4.89	7.63	12.22
Hexachlorobenzene (µg/L)	0.001	0.002	XXX	0.02	0.04	0.05
Benzo(a)Anthracene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
Benzo(a)Pyrene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
Benzo(k)Fluoranthene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
3,4-Benzofluoranthene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
Bis(2-Chloroethyl)Ether (µg/L)	0.20	0.31	XXX	2.87	4.49	7.17
Bis(2-Ethylhexyl)Phthalate (µg/L)	Report	Report	XXX	Report	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
Chrysene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
Dibenzo(a,h)Anthracene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
Hexachlorobutadiene (µg/L)	1.08	2.17	XXX	15.54	31.08	38.85
Hexachlorocyclopentadiene (µg/L)	0.54	0.84	XXX	7.77	12.12	19.42
Indeno(1,2,3-cd)Pyrene (µg/L)	0.02	0.03	XXX	0.36	0.56	0.90
N-Nitrosodimethylamine (µg/L)	0.004	0.007	XXX	0.06	0.10	0.15
N-Nitrosodi-N-Propylamine (µg/L)	0.03	0.05	XXX	0.48	0.74	1.20
Phenanthrene (µg/L)	0.54	0.84	XXX	7.77	12.12	19.42
Toxaphene (µg/L)	0.0001	0.0002	XXX	0.002	0.003	0.005
Acute Toxicity—Ceriodaphnia Survival (TUa)	XXX	XXX	XXX	XXX	2.42	XXX
Acute Toxicity—Pimephales Survival (TUa)	XXX	XXX	XXX	XXX	2.42	XXX

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	153423			
Net Total Phosphorus	Report	20456			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA Waiver is not in effect.

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

PA0238457, Sewage, SIC Code 4952, **Sue A. Brown & Amy J. Wagner**, 562 Wilson Mill Road, New Wilmington, PA 16142. Facility Name: Sue A. Brown & Amy J. Wagner SFTF. This proposed facility is located in Wilmington Township, **Lawrence County**.

Description of Proposed Activity: The application is for a new NPDES permit for an existing discharge of treated sanitary wastewater.

The receiving stream, an Unnamed Tributary of the Little Neshannock Creek, is located in State Water Plan watershed 20-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

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

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

The EPA Waiver is in effect.

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

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

WQM Permit No. 2285419, Amendment #3, Sewerage, GSP Management Company, Frank T. Perano, PO Box 677, Morgantown, PA 19543.

This proposed facility is located in Londonderry Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of modifications to existing dechlorination and post aeration facilities.

WQM Permit No. 0613405, Sewerage, Ethan Mitchell, Inc., Louis Mascaro, 2034 East Main Street, Douglassville, PA 19518.

This proposed facility is located in Union Township, **Berks County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a 1-lot commercial development to generate a total of 5,400 gpd to be served by a Sequencing Batch Reactor (SBR) wastewater treatment plant and a drip irrigation system for the Liberty Bell Motorsports Park Development.

WQM Permit No. 2213405, Sewerage, Middletown Borough Authority, 60 West Emaus Street, Middletown, PA 17057.

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

Description of Proposed Action/Activity: Seeking permit approval the South Union Streetscape Project, replacement of approximately 1,700 LF of 18-inch and 24-inch diameter brick sanitary sewer with 18-inch and 21-inch diameter PVC gravity sanitary sewer main, installation of 9 precast concrete sanitary sewer manholes and replacement of sanitary sewer laterals from the main to the limit of the right-of-way.

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

WQM Permit No. 1713403, Sewage, SIC Code 4952, Christoff Mitchell Petroleum Inc., 2719 Walton Street, Philipsburg, PA 16866.

This proposed facility is located in Decatur Township, **Clearfield County**.

Description of Proposed Action/Activity: SFTF proposed to serve a sales office to include septic tank, followed by OrencoRTUV unit prior to discharge.

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

WQM Permit No. 1113403, Sewerage, City of Johnstown, 401 Main Street, Johnstown, PA 15901-1916

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

Description of Proposed Action/Activity: Application for construction and operation of a sewer system.

The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 0213409, Sewerage, Pittsburgh Water and Sewer Authority, 1200 Penn Avenue, Pittsburgh, PA 15222-4211

This proposed facility is located in the City of Pittsburgh, Allegheny County Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

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

WQM Permit No. 4371415, Sewage, Amendment, Dennis S. Shadron d/b/a Goddard Park Vacationland Campground, 867 Georgetown Road, Sandy Lake, PA 16145-8601.

This existing facility is located in Deer Creek Township, **Mercer County**.

Description of Proposed Action/Activity: Application for amendment to add aeration and treatment units to improve ammonia removal.

IV. NPDES Applications for Stormwater Discharges from MS4

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

PAI138301, MS4, Millcreek Township Erie County, 3608 West 26th Street, Erie, PA 16506-2059. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Millcreek Township, **Erie County**.

The receiving stream(s), unnamed tributaries to Mill Creek, Mill Creek, unnamed tributaries to Lake Erie, Lake Erie, unnamed tributaries of Walnut Creek, Walnut Creek and West Branch Cascade Creek, is located in State Water Plan watershed 15 and is classified for Warm Water Fishes and Migratory Fishes (Mill Creek and West Branch Cascade Creek Watershed), High Quality Waters—Cold Water Fishes (Unnamed Tributary (62442) to Walnut Creek), and Cold Water Fishes and Migratory Fishes (Lake Erie, Walnut Creek Watershed), aquatic life, water supply and recreation.

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

extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340. The EPA waiver is not in effect.

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

PAI134808, MS4, Williamsport Area Joint MS4s, 245 West 4th Street, Williamsport, PA 17701. The application is for a new individual NPDES joint permit for the discharge of stormwater from a regulated municipal separate storm sewer systems (MS4) to waters of the Commonwealth in **Lycoming County**. The following applicants are filing joint permits: City of Williamsport, Montoursville Borough, Penn College, Hepburn Twp. Old Lycoming Twp., Lycoming Twp., Loyalsock Twp., and Fairfield Twp. The receiving stream(s), Bennetts Run, Fox Hollow Run, Bottle Run, Beautys Run, Daugherty Run, Grafius Run, Loyalsock Creek, Lycoming Creek, Mill Creek, McClure, Bull Run, Millers Run, Tules Run, West Branch Susquehanna River, and Unnamed Tributaries to West Branch Susquehanna River, is located in State Water Plan watersheds 10-A, 10-B and 10-D and is classified for Warm Water Fishes, Migratory Fishes, Trout Stocking, Exceptional Value, and Migratory Fishes, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-327-3693.

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Pike County Conserve District, 556 Route 402, Hawley PA 18428

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025213003	Saeilo Enterprises, Inc. 1 Blue Hill Plaza, Suite 1 Pearl River, NY 10965	Pike	Blooming Grove Township	Little Mud Pond Swamp (HQ-CWF, MF) UNT to Shohola Creek (EV)
PAI025213004	Lehman Township RR 4, Box 4000 Bushkill, PA 18324	Pike	Lehman Township	Little Bushkill Creek (EV, MF)

Lehigh County Conserve District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Road, Allentown PA 18104

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913010	A.J.W., Inc. c/o Andrew J. Watson 4966 Schochary Road New Tripoli, PA 18066	Lehigh	Weisenberg Township	Unnamed Tributary to Switzer Creek (HQ-CWF, MF)
PAI023913006	Joseph Posh Posh Properties 2216 Willow Park Road Bethlehem, PA 18017	Lehigh	Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033613007	Anthony A. Good 2287 N Penryn Rd Manheim, PA 17545	Lancaster	Penn Township	UNT to Hammer Creek (HQ-CWF), Wetlands (EV)

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

Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044112006	Major Modification Kent Morton Moxie Patriot LLC 612 Center St S Ste 200 Vienna VA 22180	Lycoming	Clinton Township	UNT to W.B. Susquehanna River WWF, MF

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

PAG-12 CAFOs

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>
Martin's Egg Ranch Adam Martin 309 Midway Road Behtel, PA 19507	Berks	84.4	262	Layers	NA	Renewal
Dennis Ulrich 9291 & 9251 Old Route 22 Bethel, PA 19507	Berks	17.9	308.7	Layers	NA	Renewal
Hetrickdale Farms Joel and Scott Hetrickdale 69 Hetrick Road Bernville, PA 19506	Berks	2141.6	2449.02	Dairy	NA	Renewal
Joel Rutt 1178 White Oak Road Manheim, PA 17545	Lancaster	250	410.44	Swine / Broilers / Beef	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

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Permit No. 2213505, Public Water Supply.

Applicant	Halifax Area Water & Sewer Authority
Municipality	Halifax Borough
County	Dauphin
Responsible Official	Fred L Ford, Chairman PO Box 443 Halifax, PA 17032
Type of Facility	Public Water Supply
Consulting Engineer	N Peter Fleszar, P.E. Glance Associates, Inc. 3705 Trindle Road Camp Hill, PA 17011
Application Received:	9/24/2013
Description of Action	Installation of arsenic treatment via blending and the relocation of EP 103.

Permit No. 3613511, Public Water Supply.

Applicant	Turkey Hill Dairy, Inc.
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Municipality	Manor Township
County	Lancaster
Responsible Official	William P Gregory, Director of Operations Services 2601 River Road Conestoga, PA 17516-9630
Type of Facility	Public Water Supply
Consulting Engineer	Peter Lusardi, P.E. GHD, Inc. 1240 N. Mountain Rd. Harrisburg, PA 17112
Application Received:	10/7/2013
Description of Action	Reverse osmosis nitrate treatment system, softening system and disinfection system for new warehouse.

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

Permit No. 6513521, Public Water Supply.

Applicant	Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
[Township or Borough]	Monroeville, Murrysburg and Plum Borough
Responsible Official	Thomas Ceraso, Assistant Manager Municipal Authority of Westmoreland County 124 Park & Pool Road New Stanton, PA 15672
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street PO Box 853 Latrobe, PA 15650
Application Received Date	September 30, 2013
Description of Action	Installation of approximately 13,560 feet of 24-inch diameter waterline, 7,100 feet of 12-inch diameter waterline, two pump stations and six interconnections to interconnect with Monroeville Municipal Authority and Plum Borough Municipal Authority.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

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

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

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

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

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

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

Mount Penn CVS Store # 10045, Route 422, Howard Boulevard and Fern Street NWC, Reading, PA, Mount Penn Borough, **Berks County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Notice of Intent to Remediate site soils contaminated with PAHs and VOCs. Historical operations of a gasoline filling station and a paper bag factory have

taken place at this site, which will be remediated to a combination of Residential and Nonresidential Statewide Health standards. Current and future use of the site is a retail pharmacy store. The Notice of Intent to Remediate was published in the *Reading Eagle* on September 7, 2012.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Childs Property, 1086 White Deer Pike, White Deer Township, **Union County**. Mr. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Mr. Wayne C. Moore, Nationwide Mutual Insurance Company, PO Box 227, Harleysville, PA 18438, submitted a Notice of Intent to Remediate. A release of fuel oil #2 occurred in the basement of the residence during the delivery of fuel oil #2 to the home. An investigation will also be conducted along the exterior of the residence, by PA Tectonics to determine the presence or absence of fuel oil #2 contamination outside the footprint to the structure. The proposed cleanup standard for the site is Statewide Health. The Notice of Intent to Remediate was published in *The Sun-Gazette* on July 18, 2013.

Leighow Oil Company, Inc., 118 Eyer Road, Danville, Pa 17821, Mahoning Township, **Montour County**. United Environmental Services, Inc., 88 Hillside Drive, Drums, Pa 18222, on behalf of Leighow Oil Company, Inc., submitted a Notice of Intent to Remediate. A release of diesel fuel occurred at the facility as the result of vandalism. The property is currently, and will likely continue to be, used as a petroleum bulk storage facility. The Notice of Intent to Remediate was published in *Press Enterprise* on August 14, 2013.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and 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. WMGR146. Evergreen Recycling Solutions, LLC; 11 Dundar Road, Suite 210; Springfield, NJ 07081-3513; Site: 110 Evergreen Avenue, Newark, NJ 07114-1125. The application is for the beneficial use of alternative fuel produced by the processing of construction and demolition waste, wood, paper, cardboard, plastic, polymers, rubber, textiles and synthetic fibers, and carpet. The application was deemed administratively complete on October 15, 2013.

Persons interested in reviewing the application 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 Relay service, (800) 654-5984.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit No. WMGR085D001. Hazleton Creek Properties, LLC, 580 Third Avenue, P. O. Box 1389, Kingston, PA 18704; Site: Property bounded by Routes 924/309 & Broad Street, City of Hazleton, **Luzerne County**. The permit application for renewal is for the processing of freshwater, brackish and marine dredge material, cement kiln dust, lime kiln dust, coal ash, and cogeneration ash and beneficial use of the processed waste in coal mine reclamation to level an area or bring an area to an approved grade. The application for renewal of General Permit No. WMGR085D001 was determined to be administratively complete by Central Office on September 18, 2013.

Written comments concerning the 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 Relay service, (800) 654-5984. Comments may also be submitted via e-mail at rapbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR085D001" 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. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

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 Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit No. WMGR052. FirstEnergy Generation Corporation, 76 South Main Street, Akron, OH 44308-1812. Request for Determination of Applicability for beneficial use of low permeability cementitious material generated at the Bruce Mansfield Plant located in Shippingport Borough, **Beaver County** was received on July 26, 2013 and accepted for technical review on September 17, 2013.

Comments concerning the application should be directed to Diane McDaniel, Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application may contact the DEP Southwest

Regional Office, Regional Files at 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

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 Relay Service, (800) 654-5984.

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

General Permit Application No. WMGR025SC002. Columbia Borough, 308 Locust Street, Columbia, PA 17512

The Southcentral Regional Office, Waste Management Program received a determination of applicability (DOA) application under Residual Waste General Permit No. WMGR025 for Columbia Borough, 308 Locust Street, Columbia, PA 17512 for their compost facility located at 254 Blue Lane, Columbia, PA 17512 in Columbia Borough, Lancaster County. This general permit is for composting and beneficial use of pre- and post-consumer food wastes and yard wastes. This application was received on October 3, 2013.

Persons interested in obtaining more information about this determination of applicability may contact John Oren, P.E., Facilities Manager, Southcentral Regional Office, Waste Management Program at 717-705-4706. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701

Permit Application No. 100955. Clinton County Solid Waste Authority, 264 Landfill Lane, McElhattan, PA 17748-0209, Wayne Township, **Clinton County**. Modification to permit boundary and rail spur stormwater management system. The application was received by Northcentral Regional Office on October 15, 2013. An LMIP meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401–7671q) and regulations adopted under the Federal Clean Air Act.

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

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-05001I: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547) for replacement of an

existing spray booth at their ceiling tile plant in East Donegal Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 36-05001I is for the replacement of the tile finishing line's (Source ID 504) existing spray booth with a 24,000 acfm downdraft Venjakob spray booth. The fully enclosed booth will be controlled by four (4) 6,000 acfm cyclones and will apply coatings with eight (8) automated airless spray guns. Exhaust air from the cyclones will be recirculated to the hood of the booth. The project is expected to increase actual emissions by 0.07 tpy CO, 0.03 tpy NO_x, 0.07 PM₁₀/PM_{2.5}, and 0.30 tpy VOC. The Plan Approval will contain testing, monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests, or for requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments, protests, or requests for a public hearing.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

22-05005A: NRG Energy Center Paxton LLC (101 N 10th Street, Harrisburg, PA 17101) for installation of Carbon Monoxide (CO) Oxidation Catalysts on the facility's two existing non-emergency Stationary RICE in Harrisburg City, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval #22-05005A is for the authorization to install CO catalyst on the facility's two existing Reciprocating Internal Combustion Engines (RICE) to comply with a CO emission limit of 23 ppmvd at 15% oxygen or a percent reduction of at least 70%. The engines are subject to the requirements of 40 CFR Part 63, Subpart ZZZZ. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The project to install the CO catalyst will result in "projected actual emissions" of 60 tpy of NO_x, 8.9 tpy of CO, 6.5 tpy of VOCs, 0.1 tpy of SO_x, 0.2 tpy of PM₁₀/PM_{2.5}.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

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

59-00017E: Hitachi Metals Automotive Components USA, LLC (18986 Route 287, Tioga, PA 16946-8815) for a plan approval to modify the material throughput and emission limitations of numerous foundry sources and for the installation of an air cleaning device, a regenerative thermal oxidizer (RTO), for the control of air contaminant emissions from two foundry sources at their in Lawrence Township, **Tioga County**. This is a State Only (Synthetic Minor) facility for which an operating permit has been issued.

The Department's review of the information submitted by Hitachi Metals Automotive Components USA, LLC indicates that modification of the foundry sources and installation of the air cleaning device will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan approval for modification of the foundry sources and installation of the air cleaning

device. Additionally, if the Department determines the foundry is operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into State Only (Synthetic Minor) operating permit SMOP 59-00017 via an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

The emission of air contaminants from the facility will not exceed the following limits in any 12 consecutive month period: NO_x—22.50 tons; CO—9.24 tons; VOCs—43.79 tons; SO_x—0.25 ton; PM₁₀—97.81 tons; HAPs—8.89 tons.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. No more than 130,000 tons of metal shall be melted in the two induction furnaces in any 12 consecutive month period.

2. The metallic hazardous air pollutant emissions from the induction melting furnaces shall not exceed 0.0213 pound per ton of metal charged.

3. Ferro-manganese or similar manganese-bearing materials may be added to the metal melted in the induction furnaces in order to meet customer specifications, on the condition that the total quantity of such material added does not exceed 48,000 pounds in any 12 consecutive month period. The permittee shall not intentionally add any alloying material containing nickel, chromium or other substances designated as hazardous air pollutants (other than the manganese authorized herein) to the metal melted in the induction furnaces. Any nickel, chromium, etc. which may be present in the pig iron or scrap fed to the induction furnaces shall not be considered a violation of this condition provided that the content of such substances in the pig iron and scrap is minimal (total combined content of all such substances in any furnace charge not to exceed 1% by weight).

4. The emission of volatile organic compounds from the 2070 pouring and cooling line shall not exceed 1.125 pounds per ton of metal poured and the emission of HAPs shall not exceed 0.2664 pound per ton of metal poured, as measured prior to the RTO.

5. The emission of volatile organic compounds from the 2070 vibrating shakeout conveyor system shall not exceed 0.200 pound per ton of metal poured and the emission of HAPs shall not exceed 0.0473 pound per ton of metal poured, as measured at the stack.

6. The emission of volatile organic compounds from the 2070 cooling/separation drum shall not exceed 0.110 pound per ton of metal poured and the emission of HAPs shall not exceed 0.0261 pound per ton of metal poured, as measured at the stack.

7. The emission of volatile organic compounds from the 2013 pouring and cooling line shall not exceed 1.125 pounds per ton of metal poured and the emission of HAPs shall not exceed 0.2664 pound per ton of metal poured, as measured prior to the RTO.

8. The emission of volatile organic compounds from the 2013 vibrating shakeout conveyor system shall not exceed 0.200 pound per ton of metal poured and the emission of HAPs shall not exceed 0.0473 pound per ton of metal poured, as measured at the stack.

9. The emission of volatile organic compounds from the 2013 cooling/separation drum shall not exceed 0.110

pound per ton of metal poured and the emission of HAPs shall not exceed 0.0261 pound per ton of metal poured, as measured at the stack.

10. The total combined emission of volatile organic compounds from the three core-making machines incorporated in the polyurethane cold box core making operation shall not exceed 8.02 tons in any 12 consecutive month period.

11. The total combined amount of Isocure WTC I and WTC II resins (and/or resins determined by the Department to have an equivalent, or lower, air contaminant emission potential) used in the three core-making machines incorporated in the polyurethane cold box core making operation shall not exceed 329,710 pounds in any 12 consecutive month period.

12. The permittee shall not pneumatically convey material into the two sand/binder storage silos more than 600 hours per silo in any 12 consecutive month period.

13. The ecoat operation shall use no more than 135,600 gallons of coating and no more than 300 gallons of flow control additive in any 12 consecutive month period.

14. The air contaminant emissions from P203 and P207 shall be controlled by a regenerative thermal oxidizer.

15. The regenerative thermal oxidizer shall maintain a minimum combustion temperature of 1,500°F during any time it is being used to control air contaminant emissions.

16. The volatile organic compound emissions from the regenerative thermal oxidizer shall not exceed 0.1125 pound per ton of metal poured.

17. All conditions contained in State Only Operating Permit 59-00017 remain in effect until such time as the RTO is controlling air contaminant emissions. Once this occurs all conditions contained in State Only Operating Permit 59-00017 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 59-00017, 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 59-00017.

18. Once the RTO is controlling air contaminant emissions, Plan Approval 59-0017C is hereby terminated.

19. Within 30 calendar days from the date the permittee has selected a vendor for the RTO, the permittee shall submit to the Department final specifications showing the make and model of the RTO and verification that the RTO will comply with all terms and conditions of this plan approval.

The plan approval will also contain applicable recordkeeping, reporting and RTO testing conditions.

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.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will

exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (specify Plan Approval No. 59-00017E) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

08-00045B: Panda Liberty, LLC (4100 Spring Valley Road, Suite 1001, Dallas, TX 75244) to incorporate 232.7 tons per year of nitrogen oxide (NO_x) emission reduction credits (ERCs) and 69.2 tons per year of volatile organic compound (VOC) ERCs prior to the commencement of operation of Source IDs P103 and P104 at their proposed facility. The proposed facility's Plan Approval 08-00045A was issued on October 10, 2012, to Moxie Energy LLC for construction of a natural-gas-fired combined-cycle power plant to produce approximately 936 MW at the Moxie Liberty Generation Plant in Asylum Township, **Bradford County**. On September 9, 2013, the Department received notice from Panda Liberty, LLC informing the Department that Moxie Liberty, LLC had been purchased by Panda Liberty, LLC with no change in the federal Tax ID number and that the facility should be identified as the Panda Liberty Power Project. Moxie Liberty has purchased 232.7 tons of NO_x ERCs and only 33.82 tons of the required 69.2 tons of VOC ERCs. The balance of the VOC ERCs (35.4 tons) will be purchased prior to the operation of the facility. The proposed NO_x and VOC ERCs were purchased from Techneglas, Inc. located in Luzerne County, Pennsylvania. The Department intends to issue Plan Approval 08-00045B to Panda Liberty LLC to incorporate 232.7 tons of NO_x ERCs and 33.82 tons of VOC ERCs for the Panda Liberty Power Project located in Asylum Township, Bradford County. This plan approval proposes to offset the total of the net increase in potential to emit for NO_x and a portion for VOC in order to make the ERCs federally enforceable prior to the ERCs expiring.

The Department's review of the information submitted by Panda Liberty, LLC indicates that the proposed purchase of ERCs will comply with the requirements of 25 Pa. Code § 127.208 pertaining ERC use and transfer requirements. Based on these findings, the Department intends to approve the application and issue a plan approval for the transfer and use of the ERCs. The Department intends to include the following conditions in the proposed plan approval.

1. This plan approval is granted solely for the transfer and use of ERCs according to 25 Pa. Code § 127.208(2), and does not authorize a person to construct, modify, or reactivate an air contaminant source or allow for the installation of an air cleaning device on an air contaminant source.

2. This plan approval authorizes the transfer and use of 232.7 tpy of NO_x ERCs and 33.82 tpy of VOC ERCs from Techneglas Inc. to Panda Liberty, LLC (formerly known as Moxie Liberty LLC) for offset purposes to meet the requirements of 25 Pa. Code Chapter 127.

3. Techneglas Inc. created NO_x ERCs and VOC ERCs from shutdown of sources at Techneglas plant in Luzerne County, a moderate nonattainment area for ozone. The 232.7 tpy of NO_x ERCs and 8.67 tpy VOCs were generated from shutdown of sources on December 17, 2003. The remaining VOC ERCs were generated from shutdown of sources per the following schedule: 11.57 tpy on August 11, 2004 and 13.58 tpy on August 15, 2004.

4. These ERCs are to be used to satisfy emission offset requirements in accordance with 25 Pa. Code §§ 127.206 to 127.210 and Plan Approval No. 0800045A for the NO_x and VOCs emissions increase from the proposed facility.

5. Upon the issuance of this plan approval and the transfer of the ERCs to Panda Liberty, LLC (formerly known as Moxie Liberty LLC), the ERCs are no longer subject to expiration under 25 Pa. Code § 127.206(f), except as specified in 25 Pa. Code § 127.206(g). If the NO_x and VOC ERCs identified in this plan approval are not used and subsequently re-entered into the ERC registry, the applicable 10-year expiration date may not be extended.

6. This approval is in accordance with the requirements of 25 Pa. Code Chapter 127, Subpart E (relating to new source review) including §§ 127.205(4), 127.208(2), 127.209(c) and 127.210.

Any person(s) wishing to provide the Department of Environmental Protection with additional information, which they believe should be considered prior to the issuance of this plan approval, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval (specify Plan Approval No. 08-00045B) and concise statements regarding the relevancy of the information or objections to issuance of the plan approval.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

65-01026A: BenBilt Building Systems, LP (123 BenBilt Place, Greensburg, PA 15601) to authorize the temporary operation of surface coating operations for

metal and fiberglass doors and door jambs/frames at their existing plant located in Unity Township, **Westmoreland County**.

Per 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue a Plan Approval (PA-65-01026A) to BenBilt Building Systems, LP (123 BenBilt Place, Greensburg, PA 15601) to authorize the temporary operation of surface coating operations for metal and fiberglass doors and door jambs/frames at their existing plant located in Unity Township, Westmoreland County.

Air contamination sources proposed for this project include a four (4) paint booths including two clear coat and one stain booth, one (1) manual stain wiping area; one (1) infrared drying oven area; and one (1) natural gas fired air make up unit rated at 6.156 MMBtu/hr connected to an airflow volume of 60,000 cfm. Emissions from each spray booth will be vented to an individual passive (dry) air filter unit each rated at 14,400 acfm to minimize emissions.

Potential to emit from the facility on an annual basis is as follows: 25.1 tons of VOC, 0.6 tons of HAP, and 0.2 ton of PM. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 25 Pa. Code Chapters 123, 127, 129, and 135.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this Plan Approval, oppose the project by filing a written protest, or request a public hearing may submit the information to DEP at Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (specify PA-65-01026A) and concise statements regarding the relevancy of the information in the proposed Plan Approval or objections to issuance of the Plan Approval.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4030.

03-00151A: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201) for a new Froth Flotation process at the Ditch Run Prep Plant in Plumcreek Township, **Armstrong County**. This is a minor facility Plan Approval application submittal.

26-00500B: Alpha PA Coal Terminal, LLC (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370) to authorize construction and temporary operation of a proposed coal handling facility at LaBelle Dock in Luzerne Township, **Fayette County**.

Per Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue a Plan Approval (PA-26-00500B) to Alpha PA Coal Terminal, LLC (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370)

to authorize the construction and temporary operation of proposed coal handling facility at LaBelle Dock located in Luzerne Township, Fayette County.

The proposed plant will facilitate the storage, reclaim, and railcar loading of clean coal from various sources. Equipment handling the coal includes front end loader, excavator, conveyors, and trucks. Emissions from coal handling facility will be controlled by applying the BAT.

Potential to emit from the facility on an annual basis will not exceed: 7.0 tons of PM, 3.0 tons of PM₁₀, and 0.5 ton of PM_{2.5}. The emission restriction, monitoring, testing, recordkeeping, reporting and work practice conditions of the Plan Approval have been derived from the applicable requirements of 25 Pa. Code Chapters 123, 127, 129 and 135.

Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this Plan Approval, oppose the project by filing a written protest, or request a public hearing may submit the information to DEP at Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (specify PA-26-00500B) and concise statements regarding the relevancy of the information in the proposed Plan Approval or objections to issuance of the Plan Approval.

A public hearing may be held, if DEP, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Jesse Parihar, Air Quality Engineering Specialist, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4030.

OPERATING PERMITS

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

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

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

23-00003: Monroe Energy LLC (4101 Post Road, Trainer, PA 19061) for renewal of the Title V Operating Permit in Trainer Borough, **Delaware County**. The initial permit was issued on February 24, 2003. The facility is a petroleum refinery. As a result of potential emissions of NO_x, SO_x, VOC, CO, PM, and HAP, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05045: Glen-Gery Corp. (1090 East Boundary Avenue, York, PA 17403) for their brick manufacturing plant in Spring Garden Township, **York County**. This is a renewal of the facility's Title V operating permit.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). Actual facility emissions for 2012 included 30.1 tons of particulate matter, 1.2 ton of sulfur oxides, 1.5 ton of volatile organic compounds, 22.4 tons of carbon monoxide, 16.5 tons of nitrogen oxides and 6.4 tons of hazardous air pollutants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. William R. Weaver, Regional Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

09-00115: Draper DBS, Inc. (1803 North 5th Street, Perkase, PA 18944) for renewal of a State Only, Synthetic Minor Operating Permit in East Rockhill Township, **Bucks County**. Draper designs, manufactures, and finishes custom wood cabinetry. There have been no changes to any of the sources since the permit was last issued. The facility operates four (4) spray booths in which the primary pollutants of concern are volatile organic compounds (VOC) and Hazardous Air Pollutants (HAP). The company shall continue to take appropriate operating and emission restrictions to maintain a minor operating status. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

46-00248: Pottstown Borough Montgomery County (1269 Industrial Highway, Pottstown, PA 19464) for renewal of a State-Only Operating Permit to operate a sewage sludge dryer in Pottstown Borough, **Montgomery County**. This Operating Permit includes monitoring and

recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

54-00070: H.M.M.K., LLC—d/b/a Foster Materials (P O Box 196, 2052 Lucon Road, Skippack, PA 19474) for operation of a rock crushing operation and associated air cleaning devices at their facility in Foster Township, **Schuylkill County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

35-00048: Pioneer Aggregates, Inc. (215 East Saylor Avenue, Wilkes-Barre, PA 18702) for a renewal of State-only (Natural Minor) Operating Permit for operation of a rock crushing operation and associated air cleaning devices at their Simpson Stone Quarry in Fell Township, **Lackawanna County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-03063: Kearney A Snyder Funeral Home, Inc. (141 East Orange Street, Lancaster, PA 17602) for operation of their human crematory facility in Lancaster City, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The estimated potential emissions are: 0.34 ton per year of CO, 0.024 ton per year of NO_x, 0.3 ton per year of PM-10, and 0.04 ton per year of SO_x. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the

Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

28-05033: Leidy's Custom Woodworking, Inc. (11427 Church Hill Road, Mercersburg, PA 17236) for their wood cabinet manufacturing facility in Mercersburg Borough, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility.

The subject facility had the following actual emissions in 2012: 0.9 ton VOC and 0.2 ton total HAPs. 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 all applicable air quality regulations. The surface coating operations are subject to 25 Pa. Code § 129.52.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

22-03048: Reiff & Nestor Co. (P. O. Box 147, Lykens, PA 17048) for the steel tap manufacturing plant in Lykens Borough, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a State Only Air Quality Operating Permit renewal for the above mentioned facility.

The facility's is a minor source of particulate matter emissions attributed to their machining and grinding operations and an insignificant source of chromium emissions from their hard chrome plating operations. The facility's boiler is subject to the area MACT requirements

of 40 CFR Part 63, Subpart JJJJJ, the facility's emergency generator is subject to the area MACT requirements of 40 CFR Part 63, Subpart ZZZZ, and the chrome plating operations are subject to the requirements of 40 CFR Part 63, Subpart N. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests, or requests for a public hearing.

38-05018: Lebanon Veterans Administration Medical Center (1700 S. Lincoln Avenue, Lebanon, PA 17042) for the veterans' hospital in South Lebanon Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

Actual 2012 emissions at the facility are estimated to be 6.3 tpy of NO_x, 5.2 tpy of CO, 0.4 tpy of SO_x, 0.5 tpy of PM and 0.3 tpy of VOCs. 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 60 Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR Part 63, Subpart WWWW—National Emission Standards for Hospital Ethylene Oxide Sterilizers.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain

the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

22-03013: Pinnacle Health Hosp. (218 South Second Street, Harrisburg PA 17104) for operation of a medical and surgical hospital in Harrisburg City, **Dauphin County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above mentioned facility.

The estimated potential facility emissions are: 1.7 ton of PM per year; 15.6 tons of CO per year; 32.2 tons of NO_x per year; 0.6 ton of SO_x per year; and 1.0 ton of VOCs per year. The Operating Permit will include monitoring, recordkeeping & work practice standards designed to keep the facility operating within all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

06-03078: Materion Brush, Inc. (100 Shoemakersville Road, P. O. Box 973, Reading, PA 19603) for its copper alloy finishing operations in Perry Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has

received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions of less than a ton per year of sulfuric acid and caustic mists. 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 § 129.63 (Degreasing operations) and 40 CFR 63 Subpart ZZZZ (National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines).

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests or requests for a public hearing. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

65-00769: Raven Industries, Inc. (5049 Center Drive, Latrobe, PA 15650) for a toner and developer manufacturing operating located in Unity Township, **Westmoreland County**. This is a renewal of the State-Only Operating Permit issued in 2008. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of various mixers, extruders, and chippers. Four baghouses are used as controls for particulate emissions before exhausting to the atmosphere. The potential emissions are calculated at 23.5 tons per year particulate matter. All other criteria pollutants are insignificant. The facility is required to conduct daily surveys of the facility to ensure compliance with the visible emission, fugitive emission, and malodor restrictions and maintain records of each survey. The facility is limited to a 0.02 gr/dscf particulate. The proposed authorization is subject to State and Federal regulations. The permit includes additional operational requirements, monitoring requirements, and recordkeeping requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

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

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address, and telephone number of the person filing the protest, identification of the proposed permit issuance and the relevant facts upon which the objections are based (65-00769) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

11-00062: Quaker Sales Corporation / Northern Cambria Plant (336 Shawna Road Northern Cambria, PA 15714) for the operation of a hot mix asphalt plant located in Susquehanna Township, **Cambria County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue a renewal Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of one hot mix batch asphalt plants rated at 250 tons per hour. The batch plant is limited to 495,000 tons production in any consecutive 12-month period. The site is equipped with (3) asphalt cement tanks and (4) hot mix asphalt storage silos. The facility has the potential to emit: 99 tpy CO; 30 tpy NO_x; 22 tpy SO_x; 13 tpy VOC; 11 tpy PM and 7 tpy PM 10. The facility is required to conduct annual burner tune up tests and stack testing for all criteria pollutants every five years. The facility must perform daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

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

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 11-00062) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

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

Contact: Matthew M. Williams—Telephone: 814-332-6131

10-00359: MarkWest Liberty Bluestone, LLC—Sarsen Plant (774 Prospect Road, Evans City, PA 16033) for issuance of initial Natural Minor Operating Permit in the Jackson Township, **Butler County**. The facility is processing the natural gas and, transporting it to the consumers. The facility's emitting sources include: 1) Inlet Compressors (4), 2) Residue Compressors (3), 3) Refrigerant Compressors (2), 4) Dehydrator /Reboiler, 5) Emergency Generator, 6) Process Heaters, 7) Truck Loading, 8) Condensate Tanks (2) and, 9) Gas processing plant. The emergency generators and compressors are subject to 40 CFR Part 60 Subpart IIII. All applicable conditions of 40 CFR Part 60, Subpart IIII have included in the permit. The sources of this facility is not subject to 40 CFR Part 60 Subpart OOOO because the source were installed before August 23, 2011 as stated in § 60.5360. All applicable conditions of 40 CFR Part 60 Subpart KKK and VV in compressor engines have included in the permit. The facility is natural minor because; the emissions of pollutants from the facility are less than Title V

threshold limits. Potential emissions of the pollutants are NO_x: 40 Tons per year (TPY) CO: 81 TPY, VOC: 37 TPY, PM₋₁₀: 4 TPY, HAPs: 7 TPY, SO_x: 0.3 TPY, CO₂, N₂O and CH₄ (Greenhouse gases) total: 56,675.00 TPY.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. 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: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

40-00126A: Hazleton Hiller, LLC—Stockton Mountain Road Site (414 Stockton Mountain Road, P. O. Box 435, Hazleton, PA 18201) for their facility located in Hazle Township, **Luzerne County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Hazleton Hiller, LLC (Stockton Mountain Road Site) (414 Stockton Mountain Road, PO Box 435, Hazleton, PA 18201) for their facility located in Hazle Twp, Luzerne County. This Plan Approval No. 40-00126A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00126A is for (1) Willaims Crusher Model Slugger C32, (1) Carrier Vibrating Equipment Model Qad-4860S-20-6. The crushing operation is subject to NSPS Subpart Y requirements. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 40-00126A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program,

2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

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

30841314 and NPDES No. PA0215368. Dana Mining Company of Pennsylvania, LLC, (308 Dents Run Rd., Morgantown, WV 26501). To renew the permit for the Titus Mine in Dunkard and Greene Townships, **Greene County** and related NPDES permit for reclamation only. No additional discharges. The application was considered

administratively complete on October 11, 2013. Application received August 16, 2013.

30841312 and NPDES No. PA0013790. Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554). To revise the permit for the Blacksville Mine No. 2 in Gilmore Township, **Greene County** and related NPDES permit to install thirteen degasification boreholes. Surface Acres Proposed 13.85. No additional discharges. The application was considered administratively complete on October 16, 2013. Application received August 28, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

65-13-02 and NPDES Permit No. PA0252352. David L. Patterson, Jr. (12 Short Cut Road, Smithfield, PA 15478). Application for commencement, operation and reclamation for a Government Financed Contractual Contract, located in Loyalhanna Township, **Westmoreland County**, affecting 22.9 acres. Receiving streams: Getty Run and unnamed tributaries to Getty Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: October 3, 2013.

26130101 and NPDES Permit No. PA0252301. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 55.5 acres. Receiving streams: unnamed tributaries to Bolden Run and unnamed tributary to Bute Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: July 3, 2013 and accepted October 11, 2013.

04070102 and NPDES Permit No. PA0251259. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Renewal application for reclamation only to an existing bituminous surface mine, located in South Beaver Township, **Beaver County**, affecting 114.5 acres. Receiving streams: Brush Run and unnamed tributaries to Brush Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 16, 2013.

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

43850105. Grove City Materials, LP (161 Plain Grove Road, Slippery Rock, PA 16057) Revision to an existing bituminous surface and limestone removal mine to add 5.0 acres in Pine & Mercer Townships, **Mercer & Butler Counties** affecting a total of 108.0 acres. Receiving streams: Two unnamed tributaries to Swamp Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 11, 2013.

16080102. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of an existing bituminous surface mine in Redbank Township, **Clarion County** affecting 73.5 acres. Receiving streams: Two unnamed tributaries to Town Run, classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Redbank Valley Municipal Authority. This application is for reclamation only. Application received: October 16, 2013.

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

54900101C49. Blackwood, Inc., (PO Box 639, Wind Gap, PA 18091), correction to update the use of biosolids on an existing anthracite surface mine, coal refuse reprocessing, refuse disposal, preparation plant operation in Branch, Reilly and Tremont Townships, **Schuylkill County** affecting 1850.6 acres, receiving streams: Panther Creek and Swatara Creek, classified for the following uses: cold water and migratory fishes. Application received: September 17, 2013.

54880202R5. Morea Cogen, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal for reclama-

tion activities only of an existing anthracite coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 200.0 acres, receiving stream: Mahanoy Creek, classified for the following uses: warm water fishes and migratory fishes. Application received: September 18, 2013.

Noncoal Applications Received

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

<i>Parameter</i>	<i>Table 2</i>		
	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

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

58970845. Oakridge Bluestone, (1253 Sweeney Road, Brackney, PA 18812), Stage I & II bond release of a quarry operation in Silver Lake Township, **Susquehanna County** affecting 1.0 acre on property owned by Sandra Wood and David Wood. Application received: September 18, 2013.

6376SM2A1C6 and NPDES Permit No. PA0594474. York Building Products, Inc., (PO Box 1708, York, PA 17405), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County** affecting 282.5 acres, receiving stream: Little Conewago Creek. Application received: September 23, 2013.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

<i>Parameter</i>	<i>30-Day 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.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

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

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

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

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

* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

Coal NPDES Draft Permits

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

NPDES No. PA0269212 (Mining permit no. 11130102) E.P. Bender Coal Co., Inc., P. O. Box 594, Carrolltown, PA 15722, new NPDES permit for surface mine in Reade Township, **Cambria County**, affecting 77.0 acres. Receiving stream: Powell Run, classified for the following use: cold water fishery. This receiving stream is included in the Clearfield Creek TMDL. Application received: May 10, 2013.

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

The outfalls listed below discharge to Powell Run:

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

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

<i>Outfalls: 006 and 007 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0

<i>Outfalls: 006 and 007</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			
<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>		
001	Y		
002	Y		
003	Y		
004	Y		
005	Y		

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

<i>Outfalls: 001, 002, 003, 004 and 005</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0234664 (Mining permit no. 56980101) Heritage Mining Company, P. O. Box 126, Cresson, PA 16630, renewal of an NPDES permit for reclamation only on a surface coal mine operation in Shade Township, **Somerset County**, affecting 58.7 acres. Receiving streams: unnamed tributaries to and Shade Creek, classified for the following use: cold water fishery. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: May 14, 2013.

No treatment facilities exist on the permit because of reclamation only status.

The stormwater outfalls listed below discharge to unnamed tributaries to Shade Creek:

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

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

<i>Outfalls: 003 and 004</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0607231 (Mining permit no. 32823005), Blairsville Associates, P. O. Box 157, Blairsville, PA 15717, renewal of an NPDES permit for bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 375.5 acres. Receiving stream: unnamed tributary to Palmer's Run, classified for the following use: cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: July 12, 2013.

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

The outfalls listed below discharge to unnamed tributary to Palmers Run:

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

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

<i>Outfalls: 010 and 011</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	XXX	XXX	7.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0597341 (Mining permit no. 11850107), AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, renewal of an NPDES permit for mining Portage Township, **Cambria County**, affecting 85.7 acres. Receiving streams: unnamed tributaries to and Spring Run and unnamed tributaries to and Trout Run, classified for the following uses: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received: August 20, 2013.

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

The outfalls listed below discharge to unnamed tributaries to and Spring Run and unnamed tributaries to and Trout Run:

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

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

<i>Outfalls: 001, 002, 003, 004, and 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

NPDES No. PA0245454 (Permit No. 33030110). RES Coal, LLC (P. O. Box 228, Armagh, PA 15920) Renewal of an existing NPDES permit for a bituminous surface mine in Snyder Township, **Jefferson County**, affecting 122.5 acres. Receiving streams: Unnamed tributaries to Little Toby Creek, classified for the following uses: CWF. TMDL: Little Toby Creek. Application received: September 25, 2013. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to Little Toby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
F	N
G	N
H	N
I	N
J	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		0.75	1.5	1.88
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Little Toby Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N
D	N
E	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0211834 (Permit No. 10930111). JMW Enterprises, Inc. (P. O. Box 282, Acme, PA 15610) Renewal of an existing NPDES permit for a bituminous surface and auger mine in Washington Township, **Jefferson County**, affecting 115.5 acres. Receiving streams: Six unnamed tributaries to South Branch Slippery Rock Creek and one unnamed tributary to Bear Creek, all classified for the following uses: CWF. TMDL: None. Application received: October 2, 2013.

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

The outfall(s) listed below discharge to unnamed tributaries to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	N
TA1	N
TA2	N
TB	N
TB1	N
TC	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to South Branch Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	N
C	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

NPDES No. PA0227846 (Permit No. 61980103). Bedrock Mines, LP (111 Freeport Road, Aspinwall, PA 15215) Renewal of an existing NPDES permit for a bituminous surface mine in Irwin Township, **Venango County**, affecting 111.0 acres. Receiving streams: unnamed tributaries to Scrubgrass Creek, classified for the following uses: CWF. TMDL: Scrubgrass Creek. Application received: August 20, 2013. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B	N
C	N
D	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

Noncoal NPDES Draft Permits

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

NPDES No. PA0594296 (Mining permit no. 7575SM1), Hempt Brothers, Inc., 205 Creek Road, P. O. Box 278, Camp Hill, PA 17011, renewal of an NPDES permit for a limestone quarry in Silver Spring Township, **Cumberland County**, affecting 196.2 acres. Receiving streams: Unnamed Tributary to Hogestown Run, classified for the following use: cold water fishery. This receiving stream is included in the Conodoguinet Creek TMDL. Application received: April 30, 2012.

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

The outfall listed below discharge to Unnamed Tributary to Hogestown Run

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

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

<i>Outfall: 002 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Discharge Rate (mgd)	12.0	12.0	

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

E46-1097. Pennsylvania Department of Transport, 7000 Geerdes Blvd, King of Prussia, Franconia Township, **Montgomery County**. ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated the proposed roadway and intersection realignment requiring the removal and replacement of the two structures approximately 140 feet apart on State Route 1012 (SR 1012, locally known as Godshall Road and Cowpath Road):

1. To replace and maintain a twin-cell concrete box culvert carrying Skippack Creek (TSF-MF) with a cast-in place reinforced concrete frame bridge, aligned to the stream flow direction, skewed 64 degrees to the roadway centerline with a clear span of 24 feet. The proposed bridge has an out-to-out width of approximately 98.2 feet and a hydraulic opening of approximately 68 square feet with a minimum underclearance of 2.96 feet.

2. To replace and maintain a single-span cast-in-place concrete slab bridge over the unnamed tributary (UNT) Skippack Creek (TSF-MF) with a single cell reinforced 12' x 5' concrete box culvert. The proposed box culvert, 95 feet long, aligned to the flow direction, skewed 56 degrees to the roadway centerline, depressed 1'-2" below the

existing streambed, will provide an underclearance of 3'-10" and a hydraulic opening of approximately 46 square feet.

3. To construct and maintain riprap deposits to facilitate scour protection for the two bridges as required.

4. To construct and maintain roadway and bridge approach work to accommodate roadway widening that will facilitate the realignment objectives of the project scope at the two bridges within the floodway of the streams.

5. To construct and maintain eight outfall structures and their associated aprons to accommodate the realignment design of the roadway. Four will discharge to the Skippack Creek. Three of these pipe outlets are contained within the proposed bridge structure wingwalls, while the third pipe discharges between the structures, downstream of the crossing. The other four outfall structures will discharge to the UNT Skippack Creek.

The proposed activities will impact approximately 245 feet of stream length. The project site is located approximately 228 north of the intersection of Broad Street and Godshall Road in Franconia Township, Montgomery County, (Latitude N 40° 17' 50" and Longitude W 75° 19' 58").

E09-975. Bucks County Public Works, 55 East Court Street, Doylestown, Bedminster Township, **Bucks County**; ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the replacement of the Bridge (Bucks County Bridge No. 45) that carries Stone Bridge Road (Township Route 417) over Deep Run (WWF, MF) in Bedminster Township:

1. To remove the existing concrete arch bridge and construct and maintain in its place a prestressed reinforced concrete box beam bridge with approximate span of 50 feet and approximate width of 35 feet.

2. To conduct minor grading and widening of roadway approach areas to facilitate the proposed lane width increase.

The project site is located approximately 0.50 mile Northeast of the intersection Stony Bridge Road and Twin Oaks Drive in Bedminster Township, Bucks County, (Latitude 40° 23' 32"; Longitude 75° 11' 25").

E09-973. Pennsylvania Turnpike Commission; Bensalem, Bristol Middletown Townships, **Bucks County**; ACOE Philadelphia District.

To perform the below listed water obstruction and encroachments associated with Pennsylvania Turnpike Phase III widening and improvement construction activities in Section D10 (Milepost 355.9 to Milepost. 357.6). The activities include the widening and reconstruction of approximately 1.7 miles of eastbound Pennsylvania Turnpike (I-276) to a four-lane roadway between the I-95 overpass and the I-276 Bridge over SR 0013. It also includes the widening and reconstruction of approximately 0.9 mile of westbound I-276 to a four-lane roadway between the I-95 overpass and 1300' east of the I-276 Bridge over New Rodgers Road (SR 0413). Specific water obstruction and encroachments are:

1) To construct and maintain a new ramp-bridge partially over (aerial impact) Mill Creek (WWF, MF) to facilitate the overall purpose of the project

2) To extend and maintained 8 X 6 Culvert (DB 245) at Road Station 222+75.02 by 25 feet carrying unnamed tributary to Mill Creek (WWF)

3) To extend and maintained 6'-8" X 5'6" Culvert (DB 246) at Road Station 513+87.97 by 25 feet carrying Unnamed tributary of Neshaminy Creek

4) To replace and maintain a 127-foot three-span bridge over Mill Creek (WWF, MF) (DB-248). The new structure will be a single span steel plate I-girder bridge with 11 feet under clearance

5) To extend and maintain two existing culverts at stations 489+82 and, 554+66.

6) To fill and maintained wetlands (PFO) at several locations as per route design stations approximately 0.483 acre

7) To fill and maintained wetlands (PSS) at several locations as per route design stations approximately 0.059 acre

8) To fill and maintained wetlands (PEM) at several locations as per route design stations approximately 1.465 acre

9) To fill and maintained wetlands (PEM, EV) at several locations as per route design stations approximately 0.218 acre

10) To relocate and maintain 56 feet of the UNT Mill Creek (WWF), place 35 feet into a new culvert and extend the existing part of the culvert by 18 feet at Station 513+53

11) To relocate and maintain 168 feet of the UNT Mill Creek (WWF), place 64 feet into a new culvert at Station 514+80

12) To relocate and maintain 105 feet of the UNT Mill Creek (WWF) at Station 142+43

13) To relocate a 658 feet section of an existing channelized stream and extend and maintained in its place a new 774 channel, Culvert at station 151+35

14) To remove a 129 feet existing culvert and relocate the channel flow to accommodate road widening at Station 152+64

15) To relocate approximately 342 feet of channel out of 352 feet of existing UNT to Mill creek (WWF) at Station 302+30

16) To remove 79 feet of culvert and relocate the channel at station 304+68

17) To relocate approximately 602 feet of channel out of 697 feet of existing UNT to Mill creek (WWF) at Station 311+50

18) To relocate approximately 137 feet of channel out of 390 feet of existing UNT to Mill creek (WWF) and create a stormwater swale out of the remaining 253 feet at 541+10

19) To relocate approximately 768 feet of channel out of 974 feet of existing UNT to Mill creek (WWF) and place the remaining portion of the channel into 206 feet culvert at Station 560+23

20) To relocate existing culvert at t Station 766+40

21) To relocate approximately 514 feet of channel out of 591 feet of existing UNT to Mill creek (WWF) at Station 547+00 to create a stormwater swale and place the remaining portion in a 77 feet culvert.

22) To fill and maintain the total stream length of 877 linear feet of UNT to Mill Creek (WWF) approximately at stations 489+30, 489+82, 541+10, 142+83, 312+73 and 542+08 to facilitate roadway widening.

23) To create, construct and maintain approximately 3.526 acres of wetland(s) for mitigation of wetland impacted and the quantity lost during proposed project activities

24) To mitigate for stream impact approximately 3,473 feet at several places within the watershed as per the design drawings.

25) To impact the approximately 1.921 acre of Mill Creek (WWF) and some of her unmade tributaries floodways conducting miscellaneous grading, cutting, filling and placement of auxiliary structures to facilitate the overall object of the project at stations 221+15, 681+09, 682+54, 502+17, 690+41, 512+92, 103+25, 546+13, 542+16, 542+05, 537+62, 540+55 and 534+55.

The project has two component areas. It spans from west to east along I-276 starting just west of the proposed interchange where the present I-95 passes over I-276 and runs approximately 1.7 mile and terminates at the Delaware River Turnpike Bridge on the Pennsylvania side. It also spans from north to south extending along I-95 from one mile north of I-276 in Middletown Township, Bucks County to the east bank of the Neshaminy Creek in Bristol Township. This phase of the project passes through Bensalem, Bristol, and Middletown Townships, Bucks County, Center of area Latitude 40° 7' 45", and Longitude 74° 53' 23".

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

E39-523. Lower Macungie Township, 3400 Brookside Road, Macungie, PA 18062, in Lower Macungie Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove fill from the floodway/floodplain of the Little Lehigh Creek (HQ-CWF, MF) and construct and maintain an access road for the purpose of accessing a public park. The project is located at 3120 South Cedar Crest Boulevard (Allentown West, PA Quadrangle, Latitude: 40°35'19"; Longitude: -75°31'16").

E54-357. Jim Miller Jr., 295 Marshall Drive, Orwigsburg, PA 17961, in Orwigsburg Borough, **Schuylkill County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the maintenance of the following water obstructions and encroachments associated with the Miller Drive Crossing project.

1. To maintain a 12-foot wide single-span, steel beam, wood deck bridge having a 29.5-foot span and a 5.6-foot underclearance across Mahannon Creek (CWF, MF).

2. To maintain approximately 130 linear feet of riprap bank stabilization in the floodway of Mahannon Creek (CWF, MF).

3. To fill 0.03 acre of wetland for the construction of the driveway crossing.

The project is located at 295 Marshall Drive (Orwigsburg, PA Quadrangle, Latitude: 40°39'13"; Longitude: -76°6'26").

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

E07-448, PA Department of Transportation Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648 in Antis Township, **Blair County**, Army Corps of Engineers, Baltimore District

To remove the existing structure and to construct and maintain a 31' 4.5" wide, single span, composite prestressed concrete spread box beam bridge having a clear span of 78' 1", an underclearance of 3' 8.75", and a normal clear span of 53' 8.5" with a minimum underclearance of 3' 4" across Sandy Run (CWF, MF) on the current road alignment for the purpose of improving transportation safety and roadway standards. The out-to-out length will be 28' and on a 45 degree skew. The project will permanently impact 0.08 acre (3,616 square feet) of exceptional value wetlands. Approximately 0.01 of these wetlands impacted will be Palustrine Emergent, 0.04 will be Palustrine Scrub-Shrub, and 0.03 will be Palustrine Forested. There will be 0.08 acre of wetlands replaced at the Mowry Advanced Wetland Compensation Site (0.01 acre of PEM wetlands, 0.04 acre of PSS, and 0.03 acre of PFO, Frankstown, PA Quadrangle Latitude: 40° 26' 56.4"; Longitude: 78° 20' 21.1"). The project is located along SR 4018-04B in Antis Township, Blair County (Latitude: 40° 34' 9.73", Longitude: -78° 21' 4.74").

E06-693, Berks County, Berks County Services Center, 633 Court Street, 16th Floor, Reading, PA 19601, in the City of Reading and West Reading Borough, **Berks County**, U.S. Army Corps of Engineers, Philadelphia District

To 1) repair, replace, and maintain the arch deck/floor beam system and the reinforced concrete superstructure and substructure of the Buttonwood Street Bridge over and across the Schuylkill River (WWF, MF), 2) install and maintain R6 scour protection along the Buttonwood Street Bridge Piers over and across the Schuylkill River (WWF, MF) permanently impacting 60 linear feet and 0.06 acre, and 3) construct a 103-foot long temporary rock causeway with twelve (12) 8-foot diameter CMP pipes, all for the purpose of improving transportation safety and roadway standards and maintain the bridge's ability to service traffic and pedestrians. The project is located along Buttonwood Street (Reading, PA Quadrangle, Latitude: 40°20'20"N, Longitude: 75°56'32"W) in the City of Reading and West Reading Borough, Berks County.

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

E04-001-A1. FirstEnergy Generation, LLC Bruce Mansfield Plant, P. O. Box 128, State Route 3016, Shippingport, PA 15077, Shippingport Borough, **Beaver County**; ACOE Pittsburgh District.

Applicant proposes to amend Permit No. E04-001, which authorized the operation and maintenance of an existing harbor at the applicant's Bruce Mansfield steam electric generating plant, to construct and maintain a 29' diameter, steel sheet coffer mooring cell, within the Ohio River (WWF, N), within the existing, permitted harbor; and to construct and maintain a portion of a conveyor system, in the floodplain. The purpose of the project is to convey coal combustion by-products from the plant to barges, for off-site disposal. The plant facility is located at 128 Ferry Hill Road within the Borough of Shippingport, Beaver County. (USGS Midland, PA Quadrangle, N: 1.35 inches; W: 6.75 inches; Latitude: 40° 37' 56.71"; Longitude: 80° 25' 25.08").

District Oil and Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5729-065: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mats and a 6 inch diameter well line impacting 6,412 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'17"N, 76°31'36"W);

2) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 191 linear feet of an unnamed tributary to Streby Run (EV) and 842 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Dushore, PA Quadrangle 41°33'17"N, 76°31'37"W).

The project will result in 191 linear feet of temporary stream impacts, and 7,254 square feet (0.17 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Forks Township, Sullivan County.

E5729-066: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mats and a 10 inch gathering line 220 linear feet of the Little Loyalsock Creek (EV) (Colley, PA Quadrangle 41°31'58"N, 76°20'09"W);

The project will result in 220 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County.

E5729-067: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Elk Creek (EV) and 4,202 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°33'05"N, 76°40'36"W);

2) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 80 linear feet of an unnamed tributary to Elk Creek (EV) and 7,706 square feet of an exceptional value palustrine emergent/scrub shrub (EV-PEM/PSS) wetland (Shunk, PA Quadrangle 41°33'22"N, 76°40'55"W);

3) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 1,024 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'33"N, 76°40'38"W);

4) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°33'34"N, 76°40'36"W);

5) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 150 linear feet of Elk Creek (EV) (Shunk, PA Quadrangle 41°33'34"N, 76°40'35"W);

6) A temporary access road using a timber mats and a 6 inch diameter well line impacting 80 linear feet of an unnamed tributary to Elk Creek (EV) (Shunk, PA Quadrangle 41°33'43"N, 76°40'21"W);

7) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 2,134 square

feet of an exceptional value palustrine emergent (EV-PEM) wetland (Shunk, PA Quadrangle 41°33'41"N, 76°40'13"W);

8) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 1,786 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'42"N, 76°39'55"W);

9) A temporary access road using a timber mats and a 10 inch diameter well line impacting 150 linear feet of Lake Run (EV) (Shunk, PA Quadrangle 41°33'42"N, 76°39'52"W);

10) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Lake Run (EV) and 392 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Shunk, PA Quadrangle 41°33'42"N, 76°39'50"W).

The project will result in 770 linear feet of temporary stream impacts, 14,042 square feet (0.32 acre) of temporary wetland impacts, and 3,202 square feet (0.07 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County. The permittee will provide 0.07 acre of compensatory mitigation for forested wetland impacts at an offsite location (Overton, PA Quadrangle 41°33'44"N 76°34'31"W) in Elkland Township, Sullivan County.

ENVIRONMENTAL ASSESSMENTS

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

EA36-032: Zimmerman Bank Stabilization, Walter Zimmerman, 245 Cabin Road, Ephrata, PA 17522, in East Earl and West Earl Townships, **Lancaster County**, ACOE Baltimore District

To re-grade and maintain 1,525.0 feet of the left bank of the Conestoga River (WWF, MF) for the purposes of reducing sediment loading to the Conestoga River and reducing the frequency of flooding on Cabin Road. The project is located approximately 0.4 mile east of the intersection of Pleasant Valley Road and Cabin Road (Ephrata, PA Quadrangle, Latitude 40°08'57.9"N, Longitude: 76°08'22.6"W) in East and West Earl Townships, Lancaster County. No wetlands will be impacted by this project.

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

EA60-001 U.S. Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, PA 16801. Miller Run Stream Restoration Project in East Buffalo Township, **Union County**, ACOE Baltimore District.

To construct and maintain 3,700 feet of stream restoration / enhancements in 4 reaches on the Bucknell University campus. The project begins at Abbey Lane. Reach 4 will enhance 350 feet of stream by creating 0.45 acre of wetland in the adjacent floodplain by constructing multiple zones of varying depths; two grade control structures and two log vanes will stabilize and add habitat. Also on Reach 4, a second wetland area of 0.25 acre will be established along 884 feet of an ephemeral tributary to capture runoff from adjacent agricultural fields; three grade control structures, 9 log vanes and several habitat rocks will guide flow and/or provide habitat. Along Reach 3a, 630 feet of stream will be day lighted into a new open

channel from an existing CMP culvert enclosure; a cattle crossing, three grade control structures and five log vanes will stabilize this section of stream. The stream along Reach 2, which runs parallel to Smoketown Road, is an entrenched and straightened system which will undergo a Priority One restoration, relocating 420 feet of stream; one grade control structure and 10 log vanes will stabilize and add habitat. Further downstream along Reach 2a, a buried coal fill deposit will be removed; braided channels

will be constructed on the flood prone area along 480 feet of existing stream. Reach 1, the most downstream reach, is also entrenched and straightened. A priority one restoration will restore this section of approximately 950 feet along with the creation of 0.25 acre flood prone area wetlands. Habitat structures will consist of 2 cross vanes and 5 log vanes. This reach also parallels Smoketown Road and extends downstream to SR 15.

	<i>Reach 1</i>	<i>Reach 2</i>	<i>Reach 2a</i>	<i>Reach 3a</i>	<i>Reach 4</i>
<i>Area of Disturbance:</i>	0.50 ac.	0.44 ac.	0.52 ac.	1.07 ac.	1.24 ac.
<i>Length of Stream Restored</i>	950 ft.	420 ft.	480 ft.	630 ft.	1,234 ft.
<i>Wetlands Created:</i>	0.25 ac.				0.70 ac.
<i>Grade Control Structures:</i>	2	1		3	5
<i>Log Vanes:</i>	5	10		5	11
<i>Cattle Crossing:</i>				1	
<i>Stream Impacts:</i>	126 ft.	360 ft.	0	560 ft.	72ft.

This project proposes to permanently impact 1,118 linear feet of Miller Run, which is classified as a Warm Water Fishery.

(Lewisburg NE, PA Quadrangle N: 40°56'51.78"; W: 76°53'24.80").

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board. Important legal rights are at stake, however, so individuals should contact a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0064122-A1 (Industrial Waste)	Calpine Bethlehem LLC 2254 Applebutter Road Bethlehem, PA 18015	Northampton County Lower Saucon Township	Lehigh River and an Unnamed Tributary to East Branch Saucon Creek (2-C)	Y
PA0036765 (Sewage)	Tyler Memorial Hospital 880 SR 6 W Tunkhannock, PA 18657	Wyoming County Tunkhannock Township	Unnamed Tributary to Tagues Creek (4-G)	Y

Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0112127 (Industrial Waste)	PA Fish and Boat Commission Tylersville State Fish Hatchery Tylersville Road SR 780 Tylersville, PA 17747	Clinton County Logan Township	Fishing Creek (9-C)	Y
PA0110272 (Sewage)	Cogan Valley MHP 480 Route 973 West Cogan Station, PA 17728	Lycoming County Hepburn Township	Lycoming Creek (10-A)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0216739 Industrial Waste	Route 356 Landfill Freeport, PA 16229-1512	Westmoreland County Allegheny Township	Unnamed Tributary to Allegheny River	Y

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

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

NPDES Permit No. PA0045021, Industrial, **Brightsmith, LLC**, 120 Enterprise Avenue, Morrisville, PA 19067.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated wastewater, non-contact from a facility known as Brightsmith IWWTP to Biles Creek in Watershed 2-E.

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

NPDES Permit No. PA0007919, Industrial Waste, SIC Code 2621, **Cascades Tissue Pennsylvania**, a Division of Cascades Tissue group, LLC, 901 Sathers Drive, Grimes Industrial Park, Pittston Township, PA 18640.

This existing facility is located in Ransom Township, **Lackawanna County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated Industrial wastewater and stormwater runoff.

NPDES Permit No. PA0062341, Sewage, SIC Code 4952, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010.

This existing facility (Woodloch Springs Wastewater Treatment Facility) is located in Lackawaxen Township, **Pike County**.

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

NPDES Permit No. PA0065463, Storm Water, SIC Code 2448, **Millwood, Inc. & Liberty Technologies**, 3708 International Boulevard, Vienna, OH 44473.

This proposed facility, CHEP-Millwood Allentown Service Center, is located in Lower Macungie Township, **Lehigh County**.

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

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

NPDES Permit No. PA0232386, SIC Code 7997, **Matchplay Management Inc.**, P. O. Box 132, State College, PA 16804-0132.

This proposed facility will be located in Huston Township, **Centre County**.

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

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

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

WQM Permit No. 4113403, SIC Code 4952, **Williamsport Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701.

The existing facilities are located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit issued authorizing the transfer of WQM permits from Loyalsock Township to the Williamsport Sanitary Authority following the sale of the sewer system.

WQM Permit No. 4113404, SIC Code 4952, **Williamsport City Sanitary Authority**, 253 West Fourth Street, Williamsport, PA 17701.

The existing facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: Permit issued authorizing the transfer of a WQM permit from Loyalsock Township to the Williamsport Sanitary Authority following the sale of the sewer system.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

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

<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>
Edgmont Township Delaware County	PAI130522	Edgmont Township Delaware County PO Box 267 1000 Gradyville Road Gradyville, PA 19039-0267	Rocky Run, Unnamed Tributary to Big Run and Unnamed Tributary to Chester Creek— 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI132215	Bath Borough Northampton County, 215 E Main Street Suite 1, Bath, PA 18014-1597	Northampton	Bath Borough	Monocacy Creek / HQ-CWF and MF
PAI132214	Bethlehem Township Northampton County, 4225 Easton Avenue, Bethlehem, PA 18020	Northampton	Bethlehem Township	Nancy Run Creek / HQ-CWF, MF and Unnamed Tributary to Lehigh River / CWF, MF and WWF
PAI132227	Lower Saucon Township Northampton County, 3700 Old Philadelphia Pike, Bethlehem, PA 18015-5426	Northampton	Lower Saucon Township	Black River, Saucon Creek, Unnamed Tributary to Black River and Unnamed Tributary to Saucon Creek / HQ-CWF, CWF and MF
PAI132210	Bethlehem City Northampton County, 10 E Church Street, Bethlehem, PA 18018-6005	Northampton	Bethlehem City	Saucon Creek / CWF, Lehigh River / WWF, Monocacy Creek / HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI134804	State College Borough, 243 S Allen Street, State College, PA 16801-4806	Centre	State College Borough	Slab Cabin Run, UNTs to Slab Cabin Run, and Big Hollow / CWF, MF, HQ-CWF and MF

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI134809	Benner Township 1224 Buffalo Run Road, Bellefonte, PA 16823	Centre	Benner Township	Spring Creek / HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI01 151131	Southdown Properties, Inc, 55 Country Club Drive, Suite 200 Downingtown, PA 19335	Chester	Caln Township	Unnamed Tributary to Valley Run CWF
PAI01 4613007	Provco Goodman Jenkintown, LP 636 Old York Road Jenkintown, PA 19046	Montgomery	Abington Township	Meadow Brook TSF

Northeast Region: Watershed Management 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>
PAI023912027R(1)	Jaindl Land Company 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Lower Macungie Township, Alburtis Borough	Swabia Creek (HQ-CWF, MF)
PAI023908021R	North Star Real Estate Investment, L.P. 7562 Penn Drive, Suite 100 Allentown, PA 18106	Lehigh	Upper Macungie Township	Iron Run (HQ-CWF, MF)
PAI024513004	Robert and Christina McFadden 443 Belle Lane Harleysville, PA 19438	Monroe	Pocono & Stroud Townships	UNT to Brodhead Creek (HQ-CWF, MF)
PAI025413001	Ultimate Energy Source, Inc. Ryan Solar 1 LLC 200 Prosperity Drive, Suite 207 Knoxville, TN 37923	Schuylkill	Ryan Township	Hosensack Creek (CWF, MF), EV Wetlands

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI030608012 (Denied)	Gary McEwen Oak Grove Partners, LLC 380 South Twin Valley Road Elverson, PA 19520	Berks	Robeson Township	Hay Creek (EV)

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 Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
East Bradford Township Chester County	PAG0200 1513035	Peter Latta 855 Conner Road West Chester, PA 19380	Unnamed Tributary to East Branch Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Garden Township Chester County	PAG0200 1508006-R	PR New Garden/Chesco, L.P. 200 South Broad Street Philadelphia, PA 19102	Broad Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Fallowfield Township	PAG0200 1513028	Stacey L. and Shawn Ware 332 Ross Fording Road Cochranville, PA 19330	Knight Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511320	Cosan, LLC 4455 Castor Avenue Philadelphia, PA 19124	Frankford Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Dickson City Borough Lackawanna County	PAG02003513005(1)	Millett Real Estate 100 Old Lackawanna Trail Clarks Summit, PA 18411	Unnamed Tributary to the Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Northampton Borough Allen Township Northampton County	PAG02004813004	Edward J. Deichmeister 700 Sipos Dr. Northampton, PA 18067	Dry Run (CWF, MF)	Northampton County Conservation District 610-746-1971

*Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Jackson Township
Luzerne County

PAG02004008019R

Presidential Land Company,
LTD
c/o Frank Pedriani
435 W. Centre Street
Mahanoy City, PA 17948Huntsville Creek
(CWF, MF)Luzerne County
Conservation
District
570-674-7991Hazle Township
Sugarloaf Township
West Hazleton
Borough
Luzerne County

PAG02004011008

PA Department of
Transportation
c/o Debbie Noone
55 Keystone Industrial Drive
Dunmore, PA 18512Unnamed Tributary
to Black Creek
(CWF, MF)Luzerne County
Conservation
District
570-674-7991Washington
Township
Schuylkill County

PAG02005413009

Mr. Lamar Sensenig
439 Birds Hill Road
Pine Grove, PA 17963Unnamed Tributary
to Upper Swatara
Creek
(CWF, MF)Schuylkill County
Conservation
District
570-622-3742*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief,
717.705.4802**Facility Location:
Municipality &
County**Permit No.**Applicant Name &
Address**Receiving
Water/Use**Contact Office &
Phone No.*Reading Township,
Adams CountyPAG02000113018
(Issued)Ira Reed III
Hillandale Gettysburg, LP
370 Spicer Rd
Gettysburg, PA 17325Markel Run
(WWF)Adams Co.
Conservation District
670 Old Harrisburg
Rd,
Suite 201
Gettysburg, PA 17325
717.334.0636Littlestown Borough,
Adams CountyPAG02000113020
(Issued)Harry P. McKean
Heritage Hills II, LP
126 Onyx Road
New Oxford, PA 17350UNT to Alloway
Creek
(WWF)Adams Co.
Conservation District
670 Old Harrisburg
Rd,
Suite 201
Gettysburg, PA 17325
717.334.0636Tyrone Borough,
Blair CountyPAG02000713015
(Issued)Albemarle Corporation
PO Box 216
Tyrone, PA 16686UNT to Bald Eagle
Creek
(TSF)Blair Co
Conservation District
1407 Blair St
Hollidaysburg, PA
16648
814.696.0877Springfield Township
Loganville Borough
York CountyPAG02006711023R
(Issued)Logan's Reserve Development
8601 Robert Fulton Drive
Suite 200
Columbia MD 21046UNT East Branch
Codorus Creek
(CWF)York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430Fairview Township
York CountyPAG02006712048
(Issued)Fairview Oakhill Partners LLC
700 Ayers Ave
Lemoyne PA 17043Yellow Breeches
(CWF)York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430York Township
York CountyPAG02006713037
(Issued)Wyndridge Farms LTD
885 South Pleasant Ave
Dallastown PA 17313UNT to Inners Creek
(CWF)York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

NOTICES

6571

Facility Location: Municipality & County

Permit No.

Applicant Name & Address

Receiving Water / Use

Contact Office & Phone No.

Franklin Township
York County

PAG02006713003
(Issued)

Remcon Inc.
475 Capitol Hill Road
Dillsburg PA 17019

NB Bermudian
Creek
(WWF-MF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Conewago Township
York County

PAG02006712016
(Issued)

Vasillios Kostarelos
2212 Bernays Drive
York PA 17404

Poplar Run
(TSF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Shrewsbury Township
York County

PAG02006713025
(Issued)

Phil Robinson
18147 Amanda Lane
New Freedom PA 17349

UNT Deer Creek
(CWF)

York County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701

Facility Location & Municipality

Permit No.

Applicant Name & Address

Receiving Water / Use

Contact Office & Phone No.

Athens Township
Bradford County

PAG02000811011R

Tim Higley
Five Star Equipment Inc
PO Box 250
Athens PA 18810

Chemung River
WWF

Bradford County
Conservation
District
Stoll Natural
Resource Center
RR 5, Box 5030C
Towanda, PA 18848
(570) 265-5539, X 6

Standing Stone
Township
Bradford County

PAG02000813014

Neal E Snyder
Claverack Rural Electric
Cooperative Inc
32750 Route 6
Wysox PA 18854

Vought Creek
WWF

Bradford County
Conservation
District
Stoll Natural
Resource Center
RR 5, Box 5030C
Towanda, PA 18848
(570) 265-5539, X 6

Athens Township
Bradford County

PAG02000813018

Richard Bean
Athens Township Parks &
Recreation Commission
45 Herrick Ave
Sayre PA 18840

Murray Creek
WWF

Bradford County
Conservation
District
Stoll Natural
Resource Center
RR 5, Box 5030C
Towanda, PA 18848
(570) 265-5539, X 6

Snow Shoe Township
Centre County

PAG02001403004

Beech Creek Watershed
Association
PO Box 286
Mill Hall PA 17751

Contrary Run
CWF
UNT to Contrary
Run
MF

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

Worth Township
Port Matilda
Borough
Centre County

PAG02001403035R

The Drucker Company
168 Bradford Dr
Port Matilda PA 16870

Bald Eagle Creek
TSF

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

<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>
Mifflin Township South Centre Township Columbia County	PAG02001909010R	PA Dept of Transportation District 3-0 PO Box 218 Montoursville PA 17754	Susquehanna River WWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Danville Borough Montour County	PAG02004711004R	Jacob's Landing LLC 519 N Derr Dr Lewisburg PA 17837	Susquehanna River WWF, MF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 Phone: (570) 271-1140
Ralpho Township Northumberland County	PAG02004910018(1)	SCTJSA WWTP 114 Bridge St Shamokin PA 17872	Shamokin Creek WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Shamokin Township Northumberland County	PAG02004913006(1)	Verizon Wireless/Stonington Cell Tower 987 Hollow Rd Sunbury PA 17801	UNT Shamokin Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
Jefferson Hills Borough Allegheny County	PAG2005000203021R	Maronda Homes, Inc. 1383 State Route 30 Clinton, PA 15026	Lick Run (TSF) and UNT to Peters Creek (TSF)	
Kennedy Township Allegheny County	PAG2000203057R-1R	Maronda Homes, Inc. 11 Timberglen Drive Imperial, PA 15126	Chartiers Creek (WWF)	
Plum Borough Allegheny County	PAG2000205130R	Plum Property, Inc. 375 Golfside Drive Wexford, PA 15090	Blacks Run (WWF) and UNT to Plum Creek (WWF)	
Jefferson Hills Borough Allegheny County	PAG02000206057R	Columbus Family Partners, LLP 3525 Lebanon Church Rd West Mifflin, PA 15132	Peters Creek (TSF)	
Pine Township Allegheny County	PAG02000208048R	Shipley Brothers Development, Inc. 12300 Perry Highway Suite 211 Wexford, PA 15090	Breakneck Creek (WWF)	
West Deer Township Allegheny County	PAG02000211050R	Tim Phelps PO Box 12 Curtisville, PA 15032	Little Deer Creek (TSF)	
South Fayette Township Allegheny County	PAG02000211057R	Deerfield Ridge, LP 5949 Steubenville Pike Pittsburgh, PA 15136	Dolphin Run (WWF)	

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
West Mifflin Borough Allegheny County	PAG02000211070R	The Baker Group 305 Camp Hollow Road West Mifflin, PA 15122	Monongahela River (WWF-N)	
Upper St. Clair Township Allegheny County	PAG02000213053	William & Jefferson, Inc. 212 Sussex Way McMurray, PA 15317	Brush Run (WWF)	
Aspinwall Borough Allegheny County	PAG0200213061	Aspinwall Riverfront Park, Inc. 285 River Avenue Pittsburgh, PA 15215	Allegheny River (WWF-N)	
Tarentum Borough Allegheny County	PAG02000213080	Peoples TWP, LLC. 205 North Main St. Butler, PA 16001	UNT to Bull Creek (TSF)	
McDonald Borough and North Fayette Township Allegheny County	PAG02000213081	Pennsylvania American Water Company 300 Galley Road McMurray, PA 15317	Robins Run (WWF)	
City of Pittsburgh Allegheny County	PAG02000213082	Urban Redevelopment Authority of Pittsburgh 200 Ross Street Pittsburgh, PA 15219	Monongahela River (WWF-N)	
Harmar Township Allegheny County	PAG02000213084	Peoples Natural Gas Company 1201 Pitt Street Pittsburgh, PA 15221	Deer Creek (WWF)	
Findlay Township Allegheny County	PAG02000213085	ProMinent Fluid Controls, Inc. 136 Industry Drive Pittsburgh, PA 15275	McClarens Run (TSF)	
Sewickley Borough Allegheny County	PAG02000213092	Presbyterian Church 414 Grant Street Sewickley, PA 15143	UNT to Ohio River (WWF)	
McCandless Township Allegheny County	PAG02000213095	Cozza Enterprises, LLC. PO Box 453 Carnegie, PA 15106	Pine Creek (CWF)	
White Township Indiana County	PAG02003213008	Presbyterian Senior Living One Trinity Drive E Suite 201 Dillsburg, PA 17019	McCarthy Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Green Township Indiana County	PAG02003213012	Greene Township Community Association PO Box 124 Commodore, PA 15729	Pompey Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751
Somerset Township Somerset County	PAG02005610008R	Pennsylvania Turnpike Commission 700 South Eisenhower Blvd Middletown, PA 17057	Kimberly Run (CWF) and Coxes Creek (CWF)	Somerset County CD 6024 Glades Pike Rd Suite 103 Somerset, PA 15601 (814) 445-4652
Stonycreek Township Somerset County	PAG02005613004	Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106	UNT to Stonycreek River (CWF)	Somerset County CD 6024 Glades Pike Rd Suite 103 Somerset, PA 15601 (814) 445-4652
Cecil Township Washington County	PAG02006311024R	Cecil Township 3599 Millers Run Road Cecil, PA 15317	McPherson/Chartiers Creek (WWF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Adams Township and Cranberry Township Butler County	PAG02001011021R Laura Viola 8001 Rowan Road Cranberry Township PA 16066	Unt Kaufman Run WWF and Unt Breakneck Creek WWF	Butler County Conservation District 724-284-5270
City of Corry Erie County	PAG02002513010(1) Corry DG, LLC 361 Summit Blvd Suite 110 Birmingham AL 36243	Unt Bear Creek CWF	Erie County Conservation District 814-825-6403
Mahoning Township Lawrence County	PAG02003713005 NiSource Midstream Services Attn: Mr. Joseph Giachino, Project Mgr 5151 San Felipe, Suite 3500 Houston TX 77056	Unt Mahoning River WWF	Lawrence County Conservation District 724-652-4512
City of Hermitage Mercer County	PAG02004313012 CCL Container Corporation 1 Llodio Drive Hermitage PA 16148	Shenengo River WWF	Mercer County Conservation District 724-662-2242
Sugar Grove Township Warren County	PAG02006213006 Sugar Grove DPP VIII LLC 9010 Overlook Blvd Brentwood TN 37027	Unt Stillwater Creek CWF	Warren County Conservation District 81-726-1441
Porter Township Clarion County	PAG2091613006 Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Licking Creek (CWF), Unnamed Tributary to Licking Creek (CWF)	Attention: Patrick M. Webb PA DEP Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-03

*Facility Location:
Municipality &
County*

<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Fell Township Lackawanna County	PAR112212 Gentex Corp PO Box 315 Carbondale, PA 18407-0315	Indirect discharge to Lackawanna River through Fell Twp. & Carbondale City Municipal Separate Storm Sewer System (MS4) and Lackawanna River Basin Sewer Authority Combined Sewer System 5-A	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
York County Spring Garden Township	PAR213532 York Building Products Co., Inc. 950 Smile Way York, PA 17404 York Building Products Loucks Mill Road Block Plant 915 Loucks Mill Road York, PA 17402	Mill Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Sing Spring Borough Spring Township	PAR213524 Milroy Enterprises Inc Graffius Burial Vault 100 Park Avenue PO Box 2040 Sinking Spring, PA 19608	Cacoosing Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Lancaster County
Quarryville Borough

PAR603511

James Groff & Son Inc.
17 North Hess Street
Quarryville, PA 17566-1221

UNT to Southfork /
TSF

DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Juniata County
Susquehanna
Township

PAR223531

Excel Homes Group LLC
10642 S Susquehanna Trail
Liverpool, PA 17045-9518

Susquehanna River /
WWF

DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

Berks County
Muhlenberg
Township

PAR123558

Readikat Realty LLP
c/o Rubenstein Properties
101 E Main Street
Little Falls, NJ 07424

Crossroads Beverage Group
LLC
1055 Cross Roads Boulevard
Reading, PA 19605

Schuylkill River /
WWF

DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

General Permit Type—PAG-7

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

York County /
Springettsbury
Township

PAG073503

Springettsbury Township
Wastewater Treatment Facility
3501 North Sherman Street
York, PA 17406

Springettsbury
Township
Wastewater
Treatment Facility
3501 North Sherman
Street
York, PA 17406

DEP-SCRO-Clean
Water Program
909 Elmerton Ave.
Harrisburg, PA
17110-8200
717-705-4707

General Permit Type—PAG-8

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Site Name &
Location*

*Contact Office &
Phone No.*

York County / East
Manchester Township

PAG083529

Northeastern York County
Sewer Authority
200 North Main Street
Mt. Wolf, PA 17347

Mt. Wolf Wastewater
Treatment Plant
175 Chestnut Street
Mt. Wolf, PA 17347

DEP-SCRO-Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA
17110-8200
717-705-4707

General Permit Type—PAG-10

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

West Finley Township
Washington County

PAG106169

Williams Ohio Valley
Midstream, LLC
Park Place 2
2000 Commerce Drive
Pittsburgh, PA 15275

Robinson Fork

Southwest Regional
Office:
Water Management
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000

General Permit Type—PAG-12

*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water / Use*

*Contact Office &
Phone No.*

Adams County
Reading Township

PAG123731
Transfer No. 1

Travis Miller
Mitchel Miller
Round Hill Poultry Farm
255 Lake Meade Road
York Springs, PA 17372

South Branch of
Mud Run / WWF

DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707

*Facility Location:
Municipality &
County*Berks County
Robeson Township*Permit No.*

PAG123751

*Applicant Name &
Address*Skyline Acres, Inc.
Skyline Acres Dairy Farm
477 Skyline Drive
Bernville, PA 19506*Receiving
Water/Use*UNT Irish Creek /
WWF*Contact Office &
Phone No.*DEP—SCRO—Clean
Water Program
909 Elmerton Avenue
Harrisburg, PA 17110
717-705-4707*General Permit Type—PAG-13**Facility Location:
Municipality &
County*Connellsville
Township
Fayette County*Permit No.*

PAG136300

*Applicant Name &
Address*Connellsville Township
166 McCoy Hollow Road
Connellsville, PA 15425*Receiving
Water/Use*

Connell Run

*Contact Office &
Phone No.*Southwest Regional
Office:
Clean Water
Program Manager
400 Waterfront Drive
Pittsburgh PA
15222-4745
(412) 442-4000*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745**NPDES
Permit No.*PAG136254
Waiver*Applicant Name &
Address*Upper Tyrone Township
170 Municipal Drive
Connellsville, PA 15425*County*

Fayette

*Municipality*Upper Tyrone
Township*Receiving
Water/Use*Jacobsw Creek,
Galley Run*DEP
Protocol
(Y/N)*

N

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>
Michael Hege 11437 Gehr Road Waynesboro, PA 17268	Franklin	14.4	309.15	Poultry	NA	Approved
Hillside Poultry Farms, Inc. 1849 Letterkenny Road Chambersburg, PA 17202	Franklin	535.5	1,210.96	Poultry	NA	Approved

<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>
Leshner's Poultry Farm, Inc. 1153 Swamp Fox Road Chambersburg, PA 17202	Franklin	2,309.9	1,288.17	Poultry	HQ	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit # 0912520 issued to: **Dublin Acres Homeowner Association**, 762 East Main Street, Second Floor, Lansdale, PA 19446 [(PWSID)] Bedminster Township, **Bucks County** on October 16, 2013 for Operation of Chlorine Contact Facilities and Certification of 4-log Treatment of Viruses approved under Construction Permit # 0911550

Operations Permit # 1513525 issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033 [(PWSID)] City of Coatesville, **Chester County** on October 16, 2013 for Chloramination, Mixing, Building Structure, and Piping approved under Construction Permit # 1513508.

Operations Permit # 1513526 issued to: **Pennsylvania American Water Company**, 800 West Hershey Park Drive, [(PWSID)] Hershey, PA 17033, City of Coatesville, **Chester County** on October 16, 2013 for Prefabricated

Building, Tank Mixing System, and Relocation of Chlorine and Ammonia Feeds approved under Construction Permit # 1513509.

Permit No. 2313505, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Middletown
County	Delaware
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Permit to Construct Issued	October 16, 2013

Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110

Operations Permit issued to: **Guilford Water Authority**, 7280038, Guilford Township, **Franklin County** on 10/15/2013 for the operation of facilities approved under Construction Permit No. 2808508.

Operations Permit issued to: **Hobo Hollow Campground LLC**, 7360593, Martic Township, **Lancaster County** on 10/15/2013 for the operation of facilities approved under Construction Permit No. 3613506.

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

Permit No. 5912502—Operation Public Water Supply.

Applicant	Wellsboro Municipal Authority
Township/Borough	Wellsboro Borough
County	Tioga
Responsible Official	Mr. Daniel K. Strausser Wellsboro Municipal Authority 28 Crafton Street Wellsboro, PA 16901
Type of Facility	Public Water Supply
Consulting Engineer	William S. Bray, P.E. P. O. Box 535 Wellsboro, PA 16901
Permit Issued	October 21, 2013
Description of Action	Operation of the recently constructed Pall Aria Mobile Membrane Filtration System.

Permit No. 1713503MA—Construction Public Water Supply.

Applicant	Treasure Lake Water System
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Township/Borough	Sandy Township
County	Clearfield
Responsible Official	Mr. Jack Walter Aqua Pennsylvania, Inc. 665 South Dock Street Sharon, PA 16146
Type of Facility	Public Water Supply
Consulting Engineer	William Ladieu, P.E. GHD, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit Issued	October 22, 2013
Description of Action	Authorizes construction and operation of 91 ft. of 36-inch diameter detention piping at Treasure Lake Well N-23, Entry Point 105.

Permit No. 4113505-MA—Construction and Operation Public Water Supply.

Applicant	SCI Muncy
Township/Borough	Clinton Township
County	Lycoming
Responsible Official	Robert Smith, Superintendent SCI Muncy 6454 Route Highway P. O. Box 108 Muncy, PA 17756
Type of Facility	Public Water Supply
Consulting Engineer	Carol A. Piontkowski, P.E. Environmental Engineer Consultant Bureau of Operations P. O. Box 598 Camp Hill, PA 17001
Permit Issued	October 22, 2013
Description of Action	Construction and Operation of use of the following in the treatment and filtration plant: DelPAC 2020 in pre-filtration water as a chemical coagulant and 25% caustic soda solution in both pre-filtration and post-filtration waters to raise pH.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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>
Curwensville Borough	c/o Autumn Norris, Secretary 900 Susquehanna Ave. Curwensville, PA 16833	Clearfield

Plan Description: The approved plan provides for construction of a gravity sewage collection system serving 5 homes, 3 of which are known to have malfunctioning

on-lot disposal systems, along Arnoldtown Road. The sewage will flow by gravity to a proposed pump station to be located along the northern shore of the West Branch Susquehanna River, which will pump the sewage through a proposed forcemain, under the river to the existing Curwensville Municipal Authority collection system. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Brady Township	3906 Shamokin Trail PO Box 125 Luthersburg, PA 15848-0125	Clearfield

Plan Description: The approved plan provides for construction of a low pressure sewage collection system serving the Villages of Salem and Luthersburg, and the Route 322/219 corridor between Luthersburg and Salem. Three pump stations are also proposed to convey the sewage. A 0.1 MGD sewage treatment plant will be constructed for treatment, with discharge of treated effluent to an unnamed tributary of the Luthersburg Branch of Sandy Lick Creek. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 2**

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects

caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Harry Corvi Property, 1343 Neola Road, Jackson Township, **Monroe County**, Richard Trimpi, Trimpi Associates, have submitted a Final Report on behalf of his client, Harry Corvi, 1343 Neola Road, Stroudsburg, PA 18360, concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result from an open bleed valve on an aboveground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soil and groundwater. A public notice regarding the submission of the Final Report was published in the *Pocono Record* on September 24, 2013.

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

Mount Penn CVS Store # 10045, Route 422, Howard Boulevard and Fern Street NWC, Reading, PA, Mount Penn Borough, **Berks County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Final Report concerning remediation of site soils contaminated with VOCs and PAHs. The report is intended to document remediation of the site to meet a combination of Residential and Nonresidential Statewide Health Standards.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Arc Tech, Inc., 2600 Reach Road, City of Williamsport, **Lycoming County**. Enviro Sure, Inc., 103 S. High Street, Suite 1, West Chester, Pa 19382, on behalf of Mr. Scott Smith, submitted a Final Report concerning remediation of site soil and groundwater contaminated with various metals, groundwater—VOCs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Terry D. Litzeman Pad A, 938 Acorn Drive, Cogan House Township, **Lycoming County**. GES, 6 Sheraton Drive, Suite #2, Altoona, Pa 16601, on behalf of Rick Hall, Anadarko E & P Onshore LLC, 1201 Lake Robbins Drive, The Woodlands, TX 77380, submitted a Final Report concerning remediation of site soils contaminated with Barium, Iron, Manganese. The report is intended to document remediation of the site to meet the Statewide Health Standard.

E. M. Kutz, Inc., Hydraulic Oil Release Rt. 11/15 Cleanup, Shamokin, Dam, PA 17876, Shamokin Dam Borough, **Snyder County**. Northridge Group, Inc., 1172

Ridge Road, Northumberland, Pa 17857, on behalf of E.M. Kutz Inc., 2456 Morgantown Road, Reading, PA 19607, has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Anthracene, Benzo(a) Anthracene, Benzo(a) Pyrene, Benzo(b) Fluoranthene, Benzo (g,h,i) Perylene, Chrysene, Fluorene, Phenanthrene & Pyrene, Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

The Meadows at Watsonstown, LLC, 47 Albatross Drive Site, Delaware Township, **Northumberland County**. RT Environmental Services, 215 W. Church Road, King of Prussia, Pa 19406, on behalf of Jason Dempsey, 967 E. Swedesford Road, Exton, PA 19341, has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Naphthalene, MTBE, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Cumene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Leighow Oil Company, 118 Eyer Road, Mahoning Township, **Montour County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, Pa 18222, on behalf of Glen Leighow has submitted a Final Report concerning remediation of site soils contaminated with MTBE, Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

UPS Freight, State Route 147, near 14th Street, Point Township, **Northumberland County**. Mr. David Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857, on behalf of UPS Freight, submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

JA Trucking Accident, Interstate 80 @ MM224E, Valley Township, **Montour County**. Northridge Group, Inc., on behalf of JA Trucking has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

C. H. Hamilton, US Route 15N, Jackson Township, **Lycoming County**. Northridge Group, Inc., on behalf of C. H. Hamilton has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Williams Oil Company, Inc. Release Site, Route 15 Southbound Between Blossburg and Sebring Exits, Liberty Township, **Tioga County**. Mr. Martin Gilgallon, P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, PA 18403, on behalf of Mr. Gary Wilcox, Safety Director, Williams Oil Company, Inc., 44 Reuter Blvd., Towanda, Pa 18847, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

US Bronze Foundry & Machine (Metals Impacted Soils & Sediments), 18469 Brake Shoe Road, Woodcock Township, **Crawford County**. Geosyntec Consultants, 10220 Old Columbia Road, Suite A, Columbia, MD 21046, on behalf of Pneumo Abex, LLC., c/o Integra Management Company, LLC., 604 Spring Hill Drive, Suite 110, Spring, TX 77386, submitted a Final Report concerning the remediation of site soils contaminated with Antimony, Arsenic, Copper, Lead, and Zinc. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Former Heppenstall Site, 4700 Hatfield Street in the City of Pittsburgh (9th Ward), **Allegheny County**, Pennsylvania. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of The Regional Industrial Development Corporation of Southwestern PA (RIDC) has submitted a Remedial Investigation Report: The report is intended to document remediation of the site soils and groundwater to both Statewide Health and Site Specific Standard which have been found to contain elevated levels of semi-volatile organic compounds, volatile organic compounds, and metals as a result of the site's historical use. Notice of the submittal was published in the *Tribune Review* on 9/28/13.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Former Robert Shaw Controls Property-Phase 3 Development Parcel, Parcel C Millstein Industries Subdivision, Locust Street, Youngwood Borough, **Westmoreland County**. American Geosciences, Inc. 3925 Reed Boulevard, Suite 400, Murrysburg, Pennsylvania 15668, on behalf of Millstein Industries, LLC. 2nd Floor 322 Armbrust Road, Youngwood, Pennsylvania 15697 seeking liability, submitted a Final Report concerning remediation of site soil and groundwater contaminated with TCE, cDCE, Vinyl Chloride and VOC's. The report is intended to document the 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 de-

scription of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

Zibura Residence, 726 6th Street, Whitehall Township, **Lehigh County**, Richard Trimpi, Trimpi Associates, Inc., has submitted a Final Report to Remediate on behalf of his client, Ms. Carol Hefale, (daughter of Joseph Zibura) 3081 Meadowbrook Circle N, Allentown, PA 18103, concerning the remediation of soil found to have been impacted by #2 fuel oil as a result from a corrosion hole that opened up during a fuel delivery to a 275 gallon aboveground storage tank in the residence basement. The report documented attainment of the Residential Statewide Health Standards for soil and was approved on October 9, 2013.

Okula Property, 2 Deibert Drive, Jackson Township, **Monroe County**. Jim Gibson, Brinkerhoff Environmental Services, Inc., 133 Jackson Road, Suite D, Medford, NJ 08055 has submitted a Final Report (on behalf of his client, Anna Okula, 2 Deibert Drive, Stroudsburg, PA 18360), concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result of a release from a kerosene aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 9, 2013. Groundwater is not eligible for a relief of liability since the report demonstrated that there were no impacts from the release.

Marston Property, 104 Bone Ridge Road, Paupack Township, **Wayne County**, Thomas Hippensteal, Enviro-

search Consultants, Inc., has submitted a Final Report on behalf of his client, Mr. Charles Marston, 301 Green Road, Berwyn, PA 19312, concerning the remediation of soil found to have been impacted by #2 fuel oil, released from an aboveground storage tank due to vandalism. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on October 3, 2013.

A&M Hibbard 2H/4H State Route 29, Dimock Township, **Susquehanna County**, Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801 has submitted a Final Report, (on behalf of her client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276), concerning the remediation of soil found to have been impacted by approximately 1,575 gallons of drilling mud fluid released to the surface. The report documented attainment of the Residential Statewide Health Standards for soil and Background Standard for soil and was approved on October 10, 2013. The report was originally submitted within 90 days of the release.

Gulf Oil Fullerton Terminal, 2451 Main Street, Whitehall Township, **Lehigh County**, Stephanie Grillo, Groundwater & Environmental Services, Inc., has submitted an NIR and RIR, RAR, and CP on behalf of her client, Nathan Stevens, Gulf Oil Limited Partnership, Inc., 2451 Main Street, Whitehall, PA 18052, concerning the remediation of soil and groundwater found to have been impacted by benzene, toluene, ethylbenzene, total xylenes, methyl tertiary butyl ether, naphthalene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene from several incidents which occurred between 9/23/1991 and 1/30/2012. The RIR, Cleanup Plan and RAR submitted were disapproved by the Department on October 10, 2013.

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

CNH America Former UST L31 Area, 120 Brubaker Avenue, New Holland, PA 17557, New Holland Borough, **Lancaster County**. Brown & Caldwell, 110 Commerce Drive, Allendale, NJ 07401, on behalf of CNH America LLC, 700 State Street, Racine, WI 53404, submitted a Final Report concerning remediation of soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on October 17, 2013.

Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701

Former College Gardens Nursery, 1173 Grays Woods Boulevard, Patton Township, **Centre County**.

Mr. David Swetland, P.G./Senior Geologist, 2738 West College Avenue, State College, Pa 16801, on behalf of Mr. Nick Loutsik, LG. Inc., 450 West Broad Street, Suite 313, Falls Church, VA 22406, submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 27, 2013.

Lally Transportation, US Route 14N, near Cogan House Exit, Cogan House Township, **Lycoming County**.

Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Mr. David A. Bogovich, submitted a,

Notice of Intent, Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Notice of Intent was published in *The Daily Item* on June 17, 2013. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 7, 2013.

Former Faxon Lumber Site, 1700 East Third Street, Loyalsock Township, **Lycoming County**. Mr. Edward Dzidecic, P.G., RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Mr. Richard M. Born, Liberty Hospitality Partners, LP, 1500 Sycamore Road, Montoursville, PA 17754, submitted a Final Report concerning the remediation of site soil contaminated with ash, metal and demolition debris. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on August 7, 2013.

T.C. Lee Distributors, Inc., Interstate 80 @ MM 190E, Greene Township, **Clinton County**. Mr. David A. Bogovich, President, Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Mr. David A. Bogovich, submitted a Final Report concerning the remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 27, 2013.

Williams Oil Company, Inc. Release Site, Route 15 Southbound Between Blossburg and Sebring Exits, Liberty Township, **Tioga County**. Mr. Martin Gilgallon P.G., Pennsylvania Tectonics, Inc., 723 Main Street, Archbald, Pa 18403, on behalf of Mr. Gary Wilcox, Safety Director, Williams Oil Company, Inc., 44 Reuter Blvd., Towanda, Pa 18848 submitted a Final Report concerning the remediation of site soils contaminated with fuel.

The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on June 27, 2013.

UPS Freight, State Route 147, near 14th Street, Point Township, **Northumberland County**. Mr. David A. Bogovich, President, 1172 Ridge Road, Northumberland, Pa 17857, on behalf of US Freight submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 7, 2013.

JA Trucking Accident, Interstate 80 @ MM224E, Valley Township, **Montour County**. Northridge Group, Inc., on behalf of JA Trucking has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on July 30, 2013.

C. H. Hamilton, US Route 15N, at English Center Exit, Jackson Township, **Lycoming County**. Northridge Group, Inc., on behalf of C. H. Hamilton has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Fi-

nal Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on August 7, 2013.

Arc Tech Inc., 2600 Reach Road, City of Williamsport, **Lycoming County**. Enviro Sure, Inc., 103 S. High Street, Suite 1, West Chester, Pa 19382, on behalf of Mr. Scott Smith, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with various metals, groundwater—VOCs. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 20, 2013.

Terry D. Litzeman Pad A, 938 Acorn Drive, Cogan House Township, **Lycoming County**. GES, 6 Sheraton Drive, Suite #2, Altoona, Pa 16601, on behalf of Rick Hall, Anadarko E & P Onshore LLC, 1201 Lake Robbins Drive, The Woodlands, TX 77380, submitted a Final Report concerning the remediation of site soils contaminated with Barium, Iron, Manganese. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 11, 2013.

E. M. Kutz Inc., Hydraulic Oil Release Rt. 11/15 Cleanup, Shamokin Dam Borough, **Snyder County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of E.M. Kutz Inc., 2456 Morgantown Road, Reading, PA 19607, submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Anthracene, Benzo(a) Anthracene, Benzo(a) Pyrene, Benzo (b) Fluoranthene, Benzo (g,h,i) Perylene, Chrysene, Fluorene, Phenanthrene & Pyrene, Naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 1, 2013.

The Meadows at Watsontown, LLC, 47 Albatross Drive Site, Delaware Township, **Northumberland County**. RT Environmental Services, Inc., 215 West Church Road, King of Prussia, Pa 19406, on behalf of Jason Dempsey, The Meadows at Watsontown, LLC., 967 E. Swedesford Road, Exton, Pa 19341 has submitted a Type Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Naphthalene, MTBE, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, Cumene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 30, 2013.

Leighow Oil, 118 Eyer Road, Mahoning Township, **Montour County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, Pa 18222, on behalf of Glen Leighow, submitted a Final Report concerning the remediation of site soils contaminated with MTBE, Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on October 10, 2013.

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

Quality Components—Daguschahonda Plant, 103 Bridge Street, Ridgway Township, **Elk County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murfreesville, PA 15668-1848, on behalf of CMSJLP, LLC., 5038 Bakerstown Road, Gibsonia, PA 15044, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils contaminated with

trichloroethene, 1,1,1-trichloroethane and site groundwater contaminated with cis-1,2-dichloroethene, trans-1,2-dichloroethene, trichloroethene, and vinyl chloride. The Report was disapproved by the Department on October 15, 2013.

Stoneboro Custom Cycles, 9 Branch Street, Borough of Stoneboro, **Mercer County**. URS Corporation, 12420 Milestone Center Drive, Suite 150, Germantown, MD 20876, on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002, submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with Benzene, Toluene, Ethylbenzene, Total Xylenes, Naphthalene, Isopropylbenzene, 1,2,4-Trimethylbenzene, 1,3,5-Trimethylbenzene, 1,2-Dibromoethane, Methyl tert butyl ether, and Lead. The Report was disapproved by the Department on October 17, 2013.

NLMK Pennsylvania Corporation (Fmr. Duferco Farrell Corporation Facility), 15 Roemer Boulevard, City of Farrell, **Mercer County**. Cummings/Riter Consultants, Inc., 300 Penn Center Boulevard, Suite 800, Pittsburgh, PA 15235 on behalf of NLMK Pennsylvania Corporation, 15 Roemer Boulevard, Farrell, PA 16121, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Iron, Lead, Selenium, Silver, Zinc, PCB—Aroclor 1254, PCB—Aroclor 1260, and Mercury. The Report is intended to document remediation of the site to meet the Site-Specific Standard. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 17, 2013.

Burgh Impoundment (Rex Energy), 725 Perry Highway, Lancaster Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Benzene, Toluene, Ethylbenzene, and Xylenes. The Report was disapproved by the Department on October 18, 2013.

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

Armstrong Metalizing Company, Second Avenue, Ford City, **Armstrong County**. Civil & Environmental Consultants, Inc.; 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Scott McDowell, P.O. Box 7159, New Castle, PA 16107 has submitted a Remedial Investigation/Final Report to remediate site soil for metals and groundwater for chlorinated compounds. The Final Report demonstrated attainment of the non-residential site specific standard for soils and groundwater, and was approved by the Department on October 15 2013

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Buffalo Creek Farms, 207 Iron Bridge Road, South Buffalo Township, **Armstrong County**. Harris Environmental Inc., 600 Stone House Road, Clarion PA. 16214, on behalf of Buffalo Creek Farms, submitted a final report for the remediation of contaminated site soils encountered during the removal of two unregulated underground storage tanks that contained gasoline for farm equipment use. The Final Report demonstrated attainment of the residential statewide health standard, and was approved by the Department on October 16 2013.

Southeast Regional Office: Regional Manager, Environmental Cleanup and Brownfields, 2 East Main Street, Norristown, PA 19401, Telephone 484.250.5960.

Limpkin's Furniture Stores, Inc., 139 East Chestnut Street, City of Coatesville, **Chester County**. Michael A. Christie, P.G., Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440 on behalf of Michael Bernstein, President, Limpkin's Furniture Stores, Inc., 119 East Lincoln Highway, Coatesville, PA 19320 has submitted a Remedial Investigation/Risk Assessment and Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Remedial Investigation/Risk Assessment and Final Report demonstrated attainment of the site specific standard for soil, and were approved by the Department on September 17, 2013. PF758308

Presidential City Apartments Madison Building, 3900 Presidential Boulevard, City of Philadelphia, **Philadelphia County**. Stephan Brower, Environmental Standards, Inc. 1140 Valley Forge Road, P. O. Box 810 Valley Forge, PA 19482-0810 on behalf of Post Presidential Property Owner, LLC, BLDG, Philadelphia, L.P., 417 Fifth Avenue, New York, NY 10016 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with no. 6 oil fuel. The Cleanup Plan/Remedial Investigation Report demonstrated attainment of the site specific standard for soil and groundwater, and was approved by the Department on September 16, 2013. PF755690

MGM Ridley Parking LP, South of Interest 95 between West Sellers Avenue and South Stewart Avenue, Ridley Township, **Delaware County**. Craig Herr, RT Environmental Services Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Kim Rinnier, MGM Ridley Parking, LP, 760 Parkers Run, Villanova, PA 19085 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on August 22, 2013. PF755023

Estate of Kim Greenlee, 48 Chestnut Drive, Newtown Borough, **Bucks County**. Chris A. Jacangelo, P.G., J. Rockwood and Associates, Inc., P. O. Box 1006, Easton, PA 18044, Jeanne Sninski, Esq., 48 Chestnut Drive, Newtown, PA 18940 on behalf of David Sottile, Groundwater Breaking Renovations, Inc., 48 Chestnut Drive Newton, PA 18940, submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on August 13, 2013. PF761706

CTS @ Springmill Station, 101 East Hector Street, City of Philadelphia, **Philadelphia County**. Victoria M. Ryan, VERTEXE Environmental Services, 700 Turner Way, Aston, PA 19014 on behalf of James H. Turner, Home Properties Whitmarsh, LLC, 8229 Boone Boulevard, Suite 500, Vienna, VA 22181 has submitted a Final Report concerning the remediation of site soil contaminated with no. 4-6 heating oil. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on September 30, 2013. PF762426

Madison @ French Creek, 45 North Main Street, Phoenixville Borough, **Chester County**. Stephan D. Brower, P.G., Environmental Standards, Inc., 1140 Valley

Forge road, P. O. Box 810, Valley Forge, PA 19482, John Forde, Madison at French Creek, 3815 West Chester Pike, Newtown Square, PA 19073 on behalf of John Forde, BPG Development Company, LP, 3815 West Chester Pike, Newtown Square, PA 19073 has submitted a Cleanup Plan/Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation/Cleanup Plan demonstrated attainment of the site specific standard for groundwater, and was approved by the Department on August 5, 2013. PF760601

Widdess Property, 520 Lincoln Street, Oxford Township, **Chester County**. Andrew Riggs, Brownfield Associates, Inc., 500 Coatesville Road, West Chester, PA 19390 on behalf of Mike Widdoes, BreadNButter Catering, 520 Lincoln Street, Oxford, PA 19363 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with leaded gasoline. The Remedial Investigation/final Report demonstrated attainment of the site specific standard for groundwater, and was approved by the Department on August 8, 2013. PF693414

Merton Price Property, 1201 Chester Pike, Ridley Township, **Delaware County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place Berwyn, PA 19312 has submitted a Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbons including mtbe. The Final report did not demonstrate attainment of the non-residential statewide health standard and was disapproved by the Department on October, 01, 2013. PF693698.

Sunoco Inc. Philadelphia Refinery Schuylkill River Tank Farm A01-11, 3144 Passyunk Avenue, City of Philadelphia, **Philadelphia County**. James Oppenheim, Sunoco, Inc. 3144 Passyunk Avenue, Philadelphia, PA 19061, Jason Hanna, Langan Engineering and Environmental Services, 2700 Kelly road, Warrington, PA 18976 on behalf of Charles Barksdale, PES, 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Final Report concerning the remediation of site groundwater contaminated with vocs, svocs, phas, and metals. The Final report did not demonstrate attainment of the site specific standard and was disapproved by the Department on September, 26, 2013. PF 745291

Pine Road/Red Lion Road, Red Lion/Pine Roads Lower Moreland Township, **Montgomery County**. Gary Emmanuel, O'Brien & Gere Engineers, Inc., 301 East Germantown Pike 3rd Floor, East Norriton, PA 19401 on behalf of Gregory T. Rogerson, JERC Partners, XII, LP, 171 State Route, 173 Suite 201, Asbury, NJ 08802-1365 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on September 6, 2013. PF766153.

AMRA Investment LP, 110 Summit Drive, West Whiteland Township, **Chester County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 110 Summit Drive, Exton, PA 19341 on behalf of Ann Fisher, AMRA Investments, L. P. 131 Clearview Drive, Downingtown, PA 19355 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the non-residential statewide health standard and site specific standards was approved by the Department on August 22, 2013. PF754394.

Tadlock Residence, 21 Timothy Lane, Falls Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm Insurance, P. O. Box 8061, Ballston Spa, 12020-8016 on behalf of John Tadlock, 21 Timothy Lane, Levittown, PA 19054 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with petroleum. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on August 16, 2013. PF736576.

Exelon Corporation Condense Tank KIPC, 990 South Steel Road, Falls Township, **Bucks County**. Dale Davis, Exelon Corporation 990 South, Fairless Hill, PA 19030 on behalf of Juddson W. Herr Langan Engineering and Environmental Services, Inc. 2700 Kelly Road, Suite 200, Warrington, PA 18976, Kathleen Mayher, United States Steel Corporation, 600 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on August 23, 2013. PF750863

Ciocco Residence, 509 Collins Drive, Maple Township, **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Deb Alessi, State Farm Insurance Company, PA Fir Claims, PO Box 106110, Atlanta, GA 30348-6110 on behalf of Ann Ciocco, 509 Collins Drive, Springfield, PA 19064 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the non-residential statewide health standard and was approved by the Department on September 5, 2013. PF760714

Spring Mill Corporation, 901 Washington Street, Whitmarsh Township, **Montgomery County**. Michael S. Welsh, P.E., Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Robert Haley, Spring Mill Corporation, 194 Greenfield Road, Lancaster, PA 17601 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganics and chlorinated solvents. The Final report did not demonstrate attainment of the site specific standard and was disapproved by the Department on September 5, 2013. PF758570

901 West Girard Avenue, 901 West Girard Avenue, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, Philadelphia, PA 19106 on behalf of Richard L. Soloff, 9th Street Marketplace Associates, LLC, One Presidential Boulevard, Suite 202 Bala Cynwyd, PA 19004 has submitted a Remedial Investigation Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with naphthalene, benzo and betx. The Remedial Investigation/Cleanup Plan demonstrated attainment of the site specific standard for soil and groundwater and was approved by the Department on September 11, 2013. PF7689175

Transmontaigne Site, 2751 South 58th Street, City of Philadelphia, **Philadelphia County**. Jennifer L. Gresh, P.G., Duffield Associates, Inc., 211 North 13th Street, Philadelphia, PA 19107 on behalf of Elizabeth Gabor, Philadelphia Authority for Industrial Development, 2600 Centre Square West, 1500 Market Street, Philadelphia, PA 19102 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with inorganics and unleaded gasoline. The Final Report did not demonstrate attainment of the site specific

standard for soil groundwater and was disapproved by the Department on September 11, 2013. PF738660

Pfizer Great Valley Office & Information System Technical Center, East Whiteland Township, **Chester County**. Elizabeth Bongard, Golder Associates Inc., Spring Mill Corporate Center, 55 North Lane, Suite 6057, Conshohocken, PA 19428 on behalf of Matthew Basso, Pfizer Inc., 100 Rout 206N, Peapack, NJ 07977 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with arsenic. The Remedial Investigation demonstrated attainment of the site specific standard and statewide health standard for soil and was approved by the Department on September 24, 2013. PF748303

Emico Property, 800 West Chestnut, Perkasio Borough, **Bucks County**. Andrew Fetterman, Synergy Environmental Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468 on behalf of Christopher B. French, Central Bucks Associates, L.P., P. O. Box 252, Bedminster, PA 18910 submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report demonstrated attainment of the site specific standard for soil and groundwater and was approved by the Department on September 03, 2013. PF738217

2116 Chestnut Site, 2116-2132 Chestnut, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Susan Hammersley, 2116 Chestnut Holding, LLC, One North Wacker Drive, Suite 2400, Chicago, Illinois 60606 has submitted a Remedial Investigation/Cleanup Plan concerning the remediation of site soil contaminated with no. 2 fuel oil. The Remedial Investigation/Cleanup Plan demonstrated attainment of the site specific standard for soil and was approved by the Department on June 3, 2013. PF754432

Citizens Bank, 139 South Easton Road, Cheltenham Township, **Montgomery County**. Staci Cottone, J&J Environmental, P. O. Box 370, Blue Bell, PA 19422, Ray Hutchinson, Nova Consulting Group, Inc., One Blue Hill Plaza, 10th Floor, P. O. Box 1672, Pearl River, NY 10965 on behalf of ARCLLC, 106 York Road, Jenkintown, PA 19046 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 for soil and was approved by the Department on September 13, 2013. PF766713

Archiblad Residence, 522 Rosewood Avenue, Lower Southampton Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jason Richards c/o Nautilus Insurance, Nautilus Insurance, 140 New Britain Boulevard, Chalfont, PA 18914 on behalf of David Archibald, 522 Rosewood Avenue, Trevoise, PA 19053 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 13, 2013. PF767307

Nessa Property, 66 Street Road, Upper Makefield Township, **Bucks County**. Mark Fortna, DelVal Soil Environmental Consultant Inc., Sky Run II, Suite A1, 4050 Skyron Drive, Doylestown, PA 18902 on behalf of Judy Ness, 66 Street Road, New Hope, PA 18938 has

submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final Report demonstrated attainment of the statewide health standard for soil and was approved by the Department on August 22, 2013. PF752811

Access Services, 201 Chain Street Norristown Borough **Montgomery County**. Staci Cottone, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422, Valentine Dalavai, 5 Office Center Drive, Suite 100, Fort Washington, PA 19034 on behalf of Philip Chat, 45 Creek View Drive, Perkasio, PA 18944 has submitted a Final Report concerning the remediation of site soil contaminated with heating oil. The Final report demonstrated attainment of the statewide health standard and was approved by the Department on August 30, 2013. Pf 767758

RESIDUAL WASTE GENERAL PERMITS

Permit(s) Issued Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

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

General Permit Application No. WMGR143. Kurt J. Lesker Company, 1925 Route 51, Jefferson Hills, PA 15025; Site: Kurt J. Lesker Reclaim Facility, 1515 Worthington Avenue, Clairton, PA 15025, **Allegheny County**. The facility is located in Allegheny County. This general permit authorizes the processing of used specialty oils and fluids, including silicones, polyphenyl ethers, halocarbons, perfluorinated polyethers, and organic compounds, by solvent extraction, adsorption, distillation, and filtration for reuse at the point of generation. The used oils and fluids are generated from industrial cooling and other fluid systems. The oils do not include petroleum oils. The permit was issued by Central Office on September 26, 2013.

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 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.

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

Contact: James Beach, New Source Review Chief—Telephone: 484-250-5920

GP1-09-0100: Aria Health—Bucks County Campus (380 North Oxford Valley Road, Langhorne, PA 19047) on October 11, 2013, to operate two (2) small gas & #2 oil fired combustion units in Fall Township, **Bucks County**.

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

GP9-40-005: Mericle Construction, Inc. (East Mountain Corporate Center, Wilkes-Barre, PA 18707) on October 09, 2013, to construct and operate a portable stone crushing plant at their facility in Pittston Township, **Luzerne County**.

GP5-58-010: Appalachia Midstream Services, LLC (P.O. Box 54382, Oklahoma City, OK 73154) on September 17, 2013, to renew the general operating permit GP5 for the operation of a natural gas compressor station at the facility in Rush Township, **Susquehanna County**.

GP9-40-005: Mericle Construction, Inc. (East Mountain Corporate Center, Wilkes-Barre, PA 18707) on October 08, 2013, to construct and operate diesel fired internal combustion engines at their facility in Pittston Township, **Luzerne County**.

GP19-39-001: Victaulic Co. (PO Box 31, Easton, PA 18044-0031) on October 18, 2013, for the renewal of their permit for two shot blast machines at the site located in Alburtis Borough, **Lehigh County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

GP6-07-03056A: Stevenson's, Inc. (2501 18th Street, Altoona, PA 16601) on October 9, 2013, for the existing petroleum dry cleaning operation, under GP6, at their Altoona City, **Blair County** location.

GP13-21-05042A: Pennsy Supply, Inc. (PO Box 3331, Harrisburg, PA 17105-3331) on October 18, 2013, to install and operate a counter flow drum mix asphalt plant, under GP13, at their Silver Spring Quarry in Silver Spring Township, **Cumberland County**.

GP6-28-03015: Tip Top Cleaners (337 Wayne Avenue, Chambersburg, PA 17201) on October 16, 2013, for the petroleum dry cleaning unit, under GP6, at their dry cleaning facility in the Borough of Chambersburg, **Franklin County**. The general permit authorization 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

GP5-41-717: NFG Midstream Trout Run, LLC (6363 Main Street, Williamsville, NY 14221) on October 10, 2013, to construct and operate five (5) 1,380 bhp Waukesha #L5794GSI, natural gas-fired compressor engines, each equipped with a Maxim Silencers #QAC4-67-14 catalytic oxidizer, three (3) 200 kW Capstone #C200 NG, natural gas-fired MicroTurbines, one (1) 100 MMscfd FLOCO #500MD30F12N3PYS TEG dehydration unit equipped with a 0.77 MMBtu/hr natural gas-fired reboiler, one (1) 150 MMscfd FLOCO (or equivalent) TEG dehydration unit equipped with a 3.08 MMBtu/hr natural gas-fired reboiler, one (1) 16,800 gallon production water

storage tank, one (1) 3,000 gallon TEG tank and one (1) 3,000 gallon lube oil tank pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at their Bodine Compressor Station in McIntyre Township, **Lycoming County**.

GP1-49-00004: Resilite Sports Products, Inc. (P. O. Box 764, Sunbury, PA 17801) on October 9, 2013, for the operation of a 13.39 million Btu per hour, natural gas-fired boiler pursuant to the General Plan Approval and/or General Operating Permit BAQ-GPA/GP-1 (GP-1), Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) at their facility located in Northumberland Borough, **Northumberland County**.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP3-43-368A: Osborn Materials @ Trinity Industries Site (60 Union Street, Greenville, PA 16125) on October 11, 2013, to construct a portable nonmetallic mineral processing plant consisting of a crusher (Pioneer model CS 3042 Portable Jaw Plant, manufactured in 1998 with a rating of 357 tph), a vibratory screen (Sandvik Model QA 340 manufactured in 2012 with a rating of 357 tph), and a conveyor (Edge Model MS65 manufactured in 2013 with a rating of 357 tph) (BAQ/GPA-GP-3) in Greenville Borough, **Mercer County**.

GP11-43-368B: Osborn Materials @ Trinity Industries Site (60 Union Street, Greenville, PA 16125) on October 11, 2013, for the operation of a Cummins diesel engine Model N14-P (engine I.D. 11867507) (EPA engine family name VCE855RGDTRA) 305 bhp diesel engine (date of manufacture of October 1997), this authorization cannot be used with portable nonmetallic mineral processing plants at a location for more than twelve (12) consecutive months (BAQ/GPA-GP-11) at Greenville Borough, **Mercer 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.

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

Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

48-00031A: Dixie Consumer Products LLC (605 Kuebler Road, Easton, PA 18040-9281) on October 08, 2013, to install new cup forming machines at the facility in Forks Borough, **Northampton County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

38-03057A: Porterfield-Scheid Funeral Directors & Cremation Services, Ltd. (980 Isabel Drive, Lebanon, PA 17042-7482) on October 15, 2013, for their existing human crematory at their facility in North Cornwall Township, **Lebanon County**.

22-05050B: Dauphin Meadows Inc.—Waste Management (425 Perinton Parkway, Fairport, NY 14450) on October 17, 2013, for installation of an open/candlestick (i.e., utility) flare (DEP ID No. C002) to handle reduced landfill gas (LFG) flows at their closed landfill in Washington Township, **Dauphin County**.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-03166A: C & S Wholesale Grocers, Inc. (4875 North Susquehanna Trail, York, PA 17406) on October 9, 2013, for ten existing and/or new backup generators to be used for emergencies, testing/maintenance, and demand response at the distribution/shipping/warehouse facility in York City, **York County**. The plan approval was extended.

28-05045A: PPL Renewable Energy, LLC (Two North Ninth Street (GEN PL2), Allentown, PA 18101) on October 16, 2013, for construction and temporary operation of a landfill gas electric generation facility, to be known as the Blue Ridge Renewable Energy Plant, at the Blue Ridge Landfill, in in Greene Township, **Franklin County**. The Blue Ridge Renewable Energy Plant will consist of a landfill gas treatment system, four (4) landfill gas-fired reciprocating internal combustion engines (RICES), four (4) associated electric generators, and an enclosed ground flare. The plan approval was extended.

06-03117G: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 17606-3266) on October 11, 2013, for construction and temporary operation of a micronizing mill controlled by a fabric collector and final filter, at their custom milling facility in Exeter 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

59-00025A: EQT Gathering, LLC (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) on October 4, 2013, construction and operation of the Tioga natural gas compressor station in Duncan Township, **Tioga County**. The plan approval has been extended to April 1, 2014.

18-00005D: Dominion Transmission, Inc. (PO Box 2450, Clarksburg, WV 26302-2450), on October 15, 2013, to authorize the construction and operation for the construction and operation of a 16,000 brake-horsepower (bhp) natural gas-fired turbine/compressor engine (Source ID P110), a 690 bhp natural gas-fired emergency generator (Source ID P202), a 4.2 million Btu per hour boiler and a 2.5 million Btu per hour boiler (Source ID 042) at their Finnefrock Compressor Station in Leidy Township, **Clinton County**. The plan approval has been extended to April 19, 2014.

08-00010C: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 16, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from

October 30, 2013 to April 28, 2014, at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-00010D: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 16, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from October 31, 2013 to April 29, 2014, at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-313-004K: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 16, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from October 30, 2013 to April 28, 2014, at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-313-004L: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 16, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 20, 2013 to May 19, 2014, at their facility in Towanda Borough, **Bradford County**. The plan approval has been extended.

08-313-042D: Global Tungsten & Powders Corp. (1 Hawes Street, Towanda, PA 18848) on October 16, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from November 3, 2013 to May 2, 2014, at their facility located in Towanda Borough, **Bradford County**. The plan approval has been extended.

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

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

03-00229E: Rosebud Mining Co. (301 Market Street, Kittanning PA 16201) on October 18, 2013, to grant a 180 day Plan Approval extension for their Coal Screening Plant at Logansport Mine facility in Bethel Township, **Armstrong County**.

65-00642A: Equitrans LP (625 Liberty Avenue, Pittsburgh, PA 15222) on October 18, 2013, Pennsylvania Department of Environmental Protection modified and extended a Plan Approval that authorized the installation and operation of Cameron Compressor Systems Cleanburn Technology packages (Cleanburn) on three existing Cooper-Bessemer engines, the uprate of the engines from 1,100 hp to 1,350 hp, and the establishment of Federally enforceable synthetic minor emission limitations, and a change of responsible official for the Hartson Station in Finleyville Boro, **Washington County**.

65-00983A: Dominion Transmission, Inc.—Rock Springs Compressor Station (500 Dominion Boulevard, Glenn Allen, VA, 23060) on October 20, 2013, the company has requested a plan approval extension in order to have additional time to prepare and submit an application to convert the plan approval into an operating permit located in Salem Township, **Westmoreland County**. The plan approval is being extended until April 18, 2014.

Operating Permits for Non-Title V Facilities Issued 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: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

48-00089: Spray-Tek, LLC (3010 Avenue B, Bethlehem, PA 18017-2114) on September 20, 2013, issued a renewal State Only Operating Permit for a facility in the City of Bethlehem, **Northampton County**

40-00063: Kappa Graphics, LP (50 Rock Street, Pittston, PA 18640-3028) on October 18, 2013, for operation of a lithographic printing operation in Hughestown Borough, **Luzerne County**. The sources consist of three (3) presses and a thermal oxidizer for emission control of volatile organic compounds (VOC's). This is a renewal of a State-Only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-03080: Rohrer's Quarry, Inc. (PO Box 365, 70 Lititz Road, Lititz, PA 17543) on October 8, 2013, to renew their state only permit for their quarry and stone crushing facility in Warwick Township, **Lancaster County**.

67-03151: Kenworthy Funeral Home, Inc. (269 Frederick Street, Hanover, PA 17331-3614) on October 15, 2013, for the human crematory unit at their facility in Hanover Borough, **York County**.

36-05099: Pennsy Supply, Inc. (PO Box 4688, Lancaster, PA 17604-4688) on October 15, 2013, their State-only permit was renewed for the McMinn's batch asphalt plant in East Hempfield Township, **Lancaster County**.

07-05044: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664-0077) on October 15, 2013, for their limestone crushing operation at the Roaring Spring Quarry in Taylor Township, **Blair County**. The State-only permit was renewed.

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

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

60-00011: United States Department of Justice (PO Box 3500, White Deer, PA 17887) on October 9, 2013, for the Allenwood Federal Prison in Gregg Township, **Union County**. Sources at the facility consist of multiple natural gas-fired combustion units less than 2.5 million Btu per hour rated heat input, three (3) 25.1 million Btu per hour, dual-fired boilers, four (4) natural gas-fired emergency generators, two (2) diesel-fired generators, one (1) parts washer and a wood finishing operation. The operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

33-00174: Brownlee Lumber Company (2652 Hazen Richardsville Road, Brookville 15825) on October 15, 2013, renewed a State Only Operating Permit for the facility in Warsaw Township, **Jefferson County**. The primary sources at the facility are a 125 hp wood boiler and saw mill operations. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The boiler is subject to 40 CFR Part 63 Subpart JJJJJJ, the NESHAP for Area Source Boilers. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00309: Bucks Fabricating, Inc. (3547 Perry Highway, Hadley, PA 16130) on October 15, 2013, renewed a State Only Operating Permit for the roll-off container fabricating facility located in Sandy Creek Township, **Mercer County**. The primary sources at the facility are cleaning and coating operations, two paint booths, and a 13 kW propane-fueled emergency generator. The emergency generator is subject to 40 CFR Part 63 Subpart ZZZZ, the NESHAP for Stationary RICE. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. Conditions from previous permits and plan approvals are incorporated into the renewal. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

46-00262: Penn Color, Inc. (2755 Bergey Road, Hatfield, PA 19440) On October 17, 2013, for issuance of a modified State Only Operating Permit to operate pigment manufacturing equipment at the Penn Color, Inc., pigment manufacturing facility located at 2755 Bergey Road, Hatfield, PA 19440, Hatfield Township, **Montgomery County**. Request for Determination (RFD) No. 3821 is being incorporated into the facility synthetic minor operating permit, 46-00262. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

06-05104: Berks Products Corp. (167 Berks Products Drive, Leesport, PA 19533) on October 15, 2013, for the stone crushing operations at the Evansville Quarry in Maiden Creek Township, **Berks County**. The State-only permit was administratively amended to reflect a change of ownership.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

56111302 and NPDES No. PA0236101. Wilson Creek Energy LLC, (609 Georgian Place, Somerset, PA 15501). To operate the Acosta Deep Mine in Jenner, Lincoln, Quemahoning, and Somerset Townships, **Somerset County**, a new underground mine and related NPDES permit. Surface Acres Proposed 49.8, Underground Acres Proposed 2,776.4, Subsidence Control Plan Acres Proposed 1,785.6. Receiving Stream: Unnamed Tributary to Quemahoning Creek, classified for the following use: CWF. The application was considered administratively complete on November 10, 2011. Application received May 11, 2011. Permit issued October 18, 2013.

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

Permit No. 56070108 and NPDES No. PA0262323. Hoffman Mining, Inc., 118 Runway Road, P. O. Box 130, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 135.5 acres. Receiving stream(s): unnamed tributaries to/and Shade Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 26, 2013. Permit Issued: October 15, 2013.

Permit No. 56060111 and NPDES No. PA0262269. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the reclamation only of a bituminous surface mine in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: unnamed tributaries to/and Coxes Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 17, 2013. Permit Issued: October 15, 2013.

Permit No. 56880101 and NPDES No. PA0598127. Cooney Brothers Coal Co., P. O. Box 246, Cresson, PA 16630, revision of an existing bituminous surface mine to change the land use from forestland and pastureland or land occasionally cut for hay to unmanaged natural habitat, and forestland to industrial/commercial in Paint Township, **Somerset County**, affecting 191.8 acres. Receiving streams: unnamed tributaries to/and Shade Creek

classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 25, 2013. Permit Issued: October 15, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

30803044 and NPDES Permit No. PA0126375. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Transfer of permit formerly issued to State Industries, Inc., for continued operation and reclamation of a bituminous surface mining site located in East Franklin Township, **Armstrong County**, affecting 97.9 acres. Receiving stream: unnamed tributary to Limestone Run. Application received: March 25, 2013. Transfer permit issued: October 11, 2013.

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

54920201R4. Northeastern Power Company, (PO Box 7, McAdoo, PA 18237), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: Little Schuylkill River. Application received: March 13, 2012. Renewal issued: October 16, 2013.

54920201GP104. Northeastern Power Company, (PO Box 7, McAdoo, PA 18237), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54920201 in Kline and Packer Townships, **Schuylkill and Carbon Counties**, receiving stream: Little Schuylkill River. Application received: August 12, 2013. Permit issued: October 16, 2013.

54851325R5 and NPDES Permit No. PA0223255. B & B Anthracite Coal Company, (225 Main Street, Joliet, PA 17981), renewal of an existing anthracite underground mine operation in Tremont Township, **Schuylkill County** affecting 8.0 acres, receiving stream: Lorberry Creek. Application received: January 24, 2011. Renewal issued: October 18, 2013.

Noncoal Permits Issued

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

1270-10110303-E-1. Allegheny Mineral Corporation (P. O. Box 1020, Kittanning, PA 16201) Application for a stream encroachment to conduct mining support activities no closer than 25 feet and construct a stream crossing over unnamed tributary No. 1 to South Branch Slippery Rock Creek. Receiving streams: One unnamed tributary to Glade Dam Lake, four unnamed tributaries to South Branch Slippery Rock Creek and South Branch Slippery Rock Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable federal and state water quality standards. Application received: April 27, 2011. Permit Issued: October 9, 2013.

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

General Permit for Short-Term Construction Projects

Approval of Registration/Applications under General Permit for Short-Term Construction Project BMR-GP-103

58121003. Nittany Nova Aggregates, LLC, (2840 West Clymer Road, Telford, PA 18969), authorization to extract stone for the Talisman Repine T07-022 Well Site in Choconut Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributaries to Choconut Creek. Application received: September 17, 2012. Permit issued: October 18, 2013.

Blasting Permits Issued

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

40134116. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Humboldt Industrial Park Lots 40A-1 & 40A-2 in Hazle Township, **Luzerne County** with an expiration date of October 30, 2014. Permit issued: October 15, 2013.

46134120. American Rock Mechanics, Inc., (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Kingston Hill II in New Hanover Township, **Montgomery County** with an expiration date of October 7, 2014. Permit issued: October 15, 2013.

58134161. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Southwestern Range 59 in New Milford Township, **Susquehanna County** with an expiration date of February 1, 2014. Permit issued: October 15, 2013.

40134117. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Dave Klamovich utilities in Union Township, **Luzerne County** with an expiration date of December 31, 2013. Permit issued: October 16, 2013.

45134110. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Kalahari Resort in Tobyhanna Township, **Monroe County** with an expiration date of October 4, 2014. Permit issued: October 16, 2013.

58134160. MD Drilling & Blasting, Inc., (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Gibson Pipeline Project in Gibson Township, **Susquehanna County** with an expiration date of October 7, 2014. Permit issued: October 16, 2013.

22134108. Douglas Explosives, Inc., (PO Box 77, Philipsburg, PA 16866), construction blasting for Rutherford Yard Project in Swatara Township, **Dauphin County** with an expiration date of October 15, 2014. Permit issued: October 17, 2013.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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.

E46-1092—Pennsylvania Department of Transport, District 6; 7000 Geerdes Blvd, Upper Merion Township, West Norriton Township, **Montgomery County.** ACOE Philadelphia District

To perform the below-listed water obstruction and encroachment activities across Schuylkill River (WWF-MF) to facilitate the construction of a Pedestrian Bridge connecting the Schuylkill River Trail to public lands of the Valley Forge National Historical Park located on both side of the river. This bridge will be constructed in the right of way of the demolished Old Betzwood Pike Bridge which carried Trooper Road, State Route (SR 3051) over the Schuylkill River at the time:

1. To the remove three old bridge pier foundations (form the demolished Old Betzwood Pike Bridge) and to construction and maintain three new piers in the Schuylkill River to support the proposed multi-use bicycle/pedestrian bridge.

2. To construct and maintain approximately 65,000 cubic yards of rock scour protection around all the proposed piers.

3. To construct temporary rock causeway to access the old pier removal and new pier construction creating temporary impacts to the stream.

4. To place temporary fill of approximately 4,000 SF into the stream to facilitate cofferdams for the removal of the old piers and the construction of the proposed piers.

This project site will have approximately 0.14 acre of permanent stream impact and approximately 0.69 acre of temporary stream impacts. The project site is a located approximately 268 feet south of the intersection of Trooper Road and Sullivan Lane at the boundary of West Norriton and Upper Merion Townships, Montgomery County. (PA Valley Forge USGS Quadrangle N: 19.63 inches; W: 6.46 inches).

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)].

E09-977 Pennsylvania Department of Transport, District 6, 7000 Geerdes Blvd, King of Prussia, Warminster and Warwick Townships, **Bucks County.** ACOE Philadelphia District

To perform the following water obstruction and encroachment activities associated with the roadway widening and other improvement of approximately 3.9 miles of State Route 263 (York Road) between Bristol Road (S.R. 2025) and just south of Sugar Bottom Road (S.R. 2113) in Warminster and Warwick Townships:

1. To realign the confluence of two unnamed tributaries to Neshaminy Creek to facilitate the natural meandering of the stream at that point and prevent sediment deposits.

2. To remove and replace approximately 13 cubic yards of existing R-6 scour protection around pier 2 of the SR 0263 bridge over the Little Neshaminy Creek (TSF).

3. To place and maintain fill along approximately 31 linear feet of an unnamed tributary to the Little Neshaminy Creek to facilitate temporary construction easement in the vicinity of Road Station 183+50.

4. To place and maintain fill along approximately 79 linear feet of an unnamed tributary to the Little Neshaminy Creek on the southbound side of SR 0263 (Road Station 184+00) to accommodate slope stability improvements.

5. To construct and maintain an 18-inch corrugated metal pipe (CMP) enclosure replacing an existing 18-inch reinforced concrete pipe (RCP) enclosure of an unnamed tributary to the Little Neshaminy Creek at River Station 197+38.

6. To fill approximately 70.36 linear feet (709.96 square feet) of an existing stormwater channel discharging into an unnamed tributary to Neshaminy Creek and divert the source of the stormwater discharge from the existing 24-inch RCP by another route under SR 0263 to the proposed stormwater management BMP device at Sta. 237+50.

7. To construct and maintain a 31-inch by 51-inch arch RCP culvert and wingwalls in place of the existing 35-inch by 57-inch elliptical CMP culvert located approximately at Station 222+00. Work will involve the modification of the roadway approach grading to accommodate the replacement.

8. To construct and maintain a 19-inch by 30-inch reinforced concrete elliptical pipe (RCEP) and a 24-inch by 38-inch pipe in place of an existing 18-inch RCP storm sewer system that conveys an unnamed tributary to Neshaminy Creek which passes under SR 0263 located in the vicinity of Station 279+80.

9. To place and maintain fill within an unnamed tributary to the Neshaminy Creek located between Stations 328+75 and 330+00 to accommodate the proposed roadway widening.

10. To construct and maintain a 73-inch by 45-inch arch RCP culvert at Road station 290+50 replacing an existing 72-inch by 43-inch elliptical CMP culvert.

11. To replace and maintain a 24-inch RCP enclosure, in kind, along an unnamed tributary to Neshaminy Creek located approximately at Station 231+50.

12. To construct and maintain a temporary access road crossing over an unnamed tributary to the Little Neshaminy Creek approximately located at Station 184+00 to facilitate the project objectives.

13. To construct and maintain an 18-inch diameter RCEP stormwater outfall into the Little Neshaminy Creek approximately located at Station 167+97 associated with a proposed stormwater management basin.

14. To construct and maintain an 18-inch diameter RCP stormwater outfall and associated TRM located approximately at Station 196+66 which will discharge stormwater from a trench drain constructed under SR 0263, to an unnamed tributary to the Little Neshaminy Creek

15. To construct and maintain an 18-inch diameter RCP stormwater outfall discharging into an unnamed tributary to Neshaminy Creek approximately located at Station 238+53. The outlet of this pipe will include a proposed wingwall and will collect discharge stormwater from bypass runoff to Waterway T.

16. To construct and maintain an 18-inch RCP outfall structure to an unnamed tributary to Neshaminy Creek located approximately at Station 287+28. The outlet will discharge from a proposed vegetated swale.

17. To construct and maintain a 38-inch by 60-inch diameter RCEP outfall structure to an unnamed tributary to Neshaminy Creek, located approximately at Station 238+36 and discharging stormwater from a proposed stormwater management basin.

18. To place and maintain fill within an unnamed tributary of Neshaminy Creek, located approximately between Stations 265+00 and 266+00, to accommodate the proposed roadway widening.

19. To place and maintain temporary fill within an unnamed tributary to the Neshaminy Creek located approximately between Stations 289+50 and 290+10. The fill will accommodate a temporary erosion and sedimentation control device during construction.

20. To extend and maintain an existing 18-inch CMP outfall by 12 feet at the headwaters of an unnamed tributary to the Neshaminy Creek.

The project site commences at the intersection of Bristol Road and York Road (SR 0263) and ends approximately 3.9 north at the intersection of Sugar Bottom Road and York Road (SR 0263) in Warwick and Warminster Townships, Bucks County, (Latitude 40° 14' 33.95"; Longitude 75° 05' 23.83").

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)].

E51-011T-1. Philadelphia Energy Solutions PES, 3144 W. Passyunk Avenue, Philadelphia, PA 19145, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To maintain an existing steel sheet pile bulkhead and an existing crib structure (Case Wharf) along the east bank of the Schuylkill River, beginning at a point immediately south of the Passyunk Avenue Bridge in the City and County of Philadelphia.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E5829-046: Williams Field Services Company, LLC, Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275, Dimock and Springville Townships, **Susquehanna County**, ACOE Baltimore District.

To operate and maintain:

1. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,710 square feet (0.11 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 16", Long. -75° 52' 38");

2. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,181 square feet (0.07 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21", Long. -75° 53' 01");

3. an 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,816 square feet (0.09 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21", Long. -75° 53' 04");

4. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,994 square feet (0.05 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 46", Long. -75° 52' 37");

5. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,870 square feet (0.04 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 51", Long. -75° 52' 25");

6. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 44 square feet (0.01 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 58", Long. -75° 52' 15");

7. a 6-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,263 square feet (0.03 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 59", Long. -75° 52' 14");

8. a timber mat crossing impacting 174 square feet (0.01 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 43' 33", Long. -75° 52' 56");

9. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,097 square feet (0.12 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 43' 40", Long. -75° 52' 45");

10. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,439 square feet (0.06 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 16", Long. -75° 52' 38");

11. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,612 square feet (0.04 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21", Long. -75° 53' 01");

12. a 4-inch diameter natural gas gathering pipeline and timber mat crossing impacting 11,892 square feet (0.27 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21", Long. -75° 53' 04");

13. a 2-inch diameter natural gas gathering pipeline and timber mat crossing impacting 828 square feet (0.02 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 46", Long. -75° 52' 37");

14. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,269 square feet (0.10 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 51", Long. -75° 52' 25");

15. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,786 square feet (0.04 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 58", Long. -75° 52' 15");

16. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,307 square feet (0.03 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 59", Long. -75° 52' 14");

17. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 2,352 square feet (0.05 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 43' 33", Long. -75° 52' 56");

18. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 5,271 square feet (0.12 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 43' 40", Long. -75° 52' 45");

19. a 2-inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,574 square feet (0.11 acre) of a PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 16", Long. -75° 52' 38");

20. a 2-inch diameter natural gas gathering pipeline and timber mat crossing impacting 4,051 square feet (0.10 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21" Long. -75° 53' 01");

21. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,089 square feet (0.03 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 21", Long. -75° 53' 04");

22. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1,002 square feet (0.02 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 46", Long. -75° 52' 37");

23. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 87 square feet (0.01 acre) of a PEM/PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 51", Long. -75° 52' 25");

24. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 87 square feet (0.01 acre) of a PSS wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 58", Long. -75° 52' 15");

25. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 87 square feet (0.01 acre) of a PFO wetland (Hop Bottom, PA Quadrangle; Lat. 41° 44' 59", Long. -75° 52' 14");

26. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 3,746 square feet (0.09 acre) of a PEM wetland (Hop Bottom, PA Quadrangle; Lat. 41° 43' 33", Long. -75° 52' 56");

27. a 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 57 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 37", Long. -75° 52' 15");

28. a 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 54 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 32", Long. -75° 52' 15");

29. a 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 56 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 23", Long. -75° 52' 14");

30. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 69 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 20", Long. -75° 52' 00");

31. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 92 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 20", Long. -75° 52' 00");

32. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 50 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 39", Long. -75° 52' 04");

33. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 361 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 39", Long. -75° 52' 04");

34. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 1 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 49", Long. -75° 52' 15");

35. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 2 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 50", Long. -75° 52' 15");

36. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 115 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 58", Long. -75° 52' 36");

37. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 55 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 51", Long. -75° 52' 36");

38. a 4-inch diameter natural gas gathering pipeline and timber mat crossing impacting 89 linear feet of an unnamed tributary to Stevens Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 43' 11", Long. -75° 53' 09");

39. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 50 linear feet of Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 55", Long. -75° 52' 16");

40. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 25 linear feet of Burdick Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 43' 04", Long. -75° 52' 26");

41. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 71 linear feet of an unnamed tributary to Burdick Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 44' 01", Long. -75° 53' 29");

42. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 50 linear feet of Burdick Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 44' 01", Long. -75° 53' 03");

43. a 10-inch diameter natural gas gathering pipeline and timber mat crossing impacting 6 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 45' 00", Long. -75° 52' 16");

44. a 8-inch diameter natural gas gathering pipeline and timber mat crossing impacting 50 linear feet of an unnamed tributary to Meshoppen Creek (CWF, MF) (Hop Bottom, PA Quadrangle; Lat. 41° 42' 18", Long. -75° 52' 24").

The 2008 Core Zone Pipeline project consists of operating and maintaining approximately 11.8 miles of previously constructed pipeline within Dimock and Springville Townships, Susquehanna County. The unpermitted Chapter 105 crossings resulted in the impact of 1,253 lineal feet of stream impacts and a total of 1.58 acres (68,825 square feet) of wetland impacts, of which, 0.73 acre (31,767 square feet) are permanent wetlands conversion impacts. The project was installed for the purpose of providing safe and reliable conveyance of natural gas from the Marcellus Shale formation to market.

E5729-051: PVR NEPA Gas Gathering, LLC, 100 Penn Tower, Suite 201 & 202, 25 West Third Street, Williamsport, PA 17701, Davidson and Shrewsbury Townships, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 62 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'08"N, 76°34'55"W);

2) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 62 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'08"N, 76°34'55"W);

3) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 589 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Sonestown, PA Quadrangle 41°21'09"N, 76°35'03"W);

4) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 425 square feet of a palustrine emergent (PEM) wetland (Sonestown, PA Quadrangle 41°21'10"N, 76°35'08"W);

5) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 64 linear feet of Trout Run (EV) (Sonestown, PA Quadrangle 41°21'11"N, 76°35'17"W);

6) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 608 square feet of a palustrine forested (PSS) wetland (Sonestown, PA Quadrangle 41°21'14"N, 76°35'35"W);

7) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 63 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'14"N, 76°35'37"W);

8) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 70 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'16"N, 76°35'55"W);

9) a 12 inch diameter steel gas line impacting 18 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'16"N, 76°36'02"W);

10) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 37 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'16"N, 76°36'08"W);

11) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 61 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'16"N, 76°36'11"W);

12) a temporary road crossing using a timber mat bridge impacting 20 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'15"N, 76°36'11"W);

13) a temporary road crossing using a timber mat bridge impacting 34 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'15"N, 76°36'11"W);

14) a temporary road crossing impacting 100 linear feet of an unnamed tributary to Trout Run (EV) (Sonestown, PA Quadrangle 41°21'09"N, 76°36'18"W);

15) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 1,865 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Sonestown, PA Quadrangle 41°21'01"N, 76°36'23"W);

16) a temporary road crossing using a timber mat bridge impacting 41 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'58"N, 76°36'29"W);

17) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 51 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'55"N, 76°36'32"W);

18) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 51 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'55"N, 76°36'33"W);

19) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 2,131 square feet of an exceptional value palustrine forested (EV-PFO) wetland and 11,395 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Sonestown, PA Quadrangle 41°20'57"N, 76°36'31"W);

20) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 65 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'54"N, 76°36'36"W);

21) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 72 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'53"N, 76°36'39"W);

22) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 61 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'52"N, 76°36'44"W);

23) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 63 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'50"N, 76°36'49"W);

24) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 60 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'47"N, 76°36'54"W);

25) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 52 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'47"N, 76°36'54"W);

26) a temporary road crossing using a timber mat bridge impacting 30 linear feet of an unnamed tributary to Rock Run (EV) (Sonestown, PA Quadrangle 41°20'43"N, 76°37'22"W);

27) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 3,380 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Sonestown, PA Quadrangle 41°20'44"N, 76°37'23"W);

28) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 61 linear feet of Rock Run (EV) (Sonestown, PA Quadrangle 41°20'46"N, 76°37'27"W);

29) a temporary road crossing using a timber mat bridge and a 12 inch diameter steel gas line impacting 824 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Picture Rocks, PA Quadrangle 41°20'47"N, 76°37'31"W).

The project will result in 1,180 linear feet of temporary stream impacts, 6,708 square feet (0.15 acre) of permanent wetland impacts, and 14,509 square feet (0.33 acre) of temporary wetland impacts from the installation of one

12 inch diameter steel gas line and associated access roadways in Davidson and Shrewsbury Townships, Sullivan County. The permittee will provide 32,916 square feet (0.76 acre) of compensatory mitigation at the Hershberger Mitigation Site (Washingtonville, PA Quadrangle 41°05'16"N, 76°42'43"W) in Limestone Township, Montour County.

E4129-068: PVR NEPA Gas Gathering, LLC, 101 West Third Street, Williamsport, PA 17701, Cogan House Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1. one 8-inch gas line and a timber mat bridge impacting 47 linear feet of an unnamed tributary to Roaring Run (EV, MF) (Salladasburg Quadrangle 41°22'18"N 77°10'26"W);

2. one 8-inch gas line and a timber mat bridge impacting 46 linear feet of Roaring Run (EV, MF) (Salladasburg Quadrangle 41°22'18"N 77°10'30"W);

3. one 8-inch gas line and a timber mat bridge impacting 65 linear feet of an unnamed tributary to Roaring Run (EV, MF) (Salladasburg Quadrangle 41°22'17"N 77°10'37"W).

The project will result in 158 linear feet of stream impacts all for the purpose of installing a natural gas gathering line and temporary access roadways for Marcellus well development.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0413004	Mark West Liberty Bluestone, LLC. 4600 J. Barry Court Suite 500 Canonsburg, PA 15317	Beaver County	South Beaver Township, Darlington Township, Big Beaver Borough, North Sewickley Township, Franklin Township, Marion Township, Jackson Township, Lancaster Township	Beaver River (WWF), Brush Creek (WWF), Camp Run (WWF), Clarks Run (WWF), Connoquenessing Creek (WWF), Doe Run (WWF), Hazen Run (WWF), Jordan Run (HQ-CWF), Little Connoquenessing Creek (CWF), McCautry Run (HQ-CWF), North Fork Little Beaver Creek (HQ-CWF), Scholars Run (WWF), Thompson Run (WWF), UNTs to Beaver River (WWF), UNTs to Brush Creek (WWF), UNTs to Camp Run (WWF), UNTs to Clarks Run (WWF), UNT to Connoquenessing Creek (WWF), UNTs to Doe Run (WWF), UNTs to Hazen Run (WWF), UNTs to Jordan Run (HQ-CWF), UNTs to Little Connoquenessing Creek (CWF), UNTs to McCautry Run (HQ-CWF), UNTs to North Fork Little Beaver Creek (HQ-CWF), UNTs to Scholars Run (WWF), UNTs to Slippery Rock Creek (CWF), UNTs to Thompson Run (WWF)
11138001-1	Peoples Natural Gas Company, LLC.	Cambria County	Lower Yoder Township, West Taylor Township, Middle Taylor Township, and Jackson Township	St. Clair Run (CWF), Strayer Run (CWF), Conemaugh River (WWF), Laurel Run (HQ-CWF), and Wildcat Run (HQ-CWF)

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX13-019-0045—West Well Pad
Applicant R.E. Gas Development LLC
Contact Michael Endler
Address 600 Cranberry Woods Drive
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Adams(s)
Receiving Stream(s) and Classification(s) Unnamed Tributaries to Glad Run—WWF; Slippery Rock Creek Watershed

ESCGP-1 #ESX10-019-0031E-Butler County Project
Phase Vb, Drushel Well Pad-Major Modification
Applicant Rex Energy Operating Co
Contact Michael Endler
Address 600 Cranberry Woods Drive, Suite 250
City Cranberry Township State PA Zip Code 16066
County Butler Township(s) Jackson & Forward(s)
Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek (WWF) (Drushel Well Pad), UNT to Breakneck Creek (WWF) (Talarico Well Pad)

ESCGP-1 #ESX13-019-0046—Spang Freshwater Impoundment
 Applicant XTO Energy, Inc.
 Contact Melissa Breitenbach
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Penn(s)
 Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek & Thorn Creek / Connoquenessing Creek—WWF & CWF

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESG13-015-0055
 Applicant Name Appalachia Midstream Svc., LLC
 Contact Person Randy DeLaune
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Bradford County
 Township(s) Monroe Township
 Receiving Stream(s) and Classification(s) Satterlee Run (HQ-CWF/MF)

ESCGP-1 # ESX13-015-0041
 Applicant Name Southwestern Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Bradford County
 Township(s) Herrick & Stevens Townships
 Receiving Stream(s) and Classification(s) UNT to Camp Creek, Cold Creek (Both WWF/MF);
 Secondary: Wyalusing Creek (WWF/MF)

ESCGP-1 # ESG13-113-0010
 Applicant Name Appalachia Midstream Svc., LLC
 Contact Person Randy DeLaune
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan County
 Township(s) Fox Township
 Receiving Stream(s) and Classification(s) Trib. 20070 to Porter Creek (EV), Trib. 20083 to Hoagland Branch (EV), Porter Creek (EV), Hoagland Branch (EV);
 Secondary: UNT to the waters listed above.

ESCGP-1 # ESG13-081-0055
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Rane Wilson
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Lycoming County
 Township(s) Cummings Township
 Receiving Stream(s) and Classification(s) First Fork Larry's Creek (EV/MF);
 Secondary: Larry's Creek (EV/MF)

ESCGP-1 # ESX13-035-0001 (02)
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Rane Wilson
 Address 33 W. Third Street, Suite 200
 City, State, Zip Williamsport, PA 17701
 County Clinton County
 Township(s) Colebrook, Bald Eagle, & Grugan Townships
 Receiving Stream(s) and Classification(s) Tangascotak Creek, UNT's to Tangascotak Creek (Both CWF), Holland Run, UNT to Holland Run (Both HQ-CWF);
 Secondary: West Branch Susquehanna River (WWF), Tangascotak Creek (CWF), West Branch Susquehanna River (WWF), Holland Run (HQ-CWF) Holland Run is also classified as Wild Trout

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed which the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not in and of itself create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Southwest District: District Oil and Gas Operations, Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222

Well Permit #: 005-31169-00
 Well Farm Name: Marshall Bergad 1M-24
 Applicant Name: MDS Energy Development LLC
 Contact Person: Randall L. Morris, Jr.
 Address: 409 Butler Road Suite A Kittanning, PA 16201-4403
 County: Armstrong
 Municipality Name/City, Borough, Township: Washington Twp
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Tributary 47120 to Limestone Run

[Pa.B. Doc. No. 13-2053. Filed for public inspection November 1, 2013, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.elibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance—Substantive Revision

DEP ID: 385-2314-001. **Title:** Act 537 Program Guidance; Training Provider Manual for the Pennsylvania Onlot Sewage System Training Program. **Description:** The purpose of this document is to establish uniform procedures and protocol for reviewing and approving third-party provider-based training courses for prerequisite training for sewage enforcement officer (SEO) certification, continuing education of SEOs and for the training of onlot sewage system installers to ensure application of appropriate recognition or credit for completed training. This document also provides for uniform procedures and protocols for reviewing and approving conferences as continuing education for sewage enforcement officers.

This guidance was published as draft in the *Pennsylvania Bulletin* for a 30-day comment period from July 6, 2013, through August 5, 2013. Two comments were received from one commentator. Revisions to the draft technical guidance document resulting from the public comments are described in the accompanying Comment and Response Document.

Contact: Questions regarding the final technical guidance document should be directed to Nick Hong at (717) 705-0485 or nhong@pa.gov.

Effective Date: November 2, 2013

Final Technical Guidance—New Guidance

DEP ID: 391-2300-002. **Title:** State Board for Certification of Water and Wastewater Systems Operators, Board Guidelines. **Description:** 25 Pa. Code Chapter 302 (relating to administration of the water and wastewater systems operators' certification program) was published as a final rulemaking at 40 Pa.B. 5294 (September 18, 2010). The regulations established requirements for the State Board for Certification of Water and Wastewater Systems Operators (Board) to further clarify procedures for the administration of its responsibilities. These guidelines were developed by the Board to describe its policies and procedures for the implementation of their responsibilities as defined by the Water and Wastewater Systems Operators' Certification Act (63 P.S. §§ 1001—1015.1). The draft guidelines were published at 43 Pa.B. 3297 (June 15, 2013), and no comments were submitted. Subsequent to publication, the Department completed minor edits to improve the readability and accuracy of the guidelines.

Contact: Questions regarding the final technical guidance document should be directed to Cheri Sansoni at (717) 772-5158 or csansoni@pa.gov.

Effective Date: November 2, 2013

DEP ID: 563-2000-301. **Title:** Use of Reclamation Fill at Active Noncoal Sites. **Description:** This guidance describes the procedures in which the Department may permit the use of certain fill materials (deemed "Reclamation Fill") obtained from an off-site source in the reclamation plan of an active noncoal mine site. Criteria for meeting the definition of Reclamation Fill is defined. A previous version of draft guidance was never finalized. This version, drafted in cooperation with the Pennsylvania Aggregate and Concrete Association, replaces the historic draft entirely and includes revisions based on comments submitted through the public participation process.

Contact: Questions regarding the final technical guidance document should be directed to Keith Brady at (717) 787-4814 or kbrady@pa.gov.

Effective Date: November 2, 2013

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2054. Filed for public inspection November 1, 2013, 9:00 a.m.]

Bid Opportunity

OSM 40(1556)103.5, Abandoned Mine Reclamation Project, Hanover Reservoir Exploratory Drilling, Hanover and Newport Townships, Luzerne County.

The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; drilling boreholes (6-inch casing pipe 330 linear feet, 4-inch casing pipe 3,515 linear feet, 3 7/8 drilling); furnishing and installing steel casing (6-inch I.D. casing pipe 330 linear feet, 4-inch I.D. casing pipe 3,840 linear feet, steel well guard including grouting cap, lock and key 29 each, temperature data logger including cable 29 each); sealing boreholes 5 each; and seeding 8.9 acres. This bid issues on November 1, 2013, and bids will be opened on November 21, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2055. Filed for public inspection November 1, 2013, 9:00 a.m.]

Bid Opportunity

OSM 17(3991)101.1, Abandoned Mine Reclamation Project, Oscela Mills West, Decatur Township, Clearfield County.

The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading (grading 19,900 cubic yards, furrow ripping 2 acres); tree planting 2,399 each; ditch excavation 660 cubic yards; high velocity

erosion control mulch blanket 910 square yards; R-5 rock lining with filter material 5 square yards; roadway surface material 922 tons; 24-inch diameter smooth interior corrugated polyethylene pipe; subsurface drain 1,720 linear feet; and seeding 0.3 acre. This bid issues on November 1, 2013, and bids will be opened on November 21, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2056. Filed for public inspection November 1, 2013, 9:00 a.m.]

Nutrient Credit Trading Program; Interbasin Trading Request

The Department of Environmental Protection (Department) has received a request under the Nutrient Credit Trading Program (Program) for use of credits generated in a river basin other than the river basin in which the credit user is located. See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

Nutrient trading is a market-based program that provides incentives for entities to create nutrient reduction credits (credits) by going beyond statutory, regulatory or voluntary obligations and goals to remove nutrients from the Chesapeake Bay Watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Program is to provide for more efficient ways for National Pollutant Discharge Elimination System (NPDES) permittees to meet their effluent limits for nutrients. The nutrient credit trading regulation requires that credits generated in the Susquehanna or Potomac River Basin may only be used in the basin in which they were generated, unless otherwise approved by the Department. See 25 Pa. Code § 96.8(h)(2).

Description of the Request

The McConnellsburg Sewer Authority (McConnellsburg) has requested approval to sell nitrogen credits in the Susquehanna and purchase phosphorus credits from the Susquehanna River Basin. The credits will be used to meet NPDES nitrogen and phosphorus limits at its waste water treatment facility (WWTF) located in the Potomac River Basin. McConnellsburg asserts that there are insufficient certified credits within the Potomac River basin to meet the projected phosphorus credit needs at its WWTF.

Request for Written Comments

The Department is requesting comment on McConnellsburg's request for a program for inter-basin trading. The Department intends to publish notice of a final action after it considers any comments it receives. The Department does not intend to provide written responses to the comments, but will take all timely comments into consideration in determining the final action.

Interested persons must submit written comments by November 18, 2013. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Jay Braund, Division of Technical and Financial Assistance, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, jbraund@pa.gov.

For further information about this request or the Program visit the Department's web site at www.dep.state.pa.us (DEP Keywords: "Nutrient Trading").

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2057. Filed for public inspection November 1, 2013, 9:00 a.m.]

Proposed Fine Particulate Nonattainment Area Designation Recommendations

The Department of Environmental Protection (Department) is seeking public comment on its proposed recommendations to the United States Environmental Protection Agency (EPA) for the designation of areas not meeting the revised annual health-based National Ambient Air Quality Standards (NAAQS) for fine particulates (PM_{2.5}). Reducing concentrations of this pollutant is important because levels above the health-based standard are a serious human health threat and also can cause or contribute to other negative environmental impacts.

The EPA established a revised NAAQS for PM_{2.5} in December 2012. The annual standard for PM_{2.5} was made more protective and changed from 15 micrograms per cubic meter of air (µg/m³) to 12 µg/m³. An area does not attain the annual standard if the annual concentration, averaged over 3 years, is more than 12 µg/m³. Following promulgation of new or revised air standards, states are given the opportunity to submit recommendations for attainment/nonattainment areas, supported by most recent quality-assured and quality-controlled monitoring data.

The proposed designation recommendations are based primarily on air quality ambient monitoring (2010-2012), as well as emissions data, meteorology, geography/topography and jurisdictional boundaries. Based on this information, the Department is seeking comment on recommending that the EPA designate as "nonattainment" areas the Greater Philadelphia Area (which includes Chester, Delaware and Philadelphia Counties), Northampton County Area, Lancaster County Area, Cambria County Area, the Greater Pittsburgh Area (which includes Allegheny and Westmoreland Counties) and the Liberty/Clairton Area. The Department is also seeking comment on recommending that the EPA designate the counties monitoring below the standard as "attainment" areas and the remaining Commonwealth counties as "unclassifiable/attainment" areas.

The Department will be submitting recommendations in December 2013. The EPA is expected to make final designations in December 2014. The Department would then have 18 months to develop a plan for any areas designated as nonattainment to meet the NAAQS. This proposal is available on the Department's web site at <http://www.depweb.state.pa.us> (choose "Air Quality"), or through the contact person listed as follows.

Written comments on the proposed nonattainment area designation recommendations should be sent to Bryan Oshinski, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or (preferred) boshinski@pa.gov, no later than November 18, 2013. Use "2012 PM_{2.5} Recommended Designations" in the subject line, and include the name, affiliation (if any), mailing address and telephone number of the interested person.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2058. Filed for public inspection November 1, 2013, 9:00 a.m.]

Proposed Reissuance of General Permit BWEW-GP-8: Temporary Road Crossings and Associated 401 Water Quality Certification

The Department of Environmental Protection, under the authority of section 7 of the Dam Safety and Encroachments Act (32 P.S. § 693.7) and 25 Pa. Code Chapter 105, Subchapter L (relating to general permits), proposes to modify and reissue General Permit BWEW-GP-8 (Temporary Road Crossings) as General Permit BWEW-GP-8 (Temporary Crossings and Environmental Testing or Monitoring Activities) which allows the construction, operation, maintenance and removal of temporary crossings across regulated waters of this Commonwealth, including wetlands, where no practicable alternatives exist.

The General Permit BDWM-GP-8 was initially published in final-form at 14 Pa.B. 3658 (October 6, 1984) and revised versions were published in final-form at 9 Pa.B. 5165 (December 2, 1989) and 21 Pa.B. 5992 (December 28, 1991). Proposed modifications were published at 25 Pa.B. 5653 (December 9, 1995) but a revised General Permit was never finalized at that time. Most recently the GP-8 was revised along with the other Chapter 105 general permits for consistency with revised Chapter 105 regulations; proposed modifications were published at 43 Pa.B. 1049 (February 16, 2013) and in final-form at 43 Pa.B. 3775 (July 6, 2013).

The majority of Chapter 105 general permits have not been materially revised since 1996 and the revisions to BWEW-GP-8 represent the opportunity to reorganize and establish a better organized and more concise general permit. This opportunity resulted in several changes to the general permit layout and to the contents of the general permit itself. The organizational changes include the following:

- Standardized definitions for consistency and future revisions
- Established an independent set of instructions, forms, examples and sample drawings
- Consolidated Coordination and Notification Section
- Cross-referenced terms and conditions

Additionally the scope of the general permit has been expanded to include the following other temporary activities:

- Expansion of the scope to temporary crossings which includes temporary service lines in addition to road crossings.
- Expansion of the scope to include environmental testing or monitoring activities, including seismic testing lines, that are temporary in nature and are not specific to the waiver provisions of 25 Pa. Code § 105.12(a)(12) (relating to waiver of permit requirements).

The following is the proposed text of the BWEW-GP-8 in accordance with 25 Pa. Code § 105.446(a) (relating to procedure for issuance):

1. *General Description and Authority*—The Department of Environmental Protection hereby authorizes, by General Permit, subject to the terms and criteria set forth below, the construction, operation, maintenance and removal of temporary crossings and environmental testing or monitoring activities conducted or located in, along, under, across, or over regulated waters of this Commonwealth, including wetlands. This authorization is pursuant to Section 7(b) of the Dam Safety and Encroachments Act ("DSEA"), 32 P.S. § 693.7(b), and the rules and regulations promulgated there under at 25 Pa. Code §§ 105.441—105.449 (relating to general permits). This General Permit is subject to the terms and conditions set forth below.

2. *Denial of Authorization*—The Department shall have the discretion, on a case-by-case basis, to deny, revoke or suspend the authorization to use this General Permit for any project which the Department determines to have a significant effect on the safety and protection of life, health, property or the environment or otherwise would not be adequately regulated by the provisions of this General Permit or determines that the representations made in the application to register are not accurate.

3. *Best Management Practices*—Activities conducted under this General Permit which involve an earth disturbance activity must be done in compliance with 25 Pa. Code Chapter 102 (relating to erosion and sediment control). Prior to construction, the applicant must provide an Erosion and Sediment Control Plan (E&S Plan) specific to the activity conducted under this permit, to be reviewed by the appropriate Department Regional Office or delegated County Conservation District in which the activities are proposed. If an existing Chapter 102 authorization includes an E&S Plan showing the earth disturbance for the temporary crossing or activity, an additional E&S Plan is not required. The E&S Plan must be available on site throughout the duration of this project, and all BMPs on the plan must be implemented and maintained prior to, during and after construction. The project site shall at all times be available for inspection by authorized employees of the Department or delegated County Conservation District.

4. *Submerged Lands of this Commonwealth*—This General Permit shall not be effective to authorize any project on, under or over submerged lands of this Commonwealth until the owner has obtained a license from the Department authorizing the occupation of such submerged lands issued under Section 15 of the DSEA, 32 P.S. § 693.15, Section 514 of The Administrative Code of 1929, 71 P.S. § 194, or other applicable laws. Upon receipt of the General Permit Registration form from the owner, the Department will review the project to determine if its location is on, under or over submerged lands of the Commonwealth.

5. *Definitions*—The following terms as used in this General Permit shall have the following meanings:

Along—Touching or contiguous; to be in contact with; to abut upon.

Appurtenant Works—Structures or materials incident to or annexed to dams or water obstructions which are built or maintained in connection with the dams or water obstructions and are essential to their proper functioning.

BMPs—Best Management Practices—Activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during, and after earth disturbance activities.

Body of Water—A natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

Bridge—A structure and its appurtenant works erected over the regulated waters of this Commonwealth.

Causeway—An embankment constructed wholly or in part across or along a stream.

Culvert—A structure with appurtenant works which carries a stream under or through an embankment or fill.

Department—The Department of Environmental Protection.

Earth Disturbance Activity—A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, agricultural plowing or tilling, operation of animal heavy use areas, timber harvesting activities, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

E&S Plan—Erosion and Sediment Control Plan—A site-specific plan consisting of both drawings and a narrative that identifies BMPs to minimize accelerated erosion and sedimentation before, during and after earth disturbance activities.

Encroachment—A structure or activity which changes, expands or diminishes the course, current or cross section of a watercourse, floodway or body of water.

Environmental Testing or Monitoring Activities—Investigative activities of a temporary nature, not to exceed one (1) year, including but not limited to soils sampling, borings of soil or rock material, sensor placement and recording devices and other similar or related activities. This term does not include monitoring or testing activities relating to water quality testing waived from permit requirements at 25 Pa. Code § 105.12(a)(12).

Floodplain—The lands adjoining a river or stream that have been or may be expected to be inundated by flood waters in a 100-year frequency flood.

Floodway—The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

Ford—A road crossing of a stream utilizing the existing stream bed.

Install—To construct, place, lay or set in place.

Operation—Elements of the use, control and functioning of a dam, water obstruction or encroachment during the lifetime of the dam, water obstruction or encroachment, including its removal, which may affect primarily the storage, release or flow of water; the structural safety of a dam, water obstruction or encroachment; or navigation, with due consideration of the other purposes of the act.

Owner—A person who owns, controls, operates, maintains, or manages a dam or reservoir, water obstruction, or encroachment.

Person—

(i) A natural person, partnership, association, corporation, public utility, municipality, municipal authority, political subdivision of this Commonwealth, receiver or trustee and a department, board, commission or authority of the Commonwealth.

(ii) Whenever used in a section prescribing and imposing a penalty or sanction, the term includes the members of an association and the officers of a corporation, municipality or municipal authority.

PFBC—Pennsylvania Fish and Boat Commission.

Regulated Waters of the Commonwealth—Watercourses, streams or bodies of water and their floodways wholly or partly within or forming part of the boundary of this Commonwealth.

Road Crossing—The term includes, but is not limited to, a road utilizing a pipe(s), culvert or a series of culverts, a bridge, a ford, a causeway or other similar features which are placed in, along, under, across, or over a regulated water of the Commonwealth.

Service Line Crossing—The term includes, but is not limited to, electric transmission lines, pipelines, telephone lines, water lines and other similar facilities which are placed in, along, under, across, or over a regulated water of this Commonwealth.

Stocked Trout Streams—Streams classified as approved trout waters by the PFBC. Classification shall be verified by contacting the PFBC.

Stream—A watercourse.

Submerged Lands of this Commonwealth—Waters and permanently or periodically inundated lands owned by the Commonwealth, including lands in the beds of navigable lakes and rivers and beds of streams declared public highways which are owned and held in trust by the Commonwealth.

Temporary Crossing—A road crossing or service line crossing placed for a specific period of time not to exceed one (1) year, and removed in its entirety after that period of time.

Watercourse—A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water Obstruction—A dike, bridge, culvert, wall, wingwall, fill, pier, wharf, embankment, abutment or other structure located in, along or across or projecting into a watercourse, floodway or body of water. In the case of ponds, lakes and reservoirs, a water obstruction is considered to be in or along the body of water if, at

normal pool elevation, the water obstruction is either in the water or adjacent to and abutting the water's edge.

Waterway Opening—The cross-sectional area of a structure that is available to convey stream flow. This area is generally expressed in terms of span multiplied by underclearance.

Wetlands—Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.

Wild Trout Streams—A stream identified as supporting naturally reproducing trout populations by the PFBC under 58 Pa. Code § 57.11 (relating to listing of wild trout streams). For a list of wild trout streams, contact the PFBC.

6. Where General Permit Does Not Apply—This General Permit does not apply and is not valid under the following circumstances:

A. Temporary road crossings which are to be used by the general public.

B. Temporary service line crossings of reservoirs, lakes and ponds.

C. Temporary service line crossings trenched or bored.

D. Temporary service line crossings on stream beds or inside waterway openings of bridges and culverts.

E. Temporary service line crossings which transmit hazardous or toxic material.

F. Skidding across fords.

G. No regulated activity is authorized under this General Permit in a National Natural Landmark identified in the latest published version of the National Registry of Natural Landmarks.

H. No regulated activity is authorized under this General Permit which is likely to directly or indirectly adversely impact a State or Federal Endangered or Threatened Species, or a species proposed for such designation, as identified under the Endangered Species Act of 1973 ("ESA") (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601-9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531-1543), the Wild Resource Conservation Act (32 P.S. §§ 5301-5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code), or which is likely to destroy or adversely modify the critical habitat of such a species, as identified under the ESA. See Section 7 Notification and Coordination Requirements for additional information.

I. No regulated activity is authorized under this General Permit which will adversely impact properties listed in or eligible for listing in the National Register of Historic Places. See Section 7 Notification and Coordination Requirements for additional information.

7. Notification and Coordination Requirements—Registration of proposed use of this General Permit requires notification and coordination with the Department or appropriate County Conservation District and other State and Federal agencies and programs.

A. Pennsylvania Department of Environmental Protection

1. Registration of Proposed Use of General Permit—Prior to construction the owner of a temporary crossing or a person proposing an environmental testing or monitor-

ing activity shall submit the General Permit Registration form along with the required attachments to the appropriate Department Regional or Conservation District office. The owner shall not begin work until the owner has registered the proposed use of the General Permit with the appropriate Department Regional or Conservation District office and received an acknowledgement in writing of that registration. The General Permit Registration form, required attachments, and acknowledgement must be available on site throughout the duration of the project.

2. Extension of General Permit—If the owner of a temporary crossing or activity desires the permitted temporary crossing or activity to remain installed for a period of time exceeding one (1) year from the date of the Department's acknowledgement (Item 7.A.1. above), they may submit a written request to the appropriate Department Regional or Conservation District office. The Department may extend the time, in writing, on a case by case basis not to exceed an additional one (1) year based on the owner's documentation of need. Under no circumstances will a temporary crossing be allowed to remain in place for longer than two (2) years from the date of the Department's original acknowledgement. See Item 7.B.1.a for additional information affecting time extensions for activities or structures that have not been constructed.

3. Change of Ownership—If there is a change in ownership of a temporary crossing installed in accordance with this General Permit, the new owner is required to register the crossing or activity with the appropriate Department Regional or Conservation District office.

4. Construction and Removal of Temporary Crossing or Activity—The owner must also provide written notice to the appropriate Department Regional or Conservation District office ten (10) days prior to the construction and ten (10) days prior to the removal of the temporary crossing or activity and associated temporary BMPs after termination of its intended use or at the end of the one (1) year period, whichever occurs first, unless extended in writing by the Department. See specific removal conditions in Items 12.A.2. and 12.F.3. below.

B. Pennsylvania Department of Conservation and Natural Resources

1. Species Protection—

a. General Permit Registrations must include a Pennsylvania Natural Diversity Inventory (PNDI) Project Environmental Review Receipt, and any clearance letters from jurisdictional agencies, as applicable, for impacts to endangered and threatened species and species of special concern. PNDI receipts are valid for two years from the date of the screening or two years from the issuance of a clearance letter or other resolution of a potential impact with a jurisdictional agency. If activities conducted under this General Permit have not commenced construction within two years of the date from acknowledgement of the permit, then the acknowledgement and registration is VOID and the submission of an updated PNDI Receipt must be included with a new registration to the office that originally acknowledged the General Permit.

b. The owner of a temporary crossing or activity must comply with special bog turtle screening requirements.

C. PFBC

1. Notification—The owner shall notify the PFBC's Regional Field Office Manager (see Exhibit A) responsible for the County where the activities are proposed ten (10) days prior to start of construction. The project site shall

at all times be available for inspection by authorized PFBC officers and employees.

2. *Wild and Stocked Trout Waters*—Activities authorized by this General Permit in regulated waters of this Commonwealth are prohibited in the following streams for the specified time periods listed below unless written approval is obtained from the PFBC or the local Department Regional Office and provided with the General Permit Registration.

Stocked trout streams	March 1 through June 15
Wild trout streams	October 1 through December 31
Lake Erie tributaries	September 1 through April 30

3. *Use of Explosives*—A written permit may be secured from the PFBC under 30 Pa.C.S. § 2906 (relating to permits for use of explosives). The permit must be provided with the General Permit Registration prior to acknowledgement. See Item 14.

4. *Aids to Navigation (ATON)*—An approved ATON plan may be secured from the PFBC under 30 Pa.C.S. §§ 5121–5124 and 58 Pa. Code Chapter 113. The approved ATON plan must be provided with the General Permit Registration prior to acknowledgement. See Item 12.A.3.

D. *Pennsylvania Historical and Museum Commission*

1. No regulated activity is authorized which will adversely impact properties listed in or eligible for listing in the historical, cultural or archaeological sites as identified in the latest published version of the Pennsylvania Inventory of Historic Places or the National Register of Historic Places.

a. Activities on properties that are listed or eligible for listing as described in Item D.1 above must include a no adverse effect determination from the Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (see Exhibit A) with the General Permit Registration submission.

2. Archaeological artifacts discovered during the performance of work authorized under this General Permit must be adequately protected and their discovery promptly reported to the, Pennsylvania Historical and Museum Commission, Bureau for Historic Preservation (see Exhibit A).

E. *Other Permits and Approvals*—Nothing in this General Permit relieves the owner of the obligation of complying with all Federal, Interstate Compact and State laws, regulations and standards for the construction, operation or maintenance of the temporary crossing or activity. The owner shall secure all other approvals that may be necessary under Federal, State or local laws or regulations.

8. *Fees*—The fee required for a project authorized under this General Permit shall be consistent with 25 Pa. Code § 105.13 (relating to regulated activities—information and fees).

9. *Effective Time Period*—This General Permit will remain in effect indefinitely unless specifically modified, suspended or revised by the Department.

10. *Suspension, Modification or Revocation*—The Department may suspend, modify, or revoke this General Permit at any time upon notice in the *Pennsylvania Bulletin*.

11. *Project Interference*—This General Permit does not authorize any interference with any existing or proposed Local, State, Federal or Federally Licensed Project, and

permittee shall not be entitled to compensation for damage or injury to the work authorized herein which may be caused by or a result of existing or future operations undertaken by the United States, the Commonwealth of Pennsylvania and its political subdivisions in the public interest.

12. *Conditions*—These conditions apply to the construction, operation, maintenance and removal of temporary crossings and environmental testing or monitoring activities conducted or located in, along, under, across, or over regulated waters of this Commonwealth, including wetlands, authorized by this General Permit.

A. *General*—These conditions apply to all temporary crossings and activities, additional conditions for specific crossings and activities are detailed in Items 12.B.—12.G.

1. Temporary crossings and activities may remain installed for a period of time not to exceed one (1) year from the date of the Department's acknowledgement (Item 7.A.1.) unless extended in writing by the Department. The Department may extend the time, on a case by case basis not to exceed an additional one (1) year based on the owner's documentation of need. Under no circumstances will a temporary crossing be allowed to remain in place for longer than two (2) years from the date of the Department's original acknowledgement. See Items 7.A.2 and 7.B.1.a.

2. The site of a temporary crossing, except fords, and activities shall be restored to original topography and stabilized within five (5) days after termination of its intended use or at the end of the one (1) year period, whichever occurs first, unless extended in writing by the Department. The owner must also provide notice to the appropriate office ten (10) days prior to removal of the temporary crossing. See Item 7.A.4.

3. All temporary crossings, excluding fords, shall be of sufficient height and clearance to allow the use of the stream or other body of water in its customary manner. Where this is not practicable, and the waterway is used for motorized or non-motorized boating, an ATON plan must be submitted to and approved by the PFBC prior to the submission of the General Permit Registration Form in accordance with Item 7.C.4.

4. Wetlands shall be identified and delineated in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and the appropriate Regional Supplements to the Corps of Engineers Wetland Delineation Manual for use in Pennsylvania.

5. Temporary crossings of wetlands shall be avoided if an alternate location is possible. If the crossing of wetlands cannot be avoided, the crossing is permissible if it is located at the narrowest practicable point of the wetland.

6. A temporary wetland crossing shall be conducted, where practicable, utilizing removable, temporary mats, pads or other similar devices to ensure minimization of impact on the wetlands ecology.

7. Temporary crossings of all watercourses must be accomplished at a right angle to the watercourse, except for fords and temporary aerial service line crossing installed on an existing bridge, unless it is physically impossible to cross at a right angle to the watercourse.

8. The waterway openings of temporary crossings shall be kept open and functioning at all times by maintaining the crossings free of debris and other obstructions.

9. Pollution of the waterway, including its floodplains, with harmful chemicals, fuels, oils, greases, bituminous material, acid, and/or other harmful or polluting materials, is prohibited.

10. Temporary crossings shall not approach the stream channel directly downslope, but should traverse the slope obliquely to prevent high velocity road or right of way drainage flows from directly entering the stream channel. Road or right of way drainage shall include proper erosion and sediment control Best Management Practices; as referred to in Item 3.

11. Temporary crossings of all watercourses, including support structures, shall be of sufficient width and size so as not to narrow the existing stream channel.

12. Temporary crossings of all watercourses, including support structures, shall not increase velocity or direct flow so as to result in erosion of the stream bed and banks.

13. Temporary crossings of all watercourses, including support structures, shall be inspected by the owner on a regular basis to provide for continued operation and maintenance during the lifetime of the structure.

14. Temporary crossings of all watercourses, including support structures, shall be structurally sound at all times and placed in such a manner as to not be displaced by flood waters.

15. During construction and operation of the temporary crossing, all public and private property including existing vegetation, landscape features and monuments within, along and adjacent to the work area, shall be protected and preserved to the maximum extent possible. This shall include, but not be limited to precautions taken to minimize damage, erosion, injury or destruction; prevent pollution; provide protection of all trees and other woody plants; special care being taken to protect the natural vegetation and surroundings to include all natural drainage ways, ponds, lakes, swamps, woods and fields; and storage of materials in such a manner to prevent leaching which would be injurious to soils and to plants. Precautions should be taken to prevent damage to pipes, conduits and other underground structures.

B. Environmental Testing or Monitoring Activities

1. General Conditions in Subsection 12.A.

2. Temporary activities should be designed to prevent compaction or liquefaction of soft soils in floodways or wetlands as deemed necessary by the activity undertaken.

3. Any cutting or boring liquids shall not be discharged into Regulated Waters of the Commonwealth and shall be in compliance with 25 Pa. Code Chapter 102 (relating to erosion and sediment control). BMPs specific to the activity must be identified and contained within the submitted E&S plan as required under Item 3.

4. Testing lines and sensors may be placed on the beds of streams, provided they can be reasonably secured to prevent flotation and do not constitute a risk to public safety.

5. Sites should be restored to original topography where practicable and any excess materials generated shall be removed from the body of water including their floodways.

C. Road Crossings

1. General Conditions in Subsection 12.A.

2. Road and causeway embankments shall consist of only clean sound rock material to prevent stream channel

sedimentation during placement, removal and periods of overtopping. Rock material shall be durable enough to withstand the intended use while remaining stable and not degrade into fine particles.

3. Approach roads to temporary road crossings shall utilize original grades within the floodway. However, removable, temporary mats, pads or other similar devices or clean sound rock material to a depth of six inches above original grade must be utilized for approaches as necessary within the floodway.

4. Causeways shall extend streamward the minimum distance necessary to complete the project and under no circumstances may extend across the entire channel or along a watercourse a distance greater than 300 feet. The combined aerial extent of causeway placement shall not exceed 0.25 acres.

5. Road crossings of wetlands utilizing fill materials shall not occupy an area greater than 0.1 acre of the wetland resource.

6. Fill materials for temporary road crossings of wetlands shall consist of only clean sound rock material and be installed to maintain the hydrology of the wetland utilizing cross drain pipes where necessary.

7. Road crossings of wetlands utilizing fill materials shall install a geo-textile material between the wetland surface and the fill material to prevent migration of the fill material into the wetland soil profile. The geo-textile shall be of sufficient strength to resist tearing during installation and removal of the fill material.

8. Road crossings of wetlands utilizing removable, temporary mats, pads or other similar devices shall extend the minimum distance necessary to complete the project.

D. Bridges

1. General Conditions in Subsection 12.A.

2. Road Crossing Conditions in Subsection 12.C.

3. Bridges must be single span from top of bank to top of bank and structurally stable.

4. Temporary bridge crossings of all watercourses, including support structures, shall have a waterway opening sufficient to adequately discharge, at a minimum, the bank-full flow of the watercourse or stream. The waterway opening shall be large enough to minimize and confine any backwater related to the bank-full flow to the owner's property or if applicable, the boundary of the property leased for the crossing. The owner shall be responsible for any damages resulting from increased backwater caused by the temporary crossing. The permittee shall remove the temporary crossing in the event of high waters to prevent the increased backwater.

E. Culverts

1. General Conditions in Subsection 12.A.

2. Road Crossing Conditions in Subsection 12.C.

3. Culverts must provide a waterway area sufficient to adequately discharge the normal flow of the watercourse, and shall be of sufficient length to extend beyond the toe of the clean rock fill.

4. Culverts must be installed in such manner that overtopping of the roadway will occur within the banks of the stream channel. This can be accomplished by providing a depressed roadway embankment as shown on attached Drawings No. 3 and No. 4.

5. A culvert having as large a diameter as possible must be provided to minimize placement of excessive fill

and excavation of the stream banks. If the bank height prohibits a large diameter pipe culvert, the crossing could consist of a bridge or a series of culverts. The minimum size diameter culvert to be used is 12 inches.

6. Road Crossings involving a series of pipe culverts shall be installed with a minimum spacing as specified on attached Drawing No. 4.

F. *Fords*

1. General Conditions in Subsection 12.A.

2. Road Crossing Conditions in Subsection 12.C.

3. Fords used as temporary crossings shall have the approaches adequately blocked and stabilized to prevent future use within five (5) days after termination of its intended use or at the end of the one (1) year period, whichever occurs first.

4. Fords are prohibited on streams or water bodies designated as high-quality (HQ) or Exceptional Value (EV) as defined and listed in 25 Pa. Code Chapter 93 (relating to water quality standards), and in watersheds tributary to drinking water intakes or reservoirs for public water supply users, where the ford is within 2,000 feet upstream of such intake or reservoir.

5. Whenever the streambed at the site of a ford does not have a rock bottom, a layer of clean sound rock material to prevent stream channel sedimentation during placement, removal and periods of overtopping must be provided. Rock material shall be durable enough to withstand the intended use while remaining stable and not degrade into fine particles.

6. This layer of clean rock shall not obstruct the stream flow. In addition the approaches must:

- a. be maintained in a firm and stable condition and
- b. enter and exit the stream at less than a 10% grade within 50 feet of the stream,
 - i. enter the stream with the flow and
 - ii. exit the stream against the flow.

G. *Service line crossings*

1. General Conditions in Subsection 12.A.

2. The maximum size temporary service line allowed is 24 inches inside diameter. If multiple lines are necessary to perform the crossing, the total inside cross-sectional area of all lines combined shall not exceed 453 square inches.

3. Sleeving of the temporary service line through a steel or concrete pipe; suspension via cable systems or through other structural means over the watercourse is permitted, however, no vertical support structures, valves, fittings or pipe joints shall be located within a sleeve or above the watercourse.

4. Temporary service lines using sleeves or other devices to support or carry the temporary service line over the watercourse shall be designed in accordance with current engineering standards.

5. Temporary service line crossings of all watercourses transmitting fresh water, which is devoid of any pollutional materials, shall be done by a single continuous span of pipe at a minimum from top of bank to top of bank. No vertical support structures, valves, fittings or pipe joints shall be located in or above the watercourse.

6. Temporary service line crossings of all watercourses transmitting fresh water which may contain any pollutional materials during the lifetime of the temporary crossing shall be done by a single continuous span of pipe at a minimum from the outer limit of the floodway across the watercourse to the other side of the floodway outer limit. No vertical support structures shall be located in or above the watercourse. No valves, fittings or pipe joints shall be located within the floodway limits of the watercourse, including above the watercourse.

7. Temporary service lines carrying fresh water or fresh water which may contain pollutional materials shall consist of materials that meet industry standards for durability, strength and appropriate pressure ratings to handle the anticipated uses and conditions.

8. Temporary service line crossings of all watercourses transmitting fresh water which may contain any pollutional materials during the lifetime of the temporary crossing shall have an operations and maintenance plan which shall include at a minimum the following:

- a. Periodic inspection schedule of the temporary service line.
- b. Shutoff valve exercising or similar assurance of valve performance.
- c. Written procedures for terminating transmission of fluids in the event of a leak, break or rupture of the temporary service line including any valves or fittings.
- d. Written procedures for terminating service at the end of operations and the collection of remaining fluids in a manner that prevents discharge into any Regulated Waters of the Commonwealth.

e. A written specific emergency response plan addressing actions to be taken in the event of a discharge, leak or spill of materials from the temporary service line. A copy of the plan shall be kept onsite at the operation. The emergency response plan must contain information necessary to meet the notification requirements for reporting discharge, leak or spill events which would result in pollution or create a danger of pollution to regulated waters of this Commonwealth contained in 25 Pa. Code § 91.33 (relating to incidents causing or threatening pollution).

9. Temporary service line crossings of all watercourses transmitting fresh water or fresh water which may contain pollutional materials shall have adequate provisions for shut-off in the event of a leak, break or rupture. Shut-off provisions shall be located at a minimum outside of the floodway limits of the waterway.

10. Temporary service line crossings of all watercourses, including support structures, shall have a waterway opening sufficient to adequately discharge, at a minimum, the bank-full flow of the watercourse or stream. The waterway opening shall be large enough to minimize and confine any backwater related to the bank-full flow to the owner's property or if applicable, the boundary of the property leased for the crossing. The owner shall be responsible for any damages resulting from increased backwater caused by the temporary crossing. The permittee shall remove the temporary crossing in the event of high waters to prevent the increased backwater.

11. Support structures located in the floodplain shall be designed to prevent frost heave, overturning and settlement.

12. Freeze protection shall be provided for temporary service line crossings in place during cold weather periods.

13. Expansion joints shall be provided between above-ground pipelines.

14. During the termination of operations of a temporary service line crossing or removal of a temporary service line crossing the owner must ensure that the contents of the service line crossing shall be disposed of properly and not discharged into any Regulated Waters of the Commonwealth.

13. *Equipment*—Use of motorized vehicles or equipment in a watercourse, stream or body of water is limited to the minimum necessary to complete the project. Motorized vehicles or equipment working in wetlands must be placed on mats or other measures must be taken to minimize disturbance.

14. *Use of Explosives*—Prior to the use of explosives in a watercourse or body of water, the permittee shall secure a written permit from the PFBC under 30 Pa.C.S. § 2906 (relating to permits for use of explosives). See Item 7.C.3.

15. *Proper Maintenance*—Facilities and activities authorized under this General Permit must be operated and maintained to protect public health, safety and the environment.

16. *Aquatic Life Movements*—No regulated activity may substantially disrupt the movement of those species of aquatic life indigenous to the watercourse, stream or body of water, including those species which normally migrate through the area.

17. *Waterfowl Breeding Areas*—Breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

18. *Fill*—Fill material must be uncontaminated, nonwater-soluble, nondecomposable inert solid material and must be free of asphalt, trash, construction debris, tires, toxic pollutants and never been subject to a spill or release of a contaminated substance. Temporary fills for construction purposes (e.g. road embankments, equipment staging, cofferdams and causeways) shall consist of only clean nonwater-soluble rock material (without fine particles or small-grained materials) to prevent the introduction of sediment to water resources.

19. *Removal of Temporary Fills*—Temporary fills and associated temporary BMPs must be removed in their entirety, and the affected areas stabilized and returned to their pre-existing elevations.

20. *Navigation*—No authorized activity shall permanently hinder commercial or recreational navigation.

21. *Department Inspection*—As a condition of use of this General Permit, and of the owner's authority to conduct the activities authorized by this General Permit, the owner hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or a search warrant, at any reasonable time and upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas where the project is being constructed, operated or maintained. The authorization and consent shall include consent to conduct tests or sampling, to take photographs, to perform measurements, surveys and other tests, to inspect the methods of construction, operation or maintenance,

to examine and copy books, papers and records pertinent to any matter under investigation, and to take any other action necessary to assure that the project is constructed, operated or maintained in accordance with the terms and conditions of the General Permit. This General Permit condition is included pursuant to Section 16 of the DSEA, 32 P. S. § 693.16, and in no way limits any other powers granted under the DSEA.

22. *Activities Not in Accordance with the Terms or Conditions*—If the Department determines, upon inspection, that the construction, operation or maintenance of a project has violated the terms or conditions of this General Permit or of 25 Pa. Code Chapter 105, the Department may take such actions, legal or administrative that it may deem to be appropriate, including revocation of the General Permit with regard to the violation.

23. *Structure Removal*—The owner shall remove all or any portion of the temporary crossing or activity upon written notification to the owner by the Department in the event the project is causing an adverse impact on public health, safety or the environment or in any other manner violates the conditions of this General Permit or Chapter 105.

24. *Property Rights*—This General Permit does not convey any property rights, either in real estate or material, or any exclusive privileges; nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State or local laws or regulations.

25. *Signature*—The General Permit Registration Form shall be signed by the person responsible for installation, operation, maintenance, and removal of the authorized activity.

A copy of the draft revised GP-8 may be obtained by contacting the Department of Environmental Protection, Bureau of Waterways Engineering and Wetlands, Division of Wetlands, Encroachments and Training, P. O. Box 8460, Harrisburg, PA 17105-8460. Persons with a disability may obtain these documents by contacting the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). A copy of the draft modified General Permit will be made available on the Department's web site and may be accessed at www.depweb.state.pa.us, select "Public Participation," select "Public Participation Center," select "Get Involved," select "Technical Guidance and Proposals," select "Proposals Currently Open for Comment," then navigate to the items for "Proposed Revisions to General Permit BWEW-GP-8: Temporary Road Crossings; General Permit BWEW-GP-8."

The Department requests written comments on the proposed modifications to this General Permit by January 10, 2014. Comments received by facsimile will not be accepted. Interested persons may submit written comments, suggestions or objections to the previously listed address or RA-GP8Comments@pa.gov. Questions can be addressed by calling (717) 787-3411 or e-mailing kmurin@pa.gov.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2059. Filed for public inspection November 1, 2013, 9:00 a.m.]

Public Notice of Draft NPDES General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems

The Department of Environmental Protection (Department) is announcing the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06). To access the draft General Permit and related documents visit www.elibrary.dep.state.pa.us and select "Permit and Authorization Packages," "Point and Non-Point Source Management," "National Pollutant Discharge Elimination System—NPDES," "General Permits" and "PAG-06 (Draft)."

The PAG-06 General Permit is intended to provide NPDES permit coverage to satellite combined sewer systems with wet weather combined sewer overflow (CSO) discharges to waters of this Commonwealth. The Department extended the existing PAG-06 to September 5, 2014, and published notice of the extension at 43 Pa.B. 4422 (August 3, 2013). The Department is proposing to reissue a final PAG-06 General Permit on or before September 5, 2014.

The draft PAG-06 General Permit includes the following proposed significant changes in comparison to the existing PAG-06 General Permit:

- Following initial coverage under this General Permit, provided the permittee provides the Annual CSO Report (a certification required by Part C III C.4 of the general permit), a separate, subsequent Notice of Intent (NOI) for renewal of coverage is not required. Coverage is automatically extended for the duration of the final renewed, reissued or amended General Permit, unless the Department notifies the permittee in writing that submission of a separate, subsequent NOI is required. This determination was based on the expected nature of CSO discharges, the level of control or capture and treatment required and expected performance of best management practices through implementation of the Nine Minimum Controls and Long Term Control Plans. The determination was also based on the expected volume of the discharges and the potential for toxic or conventional pollutants in the discharges.

- The permit language has been updated to conform to 25 Pa. Code Chapter 92a (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance).

- Permittees with PAG-06 General Permit coverage must submit inspection results to the Department electronically if required by the Department in writing.

- A copy of the Annual CSO Status Report must be sent to the Department's Central Office with an annual installment payment of the NOI fee by March 31 each year.

The proposed NOI fee for coverage under this General Permit is \$100 per year that the combined sewer system is in operation. The NOI fee is to be paid in installments; \$100 must be included with the NOI and \$100 must be included with the Annual CSO Status Report for each year of continuing permit coverage. The Department anticipates that once coverage under the General Permit is authorized, coverage will continue without the need to submit a separate, subsequent NOI for renewal of coverage as long as the PAG-06 General Permit is renewed, unless the Department specifically requires the submission of a separate, subsequent NOI in writing. The

permittee must agree and certify that the permittee has read and continues to be eligible for coverage under the most recent PAG-06 and that it will comply with any conditions and modifications to those conditions. This certification, which will be included as a part of the Annual CSO Status Report Form, represents the permittee's subsequent NOI for continued coverage under any subsequently renewed PAG-06.

Written Comments: The Department is seeking comments on the draft PAG-06 General Permit, Document No. 3800-PM-BPNPSM0076a-f for a period of 30 days. Interested persons may submit written comments on these documents by December 2, 2013. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Dharmendra Kumar, Department of Environmental Protection, Bureau of Point and Non-Point Source Management, Rachel Carson State Office Building, 11th Floor, P. O. Box 8774, Harrisburg, PA 17105-8774, dkumar@pa.gov. Written comments submitted during the 30-day comment period will be retained by the Department and considered in making a final determination. The Department will provide an opportunity for any interested person or group of persons, any affected state, any affected interstate agency, the United States Environmental Protection Agency or any interested agency, to request or petition for a public hearing with respect to the proposed General Permit. The request or petition for public hearing, which must be filed within the 30-day period allowed for filing of written comments, must indicate the interest of the party filing the request and the reasons why a hearing is warranted. A hearing will be held if there is significant public interest.

Contact: Questions regarding the draft PAG-06 General Permit should be directed to Dharmendra Kumar at (717) 787-2288 or the previously listed e-mail address.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2060. Filed for public inspection November 1, 2013, 9:00 a.m.]

2014 Environmental Education Grants Program Application Announcement

Applications for the 2014 Environmental Education Grants Program (Program) are now available from the Department of Environmental Protection (Department). The grants provide funding to public and incorporated private schools, colleges and universities, county conservation districts, incorporated nonprofit organizations, along with incorporated conservation and education organizations and institutions, businesses, municipalities and municipal authorities to create or develop projects that support environmental education in this Commonwealth. Grants will provide environmental education on timely and critically important topics, including the following:

- *Chesapeake Bay and Watershed Education*—Organizations are encouraged to develop environmental education programs that promote the reduction of non-point source pollution, such as nutrient and sediment loads, along with other water-related education programs.

- *Air Quality*—Organizations are encouraged to develop air quality education and outreach programs.

- *Energy Education*—Organizations are encouraged to develop educational programs on energy efficiency and conservation, as well as natural gas, coal, wind, solar and other energy sources and technologies.

- *Brownfields*—Organizations are encouraged to develop education and outreach programs for students, youth, educators, community members, community groups, developers, property owners and others that are interested in brownfield redevelopment and sustainable communities.

- *Environmental Literacy Planning and Programming*—Applicants are encouraged to engage educators and stakeholders in content standards and field-based environmental education. Areas of specific focus should include graduation requirements, professional development on environmental education content knowledge and field-based pedagogy, assessment and evaluation, partnering to build capacity, identifying existing resources and sustainability of programs. Additionally, projects may focus on high performing green schools and buildings; providing high quality programming for children, youth or adults, or both (programs to include STEM, outdoor education, service learning, ensuring access for participants with disabilities); professional development for formal and nonformal educators; environmental service learning programs for youth and adults; and environmental careers/green jobs.

- *Formal and Non-formal EE Certification*—Applicants are encouraged to develop and implement institutionalized and community-based certification programs designed for teachers, naturalists and educators working in schools and environmental education facilities at parks, county conservation districts, nature/EE centers, conservancies and more. It gives educators in these arenas access to a formal credential that standardizes and upgrades professional development, allowing educators to address academic standards in a meaningful and relevant way.

- *STEM Education*—Applicants are encouraged to develop environmental education programs integrating STEM program instruction (science, technology, engineering and mathematics) into programs.

- *Curriculum Integration Projects*—Applicants are encouraged to articulate the Academic Standards for Environment and Ecology into the formal K-12 curriculum, including energy education, for the entire school district, private school or charter school.

- *Curriculum Revision Projects*—Applicants are encouraged to revise current (or write new) lesson plans or units to meet the changes identified in the alignment to the Environment and Ecology Standards, energy education and provide a means for classroom assessment.

- *Outdoor Learning Resource Projects*—Applicants are encouraged to develop resources such as trails, agricultural demonstration areas, energy demonstration areas, ponds, wetland areas, sheltered learning stations, and the like, as well as similar nearby community resources as a framework within which students can learn about natural systems and the interrelationship among natural and manmade communities.

- *Natural Landscaping and Trees*—Applicants are encouraged to develop educational programs on landscaping with native plants; the social, economic and environmen-

tal benefits of trees; and invasive plant management, along with information on how to sustainably maintain these natural landscapes.

- *Connecting Children to Nature*—Applicants are encouraged to develop and facilitate educational programs or infrastructure for such programs designed to align science, environment and ecology and resource learning with immersive activities in the out-of-doors. Students within these programs should receive regular time out-of-doors during instruction or during healthful play.

The Program was established by the Environmental Education Act (35 P.S. §§ 7521—7528), which mandates setting aside 5% of the pollution fines and penalties collected annually by the Department for environmental education in this Commonwealth.

Environmental education grant awards are limited to \$3,000. This announcement opens on November 4, 2013, and grant applications submitted to the Department must be postmarked by January 6, 2014.

Applications may be obtained by contacting the Department of Environmental Protection, Environmental Education Grants Program, P.O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-1828. For additional information and to obtain the electronic copy of the grants manual and application forms, visit the Department's web site at www.dep.state.pa.us (DEP Keyword: EE Grants).

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2061. Filed for public inspection November 1, 2013, 9:00 a.m.]

Water Resources Advisory Committee Meeting Cancellation

The Water Resources Advisory Committee (Committee) meeting scheduled for November 13, 2013, has been cancelled. The date, time and location of the next meeting of the Committee will be announced in the *Pennsylvania Bulletin* in advance of the meeting.

Questions concerning the meeting of the Committee can be directed to Sean Gimbel at (717) 783-4693 or sgimbel@pa.gov. The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-4693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2062. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 143.4 (relating to medical appraisal of a podiatric patient).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2063. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2064. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-3.6, 3.1-3.6.1, 3.1-3.6.9, 3.1-6.6.10, 3.1-6.2, 3.1-6.2.2 and 3.1-6.2.3.

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2065. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Dubois Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.1-6.1.1 (relating to vehicular dropoff).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2066. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Forbes Regional Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Forbes Regional Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.5.1(1) (relating to area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2067. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2068. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monroeville Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2069. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Monroeville Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Monroeville Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2070. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2071. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Wilkes-Barre General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Wilkes-Barre General Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2072. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Williamsport Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 143.4 (relating to medical appraisal of a podiatric patient).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2073. Filed for public inspection November 1, 2013, 9:00 a.m.]

Application of Williamsport Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 143.5 (relating to medical supervision of podiatric patients).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2074. Filed for public inspection November 1, 2013, 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 20, 2013, from 9 a.m. to 4 p.m. and Thursday, November 21, 2013, from 9 a.m. to 3:30 p.m. at the Park Inn Harrisburg West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, 625 Forster Street, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previously listed number, or at V/TT (717) 783-6514 for speech and/or hearing impaired persons, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2075. Filed for public inspection November 1, 2013, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) (relating to electric requirements for existing and new construction):

Jewish Home of Eastern PA
1101 Vine Street
Scranton, PA 18510
FAC ID 360402

The request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2076. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Current Prevailing Wage Act Debarments

The following contractors have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these contractors, or either one of them, or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Dean Bizarre, d/b/a D&D Trucking Company FEIN No. 45-4955531	2879 Quake Road Waverly, PA 18255	10/9/2013

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 13-2077. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle XVII Raffle Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle XVII.

2. *Price:* The price of a Pennsylvania Millionaire Raffle XVII lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle XVII lottery game tickets sales will commence on or after November 15, 2013, and will continue until all 500,000 tickets have been sold, or 5:00 p.m. on January 4, 2014, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle XVII lottery game ticket will contain one chance consisting of one unique computer-generated eight-digit number between 00000001 and 00500000, the drawing date, amount bet, and validation data.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle XVII lottery game. The chances will be sequentially issued on a statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle XVII will be televised on January 4, 2013, at or about 7:00 p.m. A computer-generated randomizer will be used to conduct the drawing. Six-thousand (6,000) unique eight-digit numbers will be drawn from the range of numbers representing the chances sold. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. Determination of Prize Winners:

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle XVII prizes and determination of winners are as follows:

*Ticket Matching Exactly the
Unique Eight-digit Number
Drawn:*

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

*Maximum Odds
Of Winning
Are 1 In:*

125,000
125,000
5,000
84.86

*Number Of
Winners*

4
4
100
5,892

All Pennsylvania Millionaire Raffle XVII lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle XVII lottery game tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Pennsylvania Millionaire Raffle XVII or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle XVII lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* Unclaimed prize money on winning Pennsylvania Millionaire Raffle XVII lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto for 1 year from the announced close of the Pennsylvania Millionaire Raffle XVII lottery game. If no claim is made within 1 year of the announced close of the Pennsylvania Millionaire Raffle XVII lottery game conducted by the State Lottery, the right of a ticket holder to claim the prize represented by that ticket, if any, expires and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-2078. Filed for public inspection November 1, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2013

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for Tax Reimbursement Grants (grant) from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2013.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation related areas, as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to applying for a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to

maintain the property, for which the grant will be sought, as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant, the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2013, is the close of business on February 1, 2014. Applications shall be filed with the Bureau using dotGrants, the Department's web-based grants administration program. For more detailed information, review the Department's web site at www.dot.state.pa.us.

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement program to Marcia Scott-Williams, Western Region at (717) 705-1205 or Catherine Green, Eastern Region at (717) 705-1222.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-2079. Filed for public inspection November 1, 2013, 9:00 a.m.]

Finding

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written finding:

The Department is planning the projects listed as follows. Environmental and Section 4(f) Documentation has been developed for the projects identified as follows to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeainmain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed projects identified as follows and all reasonable steps have been taken to minimize the effects.

• SR 0040, Section 136—Menallen Township, Fayette County

Project Description: Realign two local roadways to create a plus intersection on SR 0040, also known as the National Road, a resource listed on the National Register of Historic Places.

Environmental Documents: Level 1b CEE, approved on July 15, 2003, and a Determination of Section 4(f) De Minimis Use document, approved on July 3, 2012.

Proposed Use of Section 4(f)/2002 Resource: The project will include widening of SR 0040 to provide left-turn lanes at the propose intersection.

• **SR 0119, Section 498 (Homer City North Project) Center Township, Indiana County**

Project Description: The project is to reduce the crashes associated with left-turn movements from SR 0119 to various side roads while maintaining adequate access to the adjacent residential community, businesses and industrial facilities.

Environmental Documents: Level 1b CEE, approved on June 28, 2013, A Programmatic Section 4(f) Checklist (De Minimis Use/No Adverse Use) was approved on June 28, 2013.

Proposed Use of Section 4(f)/2002 Resource: The Hoodbug Trail (part of the Indiana County Parks and Trails Regional Trails System) is located along the west side of Yankeetown Avenue and generally continues north/south behind the Sheetz convenience store in the project area. A portion of this trail will be realigned and an at-grade crossing will be considered.

• **SR 1015, Section B00 (Carlton Road Bridge) over French Creek—French Creek Township, Mercer County**

Project Description: The proposed project is for the replacement of the Carlton (SR 1015) Bridge over French Creek in French Creek Township, Mercer County, which was closed in 2010 for traffic. The existing structure is an historic resource listed on the National Register of Historic Places.

Environmental Documents: Level 2 CEE, approved on August 7, 2013, and the Letter of Agreement executed on July 10, 2012, under Statewide Programmatic Agreement.

Proposed Use of Section 4(f)/2002 Resource: The existing two-span truss bridge, a resource determined eligible for the National Register of Historic Places will be replaced with a two-span bridge.

• **SR 1027, Section 550 (Egypt Road Bridge) over North Fork Redbank Creek—Polk Township, Jefferson County**

Project Description: The project involves replacement of a structurally deficient bridge with an offline alternative that will improve the horizontal and vertical geometry.

Environmental Documents: Level 1b CEE, approved on June 17, 2013, and De Minimis Use/No Adverse Use Checklist approved on June 14, 2013, under the Statewide Programmatic Agreement.

Proposed Use of Section 4(f)/2002 Resource: The new roadway alignment requires 0.804 acre of permanent right-of-way (ROW) acquisition from State Game Land (SGL) #54. Upon vacating the existing ROW occupied by the existing bridge and roadway approaches, 0.417 acre of land will be returned to the Game Commission for use as a designated parking area for recreational users of SGL #54 and North Fork Redbank Creek.

• **SR 6008, Section L00 Various Roadways in City of Oil City, Cornplanter Township and Rouseville Borough in Venango County**

Project Description: The purpose of the project is to provide safe access and mobility in and around the City of Oil City. Existing roadways and ADA facilities are in deteriorated or substandard condition.

Environmental Documents: CEBRPA approved on August 2, 2013, and a Non-Applicability No-Use form signed on August 2, 2013, and coordinated with Pennsylvania

Historical and Museum Commission through the Projectpath web site.

Proposed Use of Section 4(f)/2002 Resource: Impacted land is within the boundaries of the Historic District but does not contribute. The project is for the milling and repaving of SR 6008 and SR 0097 (Seneca Street). In addition, curb ramps will be replaced, where necessary, to meet the current ADA standards. Pavement markings will be replaced and inlet adjustments will be done where needed.

• **SR 9900, Section LBR, T-402 (Knox Road) over Cowanesque River—Deerfield Township, Tioga County**

Project Description: The project will include replacement of the T-402 (Knox Road) bridge over the Cowanesque River.

Environmental Documents: Level 2 CEE, approved on April 10, 2013, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on March 25, 2013.

Proposed Use of Section 4(f)/2002 Resource: The project will include replacement of the T-402 (Knox Road) bridge, a resource determined eligible for the National Register of Historic Places.

GEORGE W. MCAULEY, Jr., P.E.,
Acting Director
Bureau of Project Delivery

[Pa.B. Doc. No. 13-2080. Filed for public inspection November 1, 2013, 9:00 a.m.]

Motor Carrier and Safety Advisory Committee Meeting

The Motor Carrier and Safety Advisory Committee will hold a meeting on Wednesday, November 6, 2013, from 12:30 p.m. to 3 p.m. at the Pennsylvania Turnpike Commission Building, Middletown, PA. For more information contact Ryan McNary at (717) 787-3656 or rymcnary@pa.gov.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-2081. Filed for public inspection November 1, 2013, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Emerald Coal Resources, LP v. DEP; EHB Doc. No. 2013-182-M

The Emerald Coal Resources, LP has appealed the issuance by the Department of Environmental Protection for an NPDES permit to Emerald Coal Resources, LP for a facility in Franklin Township, Greene County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-2082. Filed for public inspection November 1, 2013, 9:00 a.m.]

Pennsylvania Fish and Boat Commission v. DEP; EHB Doc. No. 2013-183-M

The Pennsylvania Fish and Boat Commission has appealed the issuance by the Department of Environmental Protection for an NPDES permit to Pennsylvania Fish and Boat Commission for a facility in Logan Township, Clinton County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-2083. Filed for public inspection November 1, 2013, 9:00 a.m.]

Rosebud Mining Company v. DEP; EHB Doc. No. 2013-181-L

The Rosebud Mining Company has appealed the issuance by the Department of Environmental Protection of an NPDES Permit to Rosebud Mining Company for the Coral-Graceton Mine in Center Township, Indiana County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 13-2084. Filed for public inspection November 1, 2013, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Health Care Cost Containment Council (Council) has scheduled the following meeting: Thursday, November 7, 2013—Council Meeting at 10 a.m.

The meeting will be held at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodation due to a disability who wish to attend the meeting should contact René Greenawalt, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,
Executive Director

[Pa.B. Doc. No. 13-2085. Filed for public inspection November 1, 2013, 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 regulations. 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>
7-480	Environmental Quality Board Regulated Medical and Chemotherapeutic Waste 43 Pa.B. 4858 (August 24, 2013)	9/23/13	10/23/13
14-535	Department of Public Welfare Supplemental Ventilator Care Payment for Medical Assistance Nursing Facilities 43 Pa.B. 4855 (August 24, 2013)	9/23/13	10/23/13

Environmental Quality Board Regulation #7-480 (IRRC #3017)

Regulated Medical and Chemotherapeutic Waste October 23, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the August 24, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P.S. § 745.5b). Section 5.1(a) of the RRA (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; Economic or fiscal impacts; Direct and indirect costs to the Commonwealth or private sector; Reasonableness of requirements.

EQB states in the Preamble that the proposed regulation represents a comprehensive revision of Pennsylvania's existing infectious and chemotherapeutic waste regulations. In developing this proposed regulation, EQB consulted with several advisory committees and met and communicated with members of the regulated community. Merck Sharp and Dohme Corp. (Merck) and Sanofi Pasteur Inc. (Sanofi Pasteur) commented on the regulation, asserting that biologics facilities, a segment of the regulated community, were excluded from providing input on the proposed regulation. We met with Department of Environmental Protection (Department) staff who acknowledged that while they did not meet with this segment of the regulated community during the drafting process, staff is in communication with Merck and Sanofi Pasteur and is considering the issues raised in their comments.

Merck and Sanofi Pasteur assert that biologics facilities are highly regulated by the U.S. Food and Drug Administration, which imposes stringent requirements and mandates practices to ensure the purity and safety of vaccine products. According to Merck and Sanofi Pasteur, biologics facilities assiduously follow the Centers for Disease Control and Prevention (CDC) biosafety guidelines, which require companies to classify infectious agents present at their facilities into one of four biosafety levels based on

the risk that the agents pose. Biosafety Level 1 agents are those that do not pose a risk of disease requiring special precautions or handling. The crux of the comments submitted by Merck and Sanofi Pasteur is that infectious wastes containing only Biosafety Level 1 agents should not be treated as ordinary municipal or residual waste.

Merck and Sanofi Pasteur request EQB amend the regulation, taking into consideration the CDC classification of Biosafety Level 1 agents and the unique activities conducted at biologics facilities. Specifically, Merck and Sanofi Pasteur raise concerns regarding:

- The need to exempt Biosafety Level 1 agents from the definition of "regulated medical waste" because these agents pose no appreciable risk of causing disease;
- The need to exempt the large volume of plastics generated by biologics facilities from the definition of "sharps" because they pose little risk of puncture and are not considered sharps in almost all other jurisdictions;
- The need to define "residue in empty containers";
- The need to clarify the term "cell lines";
- The need to exempt certain biologics facilities from the requirement to segregate regulated medical waste from chemotherapeutic waste; and
- The need to simplify disinfection, monitoring, validation and disposal requirements for certain biologics manufacturing facilities.

Based on the number and significance of the issues raised by Merck and Sanofi Pasteur, we question the reasonableness of the requirements as they relate to biologics facilities, as well as the fiscal or economic impact, and the direct and indirect costs to the private sector. We ask EQB to consider the concerns of this segment of the regulated community, and to continue to engage the entire regulated community to allow for the opportunity to resolve as many concerns as possible prior to the submittal of the final-form regulation. We will

review EQB's response as part of our consideration of whether the final-form regulation is in the public interest.

2. Section 271.1. Definitions.—Protection of the public health, safety and welfare; Clarity; Reasonableness of requirements.

Infectious waste

In order to use terminology that is consistent with other states and the Federal government, EQB is amending the regulation to identify infectious waste as regulated medical waste. EQB proposes that regulated medical waste be defined as "infectious waste," thereby incorporating the existing definition of infectious waste. The use of two terms having the same definition has the potential to cause confusion among the public and regulated community. EQB should explain the need for and compelling public interest that justifies the use of the same definition for two terms, and how the benefits of using the two terms outweigh any adverse effects.

As noted in comment 1, Biosafety Level 1 agents are those that do not pose a risk of disease requiring special precautions or handling. We ask EQB to explain why it is reasonable to include Biosafety Level 1 agents in the definition of infectious waste, as well as in the term infectious agent.

Commentators note that under Clause (i)(A) (relating to cultures and stocks) the definition of "cultures and stocks" uses the undefined term "residue in emptied containers." Commentators request that EQB provide clarity to the regulated community by incorporating the Resource and Conservation and Recovery Act (RCRA) definition of empty containers into this regulation. Commentators request that certain emptied containers meeting the RCRA criteria be exempt from the definition of "infectious waste." We ask EQB to address this clarity concern for the regulated community, or to explain why clarification is not needed.

Commentators further request that certain cell lines that have not been exposed to infectious agents classified as Biosafety Levels 2-4 be exempt from the definition of "infectious waste." We ask EQB to explain why it is reasonable to include these cell lines in the definition of "infectious waste."

Also, under Clause (i)(B) (relating to pathological wastes), EQB is proposing to exempt tissues preserved with formaldehyde from the definition of "pathological waste." Several commentators express confusion over what type of waste this tissue will be considered after the regulation takes effect. Could this confusion among the regulated community affect protection of the public health, safety and welfare? EQB should address this concern or clarify its intent by revising the definition.

Used sharps

We ask EQB to explain the reasonableness of including plasticware generated at biologics facilities in the definition of "used sharps."

3. Section 284.122. Modification of certain requirements.—Determining whether the regulation is in the public interest; Protection of the public health, safety and welfare.

In Subsection (b), EQB is proposing to delete several currently mandatory provisions relating to the legal right of the Department to enter the permitted area, the identification of interested parties, compliance information, verification of the application, and the administration of civil penalties and enforcement actions. EQB

states that these mandatory provisions limit the Department's flexibility to provide applicants with an effective permit.

EQB's explanation for this change is insufficient to show how the deletion of these provisions is in the public interest. EQB should explain in detail how protection of the public health, safety and welfare would not be impacted by the deletion of each of these provisions. For example, why is it in the public interest for the Department to waive its legal right to enter the permitted area?

4. Section 284.321. Regulated medical waste monitoring requirements.—Economic or fiscal impacts; Clarity; Need for the regulation; Reasonableness of requirements; Implementation procedures.

General

Commentators state the following provisions are appropriate when the specific biological composition of the waste is unknown:

- Proposed amendments to Paragraph (a)(2) related to disinfection;
- The monitoring provisions in Subsection (d); and
- Existing regulations referencing this section (Sections 273.411 and 273.511 require Departmental approval for the disposal at a municipal landfill of waste disinfected in accordance with Section 284.321.).

Correspondingly, these commentators state that these provisions are unnecessarily onerous when applied to the well-characterized waste streams from biologics facilities, and raise concerns related to the impact of this section on biologics facilities. We ask EQB to explain how these provisions are reasonable and necessary for biologics facilities.

Annual validation

Paragraph (n)(3) requires the regulated community to validate existing systems at a frequency specified by the manufacturer, but not less than one year. This appears to be a new requirement for the regulated community. Is it possible that a manufacturer requires its product to be validated at a frequency that is greater than one year? If so, EQB should explain why it is reasonable to implement a more stringent timeframe than a manufacturer has set. Will this new requirement have economic or fiscal impacts on the regulated community?

Threshold for procedures

Under Paragraph (n)(4), certain procedures are to be employed when a "significant change" occurs or a "problem is evident." Neither of these phrases sets a clear compliance standard for the regulated community. EQB should define these phrases, or provide examples of what is meant by them.

5. Section 284.322. Autoclave validation testing requirements.—Reasonableness of the requirements.

EQB proposes to set new requirements for autoclave operating parameters. Commentators question the reasonableness of the minimum temperature requirements in Section (5). Is this temperature requirement reasonable for all entities who must comply, including biologic facilities where the waste is known to contain only a well-characterized vaccine or other biologic that is inactivated at a much lower temperature than that proposed? EQB should explain how the requirement is reasonable for all regulated entities.

6. Section 284.411. Segregation.—Clarity, feasibility and reasonableness of the regulation.

Commentators raise concerns that the nature of the work conducted at biologics facilities makes it infeasible to segregate the waste according to EQB's proposed regulation. Commentators further assert that in some cases segregation is unnecessary if the waste is processed and kept entirely on-site. EQB should explain how the proposed regulation is feasible and reasonable for biologics facilities, particularly for facilities where the waste is kept entirely on-site, or amend the regulation to address these concerns.

7. Section 284.414. Marking of containers.—Protection of the public health, safety and welfare; Clarity and lack of ambiguity; Reasonableness of requirements; Implementation procedures.

General

This section addresses the types of information required to be marked on the outermost container; however, we do not see where this section, or any other section of the regulation, states explicitly who is responsible for complying with the requirements of this section. While it is implied that this section applies to generators (particularly in Paragraph (a)(5) which references the date that the generator sealed the container), for the protection of the public health, safety and welfare, we ask EQB to clarify in the final-form regulation who bears responsibility for complying with requirements for marking of containers, thereby ensuring lack of ambiguity.

Implementation timeframe

In Paragraph (a)(3), EQB provides a one-year timeframe for the regulated community to comply with the new requirements for marking containers. Commentators express concern about having sufficient time to use their existing inventory of containers, particularly given that the proposed regulation would extend the length of time that a generator is permitted to hold waste. We agree and ask EQB to review the proposed implementation procedures in light of this concern and consider the reasonableness of extending the implementation timeframe.

Commentators pose a related concern regarding whether having both "infectious waste" and "regulated medical waste" marked on a container would be a violation after the implementation timeframe cited in Paragraph (a)(3). We agree that EQB should clarify for the regulated community whether this would be a violation.

8. Section 284.512. Transportation of regulated medical and chemotherapeutic waste; general provisions.—Protection of the public health, safety and welfare; Clarity; Implementation procedures.

In Subparagraph (c)(iv), EQB is deleting strength and weight requirements on corrugated fiberboard containers. We ask EQB to explain how this amendment to the regulation adequately protects the public health, safety and welfare.

We also ask EQB to consider amending this section to clarify how roll-offs are impacted. For example, in Subsection (e) (relating to commingling of waste), how does the requirement that regulated medical or chemotherapeutic waste may not be transported in the same vehicle as residual waste affect the transportation of roll-offs?

9. Section 284.513. Transportation of regulated medical and chemotherapeutic waste; additional provisions.—Clarity; Reasonableness of requirements; Implementation procedures.

Paragraph (b)(2) requires that vehicles transporting regulated medical or chemotherapeutic waste shall be identified with a placard or decal containing the phrase "regulated medical waste" or "chemotherapeutic waste," or both, as applicable. Commentators request that EQB provide an implementation timeframe. We agree that providing the regulated community a period of time to become compliant is reasonable, and ask EQB to revise the final-form regulation accordingly.

Similar to the concern noted above in Section 284.414 (a)(3), commentators express concern as to whether identifying a vehicle with both "infectious waste" and "regulated medical waste" would be a violation. We agree that EQB should clarify for the regulated community whether this would be a violation.

10. Section 284.724. Transportation limitations.—Protection of the public health, safety and welfare; Clarity and lack of ambiguity.

Paragraph (a)(2) states that a transporter may not accept or transport a shipment of regulated medical or chemotherapeutic waste or processed regulated medical or chemotherapeutic waste if the waste is not labeled or identified as required by Section 284.414 (relating to marking of containers). Commentators suggest that it may be impossible for transporters to verify that all marking requirements are met on containers which a generator has pre-loaded onto a trailer. These commentators question whether in a scenario such as this, transporters would be in violation of this paragraph. In light of the ambiguity regarding responsibility for marking of containers addressed in comment 7, we agree that this could be a point of concern for the regulated community. For the protection of the public health, safety and welfare, we ask EQB to clarify in the final-form regulation who bears responsibility for complying with transportation limitations.

11. Miscellaneous clarity.

Regulatory Analysis Form (RAF)

In its response to the RAF, EQB cites various numbers in terms of how many entities are affected by the regulation. For example:

- In response to #10, EQB states there are an estimated 16,063 generators.
- In response to #15, EQB states that the regulation will affect generators, processors and transporters.
- Also in response to #15, EQB states that 42 transporters will be affected.
- In response to #16, EQB estimates 16,063 entities will be affected by the regulation.

Also, it is unclear to us, based on our review of the RAF, whether EQB includes processors in the total.

We understand through our discussion with the Department that quantifying the number of affected entities is challenging, but we ask EQB to revise its response to the RAF to ensure that, as accurately as possible, all types of entities impacted by the regulation are counted and considered in EQB's response to each question.

Preamble regarding Section 271.1 (relating to definitions)

EQB states regarding the definition of infectious waste: "Also, tubing that is used to connect the intravenous bag

to the patient has been added.” It does not appear that this language regarding tubing has, in fact, been added to the definition of infectious waste. We ask EQB to review the definition and ensure that it has been amended as intended.

Preamble regarding Section 284.711 (relating to use of manifest)

EQB states that language regarding manifests is proposed to be deleted and replaced with logs or shipping papers. For clarity and consistency, EQB should consider whether deleting the word “manifest” from the titles of relevant sections would improve clarity of the regulation. Likewise, commentators state that some sections of the regulation still refer to manifests. For clarity and consistency, EQB should ensure that references to manifests are updated as intended.

Section 271.1. Definitions.

Under infectious waste, the language in Clause (i)(D) (relating to animal wastes) as amended is unclear. It appears that the word “during” should not be deleted, whereas the comma following the deleted language should be deleted. EQB should clarify the language in this clause.

Section 284.111. Application for general permit.

In (b)(3)(viii) EQB should replace the reference to “infectious” waste with the proposed “regulated medical” waste. For clarity and consistency, EQB should ensure that all references to “infectious” waste throughout the regulation are updated as intended.

Section 284.412. Basic storage requirements.

The Celsius temperature equivalent to 45°F should be added to Paragraph (a)(4).

Department of Public Welfare
Regulation #14-535 (IRRC #3019)
Supplemental Ventilator Care Payment for
Medical Assistance Nursing Facilities
October 23, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the

August 24, 2013 *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 Department of Public Welfare (Department) to respond to all comments received from us or any other source.

Public comments requesting that “trach collar” patients be included in this regulation and reimbursed at the same level as ventilator patients.—Economic impact; Feasibility; Protection of the public health, safety and welfare.

Commentators on this regulation compliment the Department for recognizing and reimbursing the additional costs providers incur for ventilator patients. These same commentators also suggest including “trach collar” patients in this regulation because:

- There is little or no difference in the care of a ventilator dependent patient and a “trach collar” patient and they should receive the same reimbursement, and
- For many reasons, the reimbursement for Medical Assistance patients has declined, making it more difficult to provide medical services.

We recognize there are many factors for the Department to consider when determining the scope of services that can be reimbursed, including the medically required level of patient care, whether a State Plan Amendment is needed, federal requirements along with whether federal and state funds are available. We ask the Department to consider the request by the commentators to include “trach collar” patients at the same reimbursement level as ventilator patients. In the final-form regulation submittal, the Department should provide a thorough explanation supporting the Department’s decision, including an amended Regulatory Analysis Form, if necessary. We will review the Department’s response as part of our consideration of whether the final-form regulation is in the public interest.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-2086. Filed for public inspection November 1, 2013, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-21	County Probation and Parole Officers’ Firearm Education Training Commission County Probation and Parole Officers’ Firearm Education Training Commission	10/18/13	11/21/13
6-326	State Board of Education Academic Standards and Assessment	10/18/13	11/21/13

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-2087. Filed for public inspection November 1, 2013, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board Lease seeks the following new site:

Luzerne County, Wholesale/Warehouse Center #TBD (New Wholesale/Warehouse Facility), Wilkes-Barre, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 18,000 to 24,000 net useable square feet of new or existing warehouse preferably "flex space" within a 4-mile radius of the intersection of Fox Hill Road and Route 315 in Wilkes-Barre, PA. Must have access for tractor-trailer delivery and have at lease one loading dock for exclusive use.

Proposals due: November 22, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
 Northwest Office Building, Room #313
 910 Capital Street
 Harrisburg, PA 17124-0001
Contact: William M. Matsko
 (717) 787-3016
 wmatsko@pa.gov

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 13-2088. Filed for public inspection November 1, 2013, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on January 8, 2014, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 1. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on November 19, 2013, a notice of

appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 19, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on December 6, 2013, Board staff shall file with the Board, in person or by mail, one original and five single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on December 20, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 3, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on December 27, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2089. Filed for public inspection November 1, 2013, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 2

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 2 on January 8, 2014, at 10:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing

Area No. 2. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 2. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 2.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on November 19, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 19, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on December 6, 2013, Board staff shall file with the Board, in person or by mail, one original and five single-sided copies and ensure receipt by all other parties of one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on December 20, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 3, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on December 27, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2090. Filed for public inspection November 1, 2013, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on January 8, 2014, at 11 a.m. in Room 202, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on November 19, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 19, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on December 6, 2013, Board staff shall file with the Board, in person or by mail, one original and five single-sided copies and ensure receipt by all other parties of one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

- b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on December 20, 2013, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 3, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Regardless whether these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on December 27, 2013.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2091. Filed for public inspection November 1, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 18, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Application of the following for approval to *begin operating as common carriers for transportation of persons* as described under the application.

A-2013-2373640. 369-Taxi, LLC (706 Rochester Road, Pittsburgh, PA 15237) in call or demand service, in the Townships of McCandless, Marshall, Pine, Richland, Ross, Ohio, Robinson, Moon and Findlay, the Boroughs of Franklin Park, Sewickley and West View, the City of Pittsburgh, all in Allegheny County; and in Cranberry Township, Butler County.

Application of the following for approval to *begin operating as contract carriers for transportation of persons* as described under the application.

A-2013-2387334. Jamie and Christie Hockenberry, Co-Tenants in Entirety (432 Flint Road, Mifflintown, PA 17059) for the right to begin to transport as a contract carrier, by motor vehicle, persons for Hostler Remodeling & Valley View Lumber, between points in Juniata, Mifflin and Perry Counties.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2092. Filed for public inspection November 1, 2013, 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 18, 2013, 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. Gerson Santos t/a Precious Transport Enterprises; Doc. No. C-2013-2373935

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 Gerson Santos, t/a Precious Transport Enterprises, (respondent) is under suspension effective June 22, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 504 Poplar Street, Philadelphia, PA 19123.
3. That respondent was issued a Certificate of Public Convenience by this Commission on June 28, 2012, at A-6413646.
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 and 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-6413646 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 7/17/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

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. Acord 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 admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

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 optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Marrema Doing Business as Great Valley Cab Company LLC;
Doc. No. C-2013-2376652*

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 Marrema Doing Business as Great Valley Cab Company, LLC, (respondent) is

under suspension effective June 07, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 13 Landmark Drive, Malvern, PA 19355.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 23, 2010, at A-6311591.

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 and 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-6311591 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/6/2013

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

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. Acord 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 admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

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 optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. Brag, Inc.;
Doc. No. C-2013-2380694*

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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Brag, Inc., Respondent, maintains its principal place of business at 320 South Main Street, Athens, PA 18810.
2. That Respondent was issued a Certificate of Public Convenience by this Commission on October 19, 1989, at Application Docket No. A-00108540 F. 3.
3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2178691, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.
4. That by Secretarial Letter issued on June 11, 2012 at C-2011-2270729, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.
5. That Respondent failed to pay fines totaling five hundred dollars (\$500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on March 29, 2011 at C-2010-2178691, and June 11, 2012 at C-2011-2270729.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00108540 F. 3.

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 of Motor Carrier 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 to be able to prove the same at

any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/27/2013

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:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Fantasy Limousine Service, Inc.;
Doc. No. C-2013-2381955

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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Fantasy Limousine Service, Inc., Respondent, maintains its principal place of business at RD 6, Box 49, Greensburg, PA 15801.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on July 17, 1989, at Application Docket No. A-00108359.

3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2180664, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on May 20, 2011 at C-2011-2127369, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on April 25, 2012 at C-2012-2292652, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling seven hundred fifty dollars (\$750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letter issued on March 29, 2011 at C-2010-2180664, May 20, 2011 at C-2011-2127369, and April 25, 2012 at C-2012-2292652.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00108359.

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 of Motor Carrier 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 to be able to prove the 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: 9/5/2013

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:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Polina Taxi, Inc.;
Doc. No. C-2013-2382402*

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. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Polina Taxi, Inc., Respondent, maintains its principal place of business at 600 Old Street RD F209, Trevese, PA 19053.

2. That Respondent was issued Certificates of Public Convenience by this Commission on June 1, 1998 at A-00114407 F. 1, and on February 26, 2001 at A-00114407 F. 3.

3. That by Secretarial Letter issued on July 8, 2011 at C-2010-2137676, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent failed to pay fines totaling two hundred fifty dollars (\$250.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letter issued on July 8, 2011 at C-2010-2137676.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00114407, Fs. 1 and 3.

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: 9/10/2013

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:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott 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 paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2093. Filed for public inspection November 1, 2013, 9:00 a.m.]

Telecommunications

A-2013-2388660. United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Lumos Networks of West Virginia, Inc. Joint petition of United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Lumos Networks of West Virginia, Inc. for approval of adoption of an interconnection, collocation and resale agreement under section 252(i) of the Telecommunications Act of 1996.

United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Lumos Networks of West Virginia, Inc., by its counsel, filed on October 17, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection, collocation 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 United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink and Lumos Networks of West Virginia, Inc. 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. 13-2094. Filed for public inspection November 1, 2013, 9:00 a.m.]

Telecommunications Services

A-2013-2388976. CallFire, Inc. Application of CallFire, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territory of The United Telephone Company of Pennsylvania, d/b/a CenturyLink.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 18, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: CallFire, Inc.

Through and By Counsel: Katherine E. Barker Marshall, Esquire, Arent Fox, LLP, 1717 K Street, NW, Washington, DC 20036-5342

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2095. Filed for public inspection November 1, 2013, 9:00 a.m.]

Water Service

P-2013-2389331. United Water Pennsylvania, Inc. Petition of United Water Pennsylvania, Inc. for approval of a tariff supplement to revise its maximum distribution system improvement charge to 7.5% of billed revenues.

Protests and petitions to intervene must be filed in accordance with 52 Pa. Code §§ 5.61 and 5.74 (relating to answers to complaints, petitions, motions and preliminary objections; and filing of petitions to intervene). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner, on or before Monday, November 18, 2013. The documents filed in support of the petition are available for inspection and copying in the Pennsylvania Public Utility Commission's (Commission) Secretary's Bureau between 8 a.m. and 4:30 p.m., Monday through Friday, on the Commission's web site at www.puc.pa.gov, and at the petitioner's business address.

Petitioner: United Water Pennsylvania, Inc.

Through and By Counsel: David P. Zambito, Esquire, Joshua L. Belcher, Esquire, Cozen O'Connor, 305 North Front Street, Suite 400, Harrisburg, PA, 17101-1236

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2096. Filed for public inspection November 1, 2013, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Van Edward Scott, MD; Doc. No. 1188-49-13; File No. 10-49-03508

On January 7, 2013, Van Edward Scott, MD, license no. MD064157L, of New Castle, Lawrence County, had his license suspended based on his multiple felony convictions under The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

Individuals may obtain a copy of the final order by writing to Wesley J. Rish, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

ANDREW J. BEHNKE, MD,
Chairperson

[Pa.B. Doc. No. 13-2097. Filed for public inspection November 1, 2013, 9:00 a.m.]

STATE POLICE

Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State

Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

DVB-777 Mobile Video Recorder, Digital Ally, Lenexa, KS
DVM-400 Mobile Video Recorder, Digital Ally, Lenexa, KS
Data 911 Mobile Digital Video System, Data 911 Mobile Computer Systems, Alameda, CA

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK NOONAN,
Commissioner

[Pa.B. Doc. No. 13-2098. Filed for public inspection November 1, 2013, 9:00 a.m.]

