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PENNSYLVANIA BULLETIN

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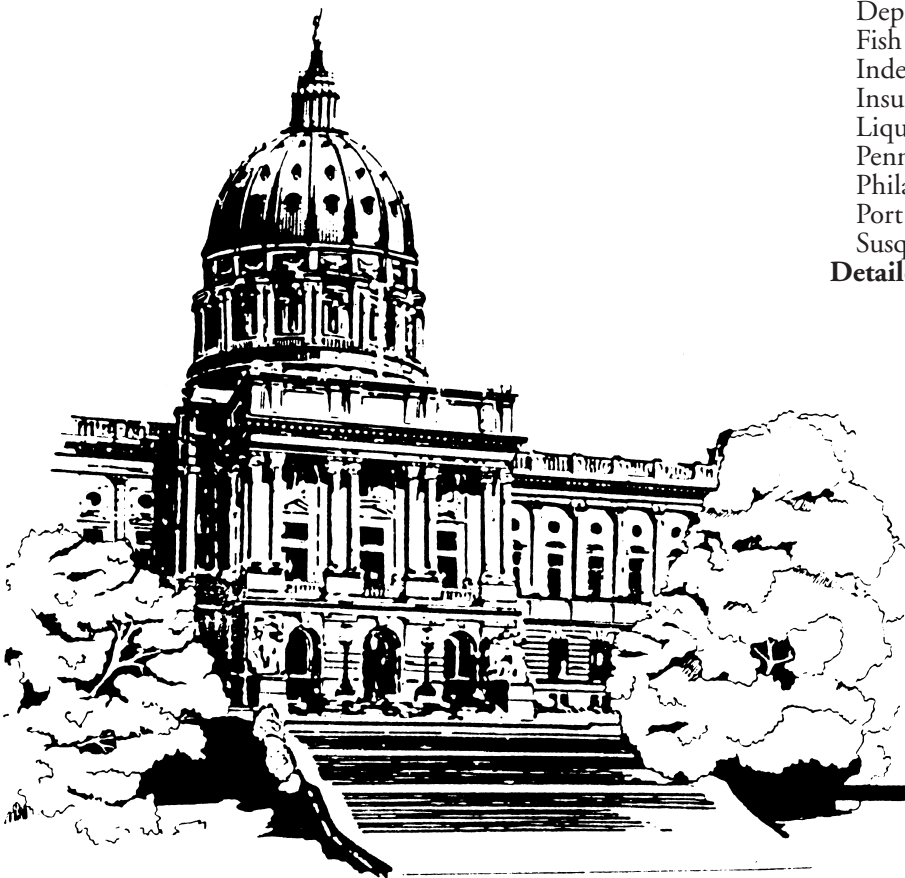
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No. 492, November 2015

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

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

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THE GENERAL ASSEMBLY

COMMISSION ON SENTENCING

Meetings Scheduled

The Commission on Sentencing announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Pennsylvania Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA:

Wednesday, December 2, 2015	6:30 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street, Harrisburg, PA
Thursday, December 3, 2015	9 a.m.	Policy Committee Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue, Harrisburg, PA
	No earlier than 11 a.m.	Quarterly Commission Meeting Pennsylvania Judicial Center 601 Commonwealth Avenue, Harrisburg, PA

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 15-1997. Filed for public inspection November 13, 2015, 9:00 a.m.]

THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

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

Proposed Amendments to the Pennsylvania Rules of Professional Conduct Regarding Sale of Law Practice

Notice is hereby given that The Disciplinary Board of the Supreme Court of Pennsylvania is considering recommending to the Pennsylvania Supreme Court that it adopt the amendments to Pennsylvania Rule of Professional Conduct (PA RPC) 1.17 that were approved by the Pennsylvania Bar Association (PBA) in May 2015 and amend PA RPC 1.17, as set forth in Annex A.

In 1990, ABA Model Rule 1.17, Sale of Law Practice was adopted which permitted for the first time the sale of a law practice, including the good will, conditioned upon selling the practice in its entirety to a single purchaser willing to undertake all client matters subject to client notice and consent, and providing that the seller cease to engage in the private practice of law in the specified jurisdiction. Following a Notice of Proposed Rulemaking issued by the Disciplinary Board, the Supreme Court of Pennsylvania adopted new PA RPC 1.17 in June 2001, and the Rule was thereafter amended in minor respects in 2004 and 2009.

In 2002, ABA Model Rule 1.17 was amended to eliminate the requirement that a lawyer sell the law practice to a single purchaser, in its entirety, and cease to engage in the private practice of law. The current ABA rule provides for the sale of an area of practice, in addition to sale of the entire practice, to one or more lawyers or law firms.

Pennsylvania has historically supported adoption of the ABA Model Rule amendments to promote consistency in application and interpretation of the rules from jurisdiction to jurisdiction, except where controlling Pennsylvania precedent or other important policy considerations justify a deviation from the Model Rule language. The within proposed amendments more closely conform the Pennsylvania Rule to American Bar Association (ABA) Model Rule 1.17 and related guidance issued by the ABA Standing Committee on Ethics and Professional Responsibility.

Current PA RPC 1.17 permits the sale or purchase of a law practice, including good will, as an entirety to a single lawyer on the condition that the seller cease to engage in the private practice of law in Pennsylvania. The justification for the existing requirement that the practice be sold as an entirety to a single lawyer is to avoid a piecemeal sale whereby a purchaser might only purchase a seller's more profitable cases or matters, leaving clients whose matters are less lucrative unrepresented. However, the present requirement to sell as an entirety can pose difficulties in identifying a capable, competent purchaser where the law practice consists of disparate practice areas. The law is constantly

evolving and a single lawyer may not be willing, able or committed to staying abreast of current developments in all areas of the seller's areas of practice. The proposed amendments provide flexibility to lawyers while protecting the interests of clients.

The proposed amendment to PA RPC 1.17(a) changes the strict requirement that the seller must cease to engage in the private practice of law in Pennsylvania and permits a lawyer who wishes to cease practice in one area of law to do so, but allows that lawyer to continue to practice in other areas of law. Thus, the lawyer may limit the sale to one or more areas of the practice, thereby preserving the lawyer's ability to continue practice in the areas of the practice that were not sold. Furthermore, proposed language has been added to paragraph (a) to provide that the seller is not prohibited from assisting the buyer or buyers in the orderly transition of active client matters for a reasonable period after the closing without a fee. It is reasonable to conclude that the transition of active client matters from a selling lawyer or law firm to a purchasing lawyer or law firm need not be immediate and transitional assistance will better serve a client affected by a sale. Neither the selling lawyer or law firm nor the purchasing lawyer or law firm may bill clients for time spent only on the transition of matters. This ensures that the client will not experience any adverse economic impact from the sale of a practice or area of practice.

The proposed amendment to PA RPC 1.17(b) eliminates the current requirement that a practice be sold in its entirety to a single lawyer, and permits the sale of an entire area of practice, in addition to an entire practice, to one or more lawyers or law firms. It is in the interests of clients and the public to allow a lawyer or law firm to sell an area of practice because the selling lawyer may have difficulty finding a purchaser who desires the same practice mix as the lawyer selling the practice. Permitting one or more lawyers or law firms to purchase an area of practice gives needed flexibility and options to the seller which by extension will benefit the clients, as selling a practice area to a lawyer or law firm competent in that area helps to ensure that clients are competently represented.

The proposed amendment to PA RPC 1.17(c) places the responsibility on the seller to give written notice to each of the seller's clients. No specific method of written notice is provided for; it is up to the seller to determine the most effective and efficient means for doing so. In contrast, the current Rule does not identify the party responsible for the provision of written notice to the clients. Proposed paragraph (c) adds language relating to circumstances when the client cannot be given notice. In that situation, the representation of that particular client may be transferred to the purchaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court *in camera* information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of the file.

The proposed amendment to PA RPC 1.17(h) eliminates language relating to the phrase "single lawyer" and defines "seller" as an "individual lawyer or law firm that sells a law practice or an area of law practice, and includes both the personal representative or estate of a decedent or disabled lawyer and the deceased or disabled lawyer, as appropriate."

Interested persons are invited to submit written comments by mail or facsimile regarding the proposed amendments to the Office of the Secretary, The Disciplinary Board of the Supreme Court of Pennsylvania, 601 Commonwealth Avenue, Suite 5600, P. O. Box 62625, Harrisburg, PA 17106-2625, Facsimile number (717-231-3382), Email address Dboard.comments@pacourts.us on or before January 5, 2016.

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

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

§ 81.4. Rules of Professional Conduct.

The following are the Rules of Professional Conduct:

CLIENT-LAWYER RELATIONSHIP

Rule 1.17. Sale of Law Practice.

A lawyer or law firm may, for consideration, sell or purchase a law practice, **or an area of practice**, including good will, if the following conditions are satisfied:

(a) The seller ceases to engage in the private practice of law [**in Pennsylvania;], or in the area of practice that has been sold, in Pennsylvania; however, the seller is not prohibited from assisting the buyer or buyers in the orderly transition of active client matters for a reasonable period after the closing without a fee.**

(b) The seller sells the [**practice as an entirety to a single lawyer] entire practice, or the entire area of practice, to one or more lawyers or law firms. [For purposes of this Rule, a practice is sold as an entirety if the purchasing lawyer assumes responsibility for all of the active files except those specified in paragraph (g) of this Rule.]**

(c) [**Actual written notice is given**] The seller gives written notice to each of the seller's clients, which notice must include at a minimum:

(1) notice of the proposed transfer of the client's representation, including the identity and address of the purchasing lawyer;

(2) a statement that the client has the right to representation by the purchasing lawyer under the preexisting fee arrangements;

(3) a statement that the client has the right to retain other counsel or to take possession of the file; and

(4) a statement that the client's consent to the transfer of the representation will be presumed if the client does not take any action or does not otherwise object within 60 days of receipt of the notice.

If a client cannot be given notice, the representation of that client may be transferred to the pur-

chaser only upon entry of an order so authorizing by a court having jurisdiction. The seller may disclose to the court in camera information relating to the representation only to the extent necessary to obtain an order authorizing the transfer of a file.

(d) The fees charged clients shall not be increased by reason of the sale. Existing agreements between the seller and the client concerning fees and the scope of work must be honored by the purchaser, unless the client gives informed consent confirmed in writing.

(e) The agreement of sale shall include a clear statement of the respective responsibilities of the parties to maintain and preserve the records and files of the seller's practice, including client files.

(f) In the case of a sale by reason of disability, if a proceeding under Rule 301 of the Pennsylvania Rules of Disciplinary Enforcement has not been commenced against the selling lawyer, the selling lawyer shall file the notice and request for transfer to voluntary inactive status, as of the date of the sale, pursuant to Rule 219(j) thereof.

(g) The sale shall not be effective as to any client for whom the proposed sale would create a conflict of interest for the purchaser or who cannot be represented by the purchaser because of other requirements of the Pennsylvania Rules of Professional Conduct or rules of the Pennsylvania Supreme Court governing the practice of law in Pennsylvania, unless such conflict, requirement or rule can be waived by the client and the client gives informed consent.

(h) For purposes of this Rule[:], **the term "seller" means an individual lawyer or a law firm that sells a law practice or an area of law practice, and includes both the personal representative or estate of a deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.**

[(1) the term "single lawyer" means an individual lawyer or a law firm that buys a law practice, and

(2) the term "seller" means an individual lawyer or a law firm that sells a law practice and includes both the personal representative or estate of a deceased or disabled lawyer and the deceased or disabled lawyer, as appropriate.

(i) Admission to or withdrawal from a law partnership or professional association, retirement plan or similar arrangement or a sale limited to the tangible assets of a law practice is not a sale or purchase for purposes of this Rule 1.17.]

Comment:

(1) The practice of law is a profession, not merely a business. Clients are not commodities that can be purchased and sold at will. Pursuant to this Rule, when a lawyer or a law firm ceases to engage in the private practice of law [**in Pennsylvania and another lawyer or firm takes] or ceases to practice in an area of law in Pennsylvania and other lawyers or firms take over the representation of the clients of the seller, the seller, including the personal representative or estate of a deceased or disabled lawyer, may obtain compensation for the reasonable value of the practice similar to withdrawing partners of law firms. See Rules 5.4 and 5.6. [Admission to or retirement from a law partnership or professional association, retirement plans**

and similar arrangements, and a sale of tangible assets of a law practice, do not constitute a sale or purchase governed by this Rule.]

[*Sale of Entire Practice*] *Termination of Practice by the Seller*

(2) The requirement that all of the private practice, or all of an area of practice, be sold is satisfied if the seller in good faith makes the entire practice, or the area of practice, available for sale to the [purchaser] purchasers. The fact that a number of the seller's clients decide not to be represented by the [purchaser] purchasers but take their matters elsewhere, therefore, does not result in a violation of this Rule. Return to private practice as a result of an unanticipated change in circumstances does not necessarily result in a violation. For example, a lawyer who has sold the practice to accept an appointment to a judicial office does not violate the requirement that the sale be attendant to cessation of practice if the lawyer later resumes private practice upon being defeated in a contested or a retention election for the office or resigns from a judiciary position.

[*Single Purchaser*]

(3) The requirement that the seller cease to engage in the private practice of law does not prohibit employment as a lawyer on the staff of a public agency or a legal services entity that provides legal services to the poor, or as in-house counsel to a business.

(4) This Rule also permits a lawyer or law firm to sell an area of practice. If an area of practice is sold and the lawyer remains in the active practice of law, the lawyer must cease accepting any matters in the area of practice that has been sold. For example, a lawyer with a substantial number of estate planning matters and a substantial number of probate administration cases may sell the estate planning portion of the practice but remain in the practice of law by concentrating on probate administration; however, that practitioner may not thereafter accept any estate planning matters. Although a lawyer who leaves this jurisdiction typically would sell the entire practice, this Rule permits the lawyer to limit the sale to one or more areas of the practice, thereby preserving the lawyer's right to continue practice in the areas of the practice that were not sold.

Sale of Entire Practice or Entire Area of Practice

[(3)] (5) This Rule requires [a single purchaser] that the seller's entire practice, or an entire area of practice, be sold. The prohibition against [piecemeal sale of a practice] sale of less than an entire practice area protects those clients whose matters are less lucrative and who might find it difficult to secure other counsel if a sale could be limited to substantial fee generating matters. The [purchaser is] purchasers are required to undertake all client matters in the practice, or practice area, subject to client consent. If, however, the purchaser is unable to undertake all client matters because of nonwaivable conflicts of interest, other requirements of these Rules or rules of the Supreme Court governing the practice of law in Pennsylvania, the requirement [that there be a single purchaser] is nevertheless satisfied.

Client Confidences[, *Consent and Notice*]

[(4) Negotiations between seller and prospective purchaser prior to disclosure of information relating to a specific representation of an identifiable client no more violate the confidentiality provisions of Rule 1.6 than do preliminary discussions concerning the possible association of another lawyer or mergers between firms with respect to which client consent is not required. See Rule 1.6(c)(6) and (7). Providing the purchaser access to the client-specific detailed information relating to the representation, such as the client's file, however, requires client consent. The Rule provides that before such information can be disclosed by the seller to the purchaser the client must be given actual written notice of the contemplated sale and file transfer including the identity of the purchaser and any proposed change in the terms of future representation, and must be told that the decision to consent or make other arrangements must be made within 60 days. If actual notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed.]

(6) Disclosure of confidential information to the extent that the lawyer reasonably believes necessary to effectuate the sale of a law practice or area of a law practice is authorized by Rule 1.6(c)(6). Exchange of some or all of the following information is appropriate: identity of clients of selling lawyer; identity of any adverse parties to clients of selling lawyer; field of practice involved in representing clients of selling lawyer; matter summary: nature of the work done for each client, the status of the matter and a candid description of the issues involved in the matter; financial information: what are the billables and financial arrangements with each client of the selling lawyer; and review of the complete client file. This Rule does not require the client's informed consent to disclose such information in the context of a sale of a law practice or area of a law practice. See Rule 1.6(c)(6).

Notice and Consent

[(5)] (7) Once an agreement is reached between the seller and the purchaser, the client must be given actual written notice of the contemplated sale and file transfer including the identity of the purchaser, and must be told that the decision to consent or make other arrangements must be made within 60 days. If actual notice is given, and the client makes no response within the 60 day period, client consent to the sale will be presumed. The Rule provides the minimum notice to the seller's clients necessary to make the sale effective under the Rules of Professional Conduct. The [person responsible for notice] seller is encouraged to give sufficient information concerning the purchasing law firm or lawyer who will handle the matter so as to provide the client adequate information to make an informed decision concerning ongoing representation by the purchaser. Such information may include without limitation the [buyer's] purchaser's background, education, experience with similar matters, length of practice, and whether the lawyer(s) are currently licensed in Pennsylvania.

[(6)] (8) No single method is provided for the giving of actual written notice to the client under paragraph (c).

It is up to the [**person undertaking to give notice**] seller to determine the most effective and efficient means for doing so. For many clients, certified mail with return receipt requested will be adequate. However, with regard to other clients, this method may not be the best method. It is up to the [**person responsible for giving notice**] seller to make this decision.

[(7) **The party responsible for giving notice is likewise not identified in the Rule. In many cases the seller will undertake to give notice. However, the Rule permits the purchasing lawyer or law firm to fulfill the notice requirement.**

(8) [(9) All of the elements of client autonomy, including the client's absolute right to discharge a lawyer and transfer the representation to another, survive the sale of the practice.

Fee Arrangements Between Client and Purchaser

[(9)] (10) The sale may not be financed by increases in fees charged to the clients of the practice. This protection is underscored by both paragraph (c)(2) and paragraph (d). Existing agreements between the seller and the client as to the fees and the scope of the work must be honored by the purchaser, unless the client gives informed consent confirmed in writing.

Other Applicable Ethical Standards

[(10)] (11) Lawyers participating in the sale of a law practice **or a practice area** are subject to ethical standards applicable to involving another lawyer in the representation of a client. These include, for example, the seller's obligation to exercise competence in identifying a purchaser qualified to assume the practice and the purchaser's obligation to undertake the representation competently (see Rule 1.1); the obligation to avoid disqualifying conflicts, and to secure [**client**] **the client's** informed consent for those conflicts which can be waived by the client (see Rule 1.7 regarding conflicts and Rule 1.0(e) for the definition of informed consent); and the obligation to protect information relating to the representation. See Rules 1.6 and 1.9.

[(11)] (12) If approval of the substitution of the purchasing attorney for the selling attorney is required by the Rules of any tribunal in which a matter is pending, such approval must be obtained before the matter can be included in the sale. See Rule 1.16.

Applicability of the Rule

[(12)] (13) This Rule applies to the sale of a law practice by representatives of a deceased, disabled or disappeared lawyer. Thus, the seller may be represented by a non-lawyer representative not subject to these Rules. Since, however, no lawyer may participate in the sale of a law practice which does not conform to the requirements of this Rule, the representatives of the seller as well as the purchasing lawyer can be expected to see to it that they are met.

[(13)] (14) This Rule does not apply to transfers of legal representation between lawyers when such transfers are unrelated to the sale of a practice **or an area of practice.**

[Pa.B. Doc. No. 15-1998. Filed for public inspection November 13, 2015, 9:00 a.m.]

PART V. PROFESSIONAL ETHICS AND CONDUCT
[204 PA. CODE CH. 89]

Amendments to Rules of Organization and Procedure of the Disciplinary Board of the Supreme Court of Pennsylvania; Order No. 78

By this Order, the Disciplinary Board of the Supreme Court of Pennsylvania is amending its Rules of Organization and Procedure to modify Rule 89.294 to permit the termination of probation upon the expiration of the fixed period of probation.

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

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

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

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

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

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

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

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

ELAINE M. BIXLER,
Secretary

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart C. DISCIPLINARY BOARD OF THE SUPREME COURT OF PENNSYLVANIA

CHAPTER 89. FORMAL PROCEEDINGS

Subchapter G. PROBATION

§ 89.294. Termination of Probation.

[(a) *Application for termination of probation. At the expiration of the period of probation ordered, the respondent-attorney may apply to the Board for*

termination of the probation. The application shall be verified by the respondent-attorney, and shall state:

- (1) the date probation was ordered;
 - (2) that the respondent-attorney has complied with all of the terms and conditions of probation;
 - (3) whether or not formal proceedings for discipline are pending against the respondent-attorney; and
 - (4) that the respondent-attorney requests termination of probation.
- (b) *Conditions for granting termination of probation.* The Board shall order the termination of probation if:

- (1) all costs of the proceedings as previously ordered by the Supreme Court or the Board have been paid;
- (2) the respondent-attorney has complied with the terms of probation; and
- (3) no formal proceedings for discipline are pending against the respondent-attorney.]

Probation shall terminate upon the filing of the final quarterly report and upon the expiration of the fixed period of probation, unless:

- (a) the conditions of probation have been violated or have not been met;
- (b) all costs of the proceedings as previously ordered by the Supreme Court or the Board have not been paid; or
- (c) formal proceedings for discipline are pending against the respondent-attorney.

[Pa.B. Doc. No. 15-1999. Filed for public inspection November 13, 2015, 9:00 a.m.]

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1915]

Order Amending Rule 1915.4-4 of the Rules of Civil Procedure; No. 633 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 28th day of October, 2015, upon the recommendation of the Domestic Relations Procedural Rules Committee; the proposal having been published for public comment in the *Pennsylvania Bulletin*, 45 Pa.B. 1606 (April 4, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1915.4-4 of the Pennsylvania Rules of Civil Procedure are amended in the following form.

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

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1915. ACTIONS FOR CUSTODY OF MINOR CHILDREN

Rule 1915.4-4. Pre-Trial Procedures.

A pre-trial conference in an initial custody or modification proceeding shall be scheduled before a judge at the request of a party or sua sponte by the court and the procedure shall be as set forth in this rule. If a party wishes to request a pre-trial conference, the praecipe set forth in subdivision (g) [**below**] shall be filed. The scheduling of a pre-trial conference shall not stay any previously scheduled proceeding unless otherwise ordered by the court.

(a) The praecipe may be filed at any time after a custody conciliation or conference with a conference officer unless a pre-trial conference has already been scheduled or held. The pre-trial conference may be scheduled at any time, but must be scheduled at least 30 days prior to trial.

(b) Not later than five days prior to the pre-trial conference, each party shall [**serve a pre-trial statement**] **file a pre-trial statement with the prothonotary's office and serve a copy** upon the court and the other party or counsel of record. The pre-trial statement shall include the following matters, together with any additional information required by special order of the court:

(1) the name and address of each expert whom the party intends to call at trial as a witness;

(2) the name and address of each witness the party intends to call at trial [,] **and the relationship of that witness to the party [and a statement by the party or the party's counsel that he or she has communicated with each listed witness; and]**. **Inclusion of a witness on the pre-trial statement constitutes an affirmation that the party's counsel or the self-represented party has communicated with the witness about the substance of the witness's testimony prior to the filing of the pre-trial statement; and**

(3) a proposed order setting forth the custody schedule requested by the party.

In addition to the above items included in the pre-trial statement, any reports of experts and other proposed exhibits shall be included as part of the pre-trial statement served upon the other party or opposing counsel, but not included with the pre-trial statement served upon the court.

(c) If a party fails to file a pre-trial statement or otherwise comply with the requirements of subdivision (b), the court may make an appropriate order under [**Rule**] **Pa.R.C.P. No. 4019(c)(2) and (4) governing sanctions.**

(d) Unless otherwise ordered by the court, the parties may amend their pre-trial statements at any time, but not later than seven days before trial.

(e) At the pre-trial conference, the following shall be considered:

- (1) issues for resolution by the court;
- (2) unresolved discovery matters;
- (3) any agreements of the parties;
- (4) issues relating to expert witnesses;
- (5) settlement and/or mediation of the case;
- (6) such other matters as may aid in the disposition of the case; and
- (7) if a trial date has not been scheduled, it shall be scheduled at the pre-trial conference.

(f) The court shall enter an order following the **pre-trial** conference detailing the agreements made by the parties as to any of the matters considered, limiting the issues for trial to those not disposed of by agreement and setting forth the schedule for further action in the case. Such order shall control the subsequent course of the action unless modified at trial to prevent manifest injustice.

(g) The praecipe for pre-trial conference shall be substantially in the following form:

(Caption)

PRAECIPE FOR PRE-TRIAL CONFERENCE

To the Prothonotary:

Please schedule a pre-trial conference in the above-captioned custody matter pursuant to Pa.R.C.P. No. 1915.4-4.

The parties' initial in-person contact with the court (conference with a conference officer or judge, conciliation or mediation) occurred on _____.

Plaintiff/Defendant/Attorney for Plaintiff/Defendant

[Explanatory Comment—2013

The Domestic Relations Procedural Rules Committee has become aware that there is a wide disparity in pre-trial procedures in custody cases among the various jurisdictions. As the committee strives to recommend best practices, this new rule establishes uniform pre-trial procedures in custody cases when requested by either party. The goal is to reduce custody litigation by encouraging early preparation and court intervention for purposes of expedited resolutions. The rule is based upon the pre-trial procedures in divorce cases as set forth in Rule 1920.33. Nothing in this rule shall affect the First Judicial District's practice of conducting a pre-trial conference upon the filing of a motion for a protracted or semi-protracted trial.]

EXPLANATORY COMMENT

In 2013, the Domestic Relations Procedural Rules Committee (the "Committee") recognized there was a wide disparity in pre-trial procedures in custody cases among the various judicial districts. By adopting this rule, the Supreme Court established uniform state-wide pre-trial procedures in custody cases. With an eye toward reducing custody litigation, the rule encourages early preparation and court involvement for purposes of expedited resolutions. The rule was based upon the pre-trial procedures in divorce cases as set forth in Pa.R.C.P. No. 1920.33(b). The rule does not affect, however, the First Judicial District's

practice of conducting a pre-trial conference upon the filing of a motion for a protracted or semi-protracted trial.

In 2015, the Committee expressed concern the rule as previously adopted by the Supreme Court allowed for an interpretation contrary to the intent of the rule. The Committee proposed and the Court adopted an amendment to the rule to clarify the rule's mandate as it relates to witnesses. As a goal of any pre-trial conference is to settle the case, in whole or in part, the Committee believed a best practice in reaching that goal is having a thorough knowledge of the case, including the substance of anticipated witness testimony. As amended, the rule plainly states that counsel or a self-represented party is required to discuss with the witness their testimony prior to including the witness on the pre-trial statement.

Unlike Pa.R.C.P. No. 1920.33(b), the rule does not require inclusion of a summary of the witness's testimony in the pre-trial statement; but rather, an affirmation by counsel or self-represented party that there was actual communication with each witness about the witness's testimony. With the additional information from witnesses, counsel, self-represented parties and the trial court can better engage in more fruitful settlement discussions at the pre-trial conference.

[Pa.B. Doc. No. 15-2000. Filed for public inspection November 13, 2015, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Administrative Search Warrants—Right of Entry— Residential and Commercial Properties; Joint General Court Regulation No. 2015-01

The Philadelphia Code authorizes code officials (i.e., "The Commissioner of Licenses and Inspections [as well as the Fire Commissioner in Fire Code matters] or his or her duly authorized representative charged with the administration and enforcement of such codes") to enter any building or structure, subject to reasonable limitations, when there is reasonable cause to believe that a code violation exists or a dangerous condition is present which may cause serious harm to the public. See Title 4 of the Philadelphia Code, Section A-106 and Section A-401.2(2).

The Philadelphia Home Rule Charter also authorizes similar access. Section 5-1004 of the Home Rule Charter provides as follows:

Subject to the limitations of the Constitutions of the United States and of the Commonwealth of Pennsylvania, any officer or employee of the Department of Licenses and Inspections, in the performance of his duties, may at any reasonable hour, without hindrance, enter, examine and inspect all vessels, vehicles, premises, grounds, structures, buildings, and underground passages of every sort, including their contents and occupancies, and may likewise examine, inspect and test any substance, article, equipment or other property.

The United States Supreme Court and this Commonwealth's appellate courts have had occasion to address the constitutional limitations imposed on city inspectors

and code officials. See eg. *Camara v. Municipal Court of San Francisco*, 387 U.S. 523 (1967); *See v. Seattle*, 387 U.S. 541 (1967); *Commonwealth v. Tobin*, 828 A.2d 415 (Pa. Cmwlth. 2003); and *Warrington Township v. Powell*, 796 A.2d 1061 (Pa. Cmwlth. 2002).

In light of the important private and public rights involved and the concomitant necessary restrictions, the intent of this Joint General Court Regulation is to set forth the process to be followed in seeking administrative search warrants to enter and search residential and commercial premises while safeguarding the property rights of the property owners and lessees as well as other legal restrictions.

1. *General Statement.* Generally, a search warrant is not needed to inspect or search commercial premises which are open to the general public. However, the search of residential premises and commercial premises or sections within commercial premises which are not open to the public are presumptively unreasonable if conducted without an administrative search warrant, as provided herein. Moreover, an administrative search warrant to enter or inspect should be sought whenever the property owner, occupant, or possessor refuses entry, even if such administrative search warrant is not legally required.

2. *Residential Property.* Unless the property owner, occupant, possessor, or other authorized agent consents to the entry, inspection or search of a residential premises before the premises are entered, inspected or searched, an administrative warrant shall be obtained as provided in Section 5. Provided, however, that entry, inspection or searches may be conducted due to exigent circumstances, which may include a fire or abandoned lot or property (as defined).

3. *Commercial Property open to the public.* An administrative search warrant is not required to enter, inspect or search a commercial property open to the general public.

4. *Commercial Property not open to the public.* Unless the property owner, occupant, possessor, or other authorized agent consents to the entry, inspection or search of a commercial property not open to the public, an administrative warrant shall be obtained as provided in Section 5. Provided, however, that entry, inspection or searches may be conducted due to exigent circumstances, which may include a fire or abandoned lot or property (as defined).

5. *Application for Administrative Search Warrant and Authorization.* The following process shall be followed in seeking an Administrative Search Warrant.

a. *Affiant.* The Commissioner of Licenses and Inspections or any other authorized code officer may file an Application for Administrative Search Warrant and Authorization. The name of the Affiant, identification number, Agency name, address and telephone number shall be set forth in the Application.

b. *Property to be entered, inspected or searched.* The property to be entered, inspected or searched must be identified and described in as much detail as possible. The description shall include the street address as well as the specific area within the property if necessary.

c. *Property owner, occupant or possessor.* The property owner, occupant, or possessor as disclosed in available property records or other registrations (such as rental agent or business owner) shall be identified.

d. *Reason for entry, inspection or search.* The specific factual and legal reasons for entry, inspection or search

must be set forth in as much detail as possible, and any alleged statutory violation or ordinance violation must be identified. In the event a Code Enforcement violation or other legal proceedings are pending, the case number must be provided.

e. *Reasonable Cause.* The affiant shall set forth with specificity the factual reasons which necessitate the entry, inspection or search, such as a violation of a city building, fire or other code with an adverse effect on the public health, safety or welfare. The affiant shall include a statement as to whether the property at issue was previously inspected and if so, the date of such inspection and shall attach any documentation or other description of the results of such inspection.

f. *Review by City Solicitor.* The affiant shall submit the Application to the Assistant City Solicitor(s) designated by the City of Philadelphia to review such Applications for review and for approval to file such Application with the appropriate judicial officer.

g. *The Application is to be brought to the designated Judicial Officer.* The affiant shall bring any Application approved by the designated Assistant City Solicitor to the judicial officer designated from time to time by the Administrative Judge of the Trial Division, Court of Common Pleas and/or by the President Judge of Philadelphia Municipal Court, as appropriate.

h. *Oath to be administered by Judicial Officer.* The judicial officer shall administer the requisite oath to the affiant and shall determine whether reasonable cause exists for the issuance of an Administrative Search Warrant based on the information contained within the Application or provided therewith.

i. *Issuance of Administrative Warrant.* If the issuing authority determines that reasonable cause exists for the issuance of an Administrative Search Warrant, the Warrant shall be issued. The judicial officer shall set forth the timing of the service of the Administrative Search Warrant as well as to the return of the Administrative Search Warrant and shall sign and seal the warrant and return it to the affiant. The Warrant shall be returnable to the Judicial Officer upon service. The original Application, Warrant and attachments shall be forwarded to the Office of Judicial Records and a copy of the Application and all attached documentation shall be retained by the judicial officer.

6. *Reasonable cause to issue Administrative Search Warrants.* Justification for the issuance of an Administrative Search Warrant does not rise to the level of criminal "probable cause." As the United States Supreme Court noted in *See, supra*, an "agency's particular demand for access will of course be measured, in terms of probable cause to issue a warrant, against a flexible standard of *reasonableness* that takes into account the public need for effective enforcement the particular regulation involved." *See*, 387 U.S. at 545. (Emphasis supplied). This Joint General Court Regulation thus references such standard as "reasonable cause" to highlight the applicable legal standard, while cognizant of the fact that some appellate cases may use the term "probable cause" while noting, as the United States Supreme Court did in *See*, that the administrative search warrant standard does not rise to the level of a criminal search warrant.

The original Joint General Court Regulation shall be filed with the Office of Judicial Records in dockets maintained for General Court Regulations issued by the Administrative Judge of the Court of Common Pleas and

the President Judge of the Philadelphia Municipal Court, and one certified copy shall be submitted to the Administrative Office of Pennsylvania Courts. Two certified copies of the Joint General Court Regulation and an electronic copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and shall be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies of this General Court Regulation and shall also be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District. This

General Court Regulation shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

By the Court

HONORABLE MARSHA H. NEIFIELD,
*President Judge
Philadelphia Municipal Court
Philadelphia County*

HONORABLE KEVIN M. DOUGHERTY,
*Administrative Judge, Trial Division
Court of Common Pleas
Chair, Administrative Governing Board*

APPLICATION DATE	Commonwealth of Pennsylvania CITY AND COUNTY OF PHILADELPHIA	WARRANT CONTROL NO.				
DOCKET NO.	Application for Administrative Search Warrant and Authorization	ISSUED TO DISTRICT/UNIT				
<table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;"><i>NAME AND AFFIANT</i></td> <td style="width:30%; border: none;"><i>IDENTIFICATION NO.</i></td> <td style="width:30%; border: none;"><i>AGENCY - DISTRICT/UNIT - ADDRESS</i></td> <td style="width:10%; border: none;"><i>PHONE NUMBER</i></td> </tr> </table>			<i>NAME AND AFFIANT</i>	<i>IDENTIFICATION NO.</i>	<i>AGENCY - DISTRICT/UNIT - ADDRESS</i>	<i>PHONE NUMBER</i>
<i>NAME AND AFFIANT</i>	<i>IDENTIFICATION NO.</i>	<i>AGENCY - DISTRICT/UNIT - ADDRESS</i>	<i>PHONE NUMBER</i>			
STREET ADDRESS OF PROPERTY TO BE ENTERED/INSPECTED/SEARCHED/ITEMS TO BE SEIZED		BRT/OPA #				
DESCRIPTION OF PROPERTY TO BE ENTERED/INSPECTED/SEARCHED/ITEMS TO BE SEIZED. PROVIDE APARTMENT OR SUITE NUMBER IF APPROPRIATE. <i>(Be specific):</i>						
NAME OF OWNER, OCCUPANT OR POSSESSOR OF SAID PROPERTY <i>(If proper name is unknown, give alias and/or description):</i>						
VIOLATION OF STATUTE OR ORDINANCE. <i>(Describe conduct or specify statute):</i>		PROVIDE CODE VIOLATION COMPLAINT NO. IF ISSUED				
REASONABLE CAUSE AFFIDAVIT						
REASONABLE CAUSE BELIEF TO ENTER AND/OR SEARCH THE SAID PROPERTY IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:						
<p><input type="checkbox"/> _____ ADDITIONAL PAGES ARE ATTACHED</p> <p>I verify that the statements contained herein are true and correct to the best of my knowledge, information and belief. I understand that these statements are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.</p> <p>Date: _____</p> <p style="text-align: right;">_____ <i>SIGNATURE OF AFFIANT</i></p>						
APPROVED BY CITY SOLICITOR						
<table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;"><i>NAME OF ASSISTANT CITY SOLICITOR</i></td> <td style="width:30%; border: none;"><i>SIGNATURE OF ASSISTANT CITY SOLICITOR</i></td> <td style="width:15%; border: none;"><i>DATE</i></td> <td style="width:20%; border: none;"><i>FILE NUMBER</i></td> </tr> </table>			<i>NAME OF ASSISTANT CITY SOLICITOR</i>	<i>SIGNATURE OF ASSISTANT CITY SOLICITOR</i>	<i>DATE</i>	<i>FILE NUMBER</i>
<i>NAME OF ASSISTANT CITY SOLICITOR</i>	<i>SIGNATURE OF ASSISTANT CITY SOLICITOR</i>	<i>DATE</i>	<i>FILE NUMBER</i>			
The below named Affiant, being duly sworn (or affirmed) before the Issuing Authority according to law, deposes and says that the above property has not been recently inspected, may be in violation of the Philadelphia Code, and that reasonable cause exists for the issuance of an Administrative Search Warrant to enter the property and to inspect and/or search same as described above.						
<table style="width:100%; border: none;"> <tr> <td style="width:30%; border: none;"><i>NAME AND AFFIANT</i></td> <td style="width:30%; border: none;"><i>SIGNATURE OF AFFIANT</i></td> <td style="width:30%; border: none;"><i>AGENCY - DISTRICT/UNIT - ADDRESS</i></td> <td style="width:10%; border: none;"><i>DATE</i></td> </tr> </table>			<i>NAME AND AFFIANT</i>	<i>SIGNATURE OF AFFIANT</i>	<i>AGENCY - DISTRICT/UNIT - ADDRESS</i>	<i>DATE</i>
<i>NAME AND AFFIANT</i>	<i>SIGNATURE OF AFFIANT</i>	<i>AGENCY - DISTRICT/UNIT - ADDRESS</i>	<i>DATE</i>			
TO BE COMPLETED BY THE ISSUING AUTHORITY						
SWORN TO AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____, 20 _____						
<table style="width:100%; border: none;"> <tr> <td style="width:35%; border: none;"><i>SIGNATURE OF ISSUING AUTHORITY</i></td> <td style="width:20%; border: none;"><i>TITLE</i></td> <td style="width:30%; border: none;"><i>OFFICE ADDRESS</i></td> <td style="width:15%; border: none;"><i>SEAL</i></td> </tr> </table>			<i>SIGNATURE OF ISSUING AUTHORITY</i>	<i>TITLE</i>	<i>OFFICE ADDRESS</i>	<i>SEAL</i>
<i>SIGNATURE OF ISSUING AUTHORITY</i>	<i>TITLE</i>	<i>OFFICE ADDRESS</i>	<i>SEAL</i>			
ADMINISTRATIVE SEARCH WARRANT						
TO AFFIANT/CODE ENFORCEMENT OFFICIAL: upon consideration of the facts which have been sworn to or affirmed before me I have found reasonable cause to enter the above property as requested and I do authorize you to inspect and search the above described property.						
<p><input type="checkbox"/> This Warrant shall be served as soon as practicable and shall be served only between the hours of 6AM to 10PM but in no event later than _____</p> <p><input type="checkbox"/> This Warrant shall be served as soon as practicable and may be served any time during the day or night but in no event later than _____</p> <p><input type="checkbox"/> This Warrant shall be returnable to Judicial Officer _____</p>						
Issued under my hand this _____ day of _____, 20____, at _____ .M o'clock. <i>(Issue time must be stated)</i>						
<table style="width:100%; border: none;"> <tr> <td style="width:40%; border: none;"><i>Signature of Issuing Authority</i></td> <td style="width:30%; border: none;"><i>Title</i> (Court of Common Pleas Judge, Municipal Court Judge, Other)</td> <td style="width:30%; border: none;"><i>Date Commission Expires</i></td> </tr> </table>			<i>Signature of Issuing Authority</i>	<i>Title</i> (Court of Common Pleas Judge, Municipal Court Judge, Other)	<i>Date Commission Expires</i>	
<i>Signature of Issuing Authority</i>	<i>Title</i> (Court of Common Pleas Judge, Municipal Court Judge, Other)	<i>Date Commission Expires</i>				

[Pa.B. Doc. No. 15-2001. Filed for public inspection November 13, 2015, 9:00 a.m.]

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989;
1508 MD 2015

Order

And Now, this 29th day of October 2015, Dauphin County Local Rule of Criminal Procedure 114 is promulgated as follows:

Rule 114. Orders.

If a proposed order or alternative orders are attached to any motion, petition or answers or responses thereto, the proposed order shall contain a distribution legend. The distribution legend shall include the name(s) and mailing address(es), telephone number(s), facsimile number(s) and e-mail address(es), if any, of all attorneys and/or self-represented parties to be served with a copy of the order. The distribution legend shall also list Court Administration, the Sheriff's Office and any other entity that should receive a copy of the order.

These amendments shall be effective thirty days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 15-2002. Filed for public inspection November 13, 2015, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Suspension

Notice is hereby given that Richard David Favata a/k/a R. David Favata having been suspended from the practice of law in the State of Delaware for a period of six months and one day by Order of the Supreme Court of Delaware decided July 27, 2015, the Supreme Court of Pennsylvania issued an Order on November 2, 2015 suspending Richard David Favata a/k/a R. David Favata (# 52056) from the practice of law in this Commonwealth for a period of six months and one day, to take effect on December 2, 2015. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 15-2003. Filed for public inspection November 13, 2015, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Responsible Alcohol Management Program

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends Chapter 5 (relating to duties and rights of licensees).

Summary

The Commonwealth expects holders of retail liquor and beer licenses to meet demanding standards of operation. Failure to do so may result in fines and other penalties that can culminate in the loss of the license. Training licensees and their employees to serve alcohol responsibly is seen to be one of the best ways to prevent these problems.

Section 471.1 of the Liquor Code (47 P. S. § 4-471.1) authorizes the Board to establish a training program for licensees. This training program is known as the Responsible Alcohol Management Program (RAMP) and is administered by the Board's Bureau of Alcohol Education (BAE). A portion of that training and the seller/server training is currently administered exclusively through a curriculum created by the BAE. This final-form rulemaking allows third parties to create their own curriculums and to submit them to the BAE for approval.

Since 2001, the Board has offered RAMP training and certification to licensees authorized to sell alcohol to the public. The general public and, perhaps more immedi-

ately, the neighbors of licensed establishments have benefitted from the practical and legal training that the BAE provides through these regulations to licensees and their employees.

RAMP training consists of five parts: 1) new employee orientation; 2) training for alcohol service personnel (also known as server/seller training); 3) manager/owner training; 4) displaying responsible alcohol service signage; and 5) certification. The Board is required under section 471.1(b) of the Liquor Code to conduct the manager/owner training, but may elect under section 471.1(a) of the Liquor Code to use certified instructors to teach the server/seller component of RAMP. The Board is authorized under section 471.1(b) of the Liquor Code to certify and decertify server/seller instructors. Section 471.1(a) of the Liquor Code provides that "[t]raining for alcohol service personnel shall be as set forth by the board, but at minimum it shall consist of training to prevent service of alcohol to minors and to visibly intoxicated persons."

There are approximately 14,000 active licenses in this Commonwealth that authorize the sale and service of alcohol for on-premises consumption, known collectively as retail licensees. There are approximately 1,200 active licenses for distributors and importing distributors of malt or brewed beverages such as beer, constituting wholesale licensees. Each of these licensees may benefit from RAMP training.

Although completion of RAMP training is usually voluntary, the act of June 28, 2011 (P. L. 55, No. 11) and the act of December 22, 2011 (P. L. 530, No. 113) made RAMP training and certification mandatory for certain employees of licensees. As a result, there has been an increase in the number of persons who have become RAMP certified.

Year	2009	2010	2011	2012	2013	2014
Number of individuals RAMP certified	23,999	24,022	26,563	30,157	31,946	43,220
Percentage increase from prior year		0.10%	9.57%	11.92%	5.60%	35.29%

There are currently 32 instructors certified by the BAE who provide RAMP server/seller training. There are also seven approved RAMP server/seller online training courses which use BAE materials.

This final-form rulemaking allows third parties to create their own curriculums and to submit them to the BAE for approval. The expected benefits include more opportunities for server/seller training which is needed to meet the growing demand for training.

While the BAE will continue to provide a standard curriculum for the training of alcohol service personnel, the BAE will also review curriculum developed by another entity to certify curriculum if it is equivalent to or exceeds the standard curriculum. If it is not, notice of deficiencies will be provided in writing to the third party within 90 days of receipt by the BAE. If the curriculum is equivalent to or exceeds the BAE-created RAMP curriculum, the other entity will be able to offer that training in this Commonwealth and the training will be considered the same as RAMP training.

In addition to providing more training opportunities for those that need to obtain RAMP server/seller training,

this final-form rulemaking will affect an entity that wishes to offer RAMP-equivalent server/seller training. As long as the proposed curriculum is equivalent to or exceeds RAMP's standard curriculum, RAMP will allow that entity to use that curriculum while providing server/seller training.

Increasing the number of programs that may be offered as the equivalent of RAMP server/seller training will place an extra burden on the BAE. It will be required to evaluate the submitted programs and compare them to RAMP. Once the program is approved, the BAE will be responsible for evaluating the instructors who provide the training; this could mean a significant increase in the number of instructors the BAE must evaluate and certify. In addition, having a variety of programs could result in inconsistencies in the training experience.

These additional responsibilities can be addressed with an increase in staffing that can provide tighter oversight. An alcohol education specialist is a civil service position at pay grade 6, for which the annual salary range is from \$39,257 to \$59,658. However, it is unlikely additional personnel will be needed. In addition, the benefit to the

licensed community through increased training opportunities, resulting in more properly trained alcohol server/sellers, outweighs the cost of additional personnel.

Affected Parties

This final-form rulemaking will affect an entity that wishes to offer RAMP-equivalent server/seller training. As long as the proposed curriculum is equivalent to or exceeds RAMP's standard curriculum, RAMP will allow that entity to use that curriculum while providing server/seller training. This may indirectly affect anyone who wishes to or needs to take server/seller training, as there will likely be more options for this training. It also may negatively impact the certified trainers who are currently offering RAMP training, as there will be more competition to provide training to the licensed community.

Paperwork Requirements

This final-form rulemaking may increase paperwork for the BAE, since the BAE will need to evaluate proposed curriculums to determine if they are equivalent to the standard curriculum. The final-form rulemaking will not increase paperwork for anyone else in the regulated community except for those entities that wish to provide server/seller training but are advised that their curriculum is deficient and changes must be made.

Fiscal Impact

The Board has offered RAMP training and certification since 2001. Because RAMP is mandated by section 471.1 of the Liquor Code, its costs cannot be avoided. The current annual cost of RAMP to the Board is approximately \$500,000. In the unlikely event that further staffing is needed by the BAE, increased staffing costs will be funded fully from liquor sales. Like all of the Board's operating costs, RAMP is fully funded from the proceeds of selling liquor, which are deposited into the State Stores Fund. The Board's operations and programs are not funded from a General Fund appropriation.

Under section 471 of the Liquor Code (47 P. S. § 4-471), licensees that have become RAMP-certified may be assessed reduced fines should they be found to have provided alcohol to a minor or visibly intoxicated person. Some licensees, because of the citations they have received and because their licensure is in jeopardy, are required to obtain and maintain RAMP certification. Training offered by other programs may happen to be more convenient for some licensees because more classes will be available. If there are more programs to choose from, the convenience for the licensee will increase, thus reducing the potential fiscal impact for the licensee.

An entity that wishes to submit its curriculum for certification by the BAE will be required to submit a fee of \$250. This fee is intended to offset the time investment necessary to review and certify curriculum developed by a third party. It is unknown how much it would cost a third party to create its own curriculum but doing so is voluntary.

In addition, instructors of server/seller training must be certified on an annual basis. Certification is \$250 per instructor under § 5.231(4) (relating to instructor certification).

This final-form rulemaking is not expected to result in costs or savings to local governments.

Effective Date

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

Public Comments

Comments should be addressed to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 11, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 1850 (April 11, 2015), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and the Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided with copies of the comments received during the public comment period, as well as other documents when requested. The Board received comments from IRRC, the response to which is set forth in a separate document. In preparing the final-form rulemaking, the Board considered all comments from IRRC, the House and Senate Committees and the public.

The Board received comments in favor of the rulemaking from the following: Training for Intervention ProcedureS (TIPS); Bill Marencic, Robin Roscoe, Mark Fine, Anthony S. Blackwell, Sr., Lisa J. Baer, Jean E. Davis, Dan Clougherty and Barbara Clougherty, TIPS trainers; John Koury, Avalon Resource Group, a TIPS trainer; Senator John Rafferty; Senator Jim Brewster; Senator Wayne Fontana; Representative Chris Ross; Representative Paul Costa; and Representative Mike Regan. The Board also received comments opposed to the rulemaking from the following: Amy Christie, Executive Director, Pennsylvania Licensed Beverage & Tavern Association; Danette Small-Shultz, Vice President of Subs, Inc., a restaurant liquor licensee; and Senator Richard Alloway, II.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 7, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 8, 2015, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

(3) The revisions that were made to this final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 45 Pa.B. 1850.

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by amending §§ 5.211, 5.232 and 5.233 to

read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

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

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6374 (October 24, 2015).)

Fiscal Note: Fiscal Note 54-79 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 40. LIQUOR

PART I. LIQUOR CONTROL BOARD

CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

Subchapter I. RESPONSIBLE ALCOHOL MANAGEMENT PROGRAM

COURSE OF STUDY

§ 5.211. Course of study for alcohol service personnel.

(a) A standard curriculum for the course of study will be provided by the BAE.

(b) The BAE is authorized to review curriculum submitted by another training provider and to certify the curriculum if it is equivalent to or exceeds the BAE's standard curriculum. A request for review of curriculum must be accompanied by a nonrefundable \$250 application fee.

(1) In the event that the training provider's curriculum is not equivalent to or does not exceed the BAE's standard curriculum, the BAE will advise the training provider in writing within 90 days of receiving the curriculum and fee as to subjects where the training provider's curriculum is deficient.

(2) The training provider has the opportunity to correct and resubmit its curriculum no more than two times. Curriculum resubmitted under this subsection does not require the payment of an additional fee.

(3) If the training provider's curriculum is still deficient after the second and final resubmission, the BAE will not accept submissions or resubmissions from the training provider for 1 year from the date that the BAE sent notification to the training provider that the second resubmission was deficient.

INSTRUCTORS

§ 5.232. Instructor responsibilities.

Instructors have the responsibility to do the following:

(1) Using the standard curriculum provided by the BAE or a curriculum certified by the BAE, provide students with information regarding the current status of the law on issues regarding the sale or service of alcoholic beverages by licensees.

(2) Schedule training sessions in locations throughout this Commonwealth.

(3) Conduct at least two training sessions per quarter and train at least 225 students per year. Instructors may

request a waiver of the minimum requirements in this paragraph by sending a letter or e-mail to the BAE. The BAE will waive the requirements for minimum training activity for instructors due to temporary, nonrecurrent exigencies, such as instructor illness or family emergency, bad weather or other circumstances beyond the instructor's control.

(4) Provide accurate records of attendance and course completion, as required under § 5.233(c) (relating to minimum standards of training), to the BAE within 7 calendar days following each training session through the BAE's web site. Original attendance sheets shall be submitted to the BAE by first class United States mail, other delivery or express service, transmission by facsimile or by e-mail.

(5) Attend instructor meetings twice per year as scheduled by the BAE.

(6) Attend manager/owner training at least once per year.

§ 5.233. Minimum standards of training.

(a) Instructors shall conduct training sessions conforming to either the BAE's standard curriculum or a curriculum certified by the BAE.

* * * * *

[Pa.B. Doc. No. 15-2004. Filed for public inspection November 13, 2015, 9:00 a.m.]

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 7]

Right to Occupy

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends §§ 7.2 and 7.4 (relating to transfers of ownership; and transfers of ownership and location).

Summary

The Board's regulations require an applicant to establish its right to occupy the proposed licensed premises. While this is typically done through a lease or deed, some entities have acquired the right to occupy a premises through a contract between it and the owner of the premises. Sections 7.2 and 7.4 are amended to reflect the fact that the right to occupy may be obtained through a means other than a lease or deed.

The principal beneficiaries will be those entities involved in the ownership and operation of hotels. Management companies typically operate a chain of hotels under a common name on behalf of different real estate holders. However, they typically occupy the premises under a management agreement with the real estate owner rather than with a deed or lease. Since §§ 7.2 and 7.4 contemplate that the licensee will have a lease or deed to the premises, the real estate owner typically applies for the license in its name and list the actual operator of the hotel as a management company.

Allowing the management agreement to be the basis for the hotel operator's proof that it has the right to occupy the premises will allow the management company to apply for the liquor license in its own name and would be more consistent with the parties' desired business relationship.

Affected Parties

Affected parties include future applicants for a liquor license whose right to occupy the proposed licensed premises is based on something other than a deed or lease.

Paperwork Requirements

The final-form rulemaking will not require additional paperwork to be filed.

Fiscal Impact

This final-form rulemaking may result in a hotel operator applying for a liquor license in its own name, rather than being listed as the management company for a different applicant. In those circumstances, there would not be a need to have a management company and the license would save itself the \$350 fee that is required when a licensee uses a management company.

Effective Date

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

Public Comments

Comments should be addressed to Rodrigo Diaz, Executive Deputy Chief Counsel, or Norina Blynn, Assistant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 5, 2015, the Board submitted a copy of the notice of proposed rulemaking, published at 45 Pa.B. 2614 (May 30, 2015), to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice for review and comment.

Under section 5(c) of the Regulatory Review Act, the Board is required to provide IRRC and the House and Senate Committees with copies of the comments received during the public comment period, as well as other documents when requested. The Board received comments from IRRC, the response to which is set forth in a separate document.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 7, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on October 8, 2015, and approved the final-form rulemaking.

Findings

The Board finds that:

(1) Public notice of intention to adopt the administrative amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) The amendments to the Board's regulations in the manner provided in this order are necessary and appropriate for the administration of the Liquor Code.

Order

The Board, acting under the authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 7, are amended by amending §§ 7.2 and 7.4 to read as set forth at 45 Pa.B. 2614.

(b) The Board shall certify this order and 45 Pa.B. 2614 and deposit them with the Legislative Reference Bureau as required by law.

(c) This order shall become effective upon publication in the *Pennsylvania Bulletin*.

TIM HOLDEN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6374 (October 24, 2015).)

Fiscal Note: Fiscal Note 54-84 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 15-2005. Filed for public inspection November 13, 2015, 9:00 a.m.]

Title 52—PUBLIC UTILITIES

PHILADELPHIA PARKING AUTHORITY

[52 PA. CODE CHS. 1017 AND 1021]

Image Retention and Use

The Philadelphia Parking Authority (Authority), on June 25, 2015, adopted a final rulemaking order to clarify retention and use procedures related to images captured by a taxicab safety camera system.

Philadelphia Taxicab and Limousine Regulations Image Retention and Use; Doc. No. 126-10

Final Rulemaking Order

By the Authority:

The Authority is the sole regulator of all taxicab and limousine service in Philadelphia.¹ In furtherance of those regulatory functions, the Authority issued a proposed regulation at this docket number on August 27, 2014. The initial public comment period for this rulemaking proceeding concluded on December 15, 2014, without receipt of comments. The Independent Regulatory Review Commission (IRRC) submitted its comments on January 14, 2015. The Authority has completed its review of the comments and now issues the final-form regulation.

Purpose of the Final-Form Regulation

All taxicabs in Philadelphia will be equipped with safety cameras. Those cameras will capture images related to taxicab service to deter crimes against drivers, assist in the investigation of alleged crimes and regulatory violations and bad behavior in general. In most cases, images recorded by these safety cameras will be stored locally and overwritten on a scheduled basis. The local images will be secure within a hard drive or "black box" in the taxicab. A black box is accessible only by the Authority's Taxicab and Limousine Division Enforcement Department.

While the current regulation requires certain images from a taxicab's safety camera to be transmitted to both the Authority and the taxicab's dispatcher to assist in law enforcement response times and investigations, the Authority has approved a proposed regulation (Docket No. 126-12), which will eliminate that transmission requirement. The Authority has also granted the taxicab indus-

¹ The act of July 16, 2004, (P.L. 758, No. 94), 53 Pa.C.S. §§ 5701 et seq., as amended, (the "act")

try a waiver from compliance with that transmission requirement, pending final approval of regulation 126-12.

The proposed regulation establishes requirements related to the limited retention of safety camera images when physically accessed by the Enforcement Department. The regulation also clarifies the scenarios in which the Authority will access a safety camera's stored images.

B. *The regulation*

We propose amending the proposed regulatory language to provide guidance and limitations upon the use and retention of images captured by safety camera systems and to prohibit the inappropriate activation of the taxicab distress button, as follows:

Discussion

The Authority has reviewed IRRC's comment to the proposed regulation and has modified the proposed regulation in response and otherwise, as follows. There were no public comments.

§ 1017.78. *Use of Captured images.*

Section 1017.78 of the final-form regulation has been amended to delete all references to dispatchers, which constituted a significant portion of the regulation. The final-form regulation does not provide for a scenario in which the dispatcher will have access to or ever come into possession of any image recorded by a safety camera.

Subsection (b). This subsection has been amended to add reference to subsection (e), which also provides for the release of captured images.

Subsection (c). This subsection has been amended to identify the proposed language as paragraph (1) and to add new language under paragraph (2). Because the final-form regulation no longer provides for a system that transmits safety camera images from the taxicab to anyone, the only way to view images will be through physical access to the black box, which requires an encrypted access key. The restriction in the proposed regulation limiting access to the black box to the Authority's Enforcement Department has not changed.

Paragraph (2) establishes limitations upon access to images retained on a taxicab's black box. Access will be limited to scenarios involving a court order, a request from a law enforcement agency or an active administrative investigation when written authorization to access the black box has been provided by the Manager of the Enforcement Department or Trial Counsel. This limitation upon the Authority's access to images on the black box will create a record of instances where such access is necessary and clearly prohibits random review of stored images by anyone, including the Authority.

Subsection (e). IRRC questioned when images released to law enforcement will be deleted by the Authority. Preliminarily, the proposed regulation provided that every image recovered by the Authority must be deleted 31 days from the date first obtained, unless an enumerated reason necessitated retention existed. That language has been retained in the final-form regulation.

The final-form regulation includes new paragraphs numbered (3) and (4). These paragraphs provide that images excluded from deletion pursuant to the preceding language in this subsection will be deleted within 1 year of the final disposition of the related administrative or criminal proceeding. This language addresses the fact that these matters may remain active in the courts or before other tribunals long after the 31 day deletion period, but also creates a definitive end date for retention.

Paragraph (4) provides that images connected to a successful criminal prosecution or finding of administrative liability may be retained for up to 5 years or longer if good cause is found by a presiding officer in the Adjudication Department after notice to the relevant party. The presiding officer's decision is subject to appeal as provided in 52 Pa. Code §§ 1005.184 and 1005.211 (relating to authority of presiding officer; and exceptions to recommended decisions).

Images subject to this heightened retention duration will not be evidence to a potential bad act, but evidence used to prove that a bad act actually did occur. The images will have already been publicly displayed in a court of law or in an administrative hearing in open courtrooms, released to private defense attorneys and subject to media publication. For these reasons, we find that privacy concerns related to these images will nearly always be unwarranted, although the Authority will continually be bound to hold these images in a confidential manner as provided in subsection (b).

Subsection (g). Subsection (g) has been added to delineate images captured during system certification from those related to an investigation or otherwise active safety camera system. As provided in Section 1017.71(b), before a taxicab may enter operation with a new safety camera system it must be inspected by the Authority. In order to make certain that the camera system works, the Enforcement Department will cause events intended to triggering the safety camera's recording sequence then check the black box to make sure it works.

This testing is completed at Authority facilities. The images captured will show an empty taxicab, but will be saved to evidence that the system worked properly upon introduction to service.

Affected Parties

The regulation will affect taxicab owners, drivers and those who travel in taxicabs.

Fiscal Impact

The final-form regulation will have no fiscal impact or increase any paperwork obligation as to any party, the Commonwealth, any political subdivisions, private sector person or the general public.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 29, 2014, the Authority submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 7176 (November 15, 2014), to IRRC and the Chairpersons of the House Urban Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on September 16, 2015, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on September 17, 2015, and approved the final-form rulemaking.

Effective Date and Conclusion

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

under sections 13 and 17 of the Act (53 Pa.C.S. §§ 5722 and 5742); section 5505(d)(17), (23) and (24) of the Parking Authorities Act (act of June 19, 2001 (P. L. 287, No. 22)) (53 Pa.C.S. §§ 5505(d)(17), (23) and (24)); sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P. S. § 732.204(b)); section 745.5 of the Regulatory Review Act (71 P. S. § 745.5); and section 612 of The Administrative Code of 1929 (71 P. S. § 232), and the regulations promulgated at 4 Pa. Code §§ 7.231—7.234, the Authority adopts of the final regulations set forth in Annex A;

Therefore,

It Is Ordered That:

1. The regulations of the Authority, 52 Pa. Code Chapters 1017 and 1021, are amended by adding § 1017.78 and by amending § 1021.12 to read as set forth in Annex A.

2. The Executive Director shall cause this order and Annex A to be submitted to the Office of Attorney General for approval as to legality.

3. The Executive Director shall cause this order and Annex A to be submitted for review by the designated standing committees of both Houses of the General Assembly, and for formal review by the Independent Regulatory Review Commission.

4. The Executive Director shall cause this order and Annex A to be submitted for review by the Governor's Budget Office for review of fiscal impact.

5. The Executive Director shall cause this order and Annex A to be deposited with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

6. The Executive Director shall serve copies of this order and Annex A upon each of the commentators and take all other actions necessary to successfully complete the promulgation of this regulation.

7. The regulations embodied in Annex A shall become effective upon publication in the *Pennsylvania Bulletin*.

8. The contact person for this rulemaking is Dennis G. Weldon, Jr., General Counsel, (215) 683-9630.

VINCENT J. FENERTY, Jr.,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 45 Pa.B. 6023 (October 3, 2015).)

Fiscal Note: Fiscal Note 126-10 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 52. PUBLIC UTILITIES

PART II. PHILADELPHIA PARKING AUTHORITY

Subpart B. TAXICABS

CHAPTER 1017. VEHICLE AND EQUIPMENT REQUIREMENTS

Subchapter G. SAFETY CAMERAS

§ 1017.78. Use of captured images.

(a) *Purpose.* The purpose of a safety camera system is to discourage bad acts in taxicabs in furtherance of protecting the health and safety of taxicab drivers and the public.

(b) *Prohibitions.* Images from a safety cameras system shall be maintained in the strictest of confidentiality and may not be duplicated, released or disclosed except as provided in subsections (e) and (f).

(c) *Local storage device.*

(1) Data storage devices secured in a taxicab as provided in § 1017.74(g) (relating to safety camera requirements) must be configured to overwrite recorded images at intervals not to exceed 60 days. Only the Enforcement Department may access images stored on the data storage devices.

(2) The Authority will access images on the data storage devices secured in a taxicab only in the following circumstances:

(i) Upon direction of a court of law.

(ii) Upon direction of a law enforcement agency.

(iii) In furtherance of an existing administrative investigation when authorized in writing by the manager of enforcement or trial counsel.

(d) *Maintenance of captured images.* Images from a safety camera system in the possession of the Authority will be maintained and secured by the Enforcement Department in password protected files.

(e) *Deletion of captured images.*

(1) The Enforcement Department will delete safety camera system images on the 31st day after receipt, unless one or more of the following applies:

(i) The image contains evidence of criminal activity.

(ii) The image contains evidence related to a regulatory investigation or complaint.

(iii) A law enforcement agency has requested, in writing, that the image be retained.

(2) The Enforcement Department will maintain a log of the images excluded from deletion as provided in paragraph (1), including reference to matters necessitating retention and the date each image is ultimately deleted.

(3) Except as provided in paragraph (4), the images excluded from deletion as provided in paragraph (1) will be deleted within 1 year of the final disposition of the related administrative or criminal proceeding.

(4) Images retained by the Authority for use as evidence in a proceeding that results in a criminal conviction or finding of administrative liability will be deleted within 5 years of the final disposition of the related proceeding. The Enforcement Department may petition a presiding officer in the Adjudication Department for authorization to extend this retention period, for an identified period, upon good cause shown and notice to the person convicted or found liable in an administrative proceeding.

(f) *Release of captured images.* The Authority will release safety camera system images to a law enforcement agency upon written request.

(g) *System testing.* This section may not be interpreted to preclude the recovery and storage of images by the Authority as provided in § 1017.71(b) (relating to taxicab safety cameras).

CHAPTER 1021. TAXICAB DRIVERS

§ 1021.12. Additional requirements.

(a) Each taxicab driver shall know the rights and limitations of any taxicab used to provide taxicab service, including the geographical limitation of partial-rights taxicabs, if applicable.

(b) A taxicab driver may not provide taxicab service beyond the 14th consecutive hour after coming on duty. Time spent on any break from taxicab service does not extend the 14-hour period. A taxicab driver may operate for another 14-hour period only after 8 consecutive hours off duty.

(c) A taxicab driver may not provide taxicab service with an expired taxicab driver's certificate.

(d) A taxicab driver may not provide taxicab service without a valid driver's license.

(e) Whenever a taxicab is occupied by a fare-paying passenger or by members of a party of fare-paying passengers who have engaged the taxicab on an exclusive

basis, the taxicab driver may not permit another person to occupy or ride in the taxicab.

(f) No requirement of this subpart, or any Authority regulation, may be interpreted to disrupt or interfere with interstate commerce exclusively regulated by or preempted by the government of the United States.

(g) A taxicab driver may not activate the distress button required under § 1017.24(d)(8) (relating to meter activation and display) except when the driver is in need of emergency assistance by law enforcement or other emergency responders.

[Pa.B. Doc. No. 15-2006. Filed for public inspection November 13, 2015, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Temporary Order Designating Dangerous Transmissible Diseases

The Department of Agriculture (Department) issues a temporary order designating Chronic Wasting Disease (CWD), Spring Viremia of Carp (SVC), Viral Hemorrhagic Septicemia (VHS) and the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus (EHV-1) as “dangerous transmissible diseases.” These designations are made under the authority of 3 Pa.C.S. §§ 2301–2389 (relating to Domestic Animal Law).

This temporary order is the successor to a previous temporary order with respect to the same diseases, as published at 43 Pa.B. 19 (January 5, 2013), which made the same dangerous transmissible disease designations. The previous temporary order will expire as of January 1, 2014, and will be replaced by this temporary order.

Under 3 Pa.C.S. § 2327(a) (relating to disease surveillance and detection), the Department has authority to monitor the domestic animal population of this Commonwealth to determine the prevalence, incidence and location of transmissible diseases of animals. Under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases), the Department has authority to declare a disease that has not been specifically identified in that statute as a “dangerous transmissible disease” to be a dangerous transmissible disease through issuance of a temporary order making that designation.

1. CWD

CWD is a disease of whitetail deer, elk and other cervids and is a member of the group of diseases known as transmissible spongiform encephalopathies (TSEs). Other more well-known TSEs are scrapie and bovine spongiform encephalopathy (BSE) or “mad cow” disease. All are thought to be caused by a protein that has converted to an abnormal infectious form known as a “prion.” There is some evidence, in the case of BSE, that humans may become infected through consumption of meat products containing central nervous system tissues, thus there is a significant public health interest concerning all TSEs.

A number of states have, in recent years, instituted import regulations requiring that cervids entering those states: (1) originate from herds that are participating in a surveillance program; and (2) originate from states that have authority to take action in the event that CWD is diagnosed. CWD has been identified in both captive and wild deer in this Commonwealth. The designation of CWD as a “dangerous transmissible disease” allowed the Department to facilitate the development and oversight of a surveillance program and quarantine orders that allowed for detection, tracing and containment of the CWD outbreak and allowed the Department to react and take action necessary to carry out its statutory duty under the Domestic Animal Law.

2. SVC

SVC is caused by a ribonucleic acid virus known as Rhabdovirus carpio and is considered an emerging disease in the United States. SVC poses a threat to both

domestic fish health and wild fish health in this Commonwealth and has the potential to create a significant adverse economic impact on this Commonwealth’s aquaculture industry.

The SVC virus readily infects species of the *Cyprinidae* family (carp and minnows) and spreads through direct contact with infected fish and through shared infected water sources. Symptoms typically appear in the spring time as water temperatures increase. Symptoms in infected fish range from undetectable through mild disease to sudden massive die-off.

There is no specific treatment for fish infected with SVC and no vaccine to prevent the disease. Once natural water resources become infected, SVC may be impossible to eradicate and may pose a permanent threat to aquaculture facilities utilizing those water sources.

3. VHS

VHS virus is a serious pathogen of fresh and saltwater fish that is causing a disease in the Great Lakes region of the United States and Canada. VHS virus is a rhabdovirus (rod shaped virus) that affects fish of all size and age ranges. It does not pose any threat to human health. VHS can cause hemorrhaging of fish tissue, including internal organs, and can cause the death of infected fish. Once a fish is infected with VHS, there is no known cure. Not all infected fish develop the disease, but they can carry and spread the disease to other fish. The World Organization of Animal Health has categorized VHS as a transmissible disease with the potential for profound socio-economic consequences.

4. Neurologic Form of EHV-1

EHV-1 is a highly contagious virus that is ubiquitous in horse populations worldwide. The age, seasonal and geographic distributions vary and are likely determined by immune status and concentration of horses. Infection with EHV-1 most commonly causes respiratory illness, characterized by fever, rhinopharyngitis and tracheobronchitis. Infection may also cause abortions in pregnant mares, following clinical or subclinical infection, and can be fatal to newborn foals. A further, infrequent clinical resultant effect of EHV-1 infection is the development of neurologic disease. Depending upon the location and extent of the lesions, signs of neurologic disease may vary from mild in coordination and posterior paresis to severe posterior paralysis with recumbency, loss of bladder and tail function, and loss of sensation to the skin in the perineal and inguinal areas, and even the hindlimbs. In exceptional cases, the paralysis may be progressive and culminate in quadriplegia and death.

Transmission of EHV-1 occurs by direct or indirect contact with infective nasal discharges, aborted fetuses, placentas or placental fluids. Transmission can occur by means of coughing or sneezing over a distance of up to 35 feet, as well as by direct contact with infected horses, feed and equipment.

There is currently no known method to reliably prevent the neurologic form of EHV-1 infection. Sound management practices, including isolation, are important to reduce the risk of infection with EHV-1. Maintaining appropriate vaccination protocols may also be prudent in an attempt to reduce the incidence of the respiratory form of EHV-1 infection, which may reduce the incidence of the neurologic form.

Order

The Department hereby designates CWD, SVC, VHS and EHV-1 "dangerous transmissible diseases" under 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making a designation.

This order shall take effect as of January 1, 2016, and shall remain in effect until no later than January 1, 2017. This Department may: (1) reissue this temporary order to extend the designation beyond January 1, 2017; (2) allow this temporary order to expire on January 1, 2017; (3)

supplant this temporary order with a formal regulation; or (4) modify this temporary order.

Questions regarding this temporary order may be directed to Craig Shultz, DVM, Director, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-2852.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 15-2007. Filed for public inspection November 13, 2015, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 3, 2015.

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

BANKING INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-29-2015	Republic First Bank Philadelphia Philadelphia County	Haddonfield Road and Chapel Avenue Cherry Hill Camden County, NJ	Approved
10-29-2015	Republic First Bank Philadelphia Philadelphia County	230 Marter Avenue Moorestown Burlington County, NJ	Approved

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-30-2015	ESSA Bank & Trust Stroudsburg Monroe County	5580 Crawford Drive Bethlehem Northampton County	Closed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-2008. Filed for public inspection November 13, 2015, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2015

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December, 2015, is 5%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. 96-221). Further preemption was instituted with the signing of Pub. L. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which such individual owns and which such individual occupies or has occupied as his principal residence.

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

is 2.49 to which was added 2.50 percentage points for a total of 4.99 that by law is rounded off to the nearest quarter at 5%.

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 15-2009. Filed for public inspection November 13, 2015, 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

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>
PA0246956— SEW	Alsace Township 65 Woodside Avenue Temple, PA 19560	Berks County/Alsace Township	3D—Little Manatawny	Y
PA0080438— SEW	Northern Lancaster County Authority 983 Beam Road Denver, PA 17517	Lancaster County/ Brecknock Township	7J—Muddy Creek	Y
PA0087173— SEW	High Point Baptist Chapel PO Box 188 Geigertown, PA 19523	Berks County/ Robeson Township	3C—Hay Creek	Y

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

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

WQM Permit No. WQG02461509, Sewage, **Horsham Water & Sewer Authority**, 617 Horsham Road, Horsham, PA 19044-1207.

This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Installation of 575 Linear feet of 1-1/2 low pressure HDPE sanitary force main.

WQM Permit No. WQG02231510, Sewage, **Southwest Delaware County Municipal Authority**, P. O. Box 2466, One Gamble Lane, Aston, PA.

This proposed facility is located in Chester Heights Borough, **Delaware County**.

Description of Action/Activity: Construction and operation a low pressure force main and gravity sewers to serve a 15 lot subdivision.

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

WQM Permit No. 3915403, Sewage, **Allentown City Lehigh County**, Department of Public Works, Allentown, PA 18103.

This proposed facility is located in Allentown City, **Lehigh County**.

Description of Proposed Action/Activity: Adding additional scumbusters to Primary Digester No. 1 and Secondary Digester No. 2. No change in digester capacity. Regular site maintenance and replacement in-kind activities did not require permit approval.

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

WQM Permit No. 6215409, Sewage, **Howard Carlson**, 1523 Valentine Run Rd, Russell, PA 16345.

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

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

WQM Permit No. WQG01201507, Sewage, **James R. & Kay L. McCartney**, 5220 Hudson Drive, Cochranon, PA 16314.

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

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

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

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>
PAI030115001 (Phased)	Pine Cone Properties, LLC	Adams	Menallen Township	UNT Mountain Creek (LNA Dead Woman Hollow) (HQ-CWF) Birch Run (HQ-CWF)

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032115006	Pennsylvania Turnpike Commission PO Box 67676 Harrisburg, PA 17106	Cumberland	Middlesex Township	Letort Spring Run Designated Use of Water: (CWFP) Existing Use of Water: (HQ-CWF) Hogestown Run Designated Use of Water: (CWF) Existing Use of Water: (CWF) Conodoguinet Creek Designated Use of Water: (WWF) Existing Use of Water: (WWF)
PAI033614009(2)	Old Dominion Electric Cooperative 4201 Dominion Boulevard Glen Allen, VA 23060-6149	Lancaster	Fulton Township	Susquehanna River— Conowingo Reservoir/ WWF
<i>Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<i>Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003</i>				
<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI04415004	Joseph Reighard Gamble Twp. 17 Beech Valley Rd Trout Run, PA 17771	Lycoming	Gamble Twp.	Mill Creek—EV Martin Run—EV Sugar Camp Run—EV
PAI044115005	Christopher Gehlhaus New Cingular Wireless LLC 200 N Warner Rd King of Prussia, PA 19406	Lycoming	Mifflin Twp.	First Fork Larrys Creek—EV UNT to Larrys Creek—EV

PUBLIC WATER SUPPLY (PWS) PERMITS

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

Southeast Region: Safe Drinking Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401

Permit No. 4615505 , Public Water Supply	
Applicant	Radisson Valley Forge Hotel
Township	Upper Merion
County	Montgomery
Responsible Official	Marvin Dixon Vice President of Engineering 1160 First Avenue King of Prussia, PA 19406
Type of Facility	PWS
Consulting Engineer	Berks Surveying & Engineering, Inc. 311 East Main Street Fleetwood, PA 19522

Application Received Date October 22, 2015

Description of Action Injection of orthophosphate for general corrosion control and permitting of the existing public water supply.

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

Application No. 4015513MA, Public Water Supply.

Applicant **Aqua PA, Inc.**
1 Aqua Way
White Haven, PA 18661

[Township or Borough] Jackson Township,
Luzerne County

Responsible Official Patrick R. Burke, PE
Aqua PA, Inc.
204 E. Sunbury Street
Shamokin, PA 17872

Type of Facility PWS

Consulting Engineer Jonathan Morris, PE
GHD
1240 North Mountain Road
Harrisburg, PA 17112
(717) 541-0622

Application Received Date 10/05/2015

Description of Action Replacement of the existing gas chlorine system with sodium hypochlorite system

Application No. 4515508, Public Water Supply.

Applicant **Paradise Stream Propco, LLC**
P O Box 99
6208 Paradise Valley Road
Mount Pocono, PA 18344

[Township or Borough] Paradise Township,
Monroe County

Responsible Official Patricia William
6208 Paradise Valley Road
Mount Pocono, PA 18344

Type of Facility PWS

Consulting Engineer Charles H. Niclaus, PE
Niclaus Engineering Corporation
804 Sarah Street, Suite 201
Stroudsburg, PA 18360

Application Received Date 10/19/2015

Description of Action Corrosion control treatment with soda ash for pH adjustment and ortho/poly phosphate for corrosion control.

Application No. 3515503MA, Public Water Supply.

Applicant **PA American Water**
(Waverly WTP)
800 W. Hershey Park Drive
Hershey, PA 17033

[Township or Borough] Waverly Township
Lackawanna County

Responsible Official Mr. David Kaufman
Vice President-Engineering

Type of Facility Public Water Supply

Consulting Engineer Mr. Alfonso F. Rossi, PE
PA American Water Company
4 Wellington Blvd.
Wyomissing, PA 19610

Application Received Date October 19, 2015

Description of Action This project is for replacement of existing 200,000 gallon standpipe tank with new 200,000 standpipe tank.

Application No. 3915507, Public Water Supply.

Applicant **Bethlehem Authority**
10 East Church Street
Bethlehem, PA 18018-6005

[Township or Borough] City Of Bethlehem
Lehigh County

Responsible Official Mr. Stephen Repasch
Executive Director
10 East Church Street
Bethlehem, PA 18018-6005

Type of Facility Public Water Supply

Consulting Engineer Mr. Ronald B. Madison, PE
Maser Consulting, P.A.
941 Marcon Blvd. Suite 801
Allentown, PA 18109-9335

Application Received Date October 26, 2015

Description of Action This project is for renovation of south side pump station with two new axial horizontal split case centrifugal and adding emergency generator.

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

Permit No. 2115515 MA, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**

Municipality Silver Spring Township

County **Cumberland**

Responsible Official David R. Kauffman
800 West Hershey Park Drive
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Scott M. Thomas, P.E.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055

Application Received: 10/13/2015

Description of Action Construction of a passive intake screen to improve the PWS intake system on the Conodoguenet Creek in Silver Spring Township, Cumberland County.

Permit No. 2815505 MA, Minor Amendment, Public Water Supply.

Applicant **Mont Alto Municipal Authority**

Municipality Mont Alto Borough

County **Franklin**
 Responsible Official David R. Monn, Chairperson
 PO Box 427
 Mont Alto, PA 17237

Type of Facility Public Water Supply
 Consulting Engineer P Fred. Heebrandt, P.E.
 Wm. F. Hill & Associates, Inc.
 207 Baltimore Street
 Gettysburg, PA 17325

Application Received: 11/15/2015
 Description of Action Construction of a bulk water
 loading station.

Permit No. 3615515, Public Water Supply.

Applicant **Penn Manor School District**
 Municipality Conestoga Township
 County **Lancaster**
 Responsible Official Christopher Johnston, Business
 Manger
 2950 Charleston Road
 Lancaster, PA 17603

Type of Facility Public Water Supply
 Consulting Engineer William E. Fleischer, P.E.
 Moore Engineering Company
 3637 Columbia Avenue
 Lancaster, PA 17603

Application Received: 10/19/2015
 Description of Action Installation of a softening
 system, a nitrate treatment
 system (anion exchange) and the
 demonstration of 4-log treatment
 of viruses.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of

further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

The Fresh Shop, 101 MacDade Boulevard, Ridley Township, **Delaware County**. Christina Ruble, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382, Paul White, P.G., Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Scott Homel, PB 101 MacDade, LLC, 491 Old York Road, Suite 200, Jenkintown, PA 19046 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of lead and unleaded gasoline. The proposed future use of the property will remain as non-residential commercial use. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on September 14, 2015. PF679296.

Kennett Square Business Park, 234 South Mill Road, Kennett Square Township/Borough of Kennett, **Chester County**. David B. Farrington, Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Michael Pia, Jr., Kennett Business Park, L.P., 649 West South Street, Kennett Square, PA 19348 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of pce, tec, pcbs, metals, pahs, and 1, 2, dce. The intended future use of the property is as a mixed-use of residential and commercial. The Notice of Intent to Remediate was published in the *Daily Local News* on September 17, 2015. PF654541.

US Steel Compliance KIPC 95 Acres Parcel, One Ben Fairless Drive, Falls Township, **Bucks County**. John A. Garges, Conestoga-Rover & Associates, 410 Eagleview Blvd, Suite 200, Pittsburgh, PA 15222 on behalf of Kathleen M. Mayher, United States Steel Corporation, 1350 Penn Avenue, Suite 200, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of voc, svocs, metals, and pcbs. The KIPC facility and the site are currently zoned for heavy industrial use and the future use is nonresidential involving storage, manufacturing, and industrial uses. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on February 24, 2015. PF805128.

Commercial Property, 8001 Castor Avenue, City of Philadelphia, **Philadelphia County**. Jeffery T. Bauer, PG., Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Chalfont, PA 19072, Taylor Bevenour, E.I.T, Whitestone Associates, Inc., 1600 Manor Drive, Suite 220, Levering Mill Company, 822 Montgomery Avenue, Suite 209, Narberth, PA 19072 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of gasoline related contaminations. The proposed future use of the property is commercial. The Notices of Intent to Remediate was published in the *Philadelphia Daily News* on October 5, 2015. PF805131.

Mathew Residence, 699 Street Road, Upper Makefield Township, **Bucks County**. Mark Irani, Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of Charles Mathews, 699 Street Road, New Hope, PA 18938 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 and diesel fuel. The planned future use of the site is continued residential. The Notice of Intent to Remediate was published in the *Intelligencer* on July 29, 2015. PF 803704.

Maxwell Residence, 294 Mill Drive, Bristol Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Clark Miller, State Farm Insurance, PA Fire Claims, P. O. Box 106110, Atlanta, GA 30348-6110 on behalf of Paula Maxwell, 294 Mill Drive, Levittown, PA 19056 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The current use and proposed future use of the property is residential. The Notice of Intent to Remediate was published in the *Bucks County Courier Times* on September 15, 2015. PF805125.

Heeny Residence, 1420 East Columbia Avenue, City of Philadelphia, **Philadelphia County**. Bruce Middleman, Stantec Consulting Services, Inc., 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462 on behalf of Charlene Heeney, 1420 East Columbia Avenue, Philadelphia, PA 19125 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of no. 2 fuel oil. The future use of the site is expected to remain residential. The Notice of Intent to Remediate was published in the *Philadelphia Daily News* on September 4, 2015. PF803600.

Tioga Pipe Supply Company, 3917—3979 Aramingo Avenue, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Paul Martino, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Michael Cooley, The Provco Group, 795 East Lancaster Avenue, Bldg. 2, Suite 200, Villanova, PA

19085 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of voc, metals and pahs. The site will be developed with commercial building. The Notice of Intent to Remediate was published in the *Metro Weekly* on October 12, 2015. PF805130.

Wawa Inc., 260 West Baltimore Pike, Media Borough, **Delaware County**. Geoff Kristof, PG, JK Environmental Services LLC, P. O. Box Lafayette Hill, PA 19444, Kenneth Kim, JK Environmental Services LLC, P. O. Box Lafayette Hill, PA 19444 on behalf of Joe Standen, PG, Wawa, Inc., 260 West Baltimore Pike, Media, PA 19063 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of heating oil. The proposed future use of the property will be non-residential as an office building. The Notice of Intent to Remediate was published in the *Delaware County Daily Times* on September 24, 2015.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

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

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

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

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

Contact: James A. Beach, New Source Review Chief—Telephone: 484-250-5920

09-0186F: Kinder Morgan Bulk Terminals, Inc. (1000 South Port Road, Fairless Hills, PA 19030) for the modification of their Bulk Material Handling System (Source ID 101), Coal and Coke Import/Export (Source ID 104), and Two (2) Portable McCloskey Conveyor/Stackers (Source ID 105), to consolidate Source IDs 104 and 105 into Source ID 101. The facility is located in Falls Township, **Bucks County**. The only pollutants of concern from this modification are fugitive emissions of PM and HAP. As Bucks County is in attainment for PM₁₀/PM_{2.5}, there are no restrictions on the emissions of fugitive PM except that Kinder Morgan must comply with 25 Pa. Code § 123.1. Total HAP emissions will be less than 10 TPY. This facility will continue to be a non-Title V facility. PM and HAP emissions will be controlled by water suppression, chemical suppression, covers, and barriers, as needed, and good management practices. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

23-0047H (APS # 877841, AUTH # 1085424): Evonik Degussa Corp. (1200 West Front Street, Chester, PA 19013) for the installation of the new granulator, silo, and bin vent filter/Baghouse and reconfiguration of the operation in Chester, City of Chester, **Delaware County**. The company manufactures silica from sodium silicate. The pollutant of concern is Particulate Matter (PM), controlled by a baghouse. This change will not change the existing PM emission limit for the facility. The Plan Approval and Operating permit will include monitoring, record keeping & reporting requirements designed to address all applicable air quality requirements.

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

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

06-05100G: Ontelaunee Power Operating Co., LLC (5115 Pottsville Pike, Reading, PA 19605) for the modification of the combustion turbines at their electric power generating plant located in Ontelaunee Township, **Berks County**. The maximum projected actual emission increases in facility emissions as a result of the changes proposed are 5.58 tpy of NO_x, 2.97 tpy of CO, 2.31 tpy of filterable particulate matter (PM), 3.84 tpy of filterable plus condensable particulate matter (PM₁₀/PM_{2.5}), 0.55 tpy of SO₂ and 0.67 tpy of VOC. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including 40 CFR 60 Subpart KKKK. Based on these findings, the Department proposes to issue a plan approval for the proposed modifications. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

36-05015F: Dart Container Corporation of PA. (60 East Main Street, Leola, PA 17201) for the construction of three (3) water-based flexographic printing presses at the Leola Plant in Upper Leacock Township, **Lancaster County**. The expected combined potential emissions from the sources are 17.5 tons per year of VOCs, 5.13 tons per year of NO_x, 4.31 tons per year of CO, and 1.26 ton per year of HAPs. The facility is a Title V facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12, the flexographic printing requirements of § 129.67a, and the Federal Subpart JJJJ requirements of 40 CFR Part 63. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

28-05051A: AJ Stove and Pellet, LLC (PO Box 152, South Mountain, PA 17261) for construction of a 40 MMBtu/hour wood-fired dryer to dry hardwood chips/sawdust as part of a wood pellet production process in Antrim Township, **Franklin County**. The heated air from the dryer will also be used to dry whey from a cheese manufacturing facility. Potential particulate matter emissions from the dryer's operation are estimated at around sixty tons per year. The dryer's actual production and emissions will be well below maximum estimated

levels. The Plan Approval 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.

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

46-00175: Hatfield Township Municipal Authority (3200 Advance Lane, Colmar, PA 18915) for an initial Title V Operating Permit in Hatfield Township, **Montgomery County**. Hatfield Township Municipal Authority (HTMA) operates an existing Sewage Sludge Incinerator that is currently permitted under a State Only Operating Permit. Pursuant to 40 C.F.R., Part 60, Subpart Mmmm: Emission Guidelines for Existing Sewage Sludge Incinerators (SSI), which was promulgated on March 21, 2011, all affected facilities are required to submit Title V Operating Permit applications by March 21, 2014. HTMA is an affected facility and submitted their Title V Operating Permit application on March 19, 2014 in order to be in compliance with the rule. The Environmental Protection Agency proposed a Federal Plan on April 7, 2015 to implement and enforce the requirements outlined in the Subpart Mmmm Emission Guidelines. The Federal Plan is currently out for public comment. Once the Federal Plan becomes effective, all applicable requirements will be incorporated into the facility's Title V Operating Permit, in accordance with 25 Pa. Code § 127.542. The issuance of this Title V Operating Permit does not authorize any change in method of operation of the Sewage Sludge Incinerator or any other existing sources at the facility, nor does it authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

23-00082: Liberty Electric Power, LLC (1000 Industrial Highway, Eddystone, PA 19022-1529) for renewal of the Title V Operating Permit (TVOP) for its natural gas-fired electric power generating facility located in Eddystone Borough, **Delaware County**.

The Liberty Electric Power plant has a nominal power generation capacity of 500 MWs. The facility comprises two combustion turbines with duct burners for boosting the turbines' heat output and a cooling tower. Actual emissions from the facility of the following pollutants averaged over the past two years in tons per year were as follows: nitrogen oxides (NO_x)—150; volatile organic compounds (VOC)—15; carbon monoxide (CO)—68; particulate matter (PM/PM₁₀)—96; sulfur oxides (SO_x)—8; ammonia (NH₃)—48.

The proposed Title V Operating Permit renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility is subject to 40 CFR Part 60 Subpart GG—*Standards of Performance for Stationary Gas Turbines*, 40 CFR Part 60 Subpart Db—*Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units* 40 CFR Part 97—*Federal NO_x Budget Trading Program and*

CAIR NO_x and SO₂ Trading Programs, and Title IV—*Acid Rain*. Applicable requirements of the Subparts are included in the Operating Permit. The Acid Rain permit issued under separate cover for the term January 1, 2015—December 31, 2019. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

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

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

15-00103 (APS # 481027, AUTH # 1064718): Christiana Cabinetry, (504 Rosemont Avenue, Atglen, PA 19310-9449) located in Atglen Borough, **Chester County**. This action is a renewal of the original State Only Operating Permit (Natural Minor). There have been no other changes made to the permit since it was issued. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00259: Talen Renewable Energy, LLC (Previous Owner-PPL Renewable Energy, LLC) (660 Thomas Road, Lafayette Hill, PA 19444) for renewal of a State-Only Operating Permit for the operation of a central utility plant in support of the Whitemarsh retirement Community in Whitemarsh Township, **Montgomery County**. This Operating Permit contains all applicable State and Federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

09-00152 (APS # 665850, AUTH # 1067182): Gelest, Inc. (11 East Steel Road, Morrisville, PA 19067). This action is a renewal of the original State Only Operating Permit in Falls Township, **Bucks County**. The Company has a specialty chemical operation with mainly seven (7) reactors and an electric dryer controlled by condenser and two scrubbers. This facility is a Natural Minor facility. The permit will contain monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

40-00089: Jeddo Coal Co. (46 Public Square, Suite 600, Wilkes-Barre, PA 18701-2609) The Department intends to issue a State-Only Operating Permit for the operation of a coal preparation plant in Hazle Township, **Luzerne County**. The sources consist of three (3) crushers, one (1) feed hopper, and one (1) feeder. The fugitive emissions are controlled by a water spray system. The proposed operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

48-00102: BioSpectra, Inc. (100 Majestic Way, Bangor, PA 18013-2860) for the operation of a medicinal and botanical manufacturing facility in Washington Township,

Northampton County. The sources consist of a blender and jet mill. The particulate emissions from the sources are controlled by a dust collector. This is a new State-Only Operating Permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

40-00093: Fabri—Kal Corp. (150 Lions Drive, Valmont Industrial Park, Hazle Township, PA 18202) for a plastic product manufacturing facility in Hazle Township, **Luzerne County.** The sources consist of Line Grinders. The emissions are controlled by baghouses. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP) and VOC's. This is a renewal of the State-Only Natural Minor operating permit. The proposed operating permit includes emission restrictions, work practice standards and testing, monitoring, recordkeeping, and reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

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

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

07-03048: Chimney Rocks Animal Rest, Inc. (524 Chimney Rocks Road, Hollidaysburg, PA 16648) for renewal of a State Only Operating Permit for the animal crematory located in Blair Township, **Blair County.** Potential annual emissions from the operation of the unit are estimated at 1.7 ton of NO_x, 0.2 ton of carbon monoxide (CO), and 0.7 ton of particulate matter. The Operating Permit includes emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure that the facility complies with all the applicable air quality regulations.

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

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

08-00006: General Electric Railcar Repair Services Corporation (North Thomas Avenue, Sayre, PA 18840 for their railcar repair facility located in Sayre Borough, **Bradford County.** The facility is currently operating under the State Only operating permit 08-00006. The facility's main sources include a railcar painting operation, steam cleaning operation, two parts washer and small natural gas fired combustion sources. The facility has potential emissions of 5.91 tons per year of nitrogen oxides, 4.96 tons per year of carbon monoxide, 0.035 ton per year of sulfur oxides, 5.32 tons per year of particulate matter, 48.75 tons per year of volatile organic compounds, and 9.22 tons per year of total hazardous air pollutants (HAPs) while burning #2 fuel oil at the facility. The potential emissions at the facility reduced insignificantly due to removal of three emergency generators and one ethylene sterilizer. The facility is not subject to requirements of 40 CFR Part 63, Subpart JJJJJJ, Subpart XXXXXX and Subpart HHHHHH at this time. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the

operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Part 63. 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.

19-00023: Ardagh Metal Packaging USA, Inc. (6670 Low Street, Bloomsburg, PA 17815) for a State Only operating permit for their Bloomsburg facility located in South Centre Township, **Columbia County.** The facilities sources includes: two (2) parts washers, three (3) three-piece can assembly lines, one (1) can and sealing line, eleven (11) VideoJet printing systems, one (1) sterno line, and one (1) end score repair line. The facility has potential emissions of 0.50 ton per year of nitrogen oxides, 0.42 ton per year of carbon monoxide, 0.03 ton per year of particulate matter, 24.05 tons per year of volatile organic compounds, and 4.77 tons per year of total hazardous air pollutants (HAPs). The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

Contact: and Tom Joseph, Permitting Chief—Telephone: 412-442-5226

65-00659: Hanson Aggregates BMC, Inc./Adamsburg Asphalt Plant (1008 Big Sewickley Creek Road, Sewickley, PA 15143) for the operation of a hot mix batch asphalt facility located in Hempfield Township, **Westmoreland County.** The subject facility consists of one hot mix batch asphalt plants rated at 500 tons per hour. The batch plant is limited to 736,000 tons production in any consecutive 12-month period. The facility is not to exceed the following limits: 100 tpy CO; 100 tpy NO_x; 100 tpy SO_x; 50 tpy VOC; 100 tpy PM and 10 tpy HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

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 contacting Phil Bouse at 412-442-4000 or pbouse@pa.gov.

65-00280: Kalumetals, Inc. (P. O. Box 455 Latrobe, PA 15650), for a facility-wide Natural Minor Operating Permit renewal for the operation of a specialty metals

reclamation plant, known as the Derry Plant, located in Derry Township, **Beaver County**. The facility contains air contamination sources consisting of two furnaces and one rotary kiln. Air pollution prevention equipment at the facility consists of a thermal oxidizer. Facility emissions are 10.0 tons of VOC, 7.1 tons of NO_x, 2.5 tons of SO₂, 1.2 ton of PM₁₀, 1.2 ton of PM_{2.5}, and 0.5 ton of nickel per year. The facility is limited to a maximum opacity from any processing equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145. The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

Kalumetals' State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 65-00280) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, fax 412-442-4194)

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

58-00017A: Mineral Point Energy, LLC (6015 Wallace Road Extension, Suite 1000, Waxford, PA 15090) for their facility located in Oakland Twp., **Susquehanna 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 Mineral Point Energy, LLC (6015 Wallace Road Extension, Suite 1000, Waxford, PA 15090) for their facility located in Oakland Twp., Susquehanna County. This Plan Approval No. 58-00017A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 58-00017A is for the installation and operation of 3 Rolls-Royce Bergen Natural gas fired engines with oxidation catalyst and SCR to control emissions. The company shall be subject to and comply with New Source Performance Standards 40 CFR Part 60 Subpart JJJJ and MACT 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.

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.: 58-00017A 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.

Notice is hereby given 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 **Airlite Plastic Company**, (2860 Bath Pike, Nazareth, PA 18064-8898) for their facility located in Upper Nazareth Township, **Northampton County**.

Plan Approval No. 48-00101B is for the construction and operation of two (2) additional expanded polystyrene foam (EPS) molding presses and a regenerative thermal oxidizer (RTO) to control VOC emissions from the manufacturing process. Only VOC emissions will be generated from this operation and will be controlled by RTO. The RTO will destroy minimum of 98% of captured VOCs. Estimated VOC emissions will be less than 2.0 tons/year from the manufacturing operations. Total VOC emissions from the facility will be less than 50 TPY on a 12-month rolling sum. The use of thermal oxidizer to destroy VOC emissions meets Department's BAT criteria for this type of process. The company will operate the sources and maintain the system in accordance with the good engineering practices to assure proper operation of the system. 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 18711.

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.: 48-00101B 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, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, 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

63091301 and NPDES No. PA0236004. Tunnel Ridge, LLC, (2596 Battle Run Road, Triadelphia, WV 26059). To revise the permit for the Tunnel Ridge Mine in Donegal and West Finley Townships, **Washington County** and related NPDES permit to add acreage for the Phase II Expansion. Underground Acres Proposed 3,128.65, Subsidence Control Plan Acres Proposed 3,128.65. No additional discharges. The application was considered administratively complete on October 28, 2015. Application received August 5, 2015.

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

03950105 and NPDES Permit No. PA0201421. Allegheny Mineral Corp. (P. O. Box 1022, Kittanning, PA 16201-5022). Renewal application for reclamation only to an existing bituminous surface mine, located in West Franklin Township, **Armstrong County**, affecting 439 acres. Receiving stream: Patterson Creek and unnamed tributary to Buffalo Creek, classified for the following use: HQ-TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: October 26, 2015.

02070104 and NPDES Permit No. PA0251224. Collier Land & Coal Development, LP (One 8th Street, Braddock, PA 15104). Revision application for the placement of coal refuse disposal to an existing bituminous surface mine, located in Collier Township, **Allegheny County**, affecting 34.4 acres. Receiving streams: unnamed tributaries to Robinson 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 27, 2015.

Coal NPDES Draft Permits

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

NPDES No. PA0243515. (Mining permit no. 17030109), Tamburlin Brothers Coal Company, Inc., P. O. Box 1419, Clearfield, PA 16830, revision and renewal of an NPDES permit for bituminous coal surface mining in Huston Township, **Clearfield County**, affecting 147.5 acres. Receiving stream(s): Grapevine Run and Heath Run, classified for the following use(s): CWF. Bennett Branch—Sinnemahoning Creek TMDL. Application received: April 8, 2015.

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

The outfall(s) listed below discharge to: Grapevine Run and Heath Run.

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

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

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

There is no proposed surface discharge from the above listed facilities to the receiving stream due to the implementation of Best Management Practices.

Noncoal NPDES Draft Permits

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

NPDES Permit No. PA0954784 on Surface Mining Permit No. 36900302. H & K Group, Inc., (PO Box 196, Skippack, PA 19474), revision of an NPDES Permit for a limestone quarry operation in Fulton Township, **Lancaster County**, affecting 74.69 acres. Receiving stream: unnamed tributary to Octoraro Creek, classified for the following use: trout stock fishes. Application received: October 5, 2015.

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

The outfalls listed below discharge to unnamed tributary to Octoraro Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
PMD-001	No	O.D.
PMD-002	Yes	E&S

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 ap-

proval 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

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

E58-314. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Gibbon Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure; and to construct and maintain 28-foot wide road crossing of a tributary to Butler Creek (CWF, MF) consisting of a 15-foot by 5.5-foot concrete box culvert depressed 1 foot below streambed elevation with riprap aprons. Also to relocate 270 feet of a

tributary to Butler Creek (CWF, MF) to allow for roadway improvements. The project is located along S.R. 848, Section 574, Segment 0150, Offset 2279 (Harford, PA Quadrangle, Latitude: 41°48'19.5"; Longitude: -75°39'10").

E40-773. Pennsylvania Department of Transportation, Engineering District 4-0, 55 Keystone Industrial Park, Dunmore, PA 18512, in Jackson Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To rehabilitate the existing structure over Harveys Creek (CWF, MF) by replacing the superstructure resulting in an underclearance of 8.3'. To construct and maintain a stormwater outfall in the floodway of Harveys Creek (CWF, MF) consisting of a 18" reinforced concrete pipe, concrete flared end section and a riprap apron. Also to construct an 88-foot long, various height concrete floodwall in the floodway of East Fork Harveys Creek (CWF, MF). The project is located at the intersection of SR 0029 and SR 1012 (Harveys Lake, PA Quadrangle, Latitude: 41°15'10"; Longitude: -75°59'56.4").

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860

E42-08-019, NFG Midstream Clermont LLC, 6363 Main St, Williamsville, NY 14221. Clermont West Branch D07-U Pipeline in Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Cosby and Hazel Hurst, PA Quadrangle N: 41.6755; W: -78.4852).

The applicant proposes to construct and maintain two (2) 8 inch natural gas gathering lines, one (1) 12 inch natural gas gathering line, and one (1) 16 inch natural gas gathering lines. The natural gas lines will transport natural gas from a well pad to a compressor station. The water obstructions and encroachments in the McKean County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/ Longitude</i>
1	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 7,309 square feet of Palustrine Emergent Wetland (PEM)	41.674424 -78.500515
2	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 324 square feet of Palustrine Emergent Wetland (PEM)	41.674558 -78.49765
3	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 202 square feet of Palustrine Emergent Wetland (PEM)	41.67463 -78.498002
4	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to impact 709 square feet of Exceptional Value Palustrine Emergent Wetland (EV) (PEM)	41.674609 -78.495611
5	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to cross UNT to East Branch Clarion River (HQ-CWF) having 151 linear feet of temporary stream and floodway impacts.	41.674498 -78.492872
6	One (1) 12 inch and one (1) 16 inch steel gas line with associated right-of-way and temporary road crossing to cross UNT to East Branch Clarion River (HQ-CWF) having 113 linear feet of temporary stream and floodway impacts.	41.674063 -78.492509
7	One (1) 12 inch and one (1) 16 inch steel gas line with temporary road crossing and associated right-of-way to temporarily impact 14,468 square feet and 1,984 square feet of permanent impact of Palustrine Scrub Shrub Wetland (EV) (PSS)	41.675355 -78.485305

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
8	Two (2) 8 inch steel gas line with associated right-of-way and temporary road crossing to impact 858 square feet of Palustrine Emergent Wetland (PEM)	41.677163 -78.47747
9	Two (2) 8 inch steel gas line with associated right-of-way and temporary road crossing to impact 1,083 square feet of Palustrine Emergent Wetland (PEM) (EV)	41.67559 -78.475564

In McKean County, the project will result in a total of 82 linear feet of temporary stream impacts, 182, linear feet of temporary floodway impacts, 0.57 acre of temporary wetland impacts, and 0.045 acre of permanent wetland impacts.

Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105

E5314-001, Borough of Coudersport, 201 South West Street, Coudersport, PA 16915, in the Borough of Coudersport, **Potter County**, U.S. Army Corps of Engineers, Pittsburgh District.

To modify the existing debris basin located at the existing Commonwealth-constructed Coudersport Flood Protection Project. The flood protection project is located along Mill Creek (CWF, MF). The location of the debris basin is completely within the limits of the flood protection project (Latitude: 41° 46' 17"; Longitude: -78° 0' 43").

WATER QUALITY CERTIFICATIONS REQUESTS

Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481 Telephone: 814-332-6945

Brookfield Renewable Energy Group, Brookfield Power Piney & Deep Creek LLC, 2000 River Road, Clarion, PA 16214. Piney Station, **Clarion County**. ACOE Pittsburgh District.

Piney Hydroelectric Project (FERC Project No. 309-PA)—The Piney Hydroelectric Project is operated by the Brookfield Power Piney & Deep Creek LLC under the provisions of a 401 Water Quality Certification issued by the Department on September 3, 2002, for the protection of statewide water uses. On March 9, 2015, the Department approved a request from Brookfield Power Piney & Deep Creek LLC to temporarily suspend certain conditions of the Water Quality Certification from March 1, 2015 to October 31, 2016 in order to maintain the reservoir surface water elevation at 1,087.5 +/- 0.5 feet mean sea level to complete a necessary rehabilitation of the Piney Dam.

Brookfield Power Piney & Deep Creek LLC is seeking approval to continue a modified operation of the reservoir level to complete the rehabilitation of the dam. Brookfield Power Piney & Deep Creek LLC proposes to: return the reservoir to the normal operating levels through March 2016; operate the reservoir at a maximum surface water elevation of 1,087.5 +/- 0.5 feet mean sea level during the months of April through mid-December between 2016 through 2018; and operate the reservoir at the normal operating levels between mid-December through March 2018.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401

NPDES Permit No. PA0025917, Sewage, Amendment, **Chalfont-New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901.

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

Description of Action/Activity: Approval for the permitted hydraulic capacity of Chalfont New Britian STP to be increased from 6.0 to 7.0 MGD.

NDES Permit No. PA0057878, Sewage, Amendment-2, **Mark Piccone**, 52 Hafler Road, Sellersville, PA 18960.

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

Description of Action/Activity: Approval for permit transfer ownership from Nicole Moyer to Mark Piccone single residence sewage treatment plant.

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

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

WQM Permit No. 1515406, Sewage, **RLD Atwater JV, LLC**, 124 Cedar Avenue, Conshohocken, PA 19428.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of 2 on-site sanitary sewer pump stations, collection system, and conveyance system.

WQM Permit No 1515405, Sewage, **East Whiteland Township**, 209 Conestoga Road, Frazer, PA 19355.

This proposed facility is located in East Whiteland Township, **Chester County**.

Description of Action/Activity: Construction and operation of 2 on-site sanitary sewer pump stations, collection system, and conveyance system.

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

WQM Permit No. 2294412, Amendment No. 1, Sewerage, **Hershey Conewago Recreaground, LLC**, PO Box 449, Hershey, PA 17033.

This proposed facility is located in Conewago Township, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for the removal and replacement of wastewater treatment plant components that are nearing the end of their useful life. These components include the headworks, and equalization tank, two extended aeration treatment units, the intermittent sand filter dosing tank, and the chlorine contact tank. Existing components that will be rehabilitated and reused as part of this project include the intermittent sand filter beds and miscellaneous equipment. The wastewater treatment plant capacity of the new facility will not change as part of this project.

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

WQM Permit No. 1015403, Sewage, **Cranberry Township Butler County**, 2525 Rochester Rd, Cranberry Twp, PA 16066-6420.

This proposed facility is located in Cranberry Township, **Butler County**.

Description of Proposed Action/Activity: Cranberry Township Brush Creek water pollution control facility upgrade and expansion.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913015R(7)	Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)
PAI024813017(1)	Sullivan's March Enterprises, LLC c/o Mr. Mark Nehoda 2015 Sullivan Trail Easton, PA 18040	Northampton	Forks Township	Bushkill Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI032115002 Issued	Pinnacle Construction and Development Group 4545 Spring Road Cleveland, OH 44131	Cumberland	Hampden Township	Trindle Spring Run (HQ-CWF, MF)
PAI032114008 Issued	Keystone Arms Associates, LLC 120 North Pointe Boulevard, Suite 300 Lancaster, PA 17601	Cumberland	North Middleton and Middlesex Townships	LeTort Spring Run (Designated Use CWF; Existing Use HQ-CWF)
PAI030613013 Issued	Benjamin Brubacher 67 Ledgerock Road Mohnton, PA 19540	Berks	Ruscombmanor Township	Furnace Creek (CWF, MF) EV Wetlands
PAI032114006 Issued	South Middleton School District 4 Forge Road Boiling Springs, PA 17007	Cumberland	South Middleton Township	Yellow Breeches Creek (HQ-CWF, MF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

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 Cocalico Township Lancaster County	PAG02003615072 Issued	School Lane Associates 390 Millway Road, PO Box 82 Brownstown, PA 17508	Little Cocalico Creek UNT/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
Rapho Township Lancaster County	PAG02003615079 Issued	Greg Herr 2040 Hossler Road Manheim, PA 17545	UNT To Back Run/TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
East Petersburg Borough Lancaster County	PAG02003615094 Issued	Guissepe Conigliaro 5313 Main Street East Petersburg, PA 17520	UNT To Little Conestoga Creek/TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
Rapho Township Lancaster County	PAG02003615097 Issued	Interstate Fleets Inc. 696 Bethlehem Pike Colmar, PA 18915	UNT To Chickies Creek/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
East Hempfield Township Lancaster County	PAG02003615098 Issued	Elite RV Storage c/o Peter Miklo 225 Dogwood Drive Elizabethtown, PA 17022	Swarr Run/TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
Rapho Township Lancaster County	PAG02003615103 Issued	Chris Miller—Sgm Enterprises 1831 Auction Road Manheim, PA 17545	Chickies Creek/WWF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
Caernarvon Township Lancaster County	PAG02003615107 Issued	Bethel Christian Fellowship 217 New Holland Drive Kinzer, PA 17535	Conestoga River/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361
Robeson Township Berks County	PAG02000613048 Issued	Robert Deeds, Willow Springs Builders, Inc. 1217 White Bear Road Birdsboro, PA 19508	UNT to Seidel Creek/WWF, MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657
Tulpehocken Township Berks County	PAG02000615053 Issued	Tim Crouse 259 Greble Road Myerstown, PA 17067	Little Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657

<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>
Tulpehocken Township Berks County	PAG02000615048 Issued	Laverne Frey 5193 Route 419 Womelsdorf, PA 19567	Mill Creek/CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657
Centre Township Berks County	PAG02000615054 Issued	Michael Tulio, KTMT IV, LP 1030 Reed Avenue Suite 100 Wyomissing, PA 19610	UNT to Schuylkill River/WWF, MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657
Mifflintown Borough, Walker/Fermanagh Townships Juniata County	PAG02003415004 Issued	Twin Boroughs Sanitary Authority 17 River Drive PO Box 118 Mifflin, PA 17058	Juniata River/WWF, MF and Schweyer Run/CWF, MF	Juniata County Conservation District 146 Stoney Creek Drive, Suite 4 Mifflintown, PA 17059 717-436 -8953
Tyrone Township Perry County	PAG02035015008 Issued	Marvin Zimmerman 3933 Shermans Valley Road Loysville, PA 17047	Muddy Run/WWF	Perry County Conservation District 31 West Main Street New Bloomfield, PA 17068 717-582-5119
Allegheny Township Blair County	PAG02000715013 Issued	Allegheny 1, LLC c/o Bruno DeGol 3229 Pleasant Valley Boulevard Altoona, PA 16602	Spencer Run/ WWF, MF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877
<i>Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
<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>
Clearfield Cnty Lawrence Twp	PAG02001715011	Clearfield Soccer Assoc. P. O. Box 886 Clearfield, PA 16830	Montgomery Run, CWF UNT to W. Branch Susquehanna River, CWF	Clearfield County Conservation District 511 Spruce St, Ste 6 Clearfield, PA 16830 (814) 765-2629
Snyder County Chapman Twp	PAG02005515015	Lamar Brubacker 294 Sawmill Rd Liverpool, PA 17045	UNT of Mahantango/ Wetlands, WWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Rayburn Township Armstrong County	PAG02000315004	Rayburn Township Joint Municipal Authority, P. O. Box 776, Kittanning, PA 16201-0776	Allegheny River (WWF); Hays Run (WWF); Cowanshannock Creek (TSF)	Armstrong Conservation District, Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201 (724) 548-3425
Southmont Borough Cambria County	PAG02001115018	Southmont Borough 148 Wonder Street Johnstown, PA 15905	Cheney Run (WWF); UNT to Cheney Run (WWF)	Cambria County Conservation District 401 Candlelight Drive, Suite 221, Ebensburg, PA 15931 (814) 472-2120
Brothersvalley Township Somerset County	PAG02005615012	Mainland Dollar General Berlin, LLC 118 Sixth Avenue South Suite 230 Nashville, TN 37203	Millers Run (CWF)	Somerset County Conservation District Somerset County Ag Center 6024 Glades Pike, Suite 103 Somerset, PA 15501 (814) 445-4652

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
West Goshen Township Chester County	PAG030036	Rusmar, Inc. 216 Garfield Ave. West Chester, PA 19380	Unnamed Tributary to East Branch Chester Creek—3G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Haverford Township Delaware County	PAR800097	United States Post Office Havertown Main Office 444 East Township Line Rd Havertown, PA 19083	Cobbs Creek—3G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Upper Merion Township Montgomery County	PAR800028	BFI Waste Service of PA 372 S Henderson Road King of Prussia, PA 19406	Unnamed Tributary to Schuylkill River—3F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Penn Township Chester County	PAR800020	BFI Waste Service of PA 1 Briar Drive West Grove, PA 19390	Unnamed Tributary to West Branch White Clay Creek—3I	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
West Goshen Township Chester County	PAR110059	Schramm Inc. 800 E Virginia Avenue West Chester, PA 19380	Unnamed Tributary to Chester Creek—3G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Bristol Township Bucks County	PAR800083	Waste Management of PA 1224 Hayes Boulevard Bristol, PA 19007	Unnamed Tributary to Mill Creek—2E	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

<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>
Bristol Township Bucks County	PAR800021	Waste Management of PA 1121 Bordentown Road Morrisville, PA 19007	Unnamed Tributary to Neshaminy Creek—2F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Berks County/ Ontelaunee Township	PAG033529	Schneider Electric 5460A Pottsville Pike Leesport, PA 19533	Maiden Creek (Outfalls 001 & 002) and Schuylkill River (Outfall 003)/WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County/ Swatara Township	PAG033530	BBGY, Inc. dba Boger Concrete Company (Jonestown Facility) 201 Iron Valley Drive Lebanon, PA 17042	Swatara Creek/ WWF & MF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—PAG-4

<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>
Solebury Township Bucks County	PAG040041 A-1	Nouhad Saliba 1775 York Avenue, Apt 29g New York, NY 10128	Rabbit Run in Watershed 2-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

General Permit Type—PAG-08

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Media Borough Delaware County	PAG080017	Aqua Pennsylvania Wastewater Inc. 762 Lancaster Avenue Bryn Mawr, PA 19010	Media WWTP Media, PA	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Souderton Borough Montgomery County	PAG080021	Souderton Borough 31 West Summit Street Souderton, PA 18964	Souderton WWTP Souderton, PA	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
City of Coatsville Chester County	PAG080016	PA American Water Co.	Coatesville STP City of Coatsville	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

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>
Robert Keefer 1317 Ritner Highway Shippensburg, PA 17257	Cumberland	1,006.7	1,039	Dairy	NA	Approved
Nathan Ebersole 44 Kline Road Shippensburg, PA 17257	Cumberland	124.1	74.13	Duck/Steer	NA	Approved

PUBLIC WATER SUPPLY PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit. 5215501MA, Public Water Supply.
 Applicant **PA American Water**
 800 W. Hershey Park Drive
 Hershey, PA. 17033
 [Township or Borough] **Westfall Township**
Pike County
 Responsible Official **Mr. David Kaufman**
 Vice President-Engineering
 Type of Facility **Public Water Supply**
 Consulting Engineer **Mr. Daniel Rickard, PE**
 P A American Water Company
 2699 Stafford Avenue
 Scranton, PA 18505
 Construction Permit Issued **October 27, 2015**

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

Permit No. 2815503 MA, Minor Amendment, Public Water Supply.
 Applicant **Franklin County General Authority**
 Municipality **Greene Township**
 County **Franklin**

Responsible Official John M. VanHorn PG, Executive Director
5540 Coffey Avenue
Chambersburg, PA 17201

Type of Facility Replacement of the existing finished water storage tank with a new 200,000 gallon elevated finished water storage tank.

Consulting Engineer James C. Kohler, P.E.
Letterkenny Army Depot & Franklin Co General Auth
5540 Coffey Avenue
Chambersburg, PA 17201-4113

Permit to Construct Issued 10/29/2015

Permit No. 3615507, Public Water Supply.

Applicant **Moyer Ziegler Partnership**

Municipality West Cocalico Township

County **Lancaster**

Responsible Official Loren Ziegler, Applicant/Owner
820 E Lincoln Avenue
PO Box 247
Myerstown, PA 17067

Type of Facility New community water system including one well, a sodium hypochlorite disinfection system, a finished water storage tank and 4-Log treatment of viruses.

Consulting Engineer Holly C. Cinkutis, P.E.
Great Valley Consultants
75 Commerce Drive
Wyomissing, PA 19610

Permit to Construct Issued 10/29/2015

Operation Permit No. 2215506 MA issued to: **Pennsylvania American Water (PWS ID No. 7220017)**, South Hanover Township, **Dauphin County** on 10/29/2015 for facilities approved under Construction Permit No. 2215506 MA.

Operation Permit No. 3815505 MA issued to: **Lebanon City Authority (PWS ID No. 7380010)**, Swatara Township, **Lebanon County** on 10/29/2015 for facilities approved under Construction Permit No. 3815505 MA.

Operation Permit No. 5015502 MA issued to: **Orchard Hills Management, LLC (PWS ID No. 7500010)**, Carroll Township, **Perry County** on 10/29/2015 for facilities approved under Construction Permit No. 5015502 MA.

Operation Permit No. 5015504 issued to: **Pfautz Rentals, LP (PWS ID No. 7500030)**, Penn Township, **Perry County** on 10/27/2015 for facilities approved under Construction Permit No. 5015504.

Operation Permit No. 6715501 MA issued to: **The York Water Company (PWS ID No. 7670100)**, Manchester Township, **York County** on 10/27/2015 for facilities approved under Construction Permit No. 6715501 MA.

Source Water Protection Program Approval issued to **Capital Region Water**, 212 Locust Street, Suite 500, Harrisburg, PA 17101, **PWSID 7220049**, City of Harrisburg, **Dauphin County** on October 28, 2015.

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

Permit No 4114503-MA—Operation—Public Water Supply.

Applicant **Montoursville Borough Water System**

Township/Borough Montoursville Borough

County **Lycoming**

Responsible Official Mr. Ron Smith
Montoursville Borough
617 North Loyalsock Avenue
Montoursville, PA 17754

Type of Facility Public Water Supply

Consulting Engineer Paul Krizan
Larson Design Group
1000 Commerce Park Dr,
Suite 201
Williamsport, PA 17701

Permit Issued October 28, 2015

Description of Action Operation of the upgraded Well No. 3 bulk water loading station. The PWS Minor Amendment—Operation for the Well No. 2 and Well No. 3 bulk water loading stations, issued September 2, 2013, has been amended to remove the former Well No. 3 bulk water loading station from the permit

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

Permit No., 1015502 Public Water Supply

Applicant **Pennsylvania American Water Company**

Township or Borough Butler Township

County **Butler**

Type of Facility Public Water Supply

Consulting Engineer William Lage, Project Manager
Pennsylvania American Water Co.
2736 Ellwood Road
New Castle, PA 16101

Permit to Construct Issued October 28, 2015

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final

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

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

The Department has received the following plans and reports:

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

Jackson Street Park Project, 912 Jackson Street, City of Allentown, **Lehigh County**. Langan Engineering and Environmental Services, One West Broad Street, Suite 200, Bethlehem, PA 18018, on behalf of City of Allentown, 3000 Parkway Boulevard, Allentown, PA 18104, submitted a Final Report concerning remediation of site soils contaminated with benzo(a)pyrene and arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Lehigh Valley Industrial Park Lot 3, 10 Emery Street, Bethlehem City, **Northampton County**. HDR Engineering, 1720 Spillman Drive, Bethlehem, PA 18015, on behalf of Lehigh Valley Industrial Park, 1355 Easton Road, Bethlehem, PA 18108, submitted a Final Report concerning remediation of site soils contaminated with antimony, arsenic, cadmium, chromium, iron, lead, and mercury. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Northwest Elementary School/Lebanon School District, Old Forge Road, Lebanon, PA 17042, City of Lebanon, **Lebanon County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Lebanon School District, 1000 South 8th Street, Lebanon, PA 17042 and Aspens, Inc., 411 Chestnut Street, Lebanon, PA 17042 submitted a Remedial Investigation Report and Cleanup Plan for site soils and groundwater contaminated with metals and SVOCs. The site is being remediated to the Site Specific Standard.

Danielle Hairston-Green Residence, 608 Muench Street, Harrisburg, PA 17102, City of Harrisburg, **Dauphin County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance PA Fire Claims, PO Box 106110, Atlanta, GA 30348-6110, and Danielle Hairston-Green, 12034 Kleinmeadow Drive, Houston, TX 77066-4723, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. AECOM, 4507 North Front Street, Harrisburg, PA 17110, on behalf of ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, submitted a report titled, "Remedial Investigation/Risk Assessment/Cleanup Plan," for site soils and groundwater contaminated with #6 fuel oil. The site will be remediated to a combination of Residential Statewide Health and Site Specific Standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.907).

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

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

The Department has received the following plans and reports:

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

Lafayette College, 219 North Third Street, City of Easton, **Northampton County**. Moonstone Environmental LLC, 1150 Glenlivet Drive, Suite C-31, Allentown, PA 18106 on behalf of Lafayette College, 9 North Campus Drive, Easton, PA 18042 submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soils contaminated with VOC's, SVOC's and lead. The Plan was approved by the Department on October 30, 2015.

Prior Coated Metals, 2233 26th Street SC, City of Allentown, **Lehigh County**. Langan Engineering & Environmental Services, PO Box 1569, Doylestown, PA 18901, on behalf of Prior Coated Metals, Inc., 2233 26th Street SW, Allentown, PA 18103 submitted a Final Report concerning the remediation of site soils and groundwater contaminated with acetone, aluminum, barium, beryllium, benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, iron, isopropylbenzene, lead, 2-methylphenol, methylene chloride, 3&4-methylphenol, 2-methylnaphthalene, methylcyclohexane, nickel, phenanthrene, pyrene, selenium, 1,1,2-trichloroethane, 1,1,2-trichlorodichloroethane, 1,2-dichloroethane, 2-butanone, carbon disulfide, chlorobenzene, chloroform, chloromethane, cyclohexane, 1,2-dichlorobenzene, 1,3-dichlorobenzene, 1,4-dichlorobenzene, isopropylbenzene, methylcyclohexane, trans-1,2-dichloroethane, 1,1,2-trichloro-1,2,2-trifluoroethane, 1,1,2-trichloroethane, 1,2,3-trichlorobenzene, 1,2,4-trichlorobenzene, total xylenes, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, toluene, trichloroethane, ethylbenzene, naphthalene, tetrachloroethene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, 1,1,2,2-tetrachloroethane, and cis-1,2-dichloroethane. The Final Report demonstrated attainment of the Site-Specific Standard and Statewide Health Standard, and was approved by the Department on November 2, 2015.

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

Danielle Hairston-Green Residence, 608 Muench Street, Harrisburg, PA 17102, City of Harrisburg, **Dauphin County**. Trimpi Associates, 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance PA Fire Claims, PO Box 106110, Atlanta, GA 30348-6110, and Danielle Hairston-Green, 12034 Kleinmeadow Drive, Houston, TX 77066-4723, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report was administratively incomplete and was disapproved by the Department on October 27, 2015.

Emerson Electric, Formerly Fincor Automation, 3750 East Market Street, York, PA, 17402, Springettsbury Township, **York County**. WSP USA Corporation, 1740 Massachusetts Avenue, Boxborough, MA 01719, on behalf

of Emerson Electric Company, 8000 West Florissant Avenue, St. Louis, MO 63136-8506, submitted a Risk Assessment for groundwater and a Final Report for site soils contaminated with VOCs, PAHs, PCBs, and Inorganics. The combined Report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on October 29, 2015.

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

Former Marino Brothers Scrap Yard, 461 Railroad Street, Rochester Borough, **Beaver County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of North Side Industrial Development Company, Inc., 700 River Avenue, Pittsburgh, PA 15212 and Castlebrook Development Group, LLC, 428 Boulevard of the Allies, Suite 100, Pittsburgh, PA 15129 submitted a Remedial Investigation/Risk Assessment Report & Cleanup Plan (RI/RA/CP) concerning site soils and groundwater contaminated with metals, semi-volatile organic compounds and polycyclic aromatic hydrocarbons and volatile organic compounds in groundwater. The RI/RA/CP was approved by the Department on October 29, 2015.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170

Hazardous Waste Transporter License Voluntarily Terminated

Triad Transport, Inc., 1630 Diesel Avenue, McAlester, OK 74501. License No. PA-AH 0392. Effective Oct 27, 2015.

Hazardous Waste Transporter License Issued

Mountain Energy Services Inc., 205 West Tioga Street, Tunkhannock, PA 18657. License No. PA-AH 0832. Effective Oct 28, 2015.

Hazardous Waste Transporter License Reissued

Evoqua Water Technologies, LLC, 1451 East 9 Mile Road, Hazel Park, MI 48030. License No. PA-AH 0812. Effective Oct 26, 2015.

LEI, Inc., PO Box 2962, Hammond, LA 70404. License No. PA-AH 0811. Effective Oct 26, 2015.

Set Environmental, Inc., 450 Sumac Rd, Wheeling, IL 60090. License No. PA-AH S226. Effective Oct 26, 2015.

RSO, Inc., PO Box 1450, Laurel, MD 20725. License No. PA-AH 0578. Effective Oct 26, 2015.

Tri-Line Carriers GP Inc., 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0736. Effective Oct 26, 2015.

U.S. Bulk Transport, Inc., 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective Nov 02, 2015.

New Applications Received

Earth Smart Environmental Solutions, LLC, 232 South Dillard Street, Winter Garden, FL 34787. License No. PA-AH 0833. Effective Nov 02, 2015.

Renewal Applications Received

Goulet Trucking, Inc., PO Box 259, South Deerfield, MA 01373. License No. PA-AH 0768. Effective Oct 26, 2015.

J and D Trucking, Inc., 3526 NW Boulevard, Vineland, NJ 08360. License No. PA-AH 0652. Effective Nov 02, 2015.

LEI, Inc., PO Box 2962, Hammond, LA 70404. License No. PA-AH 0811. Effective Oct 26, 2015.

Set Environmental, Inc., 450 Sumac Rd, Wheeling, IL 60090. License No. PA-AH S226. Effective Oct 23, 2015.

Tri-Line Carriers GP Inc., 1179 Ridgeway Rd, Woodstock, ON N4S 0A9. License No. PA-AH 0736. Effective Oct 26, 2015.

U.S. Bulk Transport, Inc., 205 Pennbriar Drive, Erie, PA 16509. License No. PA-AH 0408. Effective Nov 02, 2015.

**REGISTRATION FOR GENERAL
PERMIT—RESIDUAL WASTE**

Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

*Northcentral Region: Regional Solid Waste Manager,
208 West Third Street, Williamsport, PA 17701*

General Permit Registration No. WMGR123NC031. SWEPI LP, 2100 Georgetown Drive, Suite 400, Sewickley PA 15143. Facility to be located at 880 Fischler Street Ext, Wellsboro, PA 16901, Delmar Township, **Tioga County**. Registration to operate under General Permit No. WMGR123 for oil and gas liquid waste storage facility. The registration was issued by Northcentral Regional Office on October 27, 2015.

Persons interested in obtaining more information about the general permit application may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**DETERMINATION OF APPLICABILITY FOR
RESIDUAL WASTE GENERAL PERMITS**

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

*Northcentral Region: Regional Solid Waste Manager,
208 West Third Street, Williamsport, PA 17701*

General Permit No. WMGR017NC001. Tri-County Spreading, 5144 Snyderstown Road, Paxinos, PA 17860, Rush Township, **Northumberland County**. The permit is for the land application of water supply treatment

plant sludge. The Department issued the determination of applicability on October 16, 2015.

Persons interested in reviewing the general permit may contact Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**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. 101708. Five Points Transfer & Recycling Inc., 2811 Five Points Road, La Jose, PA, 15753, Chest Township, **Clearfield County**. The permit application is for construction and operation of a new municipal waste transfer station to accept up to 500 tons per day of waste. The application was received by Northcentral Regional Office on September 17, 2015. A LMIP meeting will be held by the Department.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Permit Application No. 301292. JELD-WEN, Inc., PO Box 311, 825 Shiner Road, Towanda, PA 18848, Wysox Township, **Bradford County**. The permit application is a renewal for an existing sprayfield. The application was received by Northcentral Regional Office on October 20, 2015.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

Permit Application No. 301283. Graymont (PA) Inc, 194 Match Factory Place, Bellefonte, PA 16823, Benner Township, **Centre County**. The permit application is a renewal for an existing residual waste landfill. The application was received by Northcentral Regional Office on October 26, 2015.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application

may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984. 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

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

GP11-46-0075: Harleysville Materials, LLC (P. O. Box 587, Berlin, NJ 08009) On October 20, 2015 for One (1) Caterpillar C9 ACERT diesel-fired non-road engine in Lower Salford Township, **Montgomery County**.

GP3-46-0125: Harleysville Materials, LLC (P. O. Box 587 Berlin, NJ 08009) On October 20, 2015, for a portable jaw crusher—Terex-Pegson XR 400 in Lower Salford Township, **Montgomery County**.

GP9-09-0067: The H&K Group Inc. (2052 Lucon Rd, Skippack, PA 19474) On October 27, 2015 for a diesel-fired internal combustion engine in Plumstead Township, **Bucks County**.

GP3-09-0137: The H&K Group Inc. (2052 Lucon Rd, Skippack, PA 19474) On October 27, 2015 to install and operate a portable crusher and screening plant in Plumstead Township, **Bucks County**.

GP3-09-0136: The H&K Group Inc. (2052 Lucon Rd, Skippack, PA 19474) On October 27, 2015 to install and operate a portable non-metallic mineral processing plant in Chalfont Township, **Bucks County**.

GP9-09-0066: The H&K Group Inc. (2052 Lucon Rd, Skippack, PA 19474) On October 27, 2015 for a diesel-fired internal combustion engine in Hilltown Township, **Bucks County**.

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

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

GP4-05-03001A: Bedford Burnoff Service, Inc. (528 Forbes Road, Bedford, PA 15522) on October 30, 2015 for two (2) existing burnoff ovens, under GP4, at the painted parts burnoff service facility located in Bedford Borough, **Bedford County**. The general permit authorization was renewed.

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

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

GP5-08-366B: HEP Pennsylvania Gathering, LLC (17806 1H-10W, Suite 210, San Antonio, TX 77032) on October 16, 2015, authorize the construction of one (1) new 2,275 brake horsepower, Caterpillar model 3608LE

lean-burn, natural gas-fired compressor and continued operation of twelve (12) Caterpillar model G3516B lean-burn, natural gas-fired compressor engines each rated at 1,380 brake horsepower to be equipped with Powertherm Company, Inc. model 201 VO-3-200-7114 oxidation catalyst, four (4) 80 million cubic foot per day, Exterran tri-ethylene glycol dehydrators and a 155 brake horsepower, Kohler model 100ERESB, natural gas-fired emergency generator pursuant to the General Plan Approval and General Operating Permit for Natural Gas, Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the White CPF#1 Compressor Station located in Stevens Township, **Bradford County**.

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

Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940

GP5-10-400A: ETC Northeast Pipeline LLC Galaxy Compressor Station (253 West Eldorado Rd, Parker, PA 16049) on October 29, 2015, for the authority to construct and/or operate five (5) natural gas fired 1,725 compressor engines with oxidation catalyst, one (1) 100 mmscfd TEG dehydration unit with 2 mmbtus/hr reboiler, BTEX condenser, vapory recovery unit with backup flare control, storage tanks, and associated piping and components (BAQ-GPA/GP5) located at their facility in Parker Township, **Butler County**.

GP5-24-180B: NFG Midstream—West Clermont Station (12753 Shawmut Grade Rd., Emporium, PA 15834) on October 29, 2015, for the authority to construct and/or operate one (1) 5,350-hp compressor engine, one (1) 0.14 MMBtu/hr fuel gas heater, four (4) MMBtu/hr catalytic heaters, and seven (7) storage tanks (BAQ-GPA/GP5) located at their facility in Jones Township, **Elk County**.

Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.

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

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

09-00217: Particle Size Technology, Inc., (1930 Kumry Road, Quakertown, PA 18951) On October 27, 2015 for the initial Natural Minor Operating Permit in Milford Township, **Bucks County**. Sources of emissions at this facility are 13 micronizers followed by 13 dust collectors. The potential air emission from this facility is 1.0 ton of particulate matter per year. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

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

54-00077A: Northeast Prestressed Product LLC (121 River Street, Cresson, PA 179292) issued on October 13, 2015 for the use of VOC contain protective coatings on concrete products at the existing facility located in North Manheim Township, **Schuylkill County**.

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

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

36-05152C: Kellogg USA Inc. (2050 State Road, Lancaster, PA 17604) on October 27, 2015, for the replacement of an existing dryer and dryer cooler on the Coating Line with a new dryer and dryer cooler with increased capacity. One (1) new American Air Filter, Model W, Size 36, Rotoclone Wet Scrubber will be added to control the air emissions from the new equipment at the East Hempfield plant located in East Hempfield Township, **Lancaster County**.

07-05008A: Team Ten LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) on October 19, 2015, for the construction of a natural gas/No. 2 oil fired boiler with a heat input of 154.75 MMBtus per hour (147.4 MMBtus/hr when firing No. 2 oil) at their facility in Tyrone Borough, **Blair County**. The boiler will be equipped with low NO_x burners (LNB), in combination with flue gas recirculation (FGR). As part of the project, the existing 236 MMBtus per hour coal fired boiler will be decommissioned.

21-03118A: Fogelsanger-Bricker Funeral Home, Inc. (112 West King Street, Shippensburg, PA 17257) on October 20, 2015, for construction of a human crematory controlled by an afterburner at the funeral home in Shippensburg Borough, **Cumberland County**.

36-03199A: Doodad Printing LLC (72 Industrial Circle, Lancaster, PA 17601) on October 28, 2015, for construction of a printing operation at a new facility to be located in East Lampeter Township, **Lancaster County**. The operation will consist of four heatset presses controlled by a regenerative thermal oxidizer, one coldest press, and parts washers.

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

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

08-00047B: Milan Energy, LLC (6051 Wallace Road Extension, Suite 100, Wexford, PA 15090) on October 28, 2015, to construct three (3) 9,708 bhp (7.2 MWs) 4 stroke, lean burn Rolls Royce Bergen B-35:40-V16AG-2 natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Smithfield Township, **Bradford County**. The facility will also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-00047B, the applicant will subsequently apply for a State Only (Natural Minor) Operating Permit in accordance with 25 Pa. Code Subchapter F.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

16-149C: Clarion Laminates (143 Fiberboard Road, Shippensburg, PA 16254), on October 27, 2015, has issued

a plan approval for the construction of a 3rd profiling line with baghouse in Paint Township, **Clarion County**. This is a State Only facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

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

06-05096D: Reading Health System (PO Box 16052, Reading, PA 19612-6052) on October 27, 2015, for installation of two (2) new diesel-powered emergency generators, 2,220 BHP each, at the hospital facility located in West Reading Borough, **Berks County**. The plan approval was extended.

38-03014D: Pennsy Supply Inc. (PO Box 3331, 1001 Paxton Street, Harrisburg, PA 17105) on October 30, 2015, for relocation of some of the existing equipment at their Hummelstown Quarry to their Millard Quarry in North Londonderry Township, **Lebanon County**. The relocated plant will consist of five (5) belt conveyors, five (5) vibrating pan reclaim feeders, dryer burner, rotary dryer, bucket elevator, vibrating screen, surge bin, grinding mill, screw conveyors, pneumatic conveyors and six (6) product storage silos. The controls include a mill cyclone, three (3) fabric collectors, five (5) bin vents and six (6) truck loading spouts. The following equipment will be located inside an enclosed building: bucket elevator, vibrating screen, feed bin, grinding mill, cyclone, two (2) fabric collectors—exhausted outside, air classifier and various conveyors. The plan approval was extended.

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

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

41-00078C: Regency NEPA Gas Gathering, LLC (101 West Third Street, Williamsport, PA 17701) on October 27, 2015, to extend the authorization for the construction of four natural-gas fired compressor engines (Source IDs P107-P110) each equipped with oxidation catalysts (C107-C110). The plan approval also incorporates two existing natural-gas fired compressor engines (Source IDs P105 and P106), each equipped with oxidation catalysts (C105 and C106), two existing glycol dehydrators (Source IDs P201 and P202) and three existing natural-gas fired compressor engines (Source IDs P101-P103) each equipped with oxidation catalysts (C101-C103) at the Barto Compressor Station located in Penn Township, **Lycoming County** to April 25, 2016. The plan approval has been extended.

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

Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150

PA-63-00983A: Columbia Gas Transmission, LLC (1700 MacCorkle Avenue, SE Charleston, WV 25314-1518) on October 28, 2015, to grant 180 days plan approval extension to facilitate the shake-down of sources and air cleaning devices at its Redd Farm Compressor Station located in Amwell Township, **Washington County**.

26-00588A: Laurel Mountain Midstream Operating, LLC (1550 Coraopolis Heights Road, Suite 140, Moon Township, PA 15108) Extension effective November 3, 2015, to extend the period of temporary operation of the new dehydrator and emergency generator under PA-26-00588A until April 28, 2016, at Shamrock Compressor Station located in German Township, **Fayette County**. One Solar Titan 130 turbine rated at 19,553 HP and originally authorized to be installed at this facility under PA-26-00588A is no longer authorized as the 18-month period to commence construction specified under 25 Pa. Code § 127.13(b) has passed.

30-00170A: Laurel Mountain Midstream Operating, LLC (Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275) on October 29, 2015, to extend the period of temporary operation of one Caterpillar G3612 lean burn natural gas-fired compressor engines rated at 3,550 bhp at the existing Brown Compressor Station located in Greene Township, **Greene County**. The new expiration date is May 1, 2016.

PA-63-00549B: Arden Landfill, Inc. (200 Rangos Lane, Washington, PA 15301) on October 29, 2015, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date is May 3, 2016.

63-00969A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) Extension effective November 2, 2015, to extend the period of temporary operation of new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A until April 28, 2016, at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

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

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

09-00031: Eureka Stone Quarry, Inc. (PO Box 249, Chalfont, PA 18914) On October 27, 2015 for renewal of the State Only Operating Permit for a facility comprising a stone crushing operation and two asphalt plants located in Wrightstown Township, **Bucks County**. The renewal includes minor changes in standard conditions in accordance with Department of Environmental Protection (DEP) guidelines. Ranges for allowable pressure drops for two baghouses controlling particulate matter emissions are set. A limit of 30% reconstituted asphalt pavement (RAP) by weight of total asphalt produced is set for Hot Mix Asphalt Plant 4. The facility is limited to emissions of 24.9 tons/year NO_x and VOC on a 12-month rolling basis. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, record-keeping and reporting.

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

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

07-03045: Cargill, Inc. (965 Frederick Road, Martinsburg, PA 16662-8866) on September 30, 2015, for the animal feed mill located in Taylor Township, **Blair County**. The State-only permit was renewed.

06-03104: Bean Funeral Home & Cremation Services, Inc. (3825 Penn Ave., Sinking Spring, PA 19608-1174) on October 13, 2015, for the human crematory at the funeral home facility located in Sinking Spring Borough, **Berks County**. The State-only permit was renewed.

06-03149: Savor Street Foods, Inc. (51 Spring Valley Road, Reading, PA 19605-2956) on October 20, 2015, for the pretzel bakery located in Muhlenberg Township, **Berks County**. The State-only permit was renewed.

06-05152: NRG REMA LLC (121 Champion Way, Canonsburg, PA 15317-5817) on October 20, 2015, for the Titus electric generating station located in Cumru Township, **Berks County**.

06-05094: Reading Alloys, Inc. (220 Old West Penn Ave., PO Box 53, Robeson, PA 19551) on October 20, 2015, for the alloy and metal powder manufacturing facility located in South Heidelberg Township, **Berks County**. The State-only permit was renewed.

31-05013: New Enterprise Stone & Lime Co., Inc. (PO Box 77, New Enterprise, PA 16664-0077) on September 30, 2015, for the Tyrone Forge batch asphalt plant located in Warriors Mark Township, **Huntingdon County**. The State-only permit was renewed.

67-05134: Krosaki Magnesita Refractories, LLC (320 North Baker Road, York, PA 17408-5802) on October 22, 2015, for the refractory product manufacturing facility located in West Manchester Township, **York 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

41-00033: Susquehanna Health System (700 High Street, Williamsport, PA 17701) on October 26, 2015, for the Williamsport Regional Medical Center located in Williamsport, **Lycoming County**. The facility's sources include five (5) natural gas/#2 fuel oil-fired boilers, four (4) natural gas-fired boilers, two (2) natural gas water heaters, three (3) diesel-fired emergency generators, one (1) natural gas-fired emergency generator and one (1) diesel-fired fire pump engine. The operating permit renewal includes emission limits and work practice standards along with monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

10-00380: Mountain Gathering LLC, Jefferson Compressor Station (910 Saxonburg Road, Butler, PA) On October 27, 2015, the Department issued a Natural Minor Permit to operate a natural gas compressor station located in Jefferson Township, **Butler County**. The primary emissions are from the eight 1,775 Hp compressor engines at the facility.

Construction of this facility was authorized by Plan Approval Number: 10-0380C which was issued on December 13, 2013. The conditions from that plan approval have been incorporated into the Synthetic Minor Operating Permit. This plan approval contained a facility wide VOC emission limit of 38 tons per year.

Additional equipment was installed under General Plan Approval Number GP-10-00380 which was issued on July 29, 2014. This additional equipment has the potential to produce an additional 7.35 tons per year of VOC emissions which increases the facility wide VOC emission limit to 45.35 tons per year.

Sources at this facility are subject to the following federal emission standards:

- 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.
- 40 CFR 60, Subpart OOOO—Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution.
- 40 CFR 63, Subpart HH—National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.

The latest version of these subparts have been attached to the appropriate sources.

The potential emissions from this facility are as follows. (All values are in tons/year.) $PM_{10}/PM_{2.5} = 5.61$, $SO_x = 0.33$, $NO_x = 74.78$, $VOC = 45.35$, $CO = 38.89$, $CO_{2e} = 62,171.66$, $HAPs = 4.92$.

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.

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

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

22-03004: HB Reese Candy Co. (925 Reese Avenue, Hershey, PA 17033-2271) on October 26, 2015, for the chocolate candy manufacturing facility located in Derry Township, **Dauphin County**. The State-only permit was administratively amended in order to revise the responsible official and permit contact.

06-05073: Dyer Quarry, Inc. (Rock Hollow Road, PO Box 188, Birdsboro, PA 19508-0188) on October 27, 2015, for the stone crushing operation located in Robeson Township, **Berks County**. The State-only permit was

administratively amended in order to incorporate the requirements of Plan Approval No. 06-05073A.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

42-00147: WR Case & Sons Cutlery Company (PO Box 4000, 50 Owens Way, Bradford, PA 16701-0940). On October 30, 2015 issued an administrative amendment to the State Operating Permit to incorporate the plan approval 42-147C requirements for the facility located in Bradford Township, **McKean County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act and 25 Pa. Code §§ 127.431 and 127.461.

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

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

GP5-08-353: Chesapeake Energy Corporation (414 Summers Street, Charleston, WV 25301), terminated General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) on October 27, 2015, for their Martin BRA Pad site located in Granville Township, **Bradford County**. The facility emits all air contaminants below the emission exemption thresholds.

GP5-17-19A: EXCO Resources (PA) LLC (260 Executive Drive, Suite 100, Cranberry Township, PA 16066) terminated the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5), on October 28, 2015 for one (1) 500 bhp Caterpillar G398NA four stroke, rich burn, natural gas-fired compressor engine equipped with a Miratech IQ-20-08 catalytic oxidizer, one (1) NATCO model SB12-6 glycol dehydrator and 0.25 MMBtu per hour reboiler, two fluids storage tanks, and associated facility fugitive emissions at the A. Irvin Compressor Station located in Bell Township, **Clearfield County**. The general permit is terminated because the facility emits all air contaminants below the operating permit emission exemption thresholds.

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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

16-00127: Piney Creek Power LP (428 Power Lane, Clarion, PA 16214-3128) on January 6, 2014, for the Piney Creek Power Plant in Piney Township, **Clarion County**. This Title V Operating Permit was revoked because production ceased at the facility in April 2013 and the plant was not successful in finding any business scenario which would allow the plant to resume generation of electric power. The sources will be demolished, salvaged, or sold and the only remaining source will be the coal storage pile. The following conditions are applicable to the permanent shutdown of the Piney Creek Power Plant and were approved on October 5, 2015.

a) The following sources are permanently shut down as of April 12, 2013, and prohibited from operation by this condition:

<i>Source Number</i>	<i>Source</i>	<i>Rating</i>
031	Fluidized bed combustor	450 mmbtus/hr
101	Bulk unloading & transport	250 tph waste coal
103A	Primary crusher	200 tph waste coal
104	Conveying system	200 tph processed coal
105	Boiler feed bunkers (2)	130 tph processed coal
106	Limestone storage bin	26 tph limestone
107A	Flyash silo	50 tph flyash
107B	Bedash silo	50 tph flyash
108	Ash loadout (truck fill)	150 tph bed/flyash

b) The facility generated 267.0 tons of NO_x, 420.6 tons of SO_x, 83.77 tons of CO, 30.31 tons of filterable PM₁₀, and 8.65 tons of PM_{2.5} Emission Reduction Credits (ERCs) with the permanent shutdown of the facility located in Piney Township.

c) ERCs generated by the curtailment or shutdown of a facility which are not included in a plan approval and used as offsets will expire for use as offsets 10 years after the date the facility ceased emitting the ERC generating emissions. The use of these ERCs in applicability determinations for netting purposes is limited to the period specified in 25 Pa. Code 127.203a(a)(1). (25 Pa. Code § 127.206(f))

d) The expiration date of ERCs may not extend beyond the 10-year period allowed by subsection (f), if the ERCs are included in a plan approval but are not used and are subsequently reentered in the registry. (25 Pa. Code § 127.206(g))

e) ERCs may not be entered into the ERC registry until the emission reduction generating the ERCs has been certified by the Department in accordance with the criteria for ERC generation and creation contained in 25 Pa. Code 127.207 (relating to creditable emissions decrease or ERC generation and creation). (25 Pa. Code § 127.206(j))

f) ERCs may not be traded to facilities under different ownership until the emissions reduction generating the ERCs is made Federally enforceable. (25 Pa. Code § 127.206(l))

g) ERCs transferred from one facility to another may not be transferred to a third party, unless the transfer of the ERCs is processed by the Department through the ERC registry system. (25 Pa. Code § 127.206(n))

h) Pursuant to the provisions of 25 Pa. Code Section 127.207(7), if equipment has not been dismantled or removed, the owner or operator shall on an annual basis certify in writing to the Department the continuance of the shutdown.

i) The facility and any subsequent user of these credits shall comply with the requirements of 25 Pa. Code § 127.206, § 127.207, and § 127.208, regarding ERC use and transfer requirements.

j) These ERCs may be used, traded, or sold after the approved entry of the ERCs by the Department into the Pennsylvania ERC Registry System.

k) If the company wishes to restart any of the sources, a plan approval application shall be submitted.

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

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

Permit No. 54070105R. Blackwood Mining, (540 East Center Street, Ashland, PA 17921), renewal of an existing anthracite surface mine operation in Reilly & Tremont Townships, **Schuylkill County** affecting 90.3 acres, receiving stream: Swatara Creek. Application received: October 8, 2014. Renewal issued: October 27, 2015.

Permit No. 54070105GP104. Blackwood Mining, (540 East Center Street, Ashland, PA 17921), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54070105 in Reilly & Tremont Townships, **Schuylkill County**, receiving stream: Swatara Creek. Application received: May 8, 2012. Permit issued: October 27, 2015.

Permit No. 54890201C3. Coal Castle Fuel, Inc., (1 Norwegian Plaza, Suite 300, Pottsville, PA 17901), correction to an existing anthracite coal refuse reprocessing operation to include surface mining, coal refuse disposal and coal preparation plant; update the post-mining land use and revise the permit boundary (82.24 to 73.4 acres) in Cass Township, **Schuylkill County** affecting 73.4 acres, receiving stream: Schuylkill River. Application received: October 31, 2012. Correction issued: October 27, 2015.

Permit No. 54-305-029GP12. Coal Castle Fuel, Inc., (1 Norwegian Plaza, Suite 300, Pottsville, PA 17901), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 54890201 in Cass Township, **Schuylkill County**. Application received: October 31, 2012. Permit issued: October 27, 2015.

Permit No. 54890201R4. Coal Castle Fuel, Inc., (1 Norwegian Plaza, Suite 300, Pottsville, PA 17901), renewal of an existing anthracite surface mine, coal refuse reprocess, refuse disposal and preparation plant operation in Cass Township, **Schuylkill County** affecting 73.4 acres, receiving stream: Schuylkill River. Application received: November 19, 2013. Renewal issued: October 27, 2015.

Permit No. 54890102GP104R. Coal Castle Fuel, Inc., (1 Norwegian Plaza, Suite 300, Pottsville, PA 17901), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 54890201 in Cass Township, **Schuylkill County**, receiving stream: Schuylkill River. Application received: November 19, 2013. Renewal issued: October 27, 2015.

Noncoal Permits Issued

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

Permit No. 58152802. Neilton Dias, (503 Morgan Highway, Clarks Summit, PA 18411), Commencement operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County** affecting 5.0 acres, receiving stream: Horton Creek. Application received: May 21, 2015. Permit issued: October 27, 2015.

Permit No. 58152802GP104. Neilton Dias, (503 Morgan Highway, Clarks Summit, PA 18411), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58152802 in Lathrop Township, **Susquehanna County**, receiving stream: Horton Creek. Application received: May 21, 2015. Permit issued: October 27, 2015.

Permit No. 58150808. Timberland Resources, LLC, (28 Rainbow Ridge Road, Windsor, NY 13865), Commencement operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to Snake Creek. Application received: June 24, 2015. Permit issued: October 29, 2015.

Permit No. 58150808GP104. Timberland Resources, LLC, (28 Rainbow Ridge Road, Windsor, NY 13865), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58150808 in Liberty Township, **Susquehanna County**, receiving stream: unnamed tributary to Snake Creek. Application received: June 24, 2015. Permit issued: October 29, 2015.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.

Blasting Permits Issued

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

65154101. Coal Loaders, Inc. (P. O. Box 556, Ligonier, PA 15658). Blasting activity permit for the reclamation project at the Troy GFCC, located in Unity Township, **Westmoreland County** with an exploration date of December 31, 2016. Blasting permit issued: October 22, 2015.

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

Permit No. 06154109. J. Roys, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Mohrsville Duck Farm Warehouse in Centre Township, **Berks County** with an expiration date of October 26, 2016. Permit issued: October 27, 2015.

Permit No. 15154109. Brubacher Excavating, Inc., (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Linden Hall in East Whiteland Township, **Chester County** with an expiration date of October 16, 2016. Permit issued: October 27, 2015.

Permit No. 36154146. J. Roys, Inc., (P. O. Box 125, Bowmansville, PA 17507), construction blasting for 929 Turnpike Road in West Donegal Township, **Lancaster County** with an expiration date of October 26, 2016. Permit issued: October 27, 2015.

Permit No. 40154110. Explosive Service, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wilkes-Barre Scranton International Airport Borrow Area in Pittston Township, **Luzerne County** with an expiration date of October 26, 2016. Permit issued: October 28, 2015.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law and Notice of Final Action for Certification under section 401 of the FWPCA.

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E36-932: Caernarvon Township, 2147 Main Street, Narvon, PA 17555 in Caernarvon Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To relocate 445 lineal feet of the Conestoga River resulting in a net loss of 25 lineal feet, to remove 1,750 cubic yards of fill, and to install and maintain: 1) 2 rock cross vanes, 2) 295 lineal feet of 5 foot high boulder wall stream bank protection, 3) 2 mud sill stream habitat facilities, 4) a 62 foot long by 8 foot wide steel and wood pedestrian bridge, 5) a 742 square foot fishing and observation deck, 6) a 32 foot long by 6 foot wide, wood pedestrian bridge over a mill race, 7) a 57 foot long by 8 foot wide wood elevated walkway, 8) a 12 inch diameter steel casing utility line, and 9) place 1,100 cubic feet of fill in the floodway. All the above activities will be in the floodway or over the Conestoga River (WWF, MF) (Latitude: 40° 07' 50"; Longitude: -75° 58' 37") for the purpose of reducing stream bank degradation and improving the flood carrying capacity of the river. No wetlands will be impacted from this portion of the project; and to relocate 200 lineal feet of an unnamed tributary to the Conestoga River resulting in a net loss of 161 lineal feet, to remove 600 cubic yards of fill, and to install and maintain: 1) 2 rock cross vanes, 2) 85 lineal feet of 5 foot high boulder wall stream bank protection, and 3) a 12 inch diameter steel casing utility line. One hundred forty nine (149) square feet of existing wetlands will be permanently impacted. Two thousand square feet (2,000) of new constructed wetlands are proposed. All the above activities are in the floodway or over the unnamed tributary to the Conestoga River (WWF, MF) (Latitude: 40° 07' 50"; Longitude: -75° 58' 37") for the purpose of reducing stream bank degradation and improving the flood carrying capacity of the river. The permit was issued on October 30, 2015.

E22-616: Steelton Borough, 123 N. Front Street, Steelton, PA 17113 in Steelton Borough, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To construct an exterior entrance access and new HVAC system at the Trewick Street Pump Station (Lat: 40° 14' 9" N Long: 76° 50' 40" W). Each component will be constructed on a new exterior elevated platform. The entrance access will consist of stairs, handrail, access door, and concrete sidewalk. Borough staff will use the entrance for better access to certain portions of the pump

station necessary for operation. The project is located in the Susquehanna River (WWF) floodplain. There are no wetlands on site. Total proposed impacts are 100 square feet (access = 69 sqft, HVAC = 31 sqft). The permit was issued on October 27, 2015.

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

E63-665, Fallowfield Township, 9 Memorial Drive, Charleroi, PA 15022, Fallowfield Township, **Washington County**, ACOE Pittsburgh District.

Has been given consent to:

Remove two existing culverts and to construct and maintain one, 14 ft wide by 80 ft long box culvert, with wingwalls and 20 linear foot rock apron, relocate an existing water utility line crossing and remove an existing gas utility line crossing across an unnamed tributary to Pigeon Creek (WWF), for the purpose of maintaining access at the intersection of Main Street and Bentleyville Road SR 2023 (Monongahela, PA USGS topographic quadrangle, N: 0.5 inches; W: 16.2 inches; Latitude: 40° 7' 38"; Longitude: -79° 59' 22"), in Fallowfield Township, **Washington County**.

Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, 16335.

E10-497, PA DOT, District 10-0, P. O. Box 429, Indiana, PA 15701 in Winfield Township, **Butler County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain an integral abutment PA I-beam bridge having a span of 49 feet 4 inches and an underclearance of 11 feet 2.75 inches on a 70° skew across Little Buffalo Creek on SR 2010 Segment 0240 Offset 2137 approximately 1 mile east of its intersection with SR 356. The proposed structure will be constructed 53 feet downstream of the existing structure. (Saxonburg, PA Quadrangle N: 40°, 45', 54.7"; W: -79°, 45', 55.8")

E61-298, Oil Creek Township, 16835 Shreve Run Road, Pleasantville PA 16341 in Oil Creek Township, **Venango County**, ACOE Pittsburgh District.

To install a wastewater collection system consisting of approximately 72,750 feet of small diameter, low pressure sewer including the following aquatic resource impacts:

1) 8 pipeline wetland crossings installed by horizontal directional drill [length of wetland crossings are: 204 feet, 16 feet, 53 feet, 7 feet, 919 feet, 66 feet, and 235 feet]

2) 5 pipeline stream crossings installed by horizontal directional drill [3 crossings of tributaries to Pine Creek, 1 crossing of a tributary to Pithole Creek, and 1 crossing of a tributary to West Pithole Creek]

3) 11 pipeline crossings of streams with drainage areas less than 100 acres installed by horizontal directional drill [7 crossings of tributaries to Pine Creek, 3 crossings of tributaries to West Pithole Creek, and 1 crossing of a tributary to West Pine Creek]

Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6141

E42-08-015, Seneca Resources Corporation, 51 Zents Boulevard, Brookville, PA 15825-2701. Shawmut Grade Road Realignment (McKean), in Sergeant Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Crosby and Hazel Hurst, PA Quadrangle N: 41° 41' 10.68"; W: -78° 29' 34.69").

The applicant proposes to realign a portion of Shawmut Grade Road that crosses over an abandoned railroad grade. The proposed work plans to realign the roadway approximately 40 feet to the West, filling in wetlands

within the former railroad corridor. The water obstructions and encroachments in the McKean County are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude/Longitude</i>
1	Fill of .003 acre of permanent impact to palustrine emergent (PEM) wetland and .003 acre of temporary impact for Construction of Shawmut Grade Road and Construction easement for maintenance.	41.68657600 -78.49349900
2	Realignment of Shawmut Grade Road with the installation of two (2) 18" diameter by 125 feet long HDPE pipes and fill resulting in .01 acre of temporary impact and 0.02 acre of permanent impacts to palustrine emergent (PEM) wetlands.	41.68630000 -78.49297000
3	Filling of palustrine emergent (PEM) wetlands for the realignment of Shawmut Grade Road resulting in 0.02 acre of permanent impact.	41.68582400 -78.49348400

In McKean County, the project will result in a total of .04 acre of permanent wetland impacts from road crossings.

ENVIRONMENTAL ASSESSMENT

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

EA49-004. Anthracite Outdoor Adventure Area Authority Abandoned Mine Drainage Treatment Project, 2.5 miles west of Shamokin in Bear Valley between State Routes 225 and 2044, Shamokin, PA 17872. Carbon Run Bluegill Pond discharges, Carbon Run watershed, Zerbe Township, **Northumberland County**, ACOE Baltimore District (Trevorton Quadrangle; Latitude 40° 46' 36.9" N; Longitude 76° 37' 34.2" W).

The Northumberland County Anthracite Outdoor Adventure Area Authority (AOAAA) is authorized to construct a passive abandoned mine drainage (AMD) remediation project for the headwaters and tributaries to Carbon Run. The system will consist of three separate treatment systems. The Bluegill Pond Upper site will convert an AMD pool into an anoxic limestone cell followed by a settling basin. Bluegill Pond Lower is the second site and will collect AMD seeps in a limestone-filled basin followed by a settling pond and aerobic polishing wetland. The last site is located in the headwaters of Carbon Run and consists of placing limestone at the downstream end of an abandoned mining pit called Aluminum Pond and its discharge channel as well as a small AMD pool to provide the necessary alkalinity. The applicant states that these projects will remove up to 90% of the metals and acidity in these areas. This work will have the following impacts:

<i>Activity</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Impact/ Temporary or Permanent</i>
Limestone Cell	40° 46' 42.4" N	76° 37' 29.1" W	Stream	45 LF/Permanent
Limestone Cell	40° 46' 36.9" N	76° 37' 34.2" W	Wetland	1,238 SF/Permanent
Limestone Cell	40° 46' 36.9" N	76° 37' 34.2" W	Stream	357 LF/Permanent
Limestone Cell	40° 46' 08.3" N	76° 38' 08.6" W	Stream	320 LF/Permanent
Limestone Cell	40° 46' 08.3" N	76° 38' 08.6" W	Wetland	780 SF/Permanent

Mitigation for these impacts is a combination of the creation of a polishing wetland adjacent to the treatment system and downstream water quality improvement in the Carbon Run watershed. Under current conditions, there is very limited aquatic life in these areas due to elevated metals and a low pH.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropri-

ate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

Important legal rights are at stake, however, so individuals should show this 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>
ESG0012515006	Sunoco Pipeline, LP 525 Fritztown Road Sinking Spring, PA 19608	Washington County	Chartiers Township	UNT to Chartiers Run (WWF); Westland Run (WWF)
<i>Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701</i>				
ESCGP-2 # ESX10-131-0023(01)	Applicant Name Carrizo Marcellus, LLC Contact Person Gary Byron Address 251 Drain Lick Road City, State, Zip Drifting, PA 16834 County Wyoming Township(s) Washington Twp Receiving Stream(s) and Classification(s) Taques Creek (CWF) Secondary—Susquehanna River	County Cameron	Township(s) Shippen & Lumber Twps	Receiving Stream(s) and Classification(s) UNT to Bigger Run (HQ-CWF), UNTs to Finley Run (CWF), Tannery Hollow Run (CWF) Secondary—Bigger Run (HQ-CWF), Finley Run (CWF), Sterling Run (CWF)
ESCGP-2 # ESX10-131-0022(01)	Applicant Name Carrizo Marcellus, LLC Contact Person Gary Byron Address 251 Drain Lick Road City, State, Zip Drifting, PA 16834 County Wyoming Township(s) Washington Twp Receiving Stream(s) and Classification(s) Meshoppen Creek (CWF), Taques Creek (CWF) & UNT to Billings Mill Brook Secondary—Susquehanna River	County Lycoming	Township(s) Eldred & Loyalsock Twps	Receiving Stream(s) and Classification(s) UNT to Lick Run (TSF), Lick Run (TSF), Mill Creek (TSF) Secondary—Loyalsock Creek (EV)
ESCGP-2 # ESX29-015-15-0015	Applicant Name Chesapeake Appalachia, LLC Contact Person Eric Haskins Address 14 Chesapeake Lane City, State, Zip Sayre, PA 18840 County Bradford Township(s) Burlington Twp Receiving Stream(s) and Classification(s) Wallace Run (WWF) Secondary—Sugar Creek (WWF)	County Cameron	Township(s) Shippen & Lumber Twps	Receiving Stream(s) and Classification(s) Portable Run (EV), Miller Hollow (EV) Secondary—Sterling Run (CWF), Portable Run (EV)
ESCGP-2 # ESX10-015-0113(01)	Applicant Name Chesapeake Appalachia, LLC Contact Person Eric Haskins Address 14 Chesapeake Lane City, State, Zip Sayre, PA 18840 County Bradford Township(s) Orwell Twp Receiving Stream(s) and Classification(s) Johnson Creek (CWF) Secondary—Wysox Creek (CWF)	County Cameron	Township(s) Shippen Twp	Receiving Stream(s) and Classification(s) Finley Run (EV), Portable Run (EV) Secondary—Sterling Run (CWF), Sterling Run (CWF)
ESCGP-2 # ESX10-023-0004(01)	Applicant Name Samson Exploration LLC Contact Person Stephen Trujillo Address 110 W 7th St, Ste 2000 City, State, Zip Tulsa, OK 74119-1076 County Cameron Township(s) Shippen Twp Receiving Stream(s) and Classification(s) UNT to Bigger Run (HQ-CWF), UNT to Finley Run (CWF) Secondary—Bigger Run (HQ-CWF), Finley Run (CWF)	County Susquehanna	Township(s) Lathrop Twp	Receiving Stream(s) and Classification(s) Horton Creek (CWF) Secondary—Tunkhannock Creek
ESCGP-2 # ESX29-023-15-0010	Applicant Name Samson Exploration LLC Contact Person Stephen Trijillo Address 110 W 7th St, Ste 2000 City, State, Zip Tulsa, OK 74119-1076	<i>Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr., Pittsburgh, PA</i>		
ESCGP-2 # ESG29-023-15-0010	Applicant Name Samson Exploration LLC Contact Person Stephen Trijillo Address 110 W 7th St, Ste 2000 City, State, Zip Tulsa, OK 74119-1076	ESCGP-2 No: ESX15-125-0013 Applicant Name: Rice Poseidon Midstream LLC Contact Person Kyle Shirey Address: 400 Woodcliff Drive City: Canonsburg State: PA Zip Code: 15317 County: Washington Township: West Pike Run Receiving Stream(s) and Classifications: Pike Run, UNT Pike Run/Middle Monongahela River; Other TSF		

ESCGP-2 No.: ESG15-059-0018
 Applicant Name: Vantage Energy Appalachia II LLC
 Contact Person: John J Moran Jr
 Address: 116 Inverness Drive East Suite 107
 City: Englewood State: CO Zip Code: 80112
 County: Greene
 Township(s): Center Gray & Morris
 Receiving Stream(s) and Classifications: UNT to Grays
 Fork (HQ-WWF)/South Fork Tenmile; UNT to Patter-
 son Creek (HQ-WWF)/South Fork Tenmile Creek; HQ;
 Other WWF

ESCGP-2 No.: ESX15-059-0043
 Applicant Name: EQT Production Company
 Contact Person: Todd Klaner
 Address: 2400 Zenith Ridge Road Suite 200
 City: Canonsburg State: PA Zip Code: 15317
 County: Greene Township(s): Washington
 Receiving Stream(s) and Classifications: UNT to Ruff
 Creek (WWF); Other Warm Water Fishery (WWF)

ESCGP-2 No.: ESG14-059-0090
 Applicant Name: Vantage Energy Appalachia II LLC
 Contact Person: John J Moran Jr
 Address: 116 Inverness Drive East Suite 107
 City: Englewood State: CO Zip Code: 80112
 County: Greene Township(s): Richhill
 Receiving Stream(s) and Classifications: UNT to
 Whitehorn Run (TSF)/Wheeling-Buffalo Creeks; UNT to
 Jacobs Run (HQ-WWF)/South Fork Tenmile Creek;
 Maranda Run (HQ-WWF)/South Fork Tenmile Creek;
 HQ; Other WWF, TSF

ESCGP-2 No.: ESX13-059-0051 Major Revision
 Applicant Name: Vista Gathering LLC
 Contact Person: Mike Hopkins

Address: 480 Johnson Road Suite 100
 City: Washington State: PA Zip Code: 15301
 County Greene Township(s): Jefferson
 Receiving Stream(s) and Classifications: 9 UNTs to
 Muddy Creek; Other Warm Water Fishes

ESCGP-2 No.: ESX15-125-0039
 Applicant Name: Rice Midstream Holdings LLC
 Contact Person: Kyle Shirey
 Address: 400 Woodcliff Drive
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Fallowfield and Carroll
 Receiving Stream(s) and Classifications: Sawmill Creek
 and UNTs to Sawmill Creek, UNTs to Pigeon Creek/
 Pigeon Creek Watershed; Other WWF

ESCGP-2 No.: ESX15-051-0008
 Applicant Name: Chevron Appalachia LLC
 Contact Person: Alex Genovese
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code 15478
 County: Fayette Township(s): Luzerne
 Receiving Stream(s) and Classifications: Rush Run, Tribu-
 tary 40253 to Rush Run; Other Warm Water Fisheries
 (WWF)

ESCGP-2 No.: ESX10-051-0017 Renewal
 Applicant Name: Burnett Oil Co Inc
 Contact Person: Dan Tomley
 Address: 375 Southpointe Blvd Suite 430
 City: Canonsburg State: PA Zip Code: 15317
 County: Fayette Township(s): Georges
 Receiving Stream(s) and Classifications: UNT to York
 Run/Monongahela River Watershed; Other WWF

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of October 2015 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Kevin Adams	208 Latimer Ave. Strabane, PA 15363	Mitigation
Justin Ake	2309 13th St. Altoona, PA 16601	Testing
J. Keith Baicker Radiation Data	PO Box 150 Skillman, NJ 08558	Mitigation
Joseph Baicker	PO Box 150 Skillman, NJ 08558	Laboratory Analysis
Kyle Baicker-McKee Radiation Data	PO Box 150 Skillman, NJ 08558	Laboratory Analysis
Diane Clerkin	424 Marion Ave. Lower Gwynedd, PA 19002	Testing
Bryan Cole	317 McWilliams Rd. Trafford, PA 15085	Testing

NOTICES

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<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Timothy Delon	802 Windgap Dr. Cranberry Twp., PA 16066	Testing
Bruce Eichenlaub	535 Derr Hill Rd. Lock Haven, PA 17745	Mitigation
Timothy Gentry	PO Box 1956 Horsham, PA 19044	Testing
Albert Gordon	106 Lyric Way Warrington, PA 18976	Testing
David Grammer RAdata, Inc.	27 Ironia Rd., Unit 2 Flanders, NJ 07836	Laboratory Analysis
Daniel Howard	781 Caldwell Ave. New Kensington, PA 15068	Testing
Robert Huska, Jr.	1329 Glendale Rd. York, PA 17403	Testing
Billy Kresge	648 Slocum Ave. Exeter, PA 18643	Testing
Lunny Environmental Services	2370 York Rd., A9-C Jamison, PA 18929	Mitigation
John McDermott, III	590 Centerville Rd., #134 Lancaster, PA 17601	Testing
Sara Miller All Pro Inspections	250 Stone Jug Rd. Biglerville, PA 17307	Testing
Joseph Miloser, Jr.	160 Rustic Ridge Fombell, PA 16123	Mitigation
Keith Pfender	285 Robinson Church Rd. Bulger, PA 15019	Testing
Radon Control Services	1115 Cornell St. Pittsburgh, PA 15212	Mitigation
Edward Robbins	13 Charter Oak Ct. Doylestown, PA 18901	Testing
Zachary Rothermel	8020 Mine St. Fogelsville, PA 18051	Mitigation
Charles A. Smith	211 Sumac Cir. Morgantown, WV 26508	Mitigation
Maria Stinger	PO Box 15811 Pittsburgh, PA 15244	Testing
Donald Stoltenberg	10522 High Rock Rd. Airville, PA 17302	Testing
Kenneth Struder	PO Box 72722 Thorndale, PA 19372	Laboratory Analysis
Matthew Tracy	17 Sunnybrook Dr. Doylestown, PA 18901	Testing
Kyle Turner	16 Ravine Rd. Malvern, PA 19355	Testing and Mitigation
Robert Vail, Jr.	24 Amanda Ln. Scott Twp., PA 18433	Mitigation
Clyde Volk 1st Home Inspections, Inc.	1934 Overland Ct. Allison Park, PA 15101	Testing
Robert Warth, Jr.	3650 Concorde Pkwy., Ste. 100 Chantilly, VA 20151	Testing
Gregg Wesolowski	1510 Susan Dr. Lansdale, PA 19446	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
William Whiting	11879 Lake Dr. Conneaut Lake, PA 16316	Testing
Gary Winterrowd	1765 Cambridge Dr. State College, PA 16803	Testing

Environmental Assessment

Hollidaysburg Sewer Authority, 1731, N. Juniata Street, Hollidaysburg, PA 16647-0462

The Pennsylvania Infrastructure Investment Authority which administers the Commonwealth's State Revolving Fund is intended to be the funding source for this project. The applicant proposes to replace existing sewers in Sub-basin 11 and on No Juniata Street to eliminate hydraulic overload. The Department's review of the project and the information received in the Uniform Environmental Review for the project has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

NPDES Permit Public Hearing

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

Notice is hereby given that the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, Coal Center, PA 15423, has received a request for a public hearing on the draft NPDES Permit for the LCT Energy, LP, 938 Mt. Airy Drive, Suite 200, Johnstown, PA 15904, new NPDES permit (NPDES No. PA0236241—Mining Permit No. 65131301) published at 45 Pa.B. 5613 (September 12, 2015). The site has three NPDES outfalls located in Donegal Township, Westmoreland County and Saltlick Township, Fayette County.

The new draft NPDES permit lists the following NPDES outfalls:

Outfall 001—Lat: 40° 05' 50" Long: 79° 23' 49"—UNT to #38337 Champion Creek

Outfall 002—Lat: 40° 06' 05" Long: 79° 23' 43"—UNT to #38337 Champion Creek

Outfall 003—Lat: 40° 06' 05" Long: 79° 23' 40"—UNT to #38337 Champion Creek

The Department will hold a public hearing on the new draft NPDES permit application at the Donegal Community Center, 113 Community Center Lane, Donegal, PA 15628 on Tuesday, December 15, 2015, from 1 p.m. until 3 p.m. The nature of the public hearing is to solicit concerns and comments regarding the new draft NPDES permit for the Rustic Ridge #1 Mine. The public hearing will be held in accordance with 25 Pa. Code § 92a.83.

The public hearing is being held at the request of The Mountain Watershed Association, to state their concerns about proposed discharge flow and chemical contents, and concerns about potential flooding and other stream impacts.

A Department representative will be available to receive both written and oral testimony regarding the draft NPDES permit. Testimony will be placed into public record for the draft NPDES permit and considered by Department staff in the review process. A court stenographer will be present to document the expressed concerns.

Person with a disability who wish to attend this public hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Bonnie Herbert at (724) 769-1100 to discuss how the Department may accommodate needs. If necessary, use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) and request that the call be relayed to Bonnie Herbert at (724) 769-1100.

Copies of the draft NPDES permit are on file for public review, by appointment, at the Department of Environmental Protection, District Mining Operations, 25 Technology Drive, California Technology Park, Coal Center, PA 15423, (724) 769-1100.

[Pa.B. Doc. No. 15-2010. Filed for public inspection November 13, 2015, 9:00 a.m.]

Availability of the Governor's Pipeline Infrastructure Task Force Draft Final Report

In the next decade, this Commonwealth will undergo a substantial pipeline infrastructure growth to transport gas and related byproducts from thousands of wells throughout this Commonwealth. This unprecedented development creates an opportunity for the Commonwealth to engage stakeholders in a collaborative process to achieve a world-class pipeline infrastructure system.

On July 7, 2015, Governor Tom Wolf announced the 48-member Pipeline Infrastructure Task Force (Task Force), informed by 12 different workgroups. The workgroups met over the course of 3 months and developed recommendations for pipeline development with a focus on:

- Agriculture
- Conservation and Natural Resources
- County Government
- Emergency Preparedness
- Environmental Protection
- Historical/Cultural/Tribal Impacts
- Local Government
- Natural Gas End Use
- Pipeline Safety and Integrity
- Public Participation
- Siting and Routing
- Workforce and Economic Development

The recommendations developed by the workgroups will be reported to the Task Force for additional discussion, consideration and assimilation into the final report that will be presented to Governor Tom Wolf in February 2016.

A. Public Comments

The Department of Environmental Protection (Department) is now accepting comments on the Draft Task Force Report through December 14, 2015.

Comments submitted by facsimile will not be accepted. Comments, including comments submitted by e-mail, must include the originator's name and address. Commentators are encouraged to submit comments using the Department's online eComment tool at www.ahs.dep.pa.gov/eComment. Written comments should be submitted to the Department of Environmental Protection, Policy Office, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, ecomment@pa.gov.

B. Contact

Questions concerning the comment period and report can be directed to the Task Force at RA-EPPITF@pa.gov. The draft report is available on the Department's web site at www.dep.pa.gov (DEP Keyword: Pipeline Infrastructure Task Force).

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-8727, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2011. Filed for public inspection November 13, 2015, 9:00 a.m.]

Bid Opportunity

OSM 17(1735)105.1, Mine Subsidence Control Project, Houtzdale II, Woodward Township, Clearfield County. The principal items of work and approximate quantities include 490 linear feet overburden drilling and casing, steel or PVC; 350 linear feet 4-inch air rotary drilling; 500 linear feet 4-inch nominal steel or PVC injection casing; and 3,812 tons grout material. This bid issues on November 13, 2015, and bids will be opened on December 8, 2015, 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—1308) 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.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2012. Filed for public inspection November 13, 2015, 9:00 a.m.]

Bid Opportunity

OSM 40(2198)101.1, Abandoned Mine Land Reclamation Project, East Avoca, Avoca Borough, Luzerne County. The principal items of work and approximate quantities include drilling drainage borehole 210 linear feet and furnishing and installing steel casing pipe 225 linear feet. This bid issues on November 13, 2015, and bids will be opened on December 8, 2015, 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—1308) 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.

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2013. Filed for public inspection November 13, 2015, 9:00 a.m.]

Nonpoint Source Management Plan—2014 Update; Availability of Final Document

The Department of Environmental Protection (Department) has finalized the Nonpoint Source Management Plan—2014 Update (Management Plan), which was published for public comment at 45 Pa.B. 3277 (June 20, 2015). The Management Plan includes a narrative description of significant efforts taking place in this Commonwealth to address nonpoint source pollution and milestones set to demonstrate progress in addressing nonpoint source pollution in this Commonwealth. The Management Plan was developed in a manner consistent with United States Environmental Protection Agency (EPA) guidance outlining the required elements of these program updates.

All states receiving funds under the Section 319 program are required to draft a management plan. The Commonwealth annually receives approximately \$4.5 million from the EPA to address nonpoint source pollution issues throughout this Commonwealth. The Department closed the comment period for the Management Plan on July 20, 2015. Two commentators provided a total of ten unique comments. A comment response document was prepared and some minor changes to the Management Plan were made, as necessary.

The Management Plan is available on the Department's web site at www.dep.state.pa.us (DEP Keywords: NPS Management Plan). The comment response document is also available in the Department's eLibrary at <http://www.elibrary.dep.state.pa.us> (select "Publications," then "Conservation and Restoration").

JOHN QUIGLEY,
Secretary

[Pa.B. Doc. No. 15-2014. Filed for public inspection November 13, 2015, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Northumberland County

The Department of General Services (Department) will accept bids for the purchase of 10 acres ± of land and 23,131 square feet ± of building areas at 206 Armory

Road, Sunbury, Northumberland County. Bids are due Wednesday, February 3, 2016. Interested parties wishing to receive a copy of Solicitation No. 94764 should view the Department's web site at www.dgs.pa.gov or call Jeff Higgins at (717) 705-6920.

CURTIS M. TOPPER,
Secretary

[Pa.B. Doc. No. 15-2015. Filed for public inspection November 13, 2015, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facilities (ASF) have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Allegheny Health Network Monroeville Surgery Center	28 Pa. Code § 553.31 (relating to administrative responsibilities) 28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)
Allegheny Health Network Surgery Center— Bethel Park, LLC	28 Pa. Code § 553.31
Peters Township Surgery Center, LLC	28 Pa. Code § 553.31
Wexford Surgery Center	28 Pa. Code § 551.31 (relating to licensure) 28 Pa. Code § 551.21

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-2016. Filed for public inspection November 13, 2015, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospitals have filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exceptions relate to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Regulation</i>
Geisinger Medical Center	28 Pa. Code § 123.5 (relating to administration of anesthesia)
Gettysburg Hospital	28 Pa. Code § 107.61 (relating to written orders)
Sharon Regional Health System	28 Pa. Code § 127.1 (relating to principle)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Albert Einstein Medical Center	2.1-2.2.5.3	Renovations	2014
	2.1-8.2.1.1(2)	Vibration isolators	2014
	2.2-3.3.4.4(7)	Phase II recovery rooms or areas/patient toilet rooms	2014
Aria Health	2.2-2.6.2.2(1)	Space requirements	2014
	2.2-2.6.2.6(1)	Toilet or human waste disposal rooms	2014
Geisinger—Lewistown Hospital	2.2-3.4.4.2(2)	MRI scanner rooms space requirements	2014
	2.1-2.6.2.6(1)	Corridor widths	2014
Waynesboro Hospital	2.2-2.2.2.1(1)	Capacity	2014
	2.2-2.2.2.2(1)	Area	2014
	2.2-2.2.2.2(3)	Where renovation...	2014
	2.2-2.2.2.5	Hand-washing stations	2014
	2.2-2.2.2.8	Patient storage	2014
	2.2-2.2.3	Patient/Family centered care	2014
	2.2-2.2.6.4	Multipurpose rooms	2014
	2.2-2.6.2.2(1)	Space requirements	2014
	2.2-2.6.2.2(2)	Clearances	2014
	2.2-2.6.2.2(4)	Space requirements	2014
	2.2-2.6.2.6	Toilet rooms	2014
	2.2-2.6.7.2	Staff toilets	2014
	2.2-2.6.8.1	Family and visitor lounges	2014
	2.1-8.5.1.2	Size (Telecommunication Service Entrance Rooms (TSERs))	2014
	Table 6.4	Minimum Filter Efficiencies re: Inpatient Care	2014
Table 7.1	Design Parameters re: Patient rooms	2014	

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-2017. Filed for public inspection November 13, 2015, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Masonic Village at Lafayette Hill
801 Ridge Pike
Lafayette Hill, PA 19444
FAC ID # 137102

Saint Monica Center for Rehabilitation and Healthcare
2509 South 4th Street
Philadelphia, PA 19148
FAC ID # 232602

Westgate Hills Rehabilitation and Nursing Center
2050 Old West Chester Pike
Havertown, PA 19083
FAC ID # 081302

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities):

Parkhouse Nursing and Rehabilitation Center
1600 Black Rock Road
Royersford, PA 19468
FAC ID # 133402

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(j) and (k) (relating to electric requirements for existing and new construction):

Pembroke Health and Rehabilitation Center
1130 West Chester Street
West Chester, PA 19382
FAC ID # 230602

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 15-2018. Filed for public inspection November 13, 2015, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Change to an Additional Class of Disproportionate Share Payments

The Department of Human Services (Department) is providing final notice of its increase to the funding allotted for Fiscal Year (FY) 2014-2015 disproportionate share hospital (DSH) payments to certain qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. The Department is not otherwise changing the qualifying criteria or payment methodology for this payment.

The Department published notice of its intent to increase funding for these DSH payments at 45 Pa.B. 3424 (June 27, 2015). The Department received no public comments during comment period and has implemented the changes as described in its notice of intent.

Fiscal Impact

The FY 2014-2015 fiscal impact as a result of this increase in the allocation for the additional class of DSH payments is \$54.154 million (\$26.091 million in State general funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-978. (1) General Fund; (2) Implementing Year 2014-15 is \$26,091,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-2019. Filed for public inspection November 13, 2015, 9:00 a.m.]

New Class of Disproportionate Share Hospital Payments

The Department of Human Services (Department) is providing final notice of its establishment of a new class of disproportionate share hospital (DSH) payments for

qualifying Medical Assistance (MA) enrolled acute care general hospitals which provide a high volume of inpatient services to MA eligible and low income populations. This payment is intended to promote access to medically necessary inpatient services for MA eligible persons.

The Department published notice of its intent to establish this new class of DSH payments at 45 Pa.B. 3288 (June 20, 2015). The Department received no public comments during the comment period and has implemented the qualifying criteria and payment methodology as described in its notice of intent.

Fiscal Impact

The Fiscal Year 2014-2015 impact is \$0.724 million (\$0.349 million in State general funds).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-979. (1) General Fund; (2) Implementing Year 2014-15 is \$349,000; (3) 1st Succeeding Year 2015-16 through 5th Succeeding Year 2019-20 are \$0; (4) 2013-14 Program—\$163,862,000; 2012-13 Program—\$268,112,000; 2011-12 Program—\$325,685,000; (7) MA—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 15-2020. Filed for public inspection November 13, 2015, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2015

The Department of Transportation (Department), Bureau of Aviation, is accepting applications for Local Real Estate Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2015.

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 receiving a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for 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, 2015, is the close of business on February 1, 2016. Applications shall be filed with the Bureau of Aviation using dotGrants, the Department's web based grants administration program. For more detailed information on the Local Real Estate Tax Reimbursement Grant Program, review the information on the Department's web site at <http://www.penndot.gov>. Hover the cursor over "Doing Business" and click on "Aviation" then select "Grants" under "Resources."

Interested persons may direct their request for online participation, inquiries or comments regarding the Local

Real Estate Tax Reimbursement Grant Program for eastern region airports to Catherine Green, Grant Specialist East, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1222, catgreen@pa.gov or for western region airports to Marcia Scott-Williams, Grant Specialist West, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1205, msscottwill@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 15-2021. Filed for public inspection November 13, 2015, 9:00 a.m.]

FISH AND BOAT COMMISSION

Classification of Wild Trout Streams; Proposed Additions, Revisions and Removals; January 2016

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time to time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on January 20 and 21, 2016, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>
Armstrong	Birch Run	Headwaters to Mouth	Allegheny River	41.033300 79.619414
Armstrong	Cove Run	Headwaters to Mouth	Sugar Creek	40.987652 79.634421
Berks	Seidel Creek	Headwaters to Mouth	Schuylkill River	40.287894 75.863838
Berks	UNT to Ironstone Creek (Ironstone Park)	Headwaters to Mouth	Ironstone Creek	40.295008 75.676538
Cambria	Hill Creek	Headwaters to Mouth	Elk Creek	40.548381 78.839844
Cambria	Little Elk Creek	Headwaters to Mouth	Elk Creek	40.536422 78.862720
Cambria	UNT to Laurel Run (RM 0.55)	Headwaters to Mouth	Laurel Run	40.380100 78.759694
Cambria	UNT to North Branch Little Conemaugh River (RM 7.20)	Headwaters to Mouth	North Branch Little Conemaugh River	40.458084 78.682151
Cambria	UNT to North Branch Little Conemaugh River (RM 7.92)	Headwaters to Mouth	North Branch Little Conemaugh River	40.464771 78.676645
Cambria	UNT to Trout Run (RM 2.59)	Headwaters to Mouth	Trout Run	40.371589 78.659581
Cameron	Big Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.381389 78.159167
Cameron	Gillis Bliss Run	Headwaters to Mouth	West Creek	41.489851 78.297977
Cameron	Grindstone Hollow Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.363299 78.145882
Cameron	Nelson Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.370439 78.159278
Cameron	Tanglefoot Run	Headwaters to Mouth	Driftwood Branch Sinnemahoning Creek	41.371668 78.159189

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Centre	Barner Run	Headwaters to Mouth	Pine Creek	40.934104 77.323704
Centre	Haines Gap Run	Headwaters to Mouth	Pine Creek	40.895006 77.368998
Centre	UNT to Gingerich Gap Run (RM 1.43)	Headwaters to Sink at RM 0.99	Gingerich Gap Run	40.920992 77.504391
Centre	UNT to Penns Creek (RM 53.77)	Headwaters to Mouth	Penns Creek	40.853353 77.497301
Centre	UNT to Pine Creek (RM 16.77)	Headwaters to Mouth	Pine Creek	40.954459 77.244114
Chester	Broad Run	Headwaters to Mouth	West Branch Brandywine Creek	39.932119 75.680402
Chester	UNT to East Branch Brandywine Creek (RM 5.88)	Headwaters to Mouth	East Branch Brandywine Creek	39.977036 75.684059
Chester	UNT to Valley Creek (Cedar Hollow)	Headwaters to Mouth	Valley Creek	40.067417 75.517273
Clearfield	Bald Hill Run	Headwaters to AMD Discharge 0.29 mile Upstream SR 879 Bridge	West Branch Susquehanna River	41.069683 78.302803
Clearfield	Dutch Hollow Run	Headwaters to Mouth	Mosquito Creek	41.129101 78.131912
Clearfield	Laurel Run	Headwaters to Simeling Run	Moshannon Creek	40.906667 78.226667
Clearfield	North Camp Run	Headwaters to Mouth	Chest Creek	40.791070 78.674064
Clearfield	UNT to Dubois Reservoir (RM 15.40)	Headwaters to Mouth	Dubois Reservoir	41.109058 78.630089
Clearfield	UNT to Jack Dent Branch (RM 1.76)	Headwaters to Mouth	Jack Dent Branch	41.229370 78.364650
Clearfield	UNT to West Branch Susquehanna River (RM 193.26)	Headwaters to Mouth	West Branch Susquehanna River	40.922324 78.620934
Clinton	Green Gap Run	Headwaters to Mouth	Fishing Creek	41.048181 77.179749
Clinton	Schwenks Gap Run	Headwaters to Sink at RM 1.21	Fishing Creek	41.037436 77.260706
Clinton	UNT to Fishing Creek (RM 5.89)	Headwaters to Sink at RM 1.68	Fishing Creek	41.067884 77.463693
Clinton	UNT to Fishing Creek (RM 6.25)	Headwaters to Mouth	Fishing Creek	41.064384 77.465246
Clinton	UNT to Fishing Creek (RM 7.94)	Headwaters to Sink at RM 0.44	Fishing Creek	41.048355 77.465743
Clinton	UNT to Fishing Creek (RM 17.73)	Headwaters to Mouth	Fishing Creek	40.983079 77.488401
Clinton	UNT to Fishing Creek (RM 40.83)	Headwaters to Mouth	Fishing Creek	41.048318 77.169835
Crawford	Gravel Run	Headwaters to Mouth	French Creek	41.757359 80.111748
Crawford	Little Federal Run	Headwaters to Mouth	Federal Run	41.768990 79.891411
Crawford	Little Sugar Creek	Headwaters to Mouth	West Branch Sugar Creek	41.602581 79.885643
Crawford	Navy Run	Headwaters to UNT at RM 1.12	Muddy Creek	41.722359 79.871071

NOTICES

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<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Crawford	Potash Run	Headwaters to Mouth	East Branch Muddy Creek	41.718349 79.846512
Crawford	Temple Run	Headwaters to Mouth	Mackey Run	41.748039 79.940742
Crawford	UNT to DeWolf Run (RM 0.55)	Headwaters to Mouth	DeWolf Run	41.678580 79.790899
Elk	Coward Run	Headwaters to Mouth	Little Toby Creek	41.335790 78.828050
Elk	Dog Hollow Run	Headwaters to Mouth	Clarion River	41.373850 78.792780
Elk	Dusty Hollow Run	Headwaters to Mouth	Elk Creek	41.420960 78.600400
Elk	Gallagher Run	Headwaters to Private Reservoir	Elk Creek	41.422634 78.732941
Elk	Laurel Run	Headwaters to Laurel Run Reservoir	Elk Creek	41.419579 78.604317
Elk	Mason Creek	Headwaters to Mouth	Clarion River	41.438890 78.731904
Elk	Mohan Run	Headwaters to Mouth	Elk Creek	41.416351 78.694237
Elk	Rocky Run	Headwaters to Mouth	Elk Creek	41.418360 78.665750
Elk	Seventy One Run	Headwaters to Mouth	Elk Creek	41.422500 78.633650
Elk	Silver Run	Headwaters to Mouth	Elk Creek	41.422670 78.585100
Elk	Tencent Run	Headwaters to Mouth	Elk Creek	41.422320 78.589969
Elk	Water Tank Run	Headwaters to Mouth	Elk Creek	41.422330 78.617740
Erie	Benson Run	Headwaters to Mouth	LeBoeuf Creek	41.959812 79.967889
Erie	Spencer Creek	Headwaters to Mouth	South Branch French Creek	41.919265 79.684082
Erie	UNT to Lake Erie (Culbertson Road)	Headwaters to Mouth	Lake Erie	42.033253 80.338898
Fayette	Hall Run	Headwaters to Mouth	Youghiogeny River Lake	39.750388 79.415531
Jefferson	Couch Run	Headwaters to Mouth	Ugly Run	40.923900 78.926640
Jefferson	Trout Run	Headwaters to Mouth	Big Run	40.976040 78.886630
Jefferson	Ugly Run	Headwaters to Mouth	Canoe Creek	40.925667 78.933167
Jefferson	UNT to Big Run (RM 1.79)	Headwaters to Mouth	Big Run	40.986626 78.890948
Jefferson	UNT to East Branch Mahoning Creek (RM 1.94)	Headwaters to Mouth	East Branch Mahoning Creek	40.964390 78.837185
Jefferson	UNT to East Branch Mahoning Creek (RM 2.40)	Headwaters to Mouth	East Branch Mahoning Creek	40.969220 78.833610
Jefferson	Windfall Run	Headwaters to Mouth	Big Run	40.979290 78.883350
Juniata	Lick Run	Headwaters to Mouth	Lost Creek	40.677580 77.284428

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Juniata	Roaring Run	Headwaters to Mouth	Juniata River	40.604264 77.474877
Juniata	Tennis Run	Headwaters to Mouth	Lost Creek	40.647839 77.294665
Lancaster	UNT to Peters Creek (Stubbs Mill Road)	Headwaters to Mouth	Peters Creek	39.761986 76.226284
Luzerne	Cider Run	Headwaters to Mouth	Sutton Creek	41.389167 75.871389
Lycoming	Tules Run	Headwaters to UNT to Tules Run (RM 1.26)	West Branch Susquehanna River	41.231191 76.856628
Lycoming	White Deer Valley Run	Headwaters to Mouth	White Deer Hole Creek	41.113240 77.086610
Mercer	McConnell Run	Headwaters to Mouth	Sandy Creek	41.337593 80.047533
Mercer	UNT to Sandy Creek (RM 15.49)	Headwaters to Mouth	Sandy Creek	41.335537 80.037789
Mifflin	Beaverdam Run	Headwaters to Mouth	Juniata River	40.404719 77.805121
Mifflin	Belltown Run	Headwaters to Mouth	Jacks Creek	40.685210 77.406021
Mifflin	Buck Run	Headwaters to Mouth	Kishacoquillas Creek	40.625832 77.560555
Mifflin	Carlisle Run	Headwaters to Mouth	Juniata River	40.510347 77.673808
Mifflin	Little Kishacoquillas Creek	Headwaters to Mouth	Kishacoquillas Creek	40.600710 77.724664
Mifflin	Pleasant Valley Run	Headwaters to Mouth	Meadow Creek	40.678628 77.459274
Mifflin	Shanks Run	Headwaters to Mouth	Juniata River	40.438452 77.758149
Mifflin	Town Run	Headwaters to Mouth	Juniata River	40.500086 77.738233
Northumberland	Warrior Run	Headwaters to Rosendale Drive at RM 4.0	West Branch Susquehanna River	41.073200 76.855064
Potter	Big Nelson Run	Headwaters to Mouth	First Fork Sinnemahoning Creek	41.556110 78.034447
Potter	Card Hollow Run	Headwaters to Mouth	Right Branch Big Nelson Run	41.581497 78.001472
Schuylkill	Wash Creek	Headwaters to Mouth	Mahoning Creek	40.763056 75.893333
Snyder	Dry Run	Headwaters to Mouth	Susquehecka Creek	40.757038 76.943840
Snyder	Susquehecka Creek	Headwaters to UNT at RM 2.17	Middle Creek	40.777180 76.902863
Sullivan	UNT to Double Run (RM 0.28)	Headwaters to Mouth	Double Run	41.463509 76.579758
Sullivan	UNT to Loyalsock Creek (RM 34.63)	Headwaters to Mouth	Loyalsock Creek	41.470318 76.639053
Sullivan	UNT to Loyalsock Creek (RM 37.27)	Headwaters to Mouth	Loyalsock Creek	41.491853 76.607427
Sullivan	UNT to Loyalsock Creek (RM 42.74)	Headwaters to Mouth	Loyalsock Creek	41.464729 76.551643
Sullivan	UNT to Loyalsock Creek (RM 43.18)	Headwaters to Mouth	Loyalsock Creek	41.459730 76.546199

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Sullivan	UNT to Loyalsock Creek (RM 47.93)	Headwaters to Mouth	Loyalsock Creek	41.457143 76.478160
Venango	McCune Run	Headwaters to Mouth	French Creek	41.459309 79.988098
Venango	Trout Run	Headwaters to Mouth	Lake Creek	41.546158 79.897186
York	UNT to Kreutz Creek (RM 5.07)	Headwaters to Mouth	Kreutz Creek	40.009515 76.572034

The Commission also will consider the following revisions to the section limits of streams on the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Current Limits</i>	<i>Revised Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Berks	Laurel Run	Headwaters to 1.3 kilometers Upstream SR 222	Headwaters to Mouth	Schuylkill River	40.379722 75.951111
Clinton	Tangascootack Creek	Headwaters to Muddy Run	Headwaters to Mouth	West Branch Susquehanna River	41.178055 77.547218
Mifflin	Kishacoquillas Creek	T-368 Bridge to Mill Road Bridge	Headwaters to Mill Road Bridge	Juniata River	40.593611 77.576389

In addition, the Commission will consider the removal of the following stream from the list:

<i>County of Mouth</i>	<i>Stream Name</i>	<i>Section Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>
Somerset	Flugey Hollow	Headwaters to Mouth	Sandy Run	39.912498 79.336388

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 15-2022. Filed for public inspection November 13, 2015, 9:00 a.m.]

Proposed Changes to List of Class A Wild Trout Waters; January 2016

The Fish and Boat Commission (Commission) is considering changes to its list of Class A Wild Trout Streams. Under 58 Pa. Code § 57.8a (relating to Class A wild trout streams), it is the Commission's policy to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. With rare exceptions, the Commission manages these stream sections solely for the perpetuation of the wild trout fishery with no stocking.

Criteria developed for Class A Wild Trout fisheries are species specific. Wild Trout Biomass Class Criteria include provisions for:

(i) *Wild Brook Trout Fisheries*

(A) Total brook trout biomass of at least 30 kg/ha (26.7 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brook trout biomass must comprise at least 75% of the total trout biomass.

(ii) *Wild Brown Trout Fisheries*

(A) Total brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Brown trout biomass must comprise at least 75% of the total trout biomass.

(iii) *Mixed Wild Brook and Brown Trout Fisheries*

(A) Combined brook and brown trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass must comprise less than 75% of the total trout biomass.

(E) Brown trout biomass must comprise less than 75% of the total trout biomass.

(iv) *Wild Rainbow Trout Fisheries*

Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 2.0 kg/ha (1.78 lbs/acre).

(v) *Mixed Wild Brook and Rainbow Trout Fisheries*

(A) Combined brook and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brook trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brook trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

(vi) *Mixed Wild Brown and Rainbow Trout Fisheries*

(A) Combined brown and rainbow trout biomass of at least 40 kg/ha (35.6 lbs/acre).

(B) Total biomass of brown trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(C) Total biomass of rainbow trout less than 15 cm (5.9 inches) in total length of at least 0.1 kg/ha (0.089 lbs/acre).

(D) Brown trout biomass shall comprise less than 75% of the total trout biomass.

(E) Rainbow trout biomass shall comprise less than 75% of the total trout biomass.

During recent surveys, Commission staff documented the following stream sections to have Class A wild trout populations. The Commission intends to consider adding these waters to its list of Class A Wild Trout Streams at its meeting on January 20 and 21, 2016.

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Berks	Laurel Run	3	UNT approx. 20 meters upstream SR 3059 to Mouth	Schuylkill River	40.379722 75.951111	1.30	58.61	—	0.32	2013
Cambria	UNT to North Branch Little Conemaugh River (RM 7.92)	1	Headwaters to Mouth	North Branch Little Conemaugh River	40.464771 78.676645	37.62	—	—	1.52	2015
Cambria	UNT to Trout Run (RM 2.59)	1	Headwaters to Mouth	Trout Run	40.371589 78.659581	41.58	—	—	1.99	2014
Centre	Barner Run	1	Headwaters to Mouth	Pine Creek	40.934104 77.323704	54.78	—	—	1.01	2015
Centre	Haines Gap Run	1	Headwaters to Mouth	Pine Creek	40.895006 77.368998	36.14	0.06	—	0.84	2014
Centre	UNT to Gingerich Gap Run (RM 1.43)	1	Headwaters to Sink at RM 0.99	Gingerich Gap Run	40.920992 77.504391	46.63	—	—	1.20	2015
Centre	UNT to Penns Creek (RM 53.77)	1	Headwaters to Mouth	Penns Creek	40.853353 77.497301	159.84	—	—	3.25	2015
Centre	UNT to Pine Creek (RM 16.77)	1	Headwaters to Mouth	Pine Creek	40.954459 77.244114	41.18	—	—	1.18	2015
Centre/Clinton	Bull Run	1	Headwaters to Sink at RM 1.62	Fishing Creek	41.014422 77.358007	64.11	—	—	2.10	2015
Centre/ Huntingdon	Shingletown Branch	1	Headwaters to Mouth	Laurel Run	40.718700 77.833191	41.13	5.49	—	2.63	2015
Centre/Union	Bear Run	1	Headwaters to Mouth	Laurel Run	40.899251 77.263914	37.89	5.18	—	4.10	2015
Centre/Union	Laurel Run	1	Headwaters to Bear Run	Penns Creek	40.870278 77.188889	18.22	30.10	—	1.71	2015
Chester	UNT to Valley Creek (Cedar Hollow)	1	Headwaters to Mouth	Valley Creek	40.067417 75.517273	—	239.88	—	0.50	2012
Clearfield	Laurel Run	1	Headwaters to Simeling Run	Moshannon Creek	40.906667 78.226667	34.02	—	—	2.80	2015
Clearfield	UNT to West Branch Susquehanna River (RM 193.26)	1	Headwaters to Mouth	West Branch Susquehanna River	40.922324 78.620934	32.50	—	—	0.60	2015
Clearfield/Elk	UNT to Jack Dent Branch (RM 1.76)	1	Headwaters to Mouth	Jack Dent Branch	41.229370 78.364650	51.77	—	—	1.77	2014

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat / Lon</i>	<i>Brook Trout (kg / ha)</i>	<i>Brown Trout (kg / ha)</i>	<i>Rainbow Trout (kg / ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Clinton	Fishing Creek	14	Axe Factory Hollow to SR 2015 Bridge	Bald Eagle Creek	41.122222 77.483056	0.07	124.85	—	1.60	2013
Clinton	Green Gap Run	1	Headwaters to Mouth	Fishing Creek	41.048181 77.179749	45.34	—	—	1.60	2015
Clinton	Jamison Run	1	Headwaters to Mouth	McElhattan Reservoir	41.067780 77.316391	56.12	—	—	1.88	2015
Clinton	Schreckengast Gap Run	1	Headwaters to Sink at RM 0.42	Fishing Creek	41.002494 77.395620	51.56	—	—	1.12	2015
Clinton	Schwenks Gap Run	1	Headwaters to Sink at RM 1.21	Fishing Creek	41.037436 77.260706	34.56	—	—	2.13	2014
Clinton	UNT to Fishing Creek (RM 5.89)	1	Headwaters to Sink at RM 1.68	Fishing Creek	41.067884 77.463693	45.25	—	—	2.01	2014
Clinton	UNT to Fishing Creek (RM 6.25)	1	Headwaters to Mouth	Fishing Creek	41.064384 77.465246	0.38	43.30	—	2.10	2014
Clinton	UNT to Fishing Creek (RM 7.94)	1	Headwaters to Sink at RM 0.44	Fishing Creek	41.048355 77.465743	62.53	—	—	1.49	2014
Clinton	UNT to Fishing Creek (RM 17.73)	1	Headwaters to Mouth	Fishing Creek	40.983079 77.488401	38.95	27.03	—	2.00	2015
Clinton	UNT to Fishing Creek (RM 40.83)	1	Headwaters to Mouth	Fishing Creek	41.048318 77.169835	52.36	—	—	1.13	2015
Elk	Water Tank Run	1	Headwaters to Mouth	Elk Creek	41.422330 78.617740	57.27	—	—	3.07	2014
Erie	Benson Run	1	Headwaters to Mouth	LeBoeuf Creek	41.959812 79.967889	—	41.20	—	3.17	2015
Erie	Spencer Creek	1	Headwaters to Mouth	South Branch French Creek	41.919265 79.684082	49.49	—	—	3.87	2015
Juniata	Lick Run	1	Headwaters to Mouth	Lost Creek	40.677580 77.284428	47.57	15.72	—	1.37	2015
Juniata	Tennis Run	1	Headwaters to Mouth	Lost Creek	40.647839 77.294665	26.51	18.61	—	3.38	2015
Mifflin	Kishacoquillas Creek	5	1.5 miles upstream Tea Creek to Penn Central RR Bridge	Juniata River	40.593611 77.576389	—	103.25	—	3.71	2012
Mifflin	Shanks Run	2	Spring at RM 0.23 to Mouth	Juniata River	40.438452 77.758149	32.80	0.65	—	0.23	2014
Mifflin	Town Run	2	Spring at RM 2.01 to Mouth	Juniata River	40.500086 77.738233	—	60.32	—	2.01	2015

<i>County</i>	<i>Stream</i>	<i>Section</i>	<i>Limits</i>	<i>Tributary To</i>	<i>Mouth Lat/Lon</i>	<i>Brook Trout (kg/ha)</i>	<i>Brown Trout (kg/ha)</i>	<i>Rainbow Trout (kg/ha)</i>	<i>Length (miles)</i>	<i>Survey Year</i>
Montgomery	Hosensack Creek	2	UNT 640 meters downstream SR 2031 to UNT 180 meters upstream T-387	Perkiomen Creek	40.425000 75.526944	—	108.13	—	2.96	2014
Schuylkill	Wash Creek	1	Headwaters to Mouth	Mahoning Creek	40.763056 75.893333	27.51	17.91	—	2.65	2015
Sullivan	UNT to Double Run (RM 0.28)	1	Headwaters to Mouth	Double Run	41.463509 76.579758	51.18	—	—	2.04	2014
Union	Laurel Run	2	Bear Run to SR 235 Bridge	Penns Creek	40.870278 77.188889	12.26	30.77	—	3.59	2015

Persons with comments, objections or suggestions concerning the additions are invited to submit comments in writing to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 15-2023. Filed for public inspection November 13, 2015, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or it can be viewed on the Commission's web site at www.irrc.state.pa.us.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-7020	State Board of Certified Real Estate Appraisers Biennial License Fee for Licensed Appraiser Trainees	10/29/15	12/10/15

JOHN F. MIZNER, Esq.,
Chairperson

[Pa.B. Doc. No. 15-2024. Filed for public inspection November 13, 2015, 9:00 a.m.]

INSURANCE DEPARTMENT

Appeal of Atlantis Petro, LLC under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2014-0043(I); Doc. No. UT15-10-020

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant provisions of law.

A prehearing telephone conference will be held on January 5, 2016, at 9:30 a.m. A hearing will occur on January 20, 2016, at 9:30 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102.

Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before December 22, 2015. Answers to petitions to intervene, if any, will be filed on or before January 4, 2016.

On or before December 22, 2015, each party will file with the Administrative Hearings Office a prehearing statement which will contain: (1) a statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and addresses of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case.

Contemporaneously with service of the prehearing statement on the opposing party, each party will supply the other: (1) a copy of any listed document not previously

supplied; and (2) a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing will be supplied to the other party within 2 business days. Copies of documents and expert reports need not be filed with the Administrative Hearings Office. A party will be precluded at hearing from using a document not listed and supplied unless the use was not reasonably foreseeable. Experts may testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-2025. Filed for public inspection November 13, 2015, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held

in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Edward L. Ritter; file no. 15-116-188895; Donegal Mutual Insurance Company; Doc. No. P15-10-016; December 1, 2015, 10 a.m.

Appeal of Jennifer and John Tillmann; file no. 15-130-189210; American States Insurance Company; Doc. No. P15-10-021; December 15, 2015, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-2026. Filed for public inspection November 13, 2015, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insureds' homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by the appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Benjamin G. and C. Toni Simone; file no. 15-188-188773; Farmington Casualty Company; Doc. No. P15-10-019; December 9, 2015, 9:30 a.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence, or both. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

TERESA D. MILLER,
Insurance Commissioner

[Pa.B. Doc. No. 15-2027. Filed for public inspection November 13, 2015, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Asset Transfer Transaction

A-2015-2510602. X5 OpCo, LLC and NovaTel LTD, Inc. Joint Application of X5 OpCo, LLC and NovaTel LTD, Inc. for approval to participate in an asset transfer transaction.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before November 30, 2015. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.pa.gov and at the applicant's business address.

Applicants: X5 OpCo, LLC; NovaTel LTD, Inc.

Through and By Counsel: Michael A. Gruin, Esquire, Stevens & Lee, 17 North 2nd Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2028. Filed for public inspection November 13, 2015, 9:00 a.m.]

Petition of Metropolitan Edison Company

P-2015-2511333. Metropolitan Edison Company. Petition of Metropolitan Edison Company for approval of a default service program for the period beginning June 1, 2017, through May 31, 2019.

Formal protests, petitions to intervene and answers 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, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before November 30, 2015. The documents filed in support of the 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 Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, at the petitioner's business address and at the petitioner's web site at www.firstenergycorp.com.

Through and By Counsel: Tori L. Giesler, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Tuesday, December 1, 2015

Time: 10 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
 - Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988
- ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2029. Filed for public inspection November 13, 2015, 9:00 a.m.]

Petition of Pennsylvania Electric Company

P-2015-2511351. Pennsylvania Electric Company. Petition of Pennsylvania Electric Company for approval of a default service program for the period beginning June 1, 2017, through May 31, 2019.

Formal protests, petitions to intervene and answers 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, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before November 30, 2015. The documents filed in support of the 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 Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, at the petitioner's business address and at the petitioner's web site at www.firstenergycorp.com.

Through and By Counsel: Tori L. Giesler, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Tuesday, December 1, 2015

Time: 10 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2030. Filed for public inspection November 13, 2015, 9:00 a.m.]

Petition of Pennsylvania Power Company

P-2015-2511355. Pennsylvania Power Company. Petition of Pennsylvania Power Company for approval of a default service program for the period beginning June 1, 2017, through May 31, 2019.

Formal protests, petitions to intervene and answers 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, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before November 30, 2015. The documents

filed in support of the 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 Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, at the petitioner's business address and at the petitioner's web site at www.firstenergycorp.com.

Through and By Counsel: Tori L. Giesler, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Tuesday, December 1, 2015

Time: 10 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2031. Filed for public inspection November 13, 2015, 9:00 a.m.]

Petition of West Penn Power Company

P-2015-2511356. West Penn Power Company. Petition of West Penn Power Company for approval of a default service program for the period beginning June 1, 2017, through May 31, 2019.

Formal protests, petitions to intervene and answers 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, 400 North Street, Harrisburg, PA 17120, with a copy served on the petitioner and a copy provided to the Administrative Law Judge, on or before November 30, 2015. The documents filed in support of the 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 Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, at the petitioner's business address and at the petitioner's web site at www.firstenergycorp.com.

Through and By Counsel: Tori L. Giesler, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Tuesday, December 1, 2015

Time: 10 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the Scheduling Office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the Scheduling Office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2032. Filed for public inspection November 13, 2015, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 30, 2015. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2015-2508227. Easton Emergency Squad (908 Packer Street, Easton, Northampton County, PA 18042) for the right to begin to transport as a common carrier, by motor vehicle, primarily wheelchair bound persons for

both medical and nonmedical reasons in paratransit service, from points in the Counties of Lehigh and Northampton, to points in Pennsylvania, and return.

A-2015-2510332. Carter Transportation Group, Inc. (7402 Green Meadow Drive, Imperial, Allegheny County, PA 15126) for the right to begin to transport as a common carrier, by motor vehicle, persons in limousine service, from points in Allegheny County, to points in Pennsylvania, and return.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

A-2015-2510443. JP Moving Corp. (122 West Poplar Street, Nanticoke, Luzerne County, PA 18634) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, between points in Pennsylvania. *Attorney:* Francis J. Hoegen, Esquire, 152 South Franklin Street, Wilkes-Barre, PA 18701.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2033. Filed for public inspection November 13, 2015, 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 30, 2015, 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. Jason Daniel Gilliland, t/a JDG Trucking; Docket No. C-2015-2503729

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 Jason Daniel Gilliland, t/a JDG Trucking, (respondent) is under suspension effective September 06, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 630 Calhoun Road, Everett, PA 15537.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 04, 2015, at A-8917097.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917097 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/22/2015

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2034. Filed for public inspection November 13, 2015, 9:00 a.m.]

Telecommunications

A-2015-2510640. Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Bandwidth.com CLEC, LLC. Joint petition of Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Bandwidth.com CLEC, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Bandwidth.com CLEC, LLC, by their counsel, filed on October 29, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Windstream Pennsylvania, LLC, Windstream D&E, Inc., Windstream Conestoga, Inc., Windstream Buffalo Valley, Inc. and Bandwidth.com CLEC, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at www.puc.pa.gov and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 15-2035. Filed for public inspection November 13, 2015, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Service of Notice of Motor Carrier Application in the City of Philadelphia

The following permanent authority application to render service as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD). Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority) with the TLD's Office of the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by November 30, 2015. The nonrefundable protest filing fee is \$2,500 payable to the PPA by certified check or money order. The application is available for inspection at the TLD with Administrative Counsel between 9 a.m. and 4 p.m., Monday through Friday (contact Christine Kirlin, Esq. at (215) 683-9653 to make an appointment) or may be inspected at the business address of the respective applicant.

Doc. No. A-15-10-01. Omelnor, Inc. d/b/a Pleasant Limousine (295 Pamela Circle, Harleysville, PA 19438): An application for a limousine certificate of public convenience to transport persons on an exclusive basis arranged for in advance in luxury limousine service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylva-

nia, and return. *Attorney:* David R. Alperstein, Esquire, 1080 North Delaware Avenue, Suite 505, Philadelphia, PA 19125.

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 15-2036. Filed for public inspection November 13, 2015, 9:00 a.m.]

PORT OF PITTSBURGH COMMISSION

Financial Statement

Summary Financial Information
Derived from the Audited Financial Statements

Summary Statement of Net Position
June 30, 2015

<u>Assets</u>		
Cash and cash equivalents		\$ 2,139,071
Capital assets, net of accumulated depreciation/amortization		851,305
Other assets		\$ 1,251,642
Total Assets		<u>\$ 4,242,018</u>
		\$ 71,282
<u>Deferred Outflows of Resources</u>		
<u>Liabilities, Deferred Inflows of Resources and Net Position</u>		
<u>Liabilities</u>		\$ 4,063,215
<u>Deferred Outflow of Resources</u>		\$ 3,751
<u>Net Position:</u>		(1,163,653)
Net investment in capital assets		1,409,987
Restricted for port development		246,334
Total Net Position		<u>\$ 4,313,300</u>

Summary Statement of Revenues, Expenses and Changes in Net Position
Year Ended June 30, 2015

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Charges for Services</u>	<u>Program Revenues</u>		<u>Net (Expense) Revenue and Changes in Net Position</u>
			<u>Operating</u>	<u>Grants and Contributions</u>	
					<u>Governmental Activities</u>
Governmental Activities:					
Port development	\$ 3,228,536	\$ 2,527	\$ 2,938,825		\$ (287,184)
General revenues:					
Miscellaneous income					10,406
Gain (loss) on sale of capital asset					(12,564)
Investment income					4,534
Change in Net Position					<u>(284,808)</u>

<u>Functions/Programs</u>	<u>Expenses</u>	<u>Charges for Services</u>	<u>Program Revenues Operating Grants and Contributions</u>	<u>Net (Expense) Revenue and Changes in Net Position</u>
				<u>Governmental Activities</u>
	Net Position:			
	Beginning of year, restated			531,142
	Ending of year			<u>\$ 246,334</u>

MARY ANN BUCCI,
Interim Executive Director

[Pa.B. Doc. No. 15-2037. Filed for public inspection November 13, 2015, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Commission Meeting

The Susquehanna River Basin Commission (Commission) will hold its regular business meeting on December 4, 2015, at 9 a.m. at the North Office Building, Hearing Room 1 (Ground Level), North Street (at Commonwealth Avenue), Harrisburg, PA 17120. Details concerning the matters to be addressed at the business meeting are contained in the Supplementary Information section of this notice.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436.

Supplementary Information

The business meeting will include actions or presentations on the following items: (1) resolution concerning Fiscal Year 2017 Federal funding of the Susquehanna Flood Forecast and Warning System and Groundwater and Streamflow Information Program; (2) rulemaking action to amend Commission regulations to simplify and clarify the process for transferring approvals and to add sections pertaining to general permits and minor modifications to approvals; (3) an update to the Commission's Investment Policy Statement; (4) regulatory compliance matters for Seneca Resources Corporation and Schreiber

Foods, Inc.; and (5) Regulatory Program projects. The business meeting will also include action on ratification/approval of agreement.

The projects and rulemaking listed for Commission action are those that were the subject of a public hearing conducted by the Commission on October 29, 2015, and identified in the notices for the hearing, which were published at 80 FR 58806 (September 30, 2015) and 80 FR 56936 (September 21, 2015), respectively.

The public is invited to attend the Commission's business meeting. Comments on the Regulatory Program projects and rulemaking are subject to a deadline of November 9, 2015. Written comments pertaining to other items on the agenda at the business meeting may be mailed to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788, or submitted electronically through <http://www.srbc.net/pubinfo/publicparticipation.htm>. The comments are due to the Commission on or before November 25, 2015. Comments will not be accepted at the business meeting.

Authority: Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

Dated: October 30, 2015.

ANDREW D. DEHOFF,
Executive Director

[Pa.B. Doc. No. 15-2038. Filed for public inspection November 13, 2015, 9:00 a.m.]

