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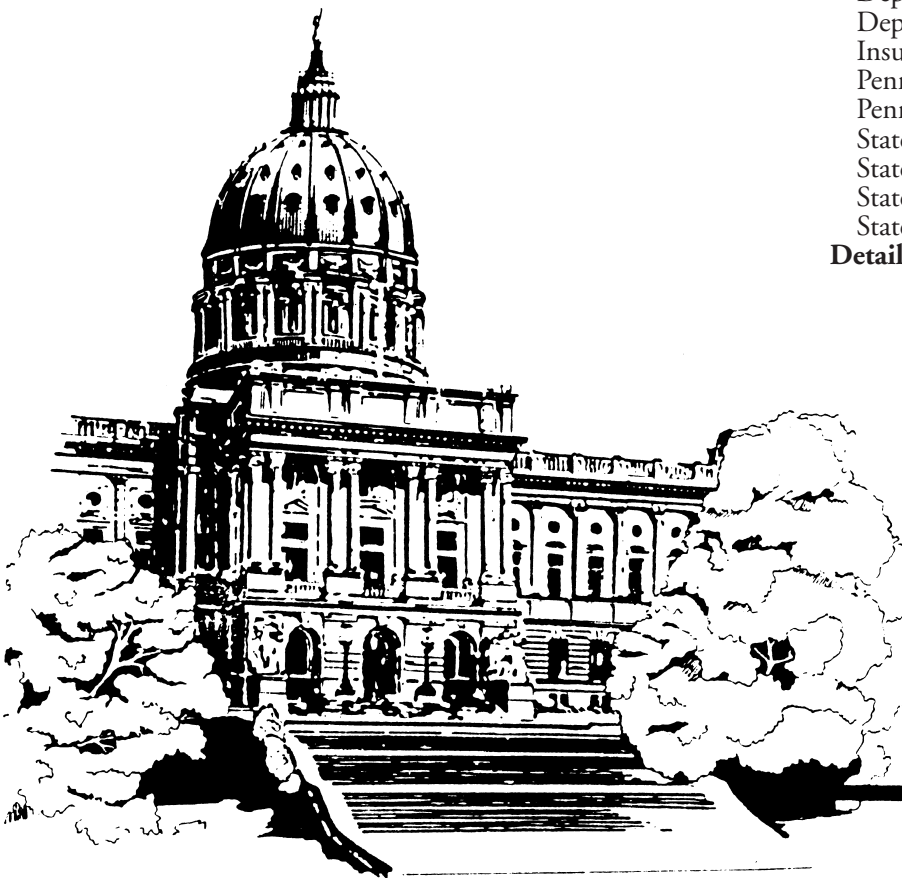
# PENNSYLVANIA BULLETIN

Volume 47  
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The General Assembly  
The Courts  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 516, November 2017**

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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.

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

### Fiscal Notes

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

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

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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 2017.

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# THE GOVERNOR

## Title 4—ADMINISTRATION

### PART I. GOVERNOR'S OFFICE

[ 4 PA. CODE CH. 6 ]

[ EXECUTIVE ORDER NO. 2017-02 ]

### Pennsylvania Commission for Women; Correction

An error occurred in Executive Order No. 2017-02 published at 47 Pa.B. 6927 (November 11, 2017). Chapter 6, Subchapter BBB of 4 Pa. Code was incorrectly numbered. The section numbers are corrected as follows. The remainder of the document was accurate as published.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter BBB. PENNSYLVANIA COMMISSION FOR WOMEN

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6.641.	Functions.
6.642.	Composition.
6.643.	Terms of membership.
6.644.	Compensation.
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#### § 6.641. Functions.

The Pennsylvania Commission for Women shall:

- (1) Work with the Administration on policies, procedures, legislation and regulations that affect women.
- (2) Support economic and civic opportunities for women.
- (3) Support mentoring programs for girls and young women.
- (4) Serve as a resource for women and community groups by identifying and supporting strategies and programs that will expand and enhance the civic, social, educational, cultural and economic status of women, and providing constituent guidance as necessary.
- (5) Identify, and help build, programs and opportunities for the benefit and advancement of women.

#### § 6.642. Composition.

(a) The Pennsylvania Commission for Women (Commission) shall consist of no more than 30 volunteer members appointed by the Governor who represent a diverse population within this Commonwealth. The Governor will invite a member of each of the four legislative caucuses in the General Assembly to serve on the Commission.

(b) Appointees shall have an interest in improving the status of women in this Commonwealth, commit to volunteer their time to and further the mission and work of the Commission, and support the Governor's legislative efforts as it positively impacts the women and girls of this Commonwealth.

(c) The Governor will designate one member of the Commission to serve as chairperson. The Governor may designate one or more Commission members to serve in leadership positions as needed. Commission leadership shall serve at the pleasure of the Governor.

(d) The Governor will appoint a member of his staff to serve as Executive Director of the Commission, who shall serve at the pleasure of the Governor.

**§ 6.643. Terms of membership.**

(a) Members will be appointed for terms of 2 years and serve until their respective successors are appointed. A member may be reappointed for one or more additional terms. Members shall serve at the pleasure of the Governor and adhere to a policy setting forth Commissioner responsibilities and expectations as may be promulgated by the Executive Director and the Pennsylvania Commission for Women (Commission chairperson).

(b) If a vacancy occurs on the Commission, the Governor will appoint a successor. The successor shall fulfill the remainder of the term. The successor may thereafter be reappointed for one or more additional terms.

(c) A member who is absent from two consecutive meetings of the Commission, without sufficient excuse, shall forfeit membership on the Commission.

**§ 6.644. Compensation.**

Members of the Pennsylvania Commission for Women will not receive compensation for their service except that members may, upon request, be reimbursed for travel in accordance with Commonwealth policy. See Chapter 40 (relating to travel and subsistence).

**§ 6.645. Relationship with other agencies.**

Agencies under the Governor's jurisdiction shall cooperate with and provide assistance and support as needed by the Pennsylvania Commission for Women (Commission) to carry out its functions effectively. Independent agencies, State-affiliated entities and State-related institutions are also strongly encouraged to work with the Commission to support its mission.

**§ 6.646. Procedures.**

(a) The Pennsylvania Commission for Women (Commission) is authorized to establish subcommittees, rules and procedures for the effective implementation of its functions, consistent with this subchapter. Subcommittees may include advisory nonmembers if approved by the Commission's chairperson and Executive Director.

(b) A majority of the Commissioners serving at any time constitutes a quorum.

**§ 6.647. Effective date.**

This subchapter takes effect immediately and remains in effect unless revised or rescinded by the Governor.

**§ 6.648. Rescission.**

Executive Order 2015-09 is rescinded.

[Pa.B. Doc. No. 17-1930. Filed for public inspection November 22, 2017, 9:00 a.m.]

# THE GENERAL ASSEMBLY

## Cost-of-Living Factor under the Public Official Compensation Law

Under Section 4(d) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2017 through November 30, 2018, the salary of the members of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period of November 1, 2016 through October 31, 2017.

The percentage increase and the new salary amount have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

The CPI-U for the period November 1, 2016 through October 31, 2017 increased by .8115%. Therefore, the salary for legislators for the period beginning December 1, 2017 through November 30, 2018 will be \$87,180.27.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2017 through November 30, 2018, the additional compensation of the officers and leaders of the General Assembly shall be increased by a cost-of-living factor which is determined by increasing the amount of the salary by the percentage change in the Consumer Price Index for all Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area, officially reported by the United States Department of Labor, Bureau of Labor Statistics for the period from November 1, 2016 through October 31, 2017.

The percentage change and the new compensation amounts have been determined jointly by the Chief Clerk of the Senate and the Chief Clerk of the House of Representatives as follows:

<i>Leadership Position</i>	<i>% Increase</i>	<i>New Compensation</i>
President pro tempore/Speaker	.8115%	\$136,093.96
Majority Floor Leader	.8115%	\$126,313.08
Minority Floor Leader	.8115%	\$126,313.08
Majority Whip	.8115%	\$116,879.06
Minority Whip	.8115%	\$116,879.06
Majority Caucus Chairman	.8115%	\$105,697.73
Minority Caucus Chairman	.8115%	\$105,697.73
Majority Appropriations Chairman	.8115%	\$116,879.06
Minority Appropriations Chairman	.8115%	\$116,879.06
Majority Caucus Secretary	.8115%	\$99,409.62
Minority Caucus Secretary	.8115%	\$99,409.62
Majority Caucus Policy Chairman	.8115%	\$99,409.62
Minority Caucus Policy Chairman	.8115%	\$99,409.62
Majority Caucus Administrator	.8115%	\$99,409.62
Minority Caucus Administrator	.8115%	\$99,409.62

DONETTA M. D'INNOCENZO,  
*Chief Clerk*

*Senate of Pennsylvania*

DAVID REDDECLIFF,  
*Chief Clerk*

*House of Representatives*

[Pa.B. Doc. No. 17-1931. Filed for public inspection November 22, 2017, 9:00 a.m.]

# THE COURTS

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 2 AND 5 ]

Order Amending Rules 203 and 513 of the Rules of Criminal Procedure; No. 496 Criminal Procedural Rules Doc.

### Order

*Per Curiam*

And Now, this 9th day of November, 2017, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 182 (January 14, 2017), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Pennsylvania Rules of Criminal Procedure 203 and 513 are adopted, in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2018.

### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 2. INVESTIGATIONS

#### PART A. Search Warrant

#### Rule 203. Requirements for Issuance.

(A) In the discretion of the issuing authority, advanced communication technology may be used to submit a search warrant application and affidavit(s) and to issue a search warrant.

(B) No search warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority **in person, by telephone, or by any device which [ , at a minimum, ]** allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. **In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority may require the affiant to communicate by a device allowing for two-way simultaneous audio-visual communication or may require the affiant to appear in person.**

(D) At any hearing on a motion for the return or suppression of evidence, or for suppression of the fruits of evidence, obtained pursuant to a search warrant, no evidence shall be admissible to establish probable cause other than the affidavits provided for in paragraph (B).

(E) No search warrant shall authorize a nighttime search unless the affidavits show reasonable cause for such nighttime search.

(F) A search warrant may be issued in anticipation of a prospective event as long as the warrant is based upon an affidavit showing probable cause that at some future time, but not currently, certain evidence of a crime will be located at a specified place.

(G) When a search warrant is issued, the issuing authority shall provide the original search warrant to the affiant and the issuing authority shall retain a contemporaneously prepared copy.

### Comment

Paragraph (A) recognizes that an issuing authority either may issue a search warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for a search warrant.

Paragraph (B) does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for a search warrant must be sworn to before the issuing authority prior to the issuance of the warrant. “Sworn” includes “affirmed.” *See* Rule 103. The language “sworn to before the issuing authority” contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. *See* paragraph (C).

Paragraph (D) changes the procedure discussed in *Commonwealth v. Crawley*, [ 209 Pa. Super. 70, ] 223 A.2d 885 (Pa. Super. 1966), *aff’d per curiam*, [ 432 Pa. 627, ] 247 A.2d 226 (Pa. 1968). *See Commonwealth v. Milliken*, [ 450 Pa. 310, ] 300 A.2d 78 (Pa. 1973).

The requirement in paragraph (E) of a showing of reasonable cause for a nighttime search highlights the traditional doctrine that nighttime intrusion into a citizen’s privacy requires greater justification than an intrusion during normal business hours.

An affiant seeking the issuance of a search warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

**[ The “visual” requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received. ]**

Verification methods include, but are not limited to, a “call back” system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a “signature comparison” system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established password system.



Paragraph (F) was added to the rule in 2005 to provide for anticipatory search warrants. The rule incorporates the definition of anticipatory search warrants set forth in *Commonwealth v. Glass*, [ 562 Pa. 187, ] 754 A.2d 655 (Pa. 2000).

Paragraph (G) was added to clarify who must retain possession of the original of the search warrant. When the search warrant is issued using advanced communication technology, the version delivered to the police officer is considered the original for purposes of this rule.

**Official Note:** Rule 2003 adopted March 28, 1973, effective for warrants issued 60 days hence; renumbered Rule 203 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended October 19, 2005, effective February 1, 2006; amended October 22, 2013, effective January 1, 2014; **amended November 9, 2017, effective January 1, 2018.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court's Order at 32 Pa.B. 2591 (May 25, 2002).

Final Report explaining the October 19, 2005 amendments regarding anticipatory search warrants published with the Court's Order at 35 Pa.B. 6088 (November 5, 2005).

Final Report explaining the October 22, 2013 amendments regarding the original search warrants published with the Court's Order at 43 Pa.B. 6652 (November 9, 2013).

**Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court's Order at 47 Pa.B. 7180 (November 25, 2017).**

## CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

### PART B(3). Arrest Procedures in Court Cases

#### (a) Arrest Warrants

#### **Rule 513. Requirements for Issuance; Dissemination of Arrest Warrant Information.**

(A) For purposes of this rule, "arrest warrant information" is defined as the criminal complaint in cases in which an arrest warrant is issued, the arrest warrant, any affidavit(s) of probable cause, and documents or information related to the case.

#### (B) ISSUANCE OF ARREST WARRANT

(1) In the discretion of the issuing authority, advanced communication technology may be used to submit a complaint and affidavit(s) for an arrest warrant and to issue an arrest warrant.

(2) No arrest warrant shall issue but upon probable cause supported by one or more affidavits sworn to before the issuing authority in person or using advanced communication technology. The issuing authority, in determining whether probable cause has been established, may not consider any evidence outside the affidavits.

(3) Immediately prior to submitting a complaint and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority **in person, by tele-**

**phone, or by any device which[ , at a minimum, ]** allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant. **In any telephonic communication, if the issuing authority has a concern regarding the identity of the affiant, the issuing authority may require the affiant to communicate by a device allowing for two-way simultaneous audio-visual communication or may require the affiant to appear in person.**

(4) At any hearing on a motion challenging an arrest warrant, no evidence shall be admissible to establish probable cause for the arrest warrant other than the affidavits provided for in paragraph (B)(2).

#### (C) DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION

The affiant or the attorney for the Commonwealth may request that the availability of the arrest warrant information for inspection and dissemination be delayed. The arrest warrant affidavit shall include the facts and circumstances that are alleged to establish good cause for delay in inspection and dissemination.

(1) Upon a finding of good cause, the issuing authority shall grant the request and order that the availability of the arrest warrant information for inspection and dissemination be delayed for a period of 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. The 72-hour period of delay may be preceded by an initial delay period of not more than 24 hours, when additional time is required to complete the administrative processing of the arrest warrant information before the arrest warrant is issued. The issuing authority shall complete the administrative processing of the arrest warrant information prior to the expiration of the initial 24-hour period.

(2) Upon the issuance of the warrant, the 72-hour period of delay provided in paragraph (C)(1) begins.

(3) In those counties in which the attorney for the Commonwealth requires that complaints and arrest warrant affidavits be approved prior to filing as provided in Rule 507, only the attorney for the Commonwealth may request a delay in the inspection and dissemination of the arrest warrant information.

#### **Comment**

This rule was amended in 2013 to add provisions concerning the delay in inspection and dissemination of arrest warrant information. Paragraph (A) provides a definition of the term "arrest warrant information" that is used throughout the rule. Paragraph (B) retains the existing requirements for the issuance of arrest warrants. Paragraph (C) establishes the procedures for a temporary delay in the inspection and dissemination of arrest warrant information prior to the execution of the warrant.

#### ISSUANCE OF ARREST WARRANTS

Paragraph (B)(1) recognizes that an issuing authority either may issue an arrest warrant using advanced communication technology or order that the law enforcement officer appear in person to apply for an arrest warrant.

This rule does not preclude oral testimony before the issuing authority, but it requires that such testimony be reduced to an affidavit prior to issuance of a warrant. All affidavits in support of an application for an arrest warrant must be sworn to before the issuing authority



prior to the issuance of the warrant. The language “sworn to before the issuing authority” contemplates, when advanced communication technology is used, that the affiant would not be in the physical presence of the issuing authority. *See* paragraph (B)(3).

This rule carries over to the arrest warrant the requirement that the evidence presented to the issuing authority be reduced to writing and sworn to, and that only the writing is subsequently admissible to establish that there was probable cause. In these respects, the procedure is similar to that applicable to search warrants. *See* Rule 203. For a discussion of the requirement of probable cause for the issuance of an arrest warrant, see *Commonwealth v. Flowers*, [ 24 Pa. Super. 198, ] 369 A.2d 362 (Pa. Super. 1976).

The affidavit requirements of this rule are not intended to apply when an arrest warrant is to be issued for noncompliance with a citation, with a summons, or with a court order.

An affiant seeking the issuance of an arrest warrant, when permitted by the issuing authority, may use advanced communication technology as defined in Rule 103.

When advanced communication technology is used, the issuing authority is required by this rule to (1) determine that the evidence contained in the affidavit(s) establishes probable cause, and (2) verify the identity of the affiant.

**[ The “visual” requirement in paragraph (B)(3) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received. ]**

**Verification methods include, but are not limited to, a “call back” system, in which the issuing authority would call the law enforcement agency or police department that the affiant indicates is the entity seeking the warrant; a “signature comparison” system whereby the issuing authority would keep a list of the signatures of the law enforcement officers whose departments have advanced communication technology systems in place, and compare the signature on the transmitted information with the signature on the list; or an established password system.**

Under Rule 540, the defendant receives a copy of the warrant and supporting affidavit at the time of the preliminary arraignment.

#### DELAY IN DISSEMINATION OF ARREST WARRANT INFORMATION

Paragraph (C) was added in 2013 to address the potential dangers to law enforcement and the general public and the risk of flight when arrest warrant information is disseminated prior to the execution of the arrest warrant. The paragraph provides that the affiant or the attorney for the Commonwealth may request, for good cause shown, the delay in the inspection and dissemination of the arrest warrant information for 72 hours or until receipt of notice by the issuing authority that the warrant has been executed, whichever occurs first. Upon a finding of good cause, the issuing authority must delay the inspection and dissemination.

The request for delay in inspection and dissemination is intended to provide a very limited delay in public access to arrest warrant information in those cases in which there is concern that pre-execution disclosure of the existence of the arrest warrant will endanger those serving the warrant or will impel the subject of the

warrant to flee. This request is intended to be an expedited procedure with the request submitted to an issuing authority.

A request for the delay in dissemination of arrest warrant information made in accordance with this rule is not subject to the requirements of Rule 576.

Once the issuing authority receives notice that the arrest warrant is executed, or when 72 hours have elapsed from the issuance of the warrant and the warrant has not been executed, whichever occurs first, the information must be available for inspection or dissemination unless the information is sealed pursuant to Rule 513.1.

The provision in paragraph (C)(2) that provides up to 24 hours in the delay of dissemination and inspection prior to the issuance of the arrest warrant recognizes that, in some cases, there may be administrative processing of the arrest warrant request that results in a delay between when the request for the 72-hour period of delay permitted in paragraph (C)(1) is approved and when the warrant is issued. In no case may this additional period of delay exceed 24 hours and the issuing authority must issue the arrest warrant within the 24-hour period.

When determining whether good cause exists to delay inspection and dissemination of the arrest warrant information, the issuing authority must consider whether the presumption of openness is rebutted by other interests that include, but are not limited to, whether revealing the information would allow or enable flight or resistance, the need to protect the safety of police officers executing the warrant, the necessity of preserving the integrity of ongoing criminal investigations, and the availability of reasonable alternative means to protect the interest threatened by disclosure.

Nothing in this rule is intended to limit the dissemination of arrest warrant information to court personnel as needed to perform their duties. Nothing in this rule is intended to limit the dissemination of arrest warrant information to or by law enforcement as needed to perform their duties.

Pursuant to paragraph (C)(3), in those counties in which the district attorney’s approval is required only for certain, specified offenses or grades of offenses, the approval of the district attorney is required for a request to delay inspection and dissemination only for cases involving those specified offenses.

**Official Note:** Rule 119 adopted April 26, 1979, effective as to arrest warrants issued on or after July 1, 1979; Comment revised August 9, 1994, effective January 1, 1995; renumbered Rule 513 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended December 23, 2013, effective March 1, 2014; **amended November 9, 2017, effective January 1, 2018.**

#### *Committee Explanatory Reports:*

Report explaining the August 9, 1994 Comment revisions published at 22 Pa.B. 6 (January 4, 1992); Final Report published with the Court’s Order at 24 Pa.B. 4342 (August 27, 1994).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court’s Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the May 10, 2002 amendments concerning advanced communication technology published with the Court’s Order at 32 Pa.B. 2591 (May 25, 2002).

Final Report explaining the December 23, 2013 amendments providing procedures for delay in dissemination and sealing of arrest warrant information published with the Court's Order at 44 Pa.B. 243 (January 11, 2014).

**Final Report explaining the November 9, 2017 amendments regarding electronic technology for swearing affidavits published with the Court's Order at 47 Pa.B. 7180 (November 25, 2017).**

#### FINAL REPORT<sup>1</sup>

##### *Amendments of Pa.R.Crim.P. 203 and 513*

##### **Face-to-Face Requirement for Verification of Affidavits**

On November 9, 2017, effective January 1, 2018, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 203 (Requirements for Issuance) and 513 (Requirements for Issuance; Dissemination of Arrest Warrant Information) that would permit telephonic verification for the swearing of an affidavit in support of a search or arrest warrant application.

The Committee studied a suggestion to amend the provisions of Rule 203 concerning the use of advanced communications technology for submitting search warrant affidavits. The suggestion was to eliminate the "face-to-face" requirement for the swearing of an affidavit in support of a search warrant application and permit the swearing to be done telephonically. Rule 203(C) provides:

(C) Immediately prior to submitting a search warrant application and affidavit to an issuing authority using advanced communication technology, the affiant must personally communicate with the issuing authority by any device which, at a minimum, allows for simultaneous audio-visual communication. During the communication, the issuing authority shall verify the identity of the affiant, and orally administer an oath to the affiant.

Additionally, the Comment states that "[t]he 'visual' requirement in paragraph (C) must allow, at a minimum, the issuing authority to see the affiant at the time the oath is administered and the information received."

It was suggested that the face-to-face requirement of the rule can present significant impediments to using advance communication technology to obtain search warrants. This is especially critical when time is of the essence, such as in DUI cases, where ethanol or other intoxicants dissipate quickly. Officers who seek to obtain search warrants face significant obstacles if they must travel to a site with audio-visual conferencing equipment or to an issuing authority's office to have a face-to-face appearance. These obstacles are more onerous at nighttime and in the more remote parts of the Commonwealth. Furthermore, it was noted that the federal courts have permitted telephonic submissions for many years. See Federal Rules of Criminal Procedure 4.1 and 41.

The current "face-to-face" requirement was added as part of the 2002 rule changes that first permitted the use of advanced communications technology (ACT) in the application process for search and arrest warrants. At that time, the Committee explained this change as follows:

In devising the new ACT procedures, the Committee agreed that the rules should continue to require the

'written' affidavits, yet allow for the writing to be submitted using ACT equipment. In addition, we agreed that an important concept for the new procedure would be to require the issuing authority to verify the identity of the affiant, and to maintain the requirement that the issuing authority administer an oath to the affiant. Under the new procedure, the issuing authority and the affiant may communicate from separate locations, and the issuing authority will be able to use ACT to verify the identity of the affiant and administer the oath before the required documentation is transmitted. . . . Unlike the provisions in Federal Rule 41 that permit oral requests for warrants without the requirement of a "face-to-face" encounter, Rules 203 (Requirements for Issuance) and 513 (Requirements for Issuance) do not permit a warrant to issue based on oral testimony alone, and require that the issuing authority using ACT must be able to see the affiant when the oath is administered. 32 Pa.B. 2591 (May 25, 2002).

The Committee noted that when the original proposal was developed, the Committee had published a version of this proposal that included telephonic administration of the oath. See 29 Pa.B. 4426 (August 21, 1999). At that time, the Committee did not distinguish between telephonic and two-way simultaneous audio-visual communication for warrant affidavit verification but rather discussed the issue in terms of advance communications technology that includes both. The Committee was satisfied that any form of ACT was sufficient for the constitutional requirements of warrant issuance. Subsequently, the face-to-face requirement was incorporated into the amendments approved in 2002. The face-to-face requirement appears to have been added as a means of guaranteeing the identity of the affiant. Since this provision was added at the time that ACT first was going to be permitted, there may have been unease with the new technology without this additional guarantee of the affiant's identity.

In examining this issue, the Committee studied federal practice in this area at some length. As noted above, the federal system has permitted the use of "reliable electronic means" for search applications for some time. Originally formulated as part of Fed.R.Crim.P. 4.1, the procedures for the use of this type of technology currently are contained in Fed.R.Crim.P. 41. The Notes to Fed.R.Crim.P. 41 from the time when these provisions were added discuss the concept of "reliable electronic means":

The term "electronic" is used to provide some flexibility to the rule and make allowance for further technological advances in transmitting data. Although facsimile transmissions are not specifically identified, the Committee envisions that facsimile transmissions would fall within the meaning of "electronic means."

While the rule does not impose any special requirements on use of facsimile transmissions, neither does it presume that those transmissions are reliable. The rule treats all electronic transmissions in a similar fashion. Whatever the mode, the means used must be "reliable." While the rule does not further define that term, the Committee envisions that a court or magistrate judge would make that determination as a local matter. In deciding whether a particular electronic means, or media, would be reliable, the court might consider first, the expected quality and clarity of the transmission. For example, is it possible to read the

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

contents of the warrant in its entirety, as though it were the original or a clean photocopy? Second, the court may consider whether security measures are available to insure that the transmission is not compromised. In this regard, most courts are now equipped to require that certain documents contain a digital signature, or some other similar system for restricting access. Third, the court may consider whether there are reliable means of preserving the document for later use.

Pennsylvania has had over a decade of experience with remote submission of warrant applications with little problem, easing some of the apprehension that may have existed when use of this technology was first introduced in 2002. The Committee also noted that telephonic verification appears to have worked with little problem in the federal system. While there is potential for telephonic submissions to be abused, the Committee concluded that this potential problem could be addressed by means other than requiring video-conferencing in every case. Therefore, Rule 203 has been amended in a manner similar to that proposed in 1999. This permits telephonic verification, in addition to in-person and two-way audio-visual communications currently permitted in the rule.

Although the rule already provides for issuing authority discretion in using ACT at all, the Committee concluded that a direct statement regarding telephonic verification would be helpful. Therefore, an additional provision has been added to paragraph (C) that permits an issuing authority to refuse a telephonic application if there is a question regarding the applicant's identity. This is consistent with the federal system that permits such assurance as a "local matter."

Although the original suggestion related only to search warrant applications, the Committee's 1999 proposal included arrest warrant submissions and would have permitted telephonic submission there as well. As with Rule 203, Rule 513 (Requirements for Issuance; Dissemination of Arrest Warrant Information) contains similar language regarding face-to-face verification of the affidavit of probable cause. The Committee concluded that the same concerns and rationale applied to arrest warrant applications as well. Therefore, similar amendments have been made to Rule 513.

[Pa.B. Doc. No. 17-1932. Filed for public inspection November 22, 2017, 9:00 a.m.]

## [ 234 PA. CODE CH. 10 ]

### Order Amending Rules 1005, 1006 and 1007 of the Rules of Criminal Procedure; No. 497 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 9th day of November, 2017, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 47 Pa.B. 186 (January 14, 2017), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rules of Criminal Procedure 1005, 1006, and 1007 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 January 1, 2018.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE

#### CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA MUNICIPAL COURT TRAFFIC DIVISION

##### PART A. Philadelphia Municipal Court Procedures

##### Rule 1005. Pretrial Application for Relief.

(A) All pretrial applications for relief including those for suppression of evidence may be made orally or in writing. If in writing, a copy of the application shall be submitted prior to trial to the attorney for the Commonwealth.

(B) Pretrial applications shall be heard on the day set for trial immediately prior to the trial. If the decision is adverse to the Commonwealth, the Court shall grant the Commonwealth a continuance upon motion of the attorney for the Commonwealth to give the attorney for the Commonwealth the opportunity to take an appeal.

(C) The Commonwealth's appeal shall be taken not later than 30 days from the date of the decision on the pretrial application.

**(D) After an appeal pursuant to this rule is filed, and the Commonwealth has certified in the notice of appeal that the order will terminate or substantially handicap the prosecution, the Municipal Court shall take no further action in the case, unless otherwise provided in these rules.**

**Official Note:** Rule 6005 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; renumbered Rule 1005 and amended March 1, 2000, effective April 1, 2001; **amended November 9, 2017, effective January 1, 2018.**

##### *Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

Final Report explaining the November 9, 2017 amendment regarding the effect that taking an appeal has on the ability of the Municipal Court to take further action in a case published with the Court's Order at 47 Pa.B. 7182 (November 25, 2017).

##### Rule 1006. Notice of Right to Appeal or to Petition for *Certiorari*; Guilty Plea Challenge Procedure.

(A) Immediately after the imposition of sentence, the judge shall inform the defendant:

(1) in the case of a trial and verdict of guilty:

(a) of the right to file a petition for a writ of *certiorari* within 30 days without costs or to appeal for trial *de novo* within 30 days without costs;

(b) of the right to jury trial on appeal; and



(c) that the charge on which the defendant was found guilty in the Municipal Court will be considered by the district attorney as the basis for the preparation of an information after the filing of the notice of appeal;

(2) in the case of a plea of guilty:

(a) of the right to file a motion challenging the validity of the plea or the denial of a motion to withdraw the plea;

(b) of the 10-day time limit within which such motion must be filed;

(c) of the right to be represented by counsel in preparing and litigating the motion and to have counsel appointed in the event the defendant is unable to afford counsel;

(d) of the right to appeal from the final order disposing of the motion within 30 days after such order;

(e) that only the claims raised in the motion may be raised on appeal; and

(3) in any case, of the right to counsel to represent the defendant on appeal and of the right to have counsel appointed to represent the defendant on appeal in the event the defendant is unable to afford counsel.

**(B) After a petition for writ of *certiorari* or notice of appeal for trial *de novo* is filed, the Municipal Court shall take no further action in the case, unless otherwise provided in these rules.**

#### Comment

For the right to file a petition for a writ of *certiorari* to the court of common pleas, see Article V, Section 26 of the Pennsylvania Constitution, and the Judicial Code, 42 Pa.C.S. § 934. See also *Commonwealth v. Speights*, 509 A.2d 1263 (Pa. Super. 1986) (petition challenging sufficiency of the evidence), and *Commonwealth v. Frazier*, 471 A.2d 866 (Pa. Super. 1984) (petition alleging that judge erred in denying motion to suppress). *Certiorari* is available in non-summary cases only. Compare Rule 460.

**Official Note:** Rule 6006 adopted December 30, 1968, effective January 1, 1969; amended July 1, 1980, effective August 1, 1980; amended February 21, 1996, effective July 1, 1996; renumbered Rule 1006 and amended March 1, 2000, effective April 1, 2001; **amended November 9, 2017, effective January 1, 2018.**

*Committee Explanatory Reports:*

Final Report explaining the February 21, 1996 amendments published with the Court's Order at 26 Pa.B. 991 (March 9, 1996).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Final Report explaining the November 9, 2017 amendment regarding the effect that taking an appeal has on the ability of the Municipal Court to take further action in a case published with the Court's Order at 47 Pa.B. 7182 (November 25, 2017).**

#### Rule 1007. Challenge to Guilty Plea.

(A) A motion challenging the validity of a guilty plea or the denial of a motion to withdraw a guilty plea shall be in writing and shall be filed with the sentencing judge within 10 days after imposition of sentence. The motion shall be disposed of promptly.

(B) Execution of sentence shall be stayed and the amount of bail previously determined shall continue until disposition of the motion.

(C) The attorney for the Commonwealth shall be given notice of the motion and an opportunity to respond. The judge may schedule a hearing on the motion.

(D) Upon entry of a final order denying the motion, the judge shall inform the defendant of the right to appeal the order to the Court of Common Pleas within 30 days after the date of the order.

**(E) After an appeal pursuant to this rule is filed, the Municipal Court shall take no further action in the case, unless otherwise provided in these rules.**

#### Comment

The procedures applicable to the taking and the withdrawal of a plea of guilty are set forth in Rules 590 and 591.

This rule is intended to provide the exclusive procedure for challenging the validity of a guilty plea or the denial of a motion to withdraw a plea. For a discussion of the general principles underlying the rule, see the Comment to Rule 720.

**Official Note:** Rule 6007 adopted July 1, 1980, effective August 1, 1980; amended March 22, 1993, effective January 1, 1994; renumbered Rule 1007 and amended March 1, 2000, effective April 1, 2001; **amended November 9, 2017, effective January 1, 2018.**

*Committee Explanatory Reports:*

Final Report explaining the March 22, 1993 amendments published with the Court's Order at 23 Pa.B. 1699 (April 10, 1993).

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000).

**Final Report explaining the November 9, 2017 amendment regarding the effect that taking an appeal has on the ability of the Municipal Court to take further action in a case published with the Court's Order at 47 Pa.B. 7182 (November 25, 2017).**

#### FINAL REPORT<sup>1</sup>

##### *Amendments to Pa.R.Crim.P. 1005, 1006, and 1007*

##### **Writs of *Certiorari* and Appeals in the Philadelphia Municipal Court**

On November 9, 2017, effective January 1, 2018, upon the recommendation of the Criminal Procedural Rules Committee, the Court amended Rules 1005 (Pretrial Applications for Relief), 1006 (Notice of Right to Appeal or to Petition for *Certiorari*; Guilty Plea Challenge Procedure), and 1007 (Challenge to Guilty Plea) to provide that once a petition for writ of *certiorari* or notice of appeal has been filed in a Philadelphia Municipal Court case, the Municipal Court cannot take further action in the case.

The Committee recently considered the opinion of the Pennsylvania Superior Court in the case of *Commonwealth v. Richards*, 128 A.3d 786 (Pa. Super. 2015), *appeal denied*, 145 A.3d 164 (Pa. 2016). *Richards* involved a defendant charged with DUI of a controlled substance. The Philadelphia Municipal Court granted defendant's motion to suppress and the Commonwealth petitioned for

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also, note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

writ of *certiorari* to the Philadelphia Court of Common Pleas. After the petition had been filed, the Commonwealth withdrew the charges at a status hearing in the Municipal Court, apparently by mistake. The Court of Common Pleas subsequently dismissed the appeal as moot. The Commonwealth appealed to the Superior Court on the basis that the Municipal Court should not have approved the withdrawal since Pennsylvania Rule of Appellate Procedure 1701 bars a lower court from conducting proceedings when a case is on appeal. The Superior Court held that the Rules of Appellate Procedure do not apply to a court of common pleas acting in its role as an appellate court deciding a petition for writ of *certiorari* unless that court expressly adopted such rules. This finding was based on a plain reading of Rule of Appellate Procedure 103 that limits the applicability of those rules to the Supreme, Superior, and Commonwealth Courts.

Rule 1006 provides two options for taking an appeal from a Municipal Court judgment: (1) to request a trial *de novo* before the Common Pleas Court; or (2) to file a petition for writ of *certiorari*, asking the Philadelphia Court of Common Pleas, sitting as an appellate court, to review the record made in the Municipal Court. See *Commonwealth v. Williams*, 125 A.3d 425 (Pa. Super. 2015). A trial *de novo* gives the defendant a new trial without reference to the Municipal Court record while a petition for writ of *certiorari* asks the Common Pleas Court to review the record made in the Municipal Court. Generally, a defendant is required to raise all claims in a writ of *certiorari* pertaining to the proceedings in the Municipal Court, or they will be considered waived on appeal. *Commonwealth v. Coleman*, 19 A.3d 1111 (Pa. Super. 2011).

The specific provision in Rule 1006 related to the filing of a writ of *certiorari* as an option for appeals from the Municipal Court was added in 1996. The Committee provided the rationale for this addition in the Final Report from that amendment:

Several members noted that, although the Philadelphia Public Defender's office utilized petitions for writs of *certiorari* fairly frequently, many members of the private bar apparently were not aware of the continued availability of *certiorari* as an alternative to an appeal for a trial *de novo* in the court of common pleas. We therefore agreed that the rules should expressly provide for this procedure. Final Report, 26 Pa.B. 989 (March 9, 1996).

This provision had codified the right contained in Article V, Section 26 of the Pennsylvania Constitution, and the Judicial Code, 42 Pa.C.S. § 934.<sup>2</sup>

Pa.R.A.P. 1701 describes the effects on a case when an appeal has been filed. The general rule contained in Pa.R.A.P. 1701(A) states, "Except as otherwise prescribed by these rules, after an appeal is taken or review of a quasi-judicial order is sought, the trial court or other

government unit may no longer proceed further in the matter." As the *Richards* case holds, the Rules of Appellate Procedure do not apply to appeals to the court of common pleas.

The Committee concluded that the principle that the Municipal Court cannot act in a matter once a petition for writ of *certiorari* has been filed with the Court of Common Pleas would have to be specifically added to the rules to be effective. The Committee concluded that such a provision prohibiting action by the Municipal Court once an appeal was filed would be advisable to prevent confusion such as occurred in *Richards* where two courts were acting at the same time on the case at cross-purposes.

This provision also is consistent with other rules that prevent cases from moving back and forth between courts of common pleas and the minor judiciary. See *e.g.* Rule 541 (if the right to preliminary hearing is reinstated after defendant waived preliminary hearing, the preliminary hearing must be in common pleas court, unless the parties and judge agree that the issuing authority conduct the preliminary hearing) and Rule 543(G) (once a case is bound over to the court of common pleas, the case shall not be remanded to the issuing authority.) It also is consistent with the general principle that an appeal moves the case from one court to another.

In a case in which an appeal for trial *de novo* has been filed, it is much clearer that any action must be taken by the Court of Common Pleas. The Committee concluded that these appeals should also be included in the new provision for consistency. A new paragraph (B) has been added to Rule 1006 stating that once a case has been appealed from the Municipal Court to the Philadelphia Court of Common Pleas, the Municipal Court may no longer take action on that case.

The Committee noted that Pa.R.A.P. 1701(b) contains a list of actions that a trial court may take after an appeal has been filed as exceptions. The Committee considered whether to incorporate this list into the amendment to Rule 1006. However, the Committee concluded that few of these exceptions were applicable to the types of cases, *i.e.* summaries and misdemeanors, that would be subject to Rule 1006. Instead, the phrase "unless otherwise provided in these rules" has been included in the new text to permit procedures likely to be undertaken in Municipal Court case appeals, such as bail modification.

Following an inquiry from the Court subsequent to the publication of the original proposed rule changes, the Committee agreed that the proposed amendment to Rule 1006 should be included in other Municipal Court Rules that provide for appeals. In particular, this principle was deemed appropriate for Rule 1007, regarding an appeal from the denial of a motion challenging a guilty plea, and for Rule 1005, regarding appeals from pretrial applications for relief. Therefore, similar language has been added to those two rules. However, new paragraph (D) of Rule 1005 contains the additional requirement that the Commonwealth has certified in the notice of appeal that the order will terminate or substantially handicap the prosecution. This language was added to mirror the restriction governing certain Commonwealth appeals under the appellate rules, such as Pa.R.A.P. 311(d), which requires the Commonwealth to certify that a non-final order will terminate or substantially handicap the prosecution.

[Pa.B. Doc. No. 17-1933. Filed for public inspection November 22, 2017, 9:00 a.m.]

<sup>2</sup> Article V, Section 26 provides:

§ 26. Writs of *certiorari*.

Unless and until changed by rule of the Supreme Court, in addition to the right of appeal under section 9 of this article, the judges of the courts of common pleas, within their respective judicial districts, shall have power to issue writs of *certiorari* to the municipal court in the City of Philadelphia, justices of the peace and inferior courts not of record and to cause their proceedings to be brought before them, and right and justice to be done.

42 Pa.C.S. § 934 provides:

Unless and until changed by general rule, the judges of the courts of common pleas, within their respective judicial districts, shall have power, in addition to the right of appeal under section 9 of Article V of the Constitution of Pennsylvania, to issue writs of *certiorari* to the minor judiciary.

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Amendment of Philadelphia Municipal Court Civil Rule 109—Contents of Complaints; No. 01 of 2017

#### Order

And Now, this 8th day of November, 2017, the Board of Judges of the Philadelphia Municipal Court having voted to rescind subsection (c) of current Municipal Court Local Rule 109 and to adopt in its place Local Rule 109(c) as follows, it is hereby *Ordered* and *Decreed* that current Municipal Court Local Rule 109(c) is rescinded and Municipal Court Local Rule 109(c) is amended as follows, effective January 2, 2018.

As required by Pa.R.J.A. 103(d), this General Court Regulation and the following local rule were submitted to the Supreme Court of Pennsylvania Minor Court Rules Committee and Civil Procedural Rules Committee for review. Written notification has been received certifying that the following local rule is not inconsistent with any general rule of the Supreme Court. This General Court Regulation and the following local rule shall be filed with the Office of Judicial Records (formerly the Prothonotary, Clerk of Courts and Clerk of Quarter Sessions) in a docket maintained for General Court Regulations issued by the First Judicial District of Pennsylvania. As required by Pa.R.J.A. 103(d)(5)(ii), two certified copies of this General Court Regulation and the following local rule shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. As required by Pa.R.J.A. 103(d)(6) one certified copy of this General Court Regulation and the following local rule shall be filed with the Administrative Office of Pennsylvania Courts, shall be published on the website of the First Judicial District at <http://courts.phila.gov>, and shall be incorporated in the compiled set of local rules no later than 30 days following publication in the *Pennsylvania Bulletin*. Copies of the General Court Regulation and local rule shall also be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

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

#### Rule 109. Contents of Complaints.

\* \* \* \* \*

##### c. Landlord/Tenant Complaint.

1. An action by a landlord against a tenant for the recovery of possession of the leased property, unpaid money due under the lease, and/ or as a result of alleged damage to the leased property shall be made in writing on a form complaint approved by the court.

2. The plaintiff or the plaintiff's agent, power of attorney, authorized representative or attorney shall sign and verify the complaint as follows:

The facts set forth in this complaint are true and correct to the best of my knowledge, information and

belief. This statement is made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

3. The complaint shall set forth:

(a) The names, street and email addresses of the parties and of any counsel representing the parties;

(b) The location and the address of the leased property, possession of which the plaintiff is seeking;

(c) That the plaintiff is the owner of the leased property;

(d) That the plaintiff leased the property for a specified term to the defendant or to some other person under whom the defendant claims a leasehold interest;

(e) That notice to vacate was provided to the defendant in accordance with law or that no notice was required under the terms of the lease;

(f) That rent reserved and due, upon demand, remains unsatisfied, that the term for which the property was leased has been terminated by the plaintiff or ended, that a forfeiture has resulted by reason of a breach of a condition of the lease other than nonpayment of rent, and/or that the defendant is responsible for damages to the leased property or the plaintiff's personal property;

(g) That the defendant retains possession of the leased property and refuses to surrender possession of the leased property;

(h) The amount of rent, if any, which remains due and unpaid on the date the complaint is filed, whatever additional rent remains due and unpaid on the date of the trial, and/or the amount, if any, claimed for damages to the leased property and/or the plaintiff's personal property;

(i) That, if applicable, the case involves a subsidized lease or a Low Income Tax Credit unit;

(j) That, if applicable, the landlord is in compliance with the requirements of those sections of the Philadelphia Code that relate to Certificates of Rental Suitability, the City of Philadelphia Partners for Good Housing Handbook and Rental Licenses;

(k) Pertinent information relating to the City of Philadelphia's Lead Paint Disclosure Law; and

(l) Pertinent information relating to the fitness of the leased property for its intended purpose and to any notices of Philadelphia Code violations issued by the Department of Licenses and Inspections.

4. Attached to the complaint shall be:

(a) A copy of any written lease or a statement as to why a written lease is unavailable;

(b) A copy of the Rental License which was in force during any time that the plaintiff is seeking to collect rent and is in force at the time of filing;

(c) A copy of the Certificate of Rental Suitability that was provided to the defendant;

(d) A copy of any notice to vacate that was provided to the defendant;

(e) A copy, if applicable, of any relevant power of attorney, authorized representative form or other document showing that the person who verifies the complaint is authorized by the plaintiff to do so.

[Pa.B. Doc. No. 17-1934. Filed for public inspection November 22, 2017, 9:00 a.m.]



# Title 25—LOCAL COURT RULES

## CAMERON COUNTY

### Adoption of Rule of Judicial Administration L101 Regarding Confidential Case Documents Public Access Policy; No. 2017-1917

#### Order of Court

Now, October 25, 2017, in compliance with Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania, *It Is Ordered and Decreed* that the Court hereby adopts the following Rule of Judicial Administration L101 regarding public access to confidential information, which becomes effective January 6, 2018.

The District Court Administrator is hereby ordered to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);
2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to [bulletin@palrb.us](mailto:bulletin@palrb.us) for publication in the *Pennsylvania Bulletin*;
3. Provide one copy of this Order to the members of the Elk County Bar Association and the Cameron County Bar Association;
4. Incorporate the rule into the set of Local Rules within 30 days of publication of the local rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at [www.co.elk.pa.us/judicial](http://www.co.elk.pa.us/judicial).

5. File this order in the Prothonotary's Offices of Elk County and Cameron County.

#### Rule of Judicial Administration L101. Confidential Information. Public Access Policy for the Court of Common Pleas.

In both the Cameron County and the Elk County Branches of the 59th Judicial District of Pennsylvania, the following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S.A. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall

certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

#### Fee Schedule:

Photocopying/printing of scanned document: \$0.25 per page

#### By the Court

RICHARD A. MASSON,  
*President Judge*

[Pa.B. Doc. No. 17-1935. Filed for public inspection November 22, 2017, 9:00 a.m.]

## DELAWARE COUNTY

### Amendments to the Register of Wills and Clerk of Orphans' Court Division Fee Schedules; File No. 638-2017

#### Order

And Now, this 6th day of November, 2017, upon consideration of the Register of Wills' and Clerk of Orphans' Court Division's common application to amend the Fee Schedule of the Register of Wills and Clerk of Orphans' Court Division in accordance with Acts 40 and 44 of 2017, both enacted on October 30, 2017, which then immediately increased the JCS Fee from \$35.50 to \$40.25, as well as the request to increase the Register of Wills Automation Fee and the Orphans' Court Computerization Fee from \$15.50 to \$15.75, it is hereby *Ordered and Decreed* that the Fee Schedules of the Register of Wills and Clerk of Orphans' Court Division previously adopted through such orders<sup>1</sup> *Shall be Amended* to reflect the JCS Fee of \$40.25, as well as the Register of Wills Automation Fee of \$15.75 and the Orphans' Court Computerization Fee of \$15.75, each *Effective November 30, 2017*.

Except to the extent amended by that previously set forth, the original fee schedule orders (Nos. 83 and 84—2007) dated January 31, 2007, and those subsequent, salient such orders (Nos. 785 and 786—2009 and 467—2014) *Shall in All other material respects remain as past entered*.

#### By the Court

KEVIN F. KELLY,  
*President Judge*

[Pa.B. Doc. No. 17-1936. Filed for public inspection November 22, 2017, 9:00 a.m.]

<sup>1</sup> Per two (2) orders dated January 31, 2007, the Fees of the Register of Wills and Clerk of Orphans' Court Division were adopted by then President Judge Edward J. Zetusky, Jr. See Orders dated January 31, 2007, Nos. 83 and 84—2007.

President Joseph P. Cronin, Jr. entered two (2) orders on December 7, 2009, the first directing the Orphans' Court Computerization Fee to be charged at a rate of fifteen dollars and fifty cents (\$15.50), while the second set the Register of Wills Automation Fee also at fifteen dollars and fifty cents (\$15.50). See Orders dated December 7, 2009, Nos. 785 and 786—2009.

On July 15, 2014, President Judge Chad F. Kenney amended President Judge Zetusky's January 31, 2007, orders to reflect the JCS Fee as thirty-five dollars and fifty cents (\$35.50), effective August 8, 2014. See Order dated July 15, 2014, No. 467—2014.



**ELK COUNTY****Adoption of Rule of Judicial Administration L101  
Regarding Confidential Case Documents Public  
Access Policy; No. 2017-756****Order of Court**

Now, October 25, 2017, in compliance with Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania, *It Is Ordered and Decreed* that the Court hereby adopts the following Rule of Judicial Administration L101 regarding public access to confidential information, which becomes effective January 6, 2018.

The District Court Administrator is hereby ordered to:

1. File one certified copy of this Order with the Administrative Office of Pennsylvania Courts to adminrules@pacourts.us;

2. Submit two paper copies of this Order to the Legislative Reference Bureau and one electronic copy in Microsoft Word format only to bulletin@palrb.us for publication in the *Pennsylvania Bulletin*;

3. Provide one copy of this Order to the members of the Elk County Bar Association and the Cameron County Bar Association;

4. Incorporate the rule into the set of Local Rules within 30 days of publication of the local rule in the *Pennsylvania Bulletin* and publish the rules on the Court's website at [www.co.elk.pa.us/judicial](http://www.co.elk.pa.us/judicial).

5. File this order in the Prothonotary's Offices of Elk County and Cameron County.

**Rule of Judicial Administration L101. Confidential Information. Public Access Policy for the Court of Common Pleas.**

In both the Cameron County and the Elk County Branches of the 59th Judicial District of Pennsylvania, the following information is confidential and shall not be included in any document filed with a court or custodian, except on a Confidential Information Form filed contemporaneously with the document:

1. Social Security Numbers;
2. Financial Account Numbers, except an active financial account number may be identified by the last four digits when the financial account is the subject of the case and cannot otherwise be identified;
3. Driver License Numbers;
4. State Identification (SID) Numbers;
5. Minors' names and dates of birth except when a minor is charged as a defendant in a criminal matter (see 42 Pa.C.S.A. § 6355); and
6. Abuse victim's address and other contact information, including employer's name, address and work schedule, in family court actions as defined by Pa.R.C.P. No. 1931(a), except for victim's name.

This section is not applicable to cases that are sealed or exempted from public access pursuant to applicable authority.

Parties and their attorneys shall be solely responsible for complying with the provisions of this section and shall certify their compliance to the court. The certification that shall accompany each filing shall be substantially in the following form: "I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the

Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents."

*Fee Schedule:*

Photocopying/printing of scanned document: \$0.25 per page

*By the Court*

RICHARD A. MASSON,  
*President Judge*

[Pa.B. Doc. No. 17-1937. Filed for public inspection November 22, 2017, 9:00 a.m.]

**HUNTINGDON COUNTY****Adoption of Local Rule Hunt.Co.R.C.P. 1901.2; No.  
CP-31-MD-235-2017; AO No. 3-2017****Administrative Order of Court**

And Now, this 27th day of October, 2017, Local Civil Rule of Court 1901.2, as follows, is hereby *Adopted* and shall be referenced as Hunt.Co.R.C.P. 1901.2. It is *Ordered* that in compliance with Pa.R.C.P. 239:

1. The Huntingdon County District Court Administrator shall file one copy of the Rule with the Administrative Office of Pennsylvania Courts.

2. The Huntingdon County District Court Administrator shall distribute two copies and one electronic copy containing the text of the Rule to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. The Huntingdon County District Court Administrator shall file one copy of the Rule with the Civil Procedural Rules Committee.

4. The Huntingdon County District Court Administrator shall ensure that the Local Rule is published on the Court's website.

5. The Huntingdon County Prothonotary shall ensure that the Local Rule is continuously available for public inspection in the office of Prothonotary.

6. This rule shall become effective not less than 30 days after the date of publication in the *Pennsylvania Bulletin*.

*By the Court*

GEORGE N. ZANIC,  
*President Judge*

**Local Rule of Civil Procedure 1901.2. Scheduling of  
Temporary and Emergency Protection of Abuse  
Hearings.**

1. The Court of Common Pleas shall hear Petitions for Protection from Abuse each business day between the hours of 8:30 a.m. and 3:30 p.m. The Court of Common Pleas shall be considered to be "unavailable" to hear Petitions for Protection from Abuse from 3:30 p.m. on each business day until 8:30 a.m. on the next business day. The Court of Common Pleas will be "unavailable" at other times if so designated by the District Court Administrator.

2. During times when the Court of Common Pleas is "unavailable," an Emergency Petition for Protection from Abuse shall be presented to the designated on-call Magisterial District Judge, and shall not be filed in the Court of Common Pleas.

3. Should the Court of Common Pleas be “unavailable” during regular courthouse business hours, the Prothonotary shall not accept a temporary Petition for Protection from Abuse for filing, but shall instead contact Huntingdon County dispatch center. The dispatch center shall contact the on-call Magisterial District Judge who shall make arrangements to review the Emergency Petition.

4. If, following an emergency hearing, the Magisterial District Judge determines that emergency relief is merited, the Emergency Petition for Protection from Abuse shall be granted. An Emergency Order will expire at 3:00 p.m. on the following business day.

5. If an Emergency Order is granted, the on-call Magisterial District Judge shall advise the Plaintiff that the Emergency Order will expire at 3:00 p.m. on the following business day, and that a Petition for Protection from Abuse must be filed with at the Prothonotary on the next business day.

6. Should an Emergency Order be granted by the on-call Magisterial District Judge, the Huntingdon County dispatch center shall immediately forward the Emergency Order to law enforcement for service of the Emergency Order.

7. This Rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

[Pa.B. Doc. No. 17-1938. Filed for public inspection November 22, 2017, 9:00 a.m.]

## SCHUYLKILL COUNTY

### Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts; AD-98-17

#### Order of Court

*And Now*, this 16th day of October, 2017, at 10:30 a.m., the Schuylkill County Court of Common Pleas hereby adopts Local Rule of Judicial Administration 520 to govern the Public Access Policy of the Unified Judicial System of Pennsylvania in the Twenty-First Judicial District, effective January 6, 2018.

The Schuylkill County District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy of this Order and Rule with the Administrative Office of the Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us).

2) File two (2) paper copies of this Order and Rule and (1) electronic copy in a Microsoft Word format to [bulletin@palrb.us](mailto:bulletin@palrb.us) with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rule on the Schuylkill County Court website at [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us).

4) Incorporate the local rule into the set of local rules on [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us) within thirty (30) days after publication in the *Pennsylvania Bulletin*.

5) File one (1) copy of the local rule in the Office of the Schuylkill County Clerk of Courts and provide copies to the Prothonotary, Register of Wills and Domestic Relations Offices for public inspection and copying.

6) Forward one (1) copy to the Law Library of Schuylkill County for publication in the *Schuylkill Legal Record*.

*By the Court*

WILLIAM E. BALDWIN,  
*President Judge*

### Local Rule of Judicial Administration 520. Public Access Policy.

In compliance with Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form in order to comply with the Policy. The form shall be available in each filing office as well as on the Schuylkill County Court website at: [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us).

Pursuant to Section 6 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, the photocopying fees are approved by the Schuylkill County Court and shall be in compliance with the UJS Public Access Policy. The filing offices are authorized to charge a record retrieval fee upon approval by the Court. The photocopying fees, record retrieval fees and schedule for Public Access shall be available on the Schuylkill County website at: [www.co.schuylkill.pa.us](http://www.co.schuylkill.pa.us). Each custodian shall post the fee schedule in their respective office in an area accessible to the public.

[Pa.B. Doc. No. 17-1939. Filed for public inspection November 22, 2017, 9:00 a.m.]

## SOMERSET COUNTY

### Consolidated Rules of Court; No. 56 Misc. 2017

#### Adopting Order

*Now*, this 7th day of November, 2017, it is hereby *Ordered*:

1. Somerset County Rule Of Judicial Administration 300 governing confidential information is *Adopted*, effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) copy of this Order and the following Local Rule of Judicial Administration with the Administrative Office of Pennsylvania Courts via email to [adminrules@pacourts.us](mailto:adminrules@pacourts.us);

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

C. Publish the Local Rules of Judicial Administration on the Somerset County website;

D. Within thirty (30) days after publication of the Local Rules of Judicial Administration in the *Pennsylvania Bulletin*, incorporate the Rules into the complete set of Local Rules published on the Somerset County website;

E. File one (1) copy of the Local Rules of Judicial Administration in the Office of the Prothonotary of Somerset County, which copy shall be continuously available for inspection in said Office.

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

D.G. GEARY,  
President Judge

## RULES OF COURT

### CONFIDENTIAL INFORMATION

#### Som.R.J.A. 300. Confidential Information Form.

Pursuant to Section 7 of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file documents that contain confidential information as defined by the Policy shall use and file a Confidential Information Form (CIF) in order to comply with the Policy. This form shall be available in each filing office as well as on the court administration website at <http://www.pacourts.us/public-record-policies>.

[Pa.B. Doc. No. 17-1940. Filed for public inspection November 22, 2017, 9:00 a.m.]

## WASHINGTON COUNTY

### Adoption of Local Rules of Civil Procedure; No. 2017-1

#### Order

And Now, this 3rd day of November, 2017, it is *Ordered, Adjudged, and Decreed* that the following Washington County Local Rules of Civil Procedure are hereby adopted, effective January 2, 2018. It is further *Ordered* that current Washington County Local Rules of Civil Procedure L-200 through L-1308, L-2039.1, and L-3129 are vacated and rescinded, effective January 2, 2018.

This Order shall be processed in accordance with Pa.R.J.A. 103(c). The District Court Administrator is directed to do the following:

1. Publish the local rules on the Court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
2. File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.
3. Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington.

By the Court

KATHERINE B. EMERY,  
President Judge

## LOCAL RULES OF CIVIL PROCEDURE

### RULES OF CONSTRUCTION

#### Rule 51. Title and Citation of Rules.

These rules shall be known as the Washington County Local Rules of Civil Procedure and may be cited as "Wash.L.R.C.P. \_\_\_\_\_."

#### Rule 52. Effective Date. Application to Pending Actions. Access to Rules.

(1) A rule or an amendment to a rule shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, unless otherwise stated at the time of adoption.

The effective date of a rule or amendment shall be noted after the rule in its official publication in the *Pennsylvania Rules of Court*.

(2) Unless otherwise specified by the Court of Common Pleas of Washington County, a rule or amendment to a rule shall apply to actions pending on the effective date.

(3) A copy of these rules shall be accessible by the public in the Washington County Law Library and on the website of the Twenty-seventh Judicial District at [www.washingtoncourts.us](http://www.washingtoncourts.us).

#### Rule 76. Definitions.

"Assigned judge" shall mean the judge to whom a particular case is assigned.

"Court" shall mean the Court of Common Pleas of Washington County.

"Court Administrator" shall mean the District Court Administrator for the Twenty-seventh Judicial District.

"Local Rule" shall mean any rule, regulation, practice, or procedure promulgated by the Court of Common Pleas of Washington County pursuant to 42 Pa. Con. Stat. § 323.

"President Judge" shall mean the President Judge of the Court of Common Pleas of Washington County.

"Prothonotary" shall mean the Office of the Prothonotary of Washington County.

#### Rule 106. Computation of Time.

Whenever the last day of any such period shall fall on a holiday as established by the County of Washington or the Court, or on any other business day that the courthouse is closed, such day shall be omitted from the computation.

## BUSINESS OF COURTS

#### Rule 200. Representation by an Attorney.

(1) Individuals may represent themselves or be represented by an attorney.

(2) A corporation or similar entity, or an unincorporated association, must be represented by an attorney in all matters and proceedings before the Court.

*Note:* A corporation may appear in court only through an attorney at law admitted to practice before the court. *Walacavage v. Excell 2000, Inc.*, 480 A.2d 281 (Pa. Super. 1984).

#### Rule 200.1. Assignment of Civil Cases.

(1) The President Judge annually shall assign civil case types to the judges of the Court by Administrative Regulation. The Administrative Regulations shall be available by hard copy in the Office of the Court Administrator and the Prothonotary, and at [www.washingtoncourts.us](http://www.washingtoncourts.us).

(2) The following case types shall be assigned:

- (a) Tort;
- (b) Contract;
- (c) Mass tort;
- (d) Professional liability;
- (e) Actions for Custody, Partial Custody, and Visitation of Minor Children;
- (f) Action of Divorce or Annulment of Marriage;
- (g) Actions for Support;
- (h) Actions Pursuant to the Protection from Abuse Act;



- (i) Common Law/Statutory Arbitration;
  - (j) Declaratory Judgment;
  - (k) Mandamus;
  - (l) Non-Domestic Relations Restraining Order;
  - (m) Quo Warranto;
  - (n) Replevin;
  - (o) Quiet Title;
  - (p) Ejectment; and
  - (q) Partition.
- (3) The following case types shall be unassigned:
- (a) Statutory Appeals or Appeals from an Administrative Agency;
  - (b) Actions involving Real Property, except for Quiet Title, Ejectment, or Partition;
  - (c) Actions in Mortgage Foreclosure; and
  - (d) Any action in which the amount in controversy, exclusive of costs and interest, is below the compulsory arbitration limit of \$50,000.00.
- (4) The President Judge, or the Court Administrator, shall have the authority to assign a case to a judge in the interest of the efficient administration of justice.
- (a) The assignment process is to facilitate administrative control and to manage the flow of cases. All judges may hear any matter that properly comes before the Court.
- (5) When more than one judge is assigned to a case type, the Court Administrator shall make individual case assignments among the judges at random.
- (6) It shall be the duty of counsel for the plaintiff/petitioner, or the plaintiff/petitioner if unrepresented, to inform all other parties in writing of the judicial assignment.

**Rule 205.2(a). Pleadings and Legal Papers. Physical Characteristics. Proposed Order.**

- (1) All pleadings and legal papers filed with the Prothonotary shall be on white, letter-sized (8.5 inch by 11 inch) paper of good quality, and otherwise conform to the requirements of Pa.R.C.P. 204.1.
- (a) Footnotes shall be single-spaced and in 10-point font.
  - (b) Every paper filed shall be fastened only at the top left corner of the pages with one staple, or, if the document is too thick, a metal fastener. Cloth tape and “bluebacks” shall not be used.
  - (2) All attachments, supporting documents, and exhibits shall be on letter-sized (8.5 inch by 11 inch) paper at the time of filing with the Prothonotary. Documents that are sized differently in original form shall be re-sized and reproduced to comply with this rule.
  - (3) *Proposed Order*. Every motion, petition, or preliminary objection shall include a proposed order of court which shall be attached before the certificate of service.

**Rule 205.2(b). Caption Sheet.**

(1) The first page of any pleading, petition, motion or other legal paper shall be a cover sheet setting forth the items of information specified below, according to the format presented in Form of Caption Sheet below. If needed, a second page may be attached and numbered “Caption Sheet 2” at the bottom of the page.

(a) The lettering shall be in a font of no smaller than twelve point size or an equivalent, and shall substantially follow the format in Form of Caption Sheet below.

(b) The Caption Sheet on the document commencing the action (e.g., praecipe or complaint), shall have a margin at the top of three (3) inches for the stamp of the Prothonotary.

(2) The information required includes:

(a) (In capital letters from the left to right margins)

“IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA”

(b) (In capital letters on left side of center) The complete names of all parties; if the party filing the attached pleading has made a previous filing, an appropriate and obvious shortened caption may be used.

(c) (In appropriate upper and lower case, except where otherwise indicated, on the right side of center on separate lines):

(i) the specific DIVISION, e.g., CIVIL or DOMESTIC RELATIONS;

(ii) the docket number;

(iii) the name of the assigned judge, if applicable;

(iv) the name of the pleading, in bold face and all capital letters;

(v) for Civil Division cases, the docket code which most accurately characterizes the primary cause of action (see Local Rule 205.2(b)(4) below). Actions for support shall be filed with the Domestic Relations Section and follow caption and docketing requirements attendant to support actions;

(vi) if the action is filed as a class action, then “CLASS ACTION” shall be set forth following the title of the document;

(vii) if the action involves real estate, then the address, municipality, ward if applicable, and a tax identification number shall be set forth;

(viii) the completed statement: “Filed on behalf of \_\_\_\_\_ (party’s name, party’s relationship to case)”;

(ix) the completed statement: “Counsel of Record: \_\_\_\_\_ (attorney’s name and Pennsylvania Identification Number, firm name, firm number, address, and telephone number)”;

(xi) every motion, petition, or pleading must include a “Certificate of Service” which sets forth the manner of service upon each party including the name of an attorney of record for each party that is represented and the address at which service was made. The “Certificate of Service” shall be substantially in the following form:

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing [Title of Document] has been served upon all other parties at the address(es) listed below via [manner of service], this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Name and address of counsel]

[signature]

(3) Form Caption Sheet.

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

JOHN DOE,

Plaintiff,

vs.

BIG CORPORATION, INC., and JANE DOE,

Defendants.

CIVIL DIVISION

\_\_\_\_\_ No. \_\_\_\_\_

JUDGE \_\_\_\_\_  
TITLE OF DOCUMENT

CLASS ACTION (if applicable)

Real Estate Involved (if applicable):  
(Address, municipality, ward if applicable; a tax identification number is required in all cases involving real estate.)

Filed on behalf of Plaintiff, JOHN DOE Counsel of Record for this Party:

Henry Smith, Esquire  
Pennsylvania I.D. #1234  
Eeny, Meeny, Miny & Mo  
Firm I.D. #5678  
123 South Main Street, Suite 100  
Washington, PA 15301-0000  
724-867-5309  
724-987-6543 (fax)  
emmm@wcba.org (Optional. See Local Rule 440)

JURY TRIAL DEMANDED (Optional. See Pa.R.C.P. 1007.1)

**Rule 206.1(a). Petitions.**

(a) In addition to petitions as defined by Pa.R.C.P. 206.1(a)(1), the following applications are designated as a "petition" and are governed by the procedures set forth in Pa.R.C.P. 206.1, et seq.:

- (1) Petition to Appoint an Arbitrator;
- (2) Petition to Appoint a Receiver;
- (3) Petition to Appoint a Discovery Master;
- (4) Petition to Compel Arbitration;
- (5) Petition to Confirm an Arbitration Award;
- (6) Petition to Confirm/Enforce Settlement;
- (7) Petition for Contempt/Sanctions;
- (8) Petition to Set Aside an Arbitration Award;
- (9) Petition to Appoint a Sequestrator;
- (10) Petition to Transfer Venue;
- (11) Petition to Withdraw as Counsel; and
- (12) Any other petition that is expressly permitted or required by rule or statute.

**Rule 206.4(c). Rule to Show Cause. Procedure.**

(1) The Court hereby adopts Pa.R.C.P. 206.5 as the procedure governing the issuance of a rule to show cause. The issuance of a rule to show cause shall be discretionary with the Court upon presentation of a petition pursuant to Wash.L.R.C.P. 206.1(a).

(a) A petition seeking the issuance of a rule to show cause shall be presented to the assigned judge, or the general civil motions judge if unassigned.

(b) A petition which fails to facially state a prima facie case for relief, or that can be decided briefly without an answer, may be disposed of in motions court without the issuance of a rule to show cause.

(c) The petitioner shall append two proposed orders to the petition, providing for either the use of argument or an evidentiary hearing to determine the petition as set forth in Pa.R.C.P. 206.5(d).

(d) The petitioner shall provide service of the order issuing a rule to show cause to all parties within five (5) business days of the entry thereof.

(e) A request for a stay of execution, or any other form of emergency relief, shall be addressed in the body of the petition, and may be ordered by the Court upon presentation of said petition.

**Rule 208.2. Motion. Form. Content.**

(a) All motions shall contain a cover sheet in the form prescribed by Wash.L.R.C.P. 205.2(b).

(b) A concise statement of applicable authority shall be included in any motion, unless all parties have consented to the relief sought by the motion.

(c) Motions in which all parties have consented to the relief sought may be sent to the chambers of the assigned judge for disposition. If consent has not been obtained from all parties, the moving party shall present the motion in Motions Court after complying with all applicable rules of court.

(1) Prior to the presentation of an unconsented motion, counsel and/or the parties shall confer to attempt to resolve the subject matter of the motion. The moving party shall attach a Certificate of Compliance to the motion. The Certificate of Compliance shall substantially be in the following form:

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

CIVIL DIVISION

[Caption] :  
: No. 20\_\_\_\_ - \_\_\_\_  
:

CERTIFICATE OF COMPLIANCE

1. The undersigned, \_\_\_\_\_, represents [name of party], the moving party herein.

2. I certify that I have complied with Wash.L.R.C.P. 208.2(3)(a) and conferred with [opposing counsel or the opposing party] in an attempt to resolve the subject matter of this motion as noted below:

- Talked by phone: [date]
- Met in person: [date]
- Other: [type of communication] [date]
- I attempted to confer on [date(s)], but was unable to [state reason(s)].
- I did not confer for the following reason(s):
- I did not confer because this case, or another case at docket No. \_\_\_\_\_, involves an allegation of domestic violence.

\_\_\_\_\_  
Signature [date]

(d) Except as set forth in any other local rule, all motions that are to be presented in Motions Court shall contain a "Certificate of Presentation," which shall be the first page of the motion. The Certificate of Presentation shall substantially be in the following form:

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

CIVIL DIVISION

[Caption] :  
: No. 20\_\_\_\_ - \_\_\_\_  
:

CERTIFICATE OF PRESENTATION

1. The undersigned, \_\_\_\_\_, represents [name of party], the moving party herein.

2. The attached motion will be presented to the Hon. [Judge's name], on [date] at [time] in Courtroom No. \_\_\_\_\_.

3. The attached motion is  consented /  not consented to by all parties. [If not a consented to motion] A Certificate of Compliance is attached to this motion. [If consented to] A Certificate of Consent is attached to this motion.

4. The applicable authority [ties] on which the Court may rely to provide the relief sought are as follows:

\_\_\_\_\_  
Respectfully submitted,  
\_\_\_\_\_

[date]

(e) Every motion shall contain a Certificate of Service as set forth in Wash.L.R.C.P. 205.5(b)(2)(c)(xi).

(f) Every motion shall name each judge who has ruled upon any other issue in the same or a related case and shall specify the issue.

**Rule 208.2(c). Concise Statement of Applicable Authority.**

Every motion shall include a concise statement of the applicable authority on which the Court may rely to provide the relief sought by the moving party. The requirements for providing a concise statement of applicable authority with any motion are set forth in Wash.L.R.Civ.P. 208.2.

**Rule 208.2(e). Duty to Confer; Discovery.**

For all discovery motions, see Wash.L.R.Civ.P. 208.2(3)(a) for the requirements to confer with all interested parties and the filing of a Certificate of Compliance.

**Rule 208.3(a). Procedures for the Disposition of Motions.**

(1) *Scope.* As used in this rule, the term "motion" means any application to the Court made in any civil action or proceeding, except as provided in Pa.R.C.P. 208.1(b)(1) and (2).

(2) This Court specifically declines to adopt the alternative procedures set forth in Pa.R.C.P. 208.3(b), imposing mandatory requirements for the filing of a response or brief with respect to any motions.

*Note:* A party may file a brief when it is anticipated that the Court will wish to consider a brief before deciding an issue; however, there is no requirement to do so.

(3) *Procedure.* The procedure set forth in this rule shall apply to every request for relief and/or application to the Court for an order, whether by petition, motion, objections, or stipulation, that the moving party desires to bring before the Court.

(a) If expedited consideration by the Court is requested or required by statute, rule of procedure, or other controlling authority, the reason for such consideration shall be set forth in the motion.

(b) A proposed order granting the relief requested shall be attached to every motion.

(c) The Court shall schedule argument, hearing, or briefing as the Court may require, and issue a scheduling order. Unless otherwise ordered, docketing and service of the scheduling order shall be in accordance with these rules.

(4) *Presentation of a Motion.*

(a) In cases that are not assigned to a judge, motions may be presented to the General Civil Motions Judge in Motions Court. The schedule for Motions Court shall be set forth annually by Administrative Regulation, and is available in hardcopy in the Office of the Court Administrator and at www.washingtoncourts.us.

(b) All motions in cases that are assigned to a judge shall be presented in the Motions Court of the assigned judge, except as provided in Wash.L.R.C.P. 208.2(c).

(i) The Motions Court schedule for all judges assigned to civil cases shall be set forth annually by Administrative Regulation, and be made available in hardcopy in the Office of the Court Administrator and at www.washingtoncourts.us.

(c) All motions shall comply with the standard operating procedures of the judge to whom presentation is made. Standard operating procedures for the judges of the Court shall be made available at www.washingtoncourts.us.

(5) *Notice of Presentation.* The moving party shall provide notice of at least five (5) business days prior to presentation of a motion, unless the motion has the consent of all parties. A copy of the motion shall be provided to the chambers of the judge to whom the motion is being presented at least twenty-four (24) hours in advance.

(a) Every motion that has the consent of all parties shall contain a "Certificate of Consent" in a substantially similar form:

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

CIVIL DIVISION

:  
: No. 20\_\_\_\_ - \_\_\_\_  
:

CERTIFICATE OF CONSENT

1. The undersigned, \_\_\_\_\_, represents [name of party], the moving party herein.

2. As evidenced by the below signatures, the parties have consented to the relief sought by this motion, and request that the Court enter the proposed order.

Respectfully submitted,

\_\_\_\_\_

[date]

Consented to by: [name, party name, and signature]  
[date]

(b) The Certificate of Consent may be entered into in counterparts, and an original signature is not required of any counsel and/or party except the moving party.

*Comment:* It is anticipated that counsel and/or a party will provide evidence of consent by email or facsimile in many instances, and this rule encourages the use of counterparts for the convenience of the parties.

(c) Nothing in this subsection of the rule shall be read to obviate the standard operating procedures of a judge concerning the presentation of a motion.

(6) *Sanctions.* If a moving party misrepresents or falsely asserts that a motion has the consent of another party, the Court may enter an order levying sanctions and/or any other appropriate relief against the moving party. Nothing in this rule is intended to obviate the provisions of Pa.R.C.P. 1023.1.

(7) *Dispositional Aid.* In the discretion of the Court, a judge may order one, or any, of the following to aid in the disposition of a motion:

- (a) oral argument;
- (b) briefs; or
- (c) a rule to show cause as set forth in Pa.R.C.P. 208.4.

**Rule 208.4. Court Order.**

In all cases in which the Court enters an order after initial consideration of a motion, the Court may require the moving party, or their counsel if represented, to retrieve and file the order immediately with the Prothonotary, or, in the alternative, to require the Prothonotary to serve a copy of the order on the moving party, or their counsel if represented, by first-class mail, postage prepaid. Upon receipt of the order, the moving party shall serve a copy on all other parties within three (3) business days.

**Rule 210. Briefs.**

(1) Absent a court order for cause shown, the body of a brief shall not exceed 3,000 words. Non-conforming or illegible briefs may not be considered in the discretion of the Court. All briefs shall use a proportionally spaced typeface in fourteen (14) point font; the proportionally spaced typeface must include serifs, but sans-serif type may be used in headings and captions. All other physical characteristics of a brief shall comply with Wash.L.R.C.P. 204.1.

(2) Every brief shall contain the following:

- (a) a brief history of the case;
- (b) a statement of the issue(s) involved;
- (c) a copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, order, and/or transcript;
- (d) an argument with citations of the authority relied upon;
- (e) a citation or copy to any opinion of the Court or an agency involved in the case; and
- (f) a conclusion.

(3) No supplemental brief(s) shall be filed, absent an order of court.

(4) Unless otherwise ordered by the Court, the brief of the moving party shall be filed at least twenty (20) days prior to the proceeding on the motion. The brief of the responsive party shall be filed within ten (10) days thereafter.

(5) This rule shall not apply to any brief filed in support of, or in opposition to, a motion for post-trial relief pursuant to Pa.R.C.P. 227.1.

**Rule 212.1. Pre-trial Procedures. Conferences. Scheduling. Management.**

(a) *Purpose.* In any civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a judge or a jury, the Court may order the attorneys and any unrepresented parties to appear for one or more pre-trial conferences for such purposes as:

- (1) expediting disposition of the case;
- (2) establishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) discouraging wasteful pre-trial activities;
- (4) improving the quality of trial through more preparation; and



(5) facilitating settlement.

(b) Unless otherwise ordered by the Court, there shall be a minimum of three (3) court conferences in every civil action in which the damages sought exceed the jurisdictional limit for compulsory arbitration and which is to be tried by a jury: an initial case management conference; a status conference; and a pre-trial conference.

(c) *Initial Case Management Conference.* As soon as practical, but no later than thirty (30) days after the service of a complaint, the Court shall enter an order setting forth the date and time of an initial scheduling conference.

(1) Unless the Court finds good cause for delay, the initial scheduling conference shall be held within the earlier of ninety (90) days after service of the complaint or sixty (60) days after any defendant has appeared. The Court may defer the initial scheduling conference if a motion that would dispose of all of the claims within the complaint is pending.

(2) Following the conclusion of the conference, the Court shall issue an order setting forth dates for the following:

(A) the completion of expert and fact discovery;

(B) the date(s) in which to file dispositive motions at an early stage of the proceedings; and

(C) the date of the status conference.

(3) In the order issued after the case management conference, the Court may address any other topic it deems necessary to the serve the purposes of this rule, including the designation, if appropriate, of the case for arbitration, mediation, appointment of a special master, or other special procedure.

(4) Prior to filing a motion to modify any case management order, all counsel, or a party if unrepresented, shall confer in an effort to reach agreement on the proposed modification.

(5) Nothing in this rule shall be read to expand or otherwise enlarge the time for filing a pleading as set forth in Pa.R.C.P. 1026 or 1042.4.

(d) *Status Conference.* A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a status conference. If appropriate, the Court may require attendance by a party or its representative or any other individual deemed necessary to the litigation, or the reasonable availability by other means to consider possible settlement. For the purposes of this rule, the term "representative" shall include an insurance or similar representative with full authority to negotiate or settle the case as in accordance with Pa.R.C.P. 212.5(b)(2).

(1) At the conclusion of discovery, the Court shall hold a conference to review the status of the case, including:

(A) any outstanding issues concerning discovery;

(B) disposing of pending motions;

(C) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule of court;

(D) setting forth a date for the filing of a motion of summary judgment pursuant to Pa.R.C.P. 1035.2, and issuing a briefing schedule; and

(E) setting forth a date for the scheduling of a pre-trial conference.

(e) *Pre-trial Conference.*

(1) All trial counsel shall attend the pre-trial conference. If counsel is not present for the pre-trial conference, the Court may bar their participation at trial.

(2) A party and its representative, or any other person deemed necessary to the litigation by the Court, shall be present in person at the pre-trial conference; telephonic or remote participation shall not be permitted absent prior approval by the Court for good cause. For the purposes of this rule, the term "representative" shall include an insurance or similar representative with full authority to negotiate or settle the case as in accordance with Pa.R.C.P. 212.5(b)(2).

(3) At any pre-trial conference, the Court may consider and take appropriate action on the following matters:

(A) formulating and simplifying the issues, and eliminating frivolous claims or defenses;

(B) obtaining admissions and stipulations from the parties, and ruling in advance on the admissibility of evidence;

(C) settling the case and using special procedures to assist in resolving the dispute when authorized by statute or rule of court;

(D) disposing of pending motions;

(E) setting forth deadlines for the filing of pre-trial statements and/or briefs by the parties;

(F) setting forth deadlines for the filing of motions in limine, proposed voir dire questions and interrogatories, and proposed jury instructions;

(G) setting a date for trial; and

(H) determining the form and content of the pre-trial order.

(4) The Court may hold a final pre-trial conference to develop a trial plan, including a plan to limit testimony or facilitate the admission of evidence. The conference shall be held as close to the start of trial as is reasonable, and shall be attended by trial counsel and any unrepresented party.

(f) *Sanctions.* Upon motion of a party, or sua sponte, the Court may issue any just orders or sanctions, including the imposition of reasonable expenses, including attorney's fees, if a party or its attorney:

(1) fails to appear at an initial case management conference, a status conference, or a pre-trial conference;

(2) is substantially unprepared to participate, or does not participate in good faith; or

(3) fails to obey an order issued pursuant to this rule.

*Note:* Unrepresented parties are subject to the same obligations as those imposed upon attorneys representing a party. This includes sufficient knowledge of the claim(s) asserted, potential defenses, damages and/or other relief sought, and legal issues raised in the pleadings.

(g) *Continuances.* When a case is scheduled for a conference pursuant to this rule, it shall not be continued except for good cause shown.

#### **Rule 212.2. Pre-trial Statements.**

(a) Unless otherwise ordered by the Court, the deadline for the filing of a pre-trial statement by a party shall be governed by Pa.R.C.P. 212.2. All pre-trial statements shall be filed with the Prothonotary.

(b) In addition to the requirements of Pa.R.C.P. 212.2, a pre-trial statement shall contain the following:

(1) a brief narrative statement of the facts and contentions as to liability;

(2) a listing of all exhibits available at the time of pre-trial which the party intends to introduce at trial;

(3) a specific description of damages;

(4) any presently known motions in limine and any legal research, memorandum, or brief in support thereof. Failure to include any motion in limine in the pre-trial statement will not bar a future filing of the motion if it could not have been anticipated at the time of filing the pre-trial statement or if, in the interest of justice, the Court permits late filing;

(5) a summary of legal issues involved and applicable legal authorities relied upon;

(6) the settlement status of the case to include settlement offers and demands; and

(7) the reasons supporting the settlement posture set forth by the party.

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

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

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

(3) the names and addresses of all witnesses the party expects to call at trial. The witnesses shall be classified as liability or damage witnesses.

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

(e) Counsel shall file supplemental pre-trial statements up to the time of trial. Supplemental statements shall include, but not be limited to, additional claims for damages, additional liability witnesses, damage witnesses, expert witnesses, and/or exhibits intended to be used at trial.

### **Rule 212.3. Pre-trial Conference.**

The requirements of Wash.L.R.C.P. 212.1 shall supplement the rule concerning pre-trial conferences as set forth in Pa.R.C.P. 212.3.

### **Rule 212.7. Washington County Civil Litigation Mediation Program.**

(a) In the discretion of the assigned Judge, cases listed for trial shall be submitted to the Washington County Civil Litigation Mediation Program. This rule shall not apply to asbestos cases, cases ordered to private mediation under this rule, or professional liability cases. The

selection of a case for mediation shall not delay any scheduled trial of the matter.

(b) The mediators shall be practicing attorneys that are members of the Washington County Bar Association, with an emphasis in their practice on civil litigation. A list of mediators shall be maintained by the District Court Administrator, and be selected by the Court in consultation with the Washington County Bar Association. The parties may agree to a particular mediator from the list.

(c) Upon appointment, the mediator shall schedule the mediation within sixty (60) days of the order of court. The attendance, in person, is mandatory of trial counsel, the parties, and the representative of the defendant's insurance carrier, with authority to enter into a full and complete compromise and settlement. If trial counsel, the parties, or a representative fail to appear, absent good cause, the mediation will not be held and sanctions, upon request of the mediator, shall be entered against the non-appearing individual(s) by the Court. Sanctions may include an award of reasonable mediator and attorney's fees and other costs associated with the failure to appear.

(d) At least seven (7) days prior to the mediation, each party shall file, with the mediator, a mediation statement which must include the following: (1) a succinct explanation of liability and damages; (2) significant legal issues that remain unresolved; (3) a summary of medical and expert reports (if applicable); (4) an itemized list of damages; and (5) settlement posture and rationale.

(1) This requirement shall be deemed satisfied if a party has previously filed a pre-trial statement pursuant to rule of court, in which case the mediation statement shall only provide updated or additional information.

(2) Failure to file a mediation statement may result in sanctions, if requested by the mediator.

(f) Each party to a case selected for mediation shall pay a mediation fee to be made payable to the County of Washington and submitted, for processing, to the Office of the Court Administrator. The mediation fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator.

(g) If the case has not been resolved, within ten (10) days from the date of the mediation, the mediator shall send the Court a report setting forth the following information: (1) the mediator's assessment of liability; (2) the mediator's assessment of damages; (3) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; (4) Plaintiff's final settlement demand; (5) Defendant's final settlement offer; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

(h) If the case is resolved and a settlement agreed upon, the mediator shall send a letter to the Judge, with copies to counsel and the Court Administrator.

(i) The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall be liable to and indemnify the mediator and other protected participants for all reasonable costs, fees and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

*Comment:* Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa. Con. Stat. § 5949.

(j) Notwithstanding the preceding subsections and Wash.L.R.C.P. 1042.1–1042.20, the Court may in its discretion submit a civil case for an alternative dispute resolution (“ADR”) before a private mediator/arbitrator. The method of selection of the private mediator shall be in the discretion of the Court. All parties shall bear equally the costs of any Court-ordered ADR, unless otherwise agreed upon; provided, however, that the Court will take appropriate steps to assure that no referral to ADR results in an unfair or unreasonable economic burden on any party.

(1) The method of ADR shall be in the discretion of the private mediator/arbitrator.

(2) The fact that a case is selected for ADR shall not delay the scheduled trial of a case.

(3) Nothing in this rule shall prevent the parties from voluntarily engaging in ADR before a private mediator/arbitrator on their own initiative.

*Note:* When selecting a case for ADR before a private mediator, the Court shall consider various criteria, including the nature of the claims involved and their complexity, whether any of the litigants is pro se, the potential for a successful resolution, and the interests of justice.

#### **Rule 212.8. Mini-Jury Trials.**

(a) *Purposes.* The purpose of mini-jury trials is to establish a less formal procedure for the resolution of civil actions for money damages while preserving the right to a jury trial de novo. As a part of the Court’s pre-trial procedure, the Court may refer cases for a mini-jury trial upon motion of a party or sua sponte.

(b) *Preliminary considerations.* The following shall be considered, but shall not be controlling, in determining if civil cases are amenable for a mini-jury trial.

(1) *Time necessary for regular trial.* The Court will determine if the regular trial time would be three (3) days or more.

(2) *Consent of attorneys.* While the Court will attempt to obtain the consent of the attorneys to a mini-jury trial, the Court shall have the authority to direct a mini-jury trial as an extension of the settlement conference.

(3) *Existing offer and demand.* The Court will attempt to obtain the agreement of counsel to keep any current offer or demand open for forty-eight hours after the mini-jury trial verdict.

(4) *Credibility.* The Court will determine if the major issues will be resolved on the basis of credibility.

(5) *Appeals from arbitration.* Cases appealed from arbitration will be presumptive candidates for mini-jury trials.

(c) The following procedures shall apply to all mini-jury trials:

(1) *Attendance of parties.* Individual parties shall attend the mini-jury trial in person. An officer or other responsible lay representative of a corporate party or a claims adjuster for an insurance carrier shall attend the mini-jury trial.

(2) *Non-binding effect.* Mini-jury trials are for settlement purposes only and are non-binding. Nothing done by

counsel with reference to the mini-jury trial shall be binding on counsel, the parties, nor shall anything constitute a waiver, unless specifically stipulated to or agreed upon by the parties.

(3) *Special verdict questions.* Cases will be submitted to the jurors by way of special verdict questions. Counsel shall submit to the Special Master, forty-eight (48) hours prior to the selection of the jury, a joint statement or proposed special verdict questions, for use at trial. If counsel cannot agree on a joint statement, the Special Master will select the special verdict questions to be used. Special verdict questions for the mini-jury trial need not be the same as those for a regular jury trial. The jury will determine the amount of damages in all cases, regardless of whether a defendant is found to be liable or not liable. The Special Master will determine the format to be used and make rulings on disputed questions.

(4) *Size of Jury.* The number of jurors shall be six (6) and the agreement of five-sixths of the jury shall be necessary to reach a verdict. There shall be no preemptory challenges to jurors but jurors may be excused for cause.

(5) *Presentation of the case by counsel.* Each side shall be entitled to one hour for presentation of its case unless counsel presents a compelling reason at a pre-trial conference why more time for each side should be allocated. Presentation of the case by counsel may involve a combination of argument, summarization of evidence to be presented at the regular trial and a statement of the applicable law but only to the extent it is needed to be known by the jury in answering the special verdict questions. Counsel may call witnesses but cross-examination shall only be done as part of a party’s presentation of its case. Counsel may quote from depositions and/or reports to the extent that such evidence can reasonably be anticipated to be admissible at the time of trial. Counsel should not refer to evidence which would not be admissible at trial. The Plaintiff shall proceed first and shall have a five (5) minute rebuttal following the presentation of the defendant’s case.

(6) *Applicable law.* The Special Master will charge the jury on the applicable law to the extent it is appropriate and needed to be known by the jury in answering the special verdict questions. The points for charge shall be submitted jointly by the parties to the Special Master forty-eight (48) hours prior to the selection of the mini-jury. The Special Master shall rule on any disputes on a point for charge.

(7) *Jury verdict.* The jury will be asked to return a verdict if five-sixth of them agree to it. (The same five-sixth majority need not answer each special verdict question.)

(8) *Length of deliberations.* If the jury does not reach a five-sixth majority verdict within a reasonable time, the Special Master will consider polling the jurors individually.

(9) *Oral questions to mini-jury.* After the verdict, counsel may address questions in open court to the foreperson of the jury. Only questions that can be answered “yes” or “no” or by a dollar figure may be asked. The attorneys shall be limited to ten questions each unless a greater number is allowed by the Special Master for cause shown. No questions shall be asked the answers to which will disclose the personal view of any particular member of the jury.



(10) *Scheduling regular trial.* Should the mini-jury trial not result in a settlement, the regular trial shall not be held the same calendar week unless the jury is dismissed and will not come into contact with the balance of the venire.

(11) *Release of verdict.* The mini-jury trial is an extension of the settlement conference and the verdict shall not be made public.

(d) *Selection of Special Masters.* The Court Administrator shall maintain a roster of Special Masters who shall be designated from time to time from applications submitted by or on behalf of attorneys eligible for selection by the Court. An attorney must have been admitted to practice for not less than ten (10) years, be recommended by the Committee on Alternative Dispute Resolution or be a member of the Academy of Trial Lawyers of Southwestern Pennsylvania and determined by the President Judge to be competent to perform the duties of a Special Master. The parties may agree upon a Special Master who is not on the roster maintained by the Court Administrator, provided that the name of such person is submitted to, and approved by, the President Judge, or the judge to whom the case is assigned.

(e) Each party to a case selected for mini-jury trial shall pay a fee made payable to the County of Washington and submitted to the Office of the Court Administrator for processing. The mini-jury trial fee shall be set by administrative order, and information regarding the fee shall be available in the Office of the Court Administrator. The special master shall be compensated at a commensurate rate to their service, which shall be established by the Court Administrator and approved by the Court.

(1) *Application Process.* Any lawyer possessing the qualifications set forth for Special Master, who desires to serve as a Special Master, may submit an application on the form which is available in the Office of the Court Administrator. The Committee on Alternate Dispute Resolution shall submit a list of qualified persons to the Court Administrator. The President Judge shall certify as many Special Masters as determined to be necessary for the program.

(2) *Withdrawal by Special Master.* Any person whose name appears on the roster maintained by the Court Administrator may ask, at any time, to have his/her name removed or, if selected to serve, decline to serve but remain on the roster.

(3) *Disqualification.* Persons selected to be Special Masters shall be disqualified for bias or prejudice and shall disqualify themselves in any action in which they would be required to disqualify themselves if they were a judge. Each person serving as a Special Master shall take the prescribed oath or affirmation.

(f) *Sanctions.* If a party, or counsel, fails to comply with this rule, the Special Master may continue the mini-jury trial to another date as selected by the Court Administrator. If the mini-jury trial is continued, the Court may enter sanctions against the offending party or counsel, including the imposition of counsel fees, juror costs, and any other appropriate relief.

#### **Rule 220A. Jury Size in Civil Trials.**

The petit jury in civil cases may, in the discretion of the Court and with consent of all the parties, consist of as few as eight (8) members. If the number of jurors falls below eight (8), a mistrial shall be declared upon prompt application thereof by any party.

#### **Rule 220.3. Examination of Jurors.**

(1) After the jury panel for a particular case is drawn, a list of the persons on such panel and their completed juror questionnaire shall be handed to each attorney, or the party if unrepresented, involved in the case, and the Court shall inform the jurors of the names and addresses of each of the parties, the nature of the suit, the names of the intended witnesses, and the names of the attorneys and their associates.

(2) Examination of potential jurors shall be conducted by the Court, or its designee. The Court may permit counsel to supplement the Court's examination by such further inquiry as it deems appropriate.

(3) The Court may direct, or permit, the use of a written questionnaire to supplement oral examination of the jury panel by the Court or counsel. If a written questionnaire is used, it shall be considered confidential, and the original questionnaires and all copies shall be destroyed at the conclusion of the trial or service by a juror. Counsel, or a party if unrepresented, shall not have possession, or otherwise maintain a copy in any form, of the written questionnaire after the conclusion of voir dire.

(4) The voir dire examination of jurors shall be recorded but not transcribed, unless otherwise ordered by the Court.

#### **Rule 221. Peremptory Challenges.**

After the examination of jurors is completed, counsel, or a party if unrepresented, shall report to the Court those jurors whom they agree may be stricken for cause. If counsel are unable to agree that a juror should be stricken for cause, the Court shall make the just cause determination and may question the prospective juror to resolve the challenge for cause. Thereafter, counsel, or a party if unrepresented, shall proceed to exercise their respective peremptory challenges, and the remaining jurors shall be sworn in as the petit jury.

#### **Rule 223. Conduct of Jury Trial.**

(1) The entire examination or cross-examination of a witness shall be conducted, and objections made and argued, by the attorney commencing the same.

(2) Offers of proof shall be made at side bar, out of the hearing of the jury and out of the hearing of the witness.

#### **Rule 223A. Exhibits.**

(1) *Exhibits admitted at trial or other record proceeding.*

(a) At the conclusion of a trial or other record proceeding, all exhibits larger than 8-1/2 × 11 inches which are part of the record shall be reduced to that size, and all tangible objects which are part of the record, shall be photographed in color by the party originally proffering the evidence. The 8-1/2 × 11 inch reductions and color photographs shall be substituted in the record for the original exhibits and tangible objects unless the Court, upon motion or sua sponte, or an appellate court, shall direct otherwise. It shall be the responsibility of the judicial staff to maintain exhibits which have been admitted during the course of the trial or other record proceeding.

(b) Whenever a video deposition of a witness is presented at a trial or hearing, the video shall be marked as an exhibit as required by Pa.R.C.P. 4017.1. At the conclusion of the trial or hearing, the video shall be returned for safekeeping to the party who presented it and that party

shall maintain custody of the video until conclusion of all appellate proceedings in the case, unless the Court upon motion or sua sponte shall direct otherwise.

(c) Whenever a video deposition of a witness is presented at trial or hearing, it shall be accompanied by a transcript of the deposition as required by Pa.R.C.P. 4017.1(a)(2). The accompanying transcript shall be marked as an exhibit and retained in the record of the proceedings. In the event the record of the trial or hearing is transcribed for the appellate court or other purposes, the exhibit of the transcript accompanying the deposition shall be considered the official transcript of the testimony of the deponent. It shall not be necessary for the court reporter to also transcribe the audio portion of the video which was presented at trial or other record proceeding, so long as the record clearly reflects which part of the audio portion of the videotape deposition was offered into evidence and admitted.

*(2) Disposition of exhibits after trial or other record proceeding.*

(a) After trial or other record proceeding, exhibits admitted into evidence shall be retained by the Prothonotary until it is determined whether an appeal has been taken from a final judgment. If an appeal has been taken, the exhibits shall be retained by the Prothonotary until disposition of the appeal.

(b) Within sixty (60) days of the final disposition of all appeals or the date when no further appeal may be taken under the Pennsylvania Rules of Appellate Procedure, the party who offered the exhibits may reclaim them from the Prothonotary. Any exhibits not so reclaimed may be destroyed or otherwise disposed of by the Prothonotary, after obtaining an order of court allowing for the destruction of the exhibits.

(c) Notwithstanding the above, any person who has a possessory or legal interest in any exhibit which has been introduced into evidence may file a claim for such exhibit within thirty (30) days after trial or other record proceeding. The Court shall determine the validity of such claim and determine the manner and timing of disposition.

#### **Rule 225. Opening and Closing Statements.**

Except as otherwise directed by the Court, one attorney for each party or group of parties having the burden of proof shall address the jury at the conclusion of the evidence, after which the attorney for each adverse party or group of parties shall sum up. Rebuttal statements shall be permitted in the discretion of the Court.

#### **Rule 226. Points for Charge.**

(a) Unless otherwise permitted by the Court for cause shown, requested points for charge shall be limited to those relevant points set forth in the Pennsylvania Suggested Standard Civil Jury Instructions plus ten (10) additional points for charge.

(b) The points for charge requested from the Pennsylvania Suggested Standard Civil Jury Instructions shall be listed only by section number and not set forth verbatim.

#### **Rule 227.1. Motion for Post-Trial Relief.**

(a) Any post-trial motions shall be filed with the Prothonotary in accordance with Pa.R.C.P. 227.1, together with a request designating that portion of the record to be transcribed. A copy of the items filed, along with a proposed order for transcription, shall also be delivered to the trial judge, the court administrator, the court re-

porter, and every other party to the action and a certificate of such service shall be filed of record.

(b) All post-trial motions must specify the grounds relied upon as provided by Pa.R.C.P. 227.1(b)(2).

(c) Unless otherwise ordered by the Court, a brief in support of post-trial motions shall be filed within thirty (30) days following receipt of the transcript or, if no request for transcript has been made by either party, within thirty (30) days of the date of the filing of the post-trial motion.

(d) Unless otherwise provided by the Court, briefs in opposition to post-trial motions shall be filed within twenty (20) days from the date of the filing of the brief of the moving party.

(e) A copy of a brief filed in support of, or in opposition to, post-trial motions shall be served upon the trial judge and every other party to the action. A certificate of service shall accompany all briefs filed hereunder.

#### **Rule 227.3. Transcript of Testimony.**

(a) Any objections to the request designating the portion of the record to be transcribed, filed pursuant to Pa.R.C.P. 227.3, shall likewise be served upon the trial judge, the court administrator, the court reporter, and every other party to the action, and a certificate of service shall be filed of record.

(b) The party requesting a transcript of the record or any portion thereof in a motion for post-trial relief shall pay the cost thereof. Where any other party files an objection requesting that an additional portion of the record be transcribed, the trial judge, in the absence of agreement by the parties, shall in his/her discretion and to the extent this matter is not covered in the Pennsylvania Rule of Judicial Administration 4000, et. seq., assign the cost of such additional transcribing to any or all parties or to the county.

#### **Rule 229. Discontinuance. Payment of Record Court Costs on Settlement.**

(a) Unless all parties agree in writing to the contrary, the settling defendant or defendants in any filed civil action shall pay to the plaintiff record court costs which are specifically defined to be:

- (1) Initial filing fees;
- (2) Service of process fees; and
- (3) Costs to settle and discontinue the docket.

(b) Upon the filing of a praecipe to settle, discontinue, and end an action, the filing party shall deliver a copy of same to the Court Administrator for transmittal to the assigned judge.

#### **Rule 230.2. Termination of Inactive Cases.**

The proceedings to terminate inactive cases pursuant to Pa.R.C.P. 230.2 shall include cases that are appeals from local or administrative agencies, or actions that exist because of a cause of action created by rule of court or statute.

#### **Rule 237.1. Entry of Default Judgment. Military Service.**

In all cases in which a party to an action has appeared but subsequently defaults, before any decree or judgment shall be entered, the opposing party shall file an affidavit stating that the defaulting party is not in the military

service of the United States, or if the information is not available, the affidavit shall state what efforts have been made to obtain the facts.

*Note:* The purpose of this rule is to satisfy the requirement of the Servicemembers Civil Relief Act, Title 50 App.U.S.C. § 501, et seq.

**Rule 240. In Forma Pauperis.**

(a) A party seeking leave to proceed in forma pauperis shall apply to the Court for such status. The application shall include as an attachment the affidavit of the party demonstrating an inability to pay the costs of litigation.

*Note:* The affidavit form is set forth in Pa.R.C.P. 240; application forms are available in the County Law Library. Presentation of the application to the Court must comply with the requirements of Local Rule 208.3(a).

(b) Legal counsel employed by or affiliated with Southwestern Pennsylvania Legal Services are authorized to file a praecipe for in forma pauperis status on behalf of their client.

(c) The Prothonotary shall accept for filing by a party a praecipe as provided by Pa.R.C.P. 240(d), or an application under this rule, without charge to the party.

(1) Except as provided in Wash.L.R.C.P. 1915.37, upon withdraw of an attorney who has filed a praecipe on behalf of a client pursuant to Pa.R.C.P. 240(d), the party must file a petition to for leave to proceed in forma pauperis to continue to have the costs of litigation waived as set forth in Pa.R.C.P. 240(f).

(d) If there is an improvement in the financial circumstances of a party which will enable the party to pay costs, the party must immediately file a praecipe to decertify in forma pauperis status.

(1) The Prothonotary shall not be permitted to retroactively charge previously waived costs to a party because of a change in economic status or if a party is no longer receiving free legal service from an attorney.

(e) If the action or proceeding is commenced or appeal is taken with the simultaneous filing of the petition, the petitioner shall present the request to proceed in forma pauperis to the general civil motions judge, or in a custody, divorce, or support action, to the judge assigned to hear those actions.

(1) *Unavailability of judge.* In the event that the appropriate judge is not available to hear an in forma pauperis request, the petitioner shall file the petition with the Prothonotary in accordance with Pa.R.C.P. 240(c). Upon the filing of an unsigned petition for leave to proceed in forma pauperis with the Prothonotary, the Prothonotary shall provide a copy of the petition to the assigned judge for the case for action on the petition pursuant to Pa.R.C.P. 240(c)(3).

**Rule 260. Money Paid Into Court.**

(a) Where it is appropriate that money be paid into court, the Court on petition of any party or on its own motion may direct the same to be done. A petition for the payment of money into court shall set forth the reasons for requesting such action and the exact amount to be paid. Notice of the presentation of such a petition shall be given in the manner set forth in these rules.

(b) The Prothonotary shall have custody of all money paid into court and shall deposit such funds in an escrow account to the credit of the court in a bank or banks in which deposits are insured by the Federal Deposit Insurance Corporation. Upon motion of a person who appears

from the record to be prima facie interested in money paid into court, the Court may authorize the Prothonotary to invest the fund in such manner and upon such terms as the court may direct.

(c) Money paid into court may not be withdrawn or paid out except upon written order of Court.

**Rule 301. Court Calendar.**

The Court Administrator shall annually publish a Court Calendar, which shall have the effect of a rule of Court for the matters and dates set forth therein. The Court Calendar shall be published in the *Washington County Reports* and at [www.washingtoncourts.us](http://www.washingtoncourts.us).

**Rule 302. Argument Court. Argument List.**

(1) This rule shall apply to all actions to be listed for argument, unless a specific local rule states otherwise. The Court may, in its discretion, set argument on an action outside of Argument Court.

*Note:* Dispositive motions shall be argued in Argument Court; non-dispositive motions should be presented and heard in Motions Court, or be specially set for argument at the discretion of the presiding judge. There is no requirement to present a scheduling motion for argument on a dispositive motion (e.g., preliminary objections, a motion for judgment on the pleadings, or a motion for summary judgment).

(2) The Court Administrator shall annually set sessions for Argument Court in the court calendar.

(a) The Court Administrator shall assign an action for Argument Court upon receipt of a copy of an appropriate motion. An action may not be scheduled for Argument Court sooner than thirty (30) days before a session.

(b) The argument list shall state the amount of time set aside for argument for each party.

(3) Briefs shall be filed in accordance with Wash.L.R.C.P. 210, unless otherwise ordered by the Court.

(4) The Prothonotary shall send notice of the argument list to all counsel of record, or the parties if unrepresented, by first-class mail, or, if applicable, in accordance with Wash.L.R.C.P. 440. It shall be the responsibility of the moving party to confirm the time and date for argument with all other counsel, or the parties if unrepresented.

(a) The Court shall publish the argument list for Argument Court in the *Washington County Reports* or at [www.washingtoncourts.us](http://www.washingtoncourts.us).

(5) The Court shall only entertain a request for a continuance for an action scheduled for Argument Court for good cause shown.

**Rule 303. Bill of Costs/Record Costs.**

(1) Bills of costs must contain the names of the witnesses, the dates of their attendance, the number of miles actually traveled by them, and the places from which mileage is claimed. The bills should be verified by the affidavit of the party filing them or by the attorney of the party that the witness named were actually present in Court, and in the opinion of the affiant, that the individual was a material witness. A copy of the bill of costs shall be served on all opposing counsel and all unrepresented parties.

(2) A party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issues shall be determined by the



Court. Failure to file exceptions within the time prescribed shall be deemed a waiver of all objections and exceptions to the bill.

(3) Exceptions to a bill of costs shall be treated as a motion under these rules.

**Rule 304. Appointment of a Special Presiding Officer.**

Upon petition, or sua sponte, the Court may appoint a special presiding officer with respect to any or all matters before the Court, subject to limitations set forth in a statute, rule of court, or other applicable authority. The order appointing a special presiding officer shall set forth the scope of the authority of the officer, and the manner of remuneration if applicable.

**SERVICE**

**Rule 430. Service Pursuant to Special Order of Court. Publication.**

(a) *Designated Publication.* Whenever service by publication is authorized by statute, rule, or special order of court, and the manner of publication is not otherwise specified, such service shall be made by publishing the required notice one (1) time in a newspaper of general circulation in Washington County, and one (1) time in the *Washington County Reports*. Affidavits of publication shall be filed with the Prothonotary.

(b) *Designation of Legal Publication.* The *Washington County Reports*, owned and operated by the Washington County Bar Association, is hereby designated the official legal publication of Washington County.

(1) The *Washington County Reports* shall also print such other matters as are required by these rules or by order of court.

**Rule 440. Service of Copies of Legal Papers.**

(a) Copies of all legal papers other than original process that are filed in an action may be served upon an attorney for a party by:

(1) placing the paper in a box for the attorney in the Office of the Prothonotary, if the attorney has requested a box; or

(2) electronic transmission, if the parties agree thereto or an electronic mail address is included on an appearance or prior legal paper filed with the court in the action.

(b) The attorney for a party may withdraw the consent to receiving service of copies of legal papers in an action by filing a written statement of record with the Prothonotary. The written statement must set forth a mailing address for service and be served upon all parties.

**ACTIONS**

**Rule 1012. Entry of Appearance.**

(a) All appearances shall be entered by praecipe and filed with the Prothonotary, or, in cases involving support, the Domestic Relations Section. Where there are several plaintiffs or defendants, an appearance shall be deemed for all unless expressly restricted. No attorney shall be permitted to appear before the Court in any conference, motion, hearing, trial, or other proceedings without first entering an appearance on behalf of a party.

(b) The Prothonotary, or Domestic Relations Section, shall not permit any paper to be filed unless at least one of the attorneys signing it shall have been admitted to

practice before the bar of the Supreme Court of Pennsylvania, and any paper or praecipe filed in violation of this rule shall be suppressed.

(c) No Clerk of Court, Prothonotary, or Sheriff, or deputy of such officers shall practice in a civil or criminal action in this judicial district. No Clerk of the Orphans' Court, Register of Wills, or deputy of such office shall practice before the Orphans' Court Division. No court reporter or recorder, stenographer, law clerk, employee, or administrator of this Court shall enter an appearance or otherwise practice in this judicial district.

**Rule 1018.1. Notice to Defend.**

The organizations to be named in the notice to defend accompanying a complaint filed in the Court of Common Pleas of Washington County, Pennsylvania shall be:

Lawyer Referral Service,  
119 South College Street,  
Washington, PA 15301  
(724) 225-6710

Southwestern Pennsylvania Legal Aid Society  
10 West Cherry Avenue  
Washington, PA 15301  
(724) 225-6170

**Rule 1028(c) Procedures for the Disposition of Preliminary Objections.**

(1) All preliminary objections shall be filed with the Prothonotary. Copies of all preliminary objections shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned.

(2) The issues raised in all preliminary objections shall be disposed of at regular sessions of Argument Court, which shall be scheduled as part of the annual court calendar, and shall follow the procedures set forth below.

*Comment:* See Wash.L.R.C.P. 302, entitled "Argument Court. Argument List."

(3) The Court Administrator shall maintain the Argument Court list.

(4) The schedule for briefs shall be in accordance with these local rules, unless otherwise ordered by the Court.

(5) The argument list shall be closed thirty (30) days prior to the date for argument. The list shall then be prepared by the Court Administrator and the cases shall be set out in order of their listing. Upon the closing of the argument list, the Prothonotary shall furnish notification to all attorneys and unrepresented parties who have cases listed for argument of the listing by regular mail.

(6) Briefs shall be filed of record and conform to the requirements of Wash.L.R.C.P. 210.

(7) Issues raised, but not briefed, shall be deemed abandoned.

(8) References in any brief to parts of the record appearing in a reproduced record shall be to the pages and the lines in the reproduced record where said parts appear; e.g., "(R. pg. 30 L. 15)." If references are made in the briefs to parts of the original record not reproduced, the references shall be to the parts of the record involved, e.g., "(Answer p. 7)," "(Motion for Summary Judgment p.2)."

(9) Counsel or any party presenting oral argument shall be limited to fifteen (15) minutes total, unless prior



permission is granted to extend argument for cause shown.

(10) Prior approval of the Court must be obtained to present cases only on briefs. Any request is to be made to the Court Administrator no less than five (5) days prior to argument.

(11) All agreements for continuances and/or withdrawals shall be communicated to the Court Administrator no less than seven (7) days prior to Argument Court. The Court shall continue an argument only upon good cause shown.

**Rule 1034(a). Procedures for the Disposition of a Motion for Judgment on the Pleadings.**

All motions for judgment on the pleadings shall be filed with the Prothonotary. Copies of all motions for judgment on the pleadings shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned. The procedures for the disposition of a motion for judgment on the pleadings shall be identical to those described in Wash.L.R.C.P. 1028(c).

**Rule 1035.2(a). Procedures for the Disposition of a Motion for Summary Judgment.**

All motions for summary judgment shall be filed with the Prothonotary. Copies of all motions for summary judgment shall be served contemporaneously on the Court Administrator and the judge to whom the case is assigned. The procedures for the disposition of a motion for summary judgment shall be identical to those described in Wash.L.R.C.P. 1028(c).

**Rule 1041.1. Asbestos Litigation.**

(a) Upon filing of a case in asbestos the case shall be assigned to a judge, who shall preside over all proceedings relating to the case. The Prothonotary shall immediately notify the Court Administrator of the filing of an action in asbestos.

(b) All pleadings and proposed orders shall include a caption as follows:

IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION—ASBESTOS

(c) In all asbestos cases, the course of litigation shall be governed by the terms set forth in a case management order (“CMO”).

(1) Any party may present a CMO to the Court for approval within sixty (60) days of the filing of the complaint. The proposed CMO shall set forth the actual dates in which each stage of the litigation must be completed.

(d) In the absence of a CMO approved by the Court within sixty (60) days from the filing of the complaint, the Court shall enter the following CMO:

**IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA  
CIVIL DIVISION—ASBESTOS**

Plaintiff(s)                    )  
  )  
vs.                                    ) No. \_\_\_\_\_  
  )  
Defendants.                        )

CASE MANAGEMENT ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it is hereby ORDERED,

ADJUDGED, and DECREED that:

1. This Case Management Order (“CMO”) shall govern the litigation in the above-captioned matter.

2. Within sixty (60) days of the commencement of the action, defendants shall select an attorney from one of their number to act as lead defense counsel. Lead defense counsel shall promptly file a notice of his or her selection with the Prothonotary. In the event that lead defense counsel ceases to act in that capacity, the defendants shall select a replacement within thirty (30) days. Replacement lead counsel shall promptly file a notice of his or her selection with the Prothonotary.

3. Plaintiff’s Answers to Standard Short Form Interrogatories shall be served on all defense counsel within six (6) months of the date of the filing of the complaint.

4. The parties shall disclose all known fact witnesses within eight (8) months of the date of the filing of the complaint.

5. Discovery shall be completed within fourteen (14) months of the date of the filing of the complaint.

6. All Motions for Summary Judgment shall be filed within sixteen (16) months of the filing of the complaint.

7. Responses to the Motions for Summary Judgment shall be filed within seventeen (17) months of the filing of the complaint.

8. After the responses to the Motions for Summary Judgment have been filed, any party may present a motion for argument date. Arguments for all Motions for Summary Judgment shall be heard on the same day.

9. Plaintiff shall file a pre-trial statement within twenty-one (21) months of the date of the filing of the complaint.

10. Defendant(s) shall file a pre-trial statement within thirty (30) days of the filing of Plaintiff’s pre-trial statement.

11. The pre-trial statements shall contain a narrative statement, a list of any expert witnesses intended to be called at trial, all expert reports, and an assessment of damages. The pre-trial statement shall also include any presently known motions in limine and any legal research, memorandum, or brief in support thereof. Failure to file a motion in limine shall bar a future filing, unless said motion could not be anticipated prior to the filing of the pre-trial statement.

12. Upon the filing of pre-trial statements by all active parties, the Court Administrator shall place the case on the trial list of the assigned judge.

13. This CMO may be modified by agreement of all parties, subject to Court approval, or upon motion of any party for good cause shown.

BY THE COURT:

\_\_\_\_\_  
ASSIGNED JUDGE

(e) It is the responsibility of the moving party to file all original Orders with the Prothonotary. Further, the moving party shall serve copies of all Orders upon all counsel of record and any pro se litigant. If the Court serves copies of any Order, such service shall be made to counsel

for the plaintiff and lead counsel for the defendants, who shall be responsible for providing service upon all counsel of record and any pro se litigant.

**Rule 1042.1. Professional Liability Actions. Mediation.**

(a) *Scope.* These rules shall govern mediation in all professional liability cases before the Court.

(1) This rule shall not pertain to any case involving a pro se litigant.

(b) *Selection of cases for mediation.* Either party, or the Court sua sponte, may file a motion to refer a case to mediation.

(1) The Court may also at its discretion refer a case to mediation once it is placed on the trial list.

(2) The Court shall consider the objection of any party to mediation that has not consented to settlement provided that such lack of consent shall not prevent the referral of the case to mediation.

(c) *Selection of mediator.* The Court shall select the mediator, or in the alternative, the parties may agree to the appointment of a mediator.

(1) Unless otherwise agreed to by the parties, the mediator shall be disqualified if:

(i) the mediator has personal knowledge of disputed evidentiary facts related to the mediation;

(ii) the mediator or any attorney with whom the mediator practiced law served as an attorney for the matter in controversy; or

(iii) the mediator, or anyone with whom the mediator has a close business or familial relationship, has an economic interest in the matter in controversy.

(2) The mediator shall disclose any past or present affiliations with any and all parties, including the insurance carriers and/or the M-Care Fund.

(d) *Compensation.* The fee of the mediator shall be determined by the Court. The costs shall be apportioned equally among the parties, unless otherwise agreed to by the parties or ordered by the Court. The mediator shall submit an itemized bill to the parties for costs, expenses, and time. Failure to remit payment within twenty (20) days after receipt of the bill may result in a rule to show cause why sanctions shall not be imposed.

(e) *Submissions to mediator.* Before the first mediation session, the mediator may require the parties to provide to the mediator confidential and/or pertinent information including, but not limited to, pleadings, discovery responses/production, transcripts, expert reports, and/or any other litigation related documents.

(f) *Time frame for conducting the mediation.* Unless otherwise agreed to by the parties and the mediator, or ordered by the Court, the first mediation session shall be conducted not later than sixty (60) days from the agreement to mediate or order to mediate.

(g) *Attendance and authority; sanctions.* The parties, a representative of the defendant's insurance carrier with authority to enter into a full and complete settlement of the case on behalf of the parties, and trial counsel shall personally attend the mediation. A representative of the M(Care) Fund, with full decision making authority, shall attend in person, the mediation. If any of the above individuals or representatives fails to appear at the

mediation session without good cause, or appears without full authority, the Court sua sponte, or upon motion, may impose sanctions, including an award of reasonable mediator and attorney's fees and other costs, against the responsible party.

(h) *Settlement agreement; enforcement.* Each settlement is to be confirmed in a written settlement agreement, signed by a party or a party representative with authority to sign. A party representative who signs is presumed to have full authority to bind the party. The settlement agreement is enforceable in the same manner as any other written contract and/or by a motion to enforce the settlement agreement.

(i) *Confidentiality and immunity.* The mediation shall be confidential and no record shall be made, except as provided in this rule or as ordered by the Court. The mediator shall not be subpoenaed or requested to testify or produce documents by any party in any pending or subsequent litigation arising out of the same or similar matter. Any party, person, or entity that attempts to compel such testimony or production shall indemnify the mediator and other protected participants for all reasonable costs, fees, and expenses. The mediator shall have the same limited immunity as judges pursuant to the applicable law as it relates to common pleas judges.

*Comment:* Confidentiality of mediation communications and mediation documents are subject to the protections and exceptions prescribed in 42 Pa. Con. Stat. § 5949.

(j) *Report.* If the case is not settled, the mediator shall provide the Court with a detailed report outlining: (1) the mediator's assessment of liability; (2) the mediator's assessment of damages; (3) the mediator's opinion regarding the potential range of a verdict and the settlement value of the case; (4) Plaintiff's final settlement demand; (5) Defendant's final settlement offer; and (6) the mediator's recommendation regarding settlement of the case. A copy of the report shall be provided to and maintained by the Court Administrator until the case is closed.

## ACTIONS IN EJECTMENT

### Rule 1054. Ejectment. Specific Averments.

If an action in ejectment is commenced by filing a praecipe for a writ of summons, there shall be filed with the praecipe a copy of the description of the land for insertion in the writ.

## ACTION IN REPLEVIN

### Rule 1081. Replevin. Concealment of Property. Examination of Defendant.

Where a petition is presented to the Court for examination of a defendant pursuant to Pa.R.C.P. 1081, the Court may order the taking of testimony by oral examination or written interrogatories as prescribed by the rules relating to Depositions and Discovery, Pa.R.C.P. 4001, et seq. The Prothonotary shall issue as of course a subpoena to testify.

## ACTION OF MORTGAGE FORECLOSURE

### Rule 1143. Commencement of Action. Residential Mortgage Foreclosure.

(a) In all residential mortgage foreclosure actions, the complaint shall include a "Mortgage Foreclosure Diversion Program Notice," in the format set forth below:

**IN THE COURT OF COMMON PLEAS OF  
WASHINGTON COUNTY, PENNSYLVANIA**

CIVIL DIVISION

Plaintiff(s) )  
 )  
 vs. ) No. \_\_\_\_\_  
 )  
 Defendant(s) )

**MORTGAGE FORECLOSURE DIVERSION PROGRAM  
NOTICE**

You have been sued in court to foreclose upon the mortgage associated with your home.

You are notified that you may seek a 90-day stay in this mortgage foreclosure action if you attend a free Foreclosure Mitigation Counseling session within 20 days of being served with the complaint in this action and this notice, and make application for the stay. The purpose of this stay is to permit you an opportunity to work with the lender/plaintiff to reach an agreement to settle this proceeding. The Foreclosure Mitigation Counseling sessions are held every Wednesday at 10:00 a.m., in the Judges' Library, located on the second floor of the Washington County Courthouse, 1 South Main Street, Washington, Pennsylvania, 15301.

If you fail to appear for this free Foreclosure Mitigation Counseling session, you will not receive a 90-day stay of these proceedings and if you do not respond to the complaint, a default judgment may be entered.

**YOU SHOULD STRONGLY CONSIDER ATTENDING A FORECLOSURE MITIGATION COUNSELING SESSION. THESE SESSIONS WILL BE CONDUCTED BY A REPRESENTATIVE OF SOUTHWESTERN PENNSYLVANIA LEGAL SERVICES. YOU MAY BE ABLE TO SEEK ASSISTANCE FROM A LEGAL PROFESSIONAL AT THE FORECLOSURE MITIGATION COUNSELING SESSION.**

**IF YOU HAVE QUESTIONS ABOUT THIS MATTER, YOU MAY HAVE THEM ADDRESSED AT THE FORECLOSURE MITIGATION COUNSELING SESSION, OR YOU MAY CONTACT SOUTHWESTERN PA LEGAL SERVICES AT:**

10 WEST CHERRY AVENUE  
 WASHINGTON, PA 15301  
 724.225.6170  
 TOLL FREE: 1-800-846-0871

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Washington County, Pennsylvania is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact our office. All arrangements must be made at least 72 hours prior to any hearing.

(b) If the defendant completes the Foreclosure Mitigation Counseling session, the Court shall enter a 90-day stay upon application of the defendant.

(c) At the expiration of the 90-day stay, the defendant shall have twenty (20) days in which to take action by entering a written appearance personally or by an attorney and filing in writing with the court his or her defenses or objections to the claims set forth against him or her; provided, however, that if the defendant is served

outside the United States the defendant shall have sixty (60) days in which to respond.

**COMPULSORY ARBITRATION**

**Rule 1301. Compulsory Arbitration. Scope.**

(a) All civil actions which are subject to compulsory arbitration pursuant to 42 Pa. Con. Stat. § 7361, in which the amount in controversy, exclusive of interest and costs, is fifty-thousand (\$50,000.00) dollars or less, shall be submitted to compulsory arbitration.

(b) The amount in controversy shall be the largest amount claimed in any single count of the pleadings by any party.

(c) The court, upon the written motion of any party or sua sponte, may require that a case for which a trial is demanded be first submitted to compulsory arbitration pursuant to these rules.

*Comment:* Actions involving real property are not subject to compulsory arbitration.

**Rule 1302. Compulsory Arbitration—Arbitrators.**

(a) A list of available arbitrators shall be maintained by the Court Administrator. The list shall consist of a sufficient number of members of the Bar of Washington County who express a willingness to serve and who are actively engaged in the practice of law primarily in Washington County in accordance with Pa.R.C.P. 1302(a).

(b) Each attorney who satisfies the requirements of Rule 1302(a) may submit his or her name to the Court Administrator, who shall assign said attorneys to arbitration panels. The composition of the panels may be changed as deemed appropriate by the Court Administrator.

(c) Each panel so comprised shall consist of three (3) attorneys, the most senior of whom shall be the chairperson of the panel, unless otherwise agreed by the members of the panel.

(d) The Court may from time to time establish a special panel of arbitrators who by virtue of seniority and experience, in specific fields of the law, are uniquely qualified to serve as arbitrators in particular types of cases, and whose special service will advance the interests of justice.

(e) Each arbitrator shall be compensated at a commensurable rate to their service, which shall be established by the Court Administrator and approved by the Court.

(f) If an appointed arbitrator cannot serve at the time and place designated, the attorney shall, unless otherwise prevented by matters beyond his or her control, notify the Court Administrator at least five (5) days in advance of the date upon which the hearing has been scheduled. That attorney shall then be appointed an arbitrator at the first opportunity thereafter. If any arbitrator fails to give notice as aforesaid or simply fails to appear at a scheduled arbitration, his or her name shall be passed over and that attorney shall not receive another appointment until his or her name reappears for appointment in due course. If any arbitrator is guilty of such a failing a second time, the attorney's name shall be removed from the appropriate list or lists, and he or she shall not thereafter serve as an arbitrator until reinstated upon application to the court. An attorney who fails to appear for a second time may, in the discretion of the Court, be responsible for the payment of costs if such absence causes the arbitration to be continued.



**Rule 1303. Hearing.**

(a) Arbitrations shall be held on the date and at the time and place prescribed by the Court Administrator.

(b) The Court Administrator shall notify all attorneys of record of the date, time, and place of the hearing by mail. If a party is not represented by counsel, that party shall be given notice of the arbitration in accordance with Pa.R.C.P. 440. The Court Administrator shall file of record proof of notice as aforesaid. Notice shall be given to the parties or their attorneys of record at least thirty (30) days prior to the scheduled hearing.

(1) The Court Administrator shall notify all arbitrators assigned to an arbitration panel of the dates on which the arbitration panel is assigned to hear arbitration cases and the location of the arbitration hearings.

(2) Prior to the scheduled arbitration date, the Court Administrator shall send all of the arbitrators assigned to the arbitration panel a list containing the names of the cases to be heard, the names of the parties, and the names of all counsel for the parties. In the event any of the arbitrators believes that he/she has a conflict of interest in connection with hearing any particular case, the arbitrator shall immediately notify the Court Administrator in writing that the arbitrator believes that there is a conflict of interest and the reason for the conflict. The Court Administrator shall assign a substitute arbitrator to the case.

(c) On the date of the arbitration hearing, all counsel should check in with the representative of the Court Administrator located at the site of the arbitration. Cases in which all parties have checked in and have indicated they are ready to proceed will be assigned to a panel for hearing by the representative of the Court Administrator after consultation with the panel chairperson. All cases on the list are intended to be reached, and all counsel should be prepared to commence their case at the time they are directed to report for the arbitration.

(d) In the event that the panels of arbitrators are unable to reach all of the cases scheduled for arbitration on a particular day, the arbitration hearing for those cases that are not reached shall be continued by the Court Administrator to the next available date. In the event that an arbitration hearing has been commenced but is not concluded on the day scheduled for the arbitration hearing, the arbitration hearing shall be continued to a date convenient to the arbitration panel and parties.

(e) The written notice provided for in subsection (b) above shall include the following statement:

“This matter will be heard by a board of arbitrators at the time, date, and place specified but, if one or more of the parties is not present at the hearing, the matter may be heard at the same time and date before a judge of the court without the absent party or parties. There is no right to a trial de novo on appeal from a decision entered by a judge.”

(f) The representative of the Court Administrator shall administer the oath required by Pa.R.C.P. 1302(f) to each arbitrator.

**Rule 1303.1. Scheduling of Arbitration Hearing. Discovery Time Limits.**

(a) A matter subject to compulsory arbitration shall be scheduled for a hearing as set forth below.

(1) An appeal of a decision of a magisterial district judge pursuant to Pa.R.M.D.J. 1002 shall be scheduled

for arbitration within ninety (90) days of the filing of the appeal in the Court of Common Pleas.

(2) All other matters subject to compulsory arbitration shall be scheduled after one hundred fifty (150) days from the commencement of the action.

(3) The parties may seek to schedule an arbitration hearing earlier than the limits listed above in subsection (b) upon the filing of a joint praecipe with the Prothonotary. A copy of the praecipe must be provided contemporaneously to the Court Administrator.

(i) There shall be no discovery permitted after the filing of a joint praecipe.

(b) Discovery in all matters subject to compulsory arbitration other than appeals pursuant to Pa.M.D.J. 1002 shall be limited to one hundred fifty (150) days from the commencement of the action, unless otherwise ordered by the Court for good cause shown. In no case shall discovery be permitted to exceed two hundred forty (240) days.

(c) If a party fails to appear for a scheduled arbitration hearing, the Court may act as follows:

(1) immediately hear the matter as an ex parte, non-jury trial and enter a verdict; or

(2) order the matter to proceed to arbitration for a hearing and the entry of an award by the arbitration panel.

(d) A non-jury verdict entered by the Court shall not exceed \$50,000.00 to any party, exclusive of costs and interest.

*Comment:* When the Court “hears the matter,” it is accelerating the time for conducting a de novo trial. However, the proceeding is still a “trial” and the rules otherwise applicable to a trial in the Court of Common Pleas are not suspended. Therefore, counsel, or a party if unrepresented, should be prepared to present testimony and introduce evidence at the trial, and the Court should make findings of fact and conclusions of law. See *Hayes v. Donohue Designer Kitchen, Inc.*, 818 A.2d 1287 (Pa. Super. Ct. 2003).

**Rule 1303.2. Continuances.**

(a) A party may continue a scheduled arbitration hearing one (1) time upon filing of a praecipe for continuance with the Prothonotary and payment of a fee of \$50.00. The praecipe shall be filed at least five (5) days before the scheduled arbitration; the Prothonotary shall refuse a praecipe if filed later than five (5) days before the scheduled arbitration.

(1) A copy of the praecipe must be provided contemporaneously to the Court Administrator. The filing party shall be responsible for immediately notifying opposing counsel, or a party if unrepresented, of the continuance.

(b) For any request for a continuance that is either less than five (5) days before the scheduled arbitration or not the first request for continuance by a party, the requesting party shall file a motion and seek leave of court.

(1) The Court shall grant the continuance only for good cause shown.

(2) The requesting party shall pay a continuance fee of \$100.00.

(c) A pre-trial motion, whether filed prior to or after the scheduling of the arbitration, shall not be cause for continuance of the arbitration hearing.

**Rule 1304. Conduct of Hearing. Generally.**

(a) The board of arbitrators shall have no power to permit the amendment of pleadings, allow the addition or substitution of parties, or rule on preliminary objections, motions for judgment on the pleadings, or motions for summary judgment.

(b) The procedural rules, set forth in Pa.R.C.P. 1304, shall apply to the conduct of arbitration hearings.

(c) The parties may present agreements on awards to be entered by the arbitrators on the date of hearing.

(d) If it appears at the arbitration hearing that any defendant has not been properly served, judgment shall be entered for that defendant.

(e) If it appears at the arbitration hearing that a defendant has appealed a district justice judgment and has not served a rule to file a complaint upon the plaintiff, an award shall be entered in favor of the plaintiff.

(f) If it appears at the arbitration hearing that a complaint has not been filed, judgment shall be entered for the defendant.

**Rule 1305. Conduct of Hearing. Evidence.**

(a) Initially, all rulings on objections to evidence or on other issues which arise during the hearing shall be made by the chairperson of the board of arbitrators, and such rulings shall be final unless one of the other arbitrators disagrees with the same. In the latter instance, the arbitrators shall consult and vote and the final ruling shall be that of the majority.

(b) Following the hearing, the chairperson of the board of arbitration shall release to the respective parties the exhibits introduced and admitted. In no instance shall the Court maintain or keep the exhibits after the completion of the arbitration proceedings.

(c) The evidentiary rules described in Pa.R.C.P. 1305 shall apply to the conduct of arbitration hearings.

**Rule 1305.1. Pleadings and Discovery.**

(a) *Small Claims.* In all cases in which the amount in controversy is \$12,000.00 or less, a simplified complaint shall be encouraged and a simplified answer shall be permitted. A standard form simplified complaint and simplified answer shall be approved by the Court and provided in sufficient quantities by the Prothonotary.

(1) Discovery in cases in which the amount in controversy is \$12,000.00 or less shall be permitted only by order of court. In the event that it is necessary to continue the arbitration pending discovery, the order permitting discovery shall provide for such continuance, and the Court Administrator shall reschedule the arbitration.

(2) The Court Administrator shall design any necessary forms to facilitate appeals pursuant to Pa.M.D.J. 1002, and shall make the forms available in the magisterial districts and the Prothonotary.

(b) *Discovery in Personal Injury Cases.* For any personal injury claim subject to compulsory arbitration, the plaintiff may serve arbitration discovery requests as set forth below. The requests may be served simultaneously with the complaint.

(1) The defendant shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(2) Any defendant may serve arbitration discovery requests as set forth below either together with a copy of the answer served on the plaintiff or thereafter within the time limits for discovery.

(3) The plaintiff shall furnish the information sought in the discovery requests within thirty (30) days of receipt of the discovery requests.

(4) A party may not seek additional discovery through interrogatories or requests for production of documents until that party has sought discovery through the arbitration discovery requests described herein.

(5) A party may not include any additional interrogatories or requests for production of documents in the arbitration discovery requests provided for in this local rule, absent leave of court.

(6) This local rule applies to additional defendants.

(7) The local rule does not apply to claims that do not exceed the sum of \$12,000.00 (exclusive of interest and costs) wherein the parties may only seek discovery when permitted by the Court.

**PLAINTIFF'S ARBITRATION DISCOVERY  
REQUESTS FOR PERSONAL INJURY CLAIMS  
DIRECTED TO DEFENDANTS**

These discovery requests are directed to Defendants, \_\_\_\_\_ . Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

IDENTITY OF DEFENDANT(S)

1. Set forth your full name and address.

INSURANCE

2. (a) Is there any insurance agreement that may provide coverage to you for this incident? Yes \_\_\_\_\_  
No \_\_\_\_\_

(b) If so, list the name of each company and the amount of protection that may be available.

WITNESSES

3. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

STATEMENTS AND OTHER WRITINGS

4. (a) Do you have any written or oral statements from any witness, including any plaintiffs? Yes \_\_\_\_\_  
No \_\_\_\_\_

(b) If you answered yes, attach copies of any written statements signed, adopted or approved by any witness, attach a written summary of any other statements (include oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(b).

(c) Do you have any photographs, videotapes, surveillance tapes, maps, drawings, diagrams, etc. that you may seek to introduce at trial or that may otherwise pertain to a lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, attach copies of each of these items.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(c).

**MEDICAL DOCUMENTS**

5. (a) Do you have any medical documents relating to the plaintiff? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, attach each of these documents.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 5(b).

**CRIMINAL CHARGES**

6. (a) Were any felony or misdemeanor criminal charges filed against you or any of your agents which arise out of the incident that is the subject of this lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, list each felony or misdemeanor charge that is pending and each felony and misdemeanor conviction.

**IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA**

Plaintiff, CIVIL DIVISION

v. NO.:

Defendant.

**DEFENDANT'S ARBITRATION DISCOVERY REQUESTS**

These discovery requests are directed to the Plaintiff, \_\_\_\_\_ . Within thirty (30) days following receipt of these requests, you shall provide the information sought in these discovery requests to every other party to this lawsuit.

**IDENTITY OF PLAINTIFF(S)**

1. Set forth your full name, address, age, employer, and type of employment.

ANSWER:

**WITNESSES**

2. List the names, present addresses and telephone numbers (if known) of any persons who witnessed the incident (including related events before and after the incident) and any relationship between the witness and you.

ANSWER:

**STATEMENTS AND OTHER WITNESSES**

3. (a) Do you have any written or oral statements from any witnesses, including any defendant?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, attach any copies of written statements signed, adopted or approved by any witness, attach a written summary of any other statements (including oral statements), and identify any witness from whom you obtained a stenographic, mechanical, electrical, or other recording that has not been transcribed. (This request does not cover a statement by a party to that party's attorney.)

(c) Do you have any photographs, maps, drawings, diagrams, damage estimates, etc., that you may seek to introduce at trial or that may otherwise pertain to this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, attach each of these writings.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 3(c).

**MEDICAL INFORMATION CONCERNING PERSONAL INJURY CLAIM**

4. (a) Have you received any inpatient or outpatient treatment from any hospital for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, list the names of the hospitals, the names and addresses of the attending physicians, and the dates of the hospitalizations.

ANSWER:

(c) Have you received any chiropractic treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(d) If you answered yes, list the name and address of each chiropractor and the dates of treatment.

ANSWER:

(e) Have you received any other medical treatment for any injuries or other medical conditions for which you seek damages in this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(f) If you answered yes, list the names and addresses of each physician.

ANSWER:

(g) Attach complete hospital and office records covering the injuries or other medical conditions for which you seek damages for each hospital, chiropractor, and other medical provider identified in 4(b), and 4(f) or authorizations for these records.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 4(g).

5. (a) List the name and address of your family physician for the period from five (5) years prior to this incident to the present date.

ANSWER:

(b) Have you received inpatient or outpatient treatment for injuries or physical problems that are not part of your claim in this lawsuit from any hospital within the period from five (5) years prior to the incident to the present date?

Yes \_\_\_\_\_ No \_\_\_\_\_

(c) If you answered yes, attach a separate sheet which lists the name of the hospital, the date of each treatment, the reason for the treatment, and the length of the hospitalization.

ANSWER:

(d) Have you received chiropractic treatment for injuries or physical problems that are not part of your claim in this lawsuit within the period from five (5) years prior to the incident to the present date?

Yes \_\_\_\_\_ No \_\_\_\_\_

(e) If you answered yes, attach a separate sheet which lists the dates of the treatment, the reasons for the treatment, and the chiropractor's name and address.



ANSWER:

(f) Within the period from five (5) years prior to the incident to the present date, have you receive any other medical treatment for injuries that are not part of your claim in this lawsuit?

Yes \_\_\_\_\_ No \_\_\_\_\_

(g) If you answered yes, attach a separate sheet which lists the dates of treatment, the reasons for the treatment, and the name and address of the treatment provider.

ANSWER:

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with requests 5(b), 5(c), and 5(f).

#### WORK LOSS

6. (a) Have you sustained any injuries which resulted in work loss within the period from five (5) years prior to the incident in the present date?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, for each injury list the date of the injury, the nature of the injury, and the dates of the lost work.

ANSWER:

7. If a claim is being made for lost income, state the name and address of your employer at the time of the incident, the name and address of your immediate supervisor at the time of the incident, your rate of pay, the dates of work loss due to the injuries from this accident, and the total amount of your work loss claim.

ANSWER:

#### OTHER BENEFITS

8. (a) If you are raising a claim for medical benefits or lost income, have you received or are you eligible to receive benefits from workers' compensation or any program, group contract, or other arrangement for payment of benefits as defined by Title 75 P.S. § 1719(b)?

Yes \_\_\_\_\_ No \_\_\_\_\_

(b) If you answered yes, set forth the type and amount of these benefits.

ANSWER:

#### INSURANCE INFORMATION

9. (a) Are you subject to the "Limited Tort Option" or "Full Tort Option" as defined in Title 75 P.S. § 1785(a) and (b)?

\_\_\_\_\_ Limited Tort Option (no claim is made for non-economic damages)

\_\_\_\_\_ Limited Tort Option (claim is made for nonmonetary damages because the injuries fall within the definition of serious injury or in 75 P.S. § 1705(d)(1)—(3) applies)

\_\_\_\_\_ Full Tort Option

(b) (Applicable only if you checked "Full Tort Option") Describe each vehicle (make, model, and year) in your household.

ANSWER:

(c) (Applicable only if you checked "Full Tort Option") Attach a copy of the Declaration Sheet for the automobile insurance policy covering each automobile in your household.

I have \_\_\_\_\_ have not \_\_\_\_\_ fully complied with request 9(c).

Plaintiff verifies that the statements made herein are true and correct. Plaintiff understands that false statements herein are made subject to the penalties of 18 Pa. Con. Stat. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

Respectfully submitted,

\_\_\_\_\_  
Counsel for Defendant

#### Rule 1306. Delay Damages.

(a) Arbitrators may consider the subject of damages for delay pursuant to Pa.R.C.P. 238, after a decision had been reached on the merits.

(b) After the amount of the award has been determined, the panel shall make a determination as to damages for delay in accordance with Pa.R.C.P. 238 by accepting a sealed envelope containing a stipulation setting forth whether an offer was made in writing, and if so, the amount as well as the date of the offer.

(c) If damages for delay are awarded, the amount thereof shall be added to the principal amount awarded, but shall be separately stated on the award.

#### Rule 1307. Costs.

Witness fees and costs shall conform to fees and costs pertaining to civil actions in the Court of Common Pleas of Washington County.

#### Rule 1308. Appeals from Arbitration.

All appeals from arbitration must be timely filed with the Prothonotary accompanied by a check in the amount of \$500.00 or 50% of the amount in controversy, whichever is less. A copy of the appeal shall be provided contemporaneously to the Court Administrator.

#### EQUITABLE RELIEF

#### Rule 1531. Preliminary or Special Injunction. Emergency Judge Procedures.

The President Judge shall annually assign the judges to the Court of Common Pleas to be available to handle emergency civil matters where the relief sought is in the nature of a preliminary or special injunction.

#### MINORS AS PARTIES

#### Rule 2039. Petition for Approval of a Settlement Where a Minor Has an Interest.

(a) A petition for settlement of a case in which a minor has an interest shall initially be filed with the Prothonotary, except in cases where the Orphan's Court has jurisdiction.

(1) When a settlement has been reached in a case where a minor has an interest as the result of a pre-trial or settlement conference, the assigned judge shall retain jurisdiction for judicial determination of the petition in accordance with subsection (b).

(2) In cases where the matter has not been assigned to a judge, such petition shall be presented to the judge assigned to Motions Court.

(b) The petition for settlement shall contain the following:

- (1) the factual circumstances of the case;
- (2) the reasons why the settlement is a proper one; and
- (3) be accompanied by the following:
  - (i) a proposed order of distribution;
  - (ii) a written report of a physician;
  - (iii) a statement under oath by the guardian certifying (1) the present physical or mental condition of the minor, and (2) approval of the proposed settlement and distribution of proceeds;
  - (iv) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion;
  - (v) in the event that the minor is sixteen years of age or over, his or her written approval of the proposed settlement and distribution thereof; and
  - (vi) a copy of the written fee agreement.
- (c) The order of distribution shall include an award of counsel fees. The standard for the award of counsel fees in the representation of minors is that such fees must be reasonable in accordance with the guidelines set forth in Rule 1.5 of the Pennsylvania Rules of Professional Conduct.
- (d) The Court may require the personal appearance of the minor and his or her guardian, any physician treating the minor, or any other relevant person, as well as the production of any evidence deemed necessary for approval of the petition for settlement.

#### INCAPACITATED PERSONS

##### **Rule 2064. Compromise, Settlement, Discontinuance, or Distribution. Incapacitated Person.**

The procedure upon presentation of a petition under Pa.R.C.P. 2064 shall be the same as prescribed by Wash.L.R.C.P. 2039.

#### ACTIONS FOR WRONGFUL DEATH

##### **Rule 2205. Proof of Service. Wrongful Death.**

In an action for wrongful death, the plaintiff shall file proof of service of the notice required by Pa.R.C.P. 2205.

#### ENFORCEMENT OF JUDGMENTS

##### **Rule 3110. Execution against Contents of a Safe Deposit Box.**

Publication in a matter involving execution against the contents of a safe deposit box shall be made in accordance with Pa.R.C.P. 430(b) and Wash.L.R.C.P. 430.

##### **Rule 3128. Notice of Sale. Personal Property.**

In addition to the notice requirements of Pa.R.C.P. 3128(a), notice of sale of personal property shall be given by the Sheriff of Washington County sending a copy of the handbill to the defendant by regular mail addressed to the last known address at least six days prior to sale.

##### **Rule 3129.2. Notice of Sale. Real Property.**

(a) The Plaintiff causing the issuance of the writ of execution for the sale of real property shall furnish to the sheriff:

- (1) a complete description of the property to be sold and the improvements, if any, with a brief recital of title, shall be included, in full, in the deed executed pursuant to a sale; and
- (2) a brief description of the property to be sold, its location, the improvements, if any, and the name of the owner or reputed owners, with or without a brief recital

of title, which shall be the description used in the notice of sale provided for in subdivisions (a) and (b) of Pa.R.C.P. 3129.1 and 3129.2. A metes and bounds description shall not be required, as long as the description sets forth the location of the property by street address and by reference to the tax parcel identification number.

(b) The notice of sale provided in Subdivisions (a) and (b) of Pa.R.C.P. 3129.1 and 3129.2 shall also include a notice of the terms and conditions of sale.

(c) Execution sales of real property shall be held only in the Sheriff's Office or the public meeting room of Washington County on the first Friday of each month except August; provided, however, that if the first Friday is a holiday, the sale shall be held the following Monday.

##### **Rule 3136. Distribution of Proceeds.**

(a) The sheriff shall, by regular mail addressed to their last known addresses, promptly send to all parties in interest a copy of the schedule of distribution stating the date on which it was filed.

(b) Any party filing exceptions shall mail copies of their exceptions to all parties in interest and serve an original and a copy of said exceptions on the sheriff.

##### **Rule 3252. Praecipe for Writ. Money Judgment.**

The office(s) to be named in the notice shall be designated by the Court under Wash.L.R.C.P. 1018.1.

##### **Rule 3256. Praecipe for Writ. Mortgage Foreclosure.**

The praecipe for the writ of execution in an action of mortgage foreclosure shall have attached to it a description of the subject property.

#### DEPOSITIONS AND DISCOVERY

##### **Rule 4007.1. Deposition by Oral Examination. Notice. Place of Depositions.**

(a) *Notice.* As a general rule, fourteen (14) days in advance of the contemplated taking of a deposition shall constitute reasonable notice of the taking of a deposition of a party, but this will vary according to the complexity of the contemplated testimony and the urgency of taking the deposition of a party at a particular time and place.

(1) An application by a party to shorten the time limit for notice or to seek a protective order for a properly advanced notice must be made by motion before the Court.

(b) *Place of Depositions.* Unless otherwise agreed to by the parties or ordered by the Court, all depositions in a civil action filed in the Court of Common Pleas of Washington County, shall be held in Washington County.

(c) Whenever depositions are expected to be introduced into evidence, counsel shall, before the pre-trial conference or if same are not then available before the day of trial, review such depositions and (1) extract therefrom a short statement of the qualifications of any expert witness to read to the jury, (2) eliminate unnecessary and/or irrelevant matters, and (3) eliminate all objections and statements of counsel to avoid reading same to a jury. In the event counsel, or a party if unrepresented, are unable to agree on what shall be eliminated, they shall submit to the Court for a ruling thereon before the date of trial. Failure to do so will constitute a waiver of objections.

(d) In all non-jury trials, counsel, or a party if unrepresented, shall attach to any deposition a summary of the examination of the testimony of each witness, thereby pointing out the salient points to be noted by the Court.

(e) *Conduct of Depositions.* This rule shall govern certain conduct in depositions taken in a civil action filed in the judicial district. Prior to the commencement of any deposition, this rule shall be provided to every witness so that he or she understands the parameters of permissible testimony and may have the opportunity to question his or her counsel regarding same.

(1) At the commencement of the deposition, the witness shall be instructed to ask deposing counsel, rather than counsel for the witness, for clarifications, definitions, or the explanations of any words, questions, or documents presented during the course of the deposition.

(2) All objections, except those that would be waived at trial if not made, those necessary to assert a privilege, or to present a motion pursuant to Pa.R.C.P. 4011, shall not be waived. Counsel, or a party if unrepresented, may assert non-waivable objections before the Court in the form of an appropriate motion prior to trial.

(3) An objection shall be stated concisely in a non-argumentative and non-suggestive manner.

(4) Counsel shall not direct or request that a witness not answer a question, unless that counsel has objected to the question on the ground that the answer is protected by a privilege or a limitation on evidence as already set forth by statute, rule of court, or order of court.

(5) Counsel and the deponent shall not engage in private, off-the-record conferences, except for the purpose of deciding whether to assert a privilege. Any conference shall be a proper subject for inquiry by deposing counsel to ascertain the subject of the conference and if the witness has been coached.

(i) Counsel for the deponent shall note the occurrence and duration of any conference on the record, and must describe the purpose and outcome of the conference.

(f) Any party, or counsel for a party, who fails to adhere to this rule may on motion of a party, or the Court sua sponte, be subject to sanctions as set forth in Pa.R.C.P. 4019, including, but not limited to, an award of reasonable costs, expenses, and attorney fees.

#### **Rule 4017.1. Objections at Video Depositions.**

The following shall govern the procedure for making objections during video depositions.

(a) When counsel makes an objection, counsel shall merely state the word "objection" and request that the video operator stop the video. Any arguments on objections shall be made on the written transcript but off-camera.

(b) Once the video is stopped, counsel should first summarize the reasons for the objection in a word or phrase. Counsel may then proceed with argument on the transcript and off the camera or may merely state the summary grounds for the objection. Arguments should be brief, and should consist of no more than the reason for the objection, an answer to the reason for the objection, and brief rebuttal.

(c) Counsel shall meet and review the transcript before presentation to the trial judge who will resolve whatever objections can be resolved. Counsel should present to the judge a list setting forth by page and line numbers the objections that need rulings.

(d) Prior to the playing of the video, the Court shall advise the jurors of the procedure dealing with objections and instruct them to disregard the word "objection" when it is made. The video may then be played without interruption, except for segments stricken by the judge.

#### **Rule 4019. Sanctions. Requirement to Confer.**

Any motion for sanctions shall be governed by Wash.L.R.C.P. 208.2(e) and 208.3(a), and the motion shall contain a certification that counsel has conferred or attempted to confer with all interested parties in order to resolve the matter or narrow the issues to be reviewed by the Court.

### **ADMINISTRATIVE APPEALS**

#### **Rule 6000. Zoning Appeals.**

(a) Appeals from the decision of a Zoning Hearing Board shall be captioned in accordance with Wash.L.R.C.P. 205.

(b) Within ten (10) days of issuance of a Writ of Certiorari by this Court, the appellant shall serve a copy of both the notice of appeal and writ upon the solicitor for the zoning hearing board, the solicitor for the municipality within which the zoning hearing board is located, and all persons and/or entities who have entered their written appearance in the proceedings before the zoning hearing board.

(c) The record submitted to the Court, in compliance with the writ of certiorari, shall include a certified copy of the zoning ordinance in effect at the time the decision was rendered.

(d) Whenever an appeal is taken from a decision of a zoning hearing board and the record is returned by the Court to the zoning hearing board for further proceedings, and a subsequent appeal from a decision of the zoning hearing board is taken in the same case, the docketing number of the original appeal shall identify the subsequent appeal filed with the Prothonotary who shall docket and file such subsequent appeal at the docketing number of the original appeal.

#### **Rule 7000. Board of Viewers. Membership. Compensation.**

(a) The Board of Viewers for the County shall consist of nine members, not less than three of whom shall be members of the Bar of this County. An appointed Board for a case shall consist of three viewers, and the chairperson shall be an attorney. The compensation of the members of the Board shall be fixed as provided by the Court.

(b) Each member of said Board shall, before assuming the duties of their office, take and subscribe to an oath or affirmation to perform faithfully all the duties imposed upon him/her by law, which shall be filed with the Prothonotary.

(c) The petition for appointment of viewers in all eminent domain proceedings shall specify the applicable Act of Assembly, if any, under which the condemnation was made. The order appointing the viewers shall contain the tax parcel identification number of the property subject to condemnation. Notice that the petition has been presented, together with a conformed copy thereof, as well as a conformed copy of the order appointing the viewers, shall be forthwith mailed by the petitioner to the owners, or condemning body, or their attorney of record, whichever is applicable. An additional confirmed copy of such petition shall be filed with the Prothonotary for use in certifying the record to the appointed viewers. The attorney for the petitioner shall file a certification of service as aforesaid with the Prothonotary within twenty (20) days after the appointment of viewers. After receipt of the certification of service, the Prothonotary shall certify the record to the chairperson of the Board of Viewers.



**Rule 7001. Hearings. Records.**

(a) All hearings of the Board of Viewers shall be held publicly in the Courthouse as designated by the chairperson of the Board in consultation with the Court Administrator.

(b) Whenever it shall be desirable that a verbatim record of the hearings before the respective boards of view be taken, the Court, for cause shown, may direct an official court stenographer to take notes thereof, and copies of said record shall be furnished to counsel for the parties, who shall apportion the costs equally.

**Rule 7002. Reports. Confirmation. Exceptions.**

In any case in which a report of viewers shall be filed and presented to the Court for confirmation, the same shall be marked "Confirmed Nisi," which confirmation shall become absolute, and shall be so marked by the Prothonotary unless exceptions are filed thereto within thirty (30) days thereafter, or such other time as required by Act of Assembly; provided that for good cause shown, the Court may, by special order, extend the time for filing exceptions.

**Rule 7003. Request for View.**

Any request for a view of the premises by a jury shall be made by motion to the Court at least twenty (20) days prior to trial. The Court may assess the costs for a view upon the requesting party, or in its discretion, require the parties to share the costs equally.

[Pa.B. Doc. No. 17-1941. Filed for public inspection November 22, 2017, 9:00 a.m.]

**WASHINGTON COUNTY****Public Access to Case Records in the Court of Common Pleas; No. 2017-1****Order**

And Now, this 27th day of October, 2017, it is hereby *Ordered, Adjudged, and Decreed* that Washington County Local Rules of Judicial Administration 3000 and 3001 are adopted, effective January 5, 2018, and shall be effective for all appropriate legal papers and pleadings filed thereafter. It is further *Ordered* that Washington County Local Rule of Civil Procedure 510 is rescinded, effective January 5, 2018.

This Order shall be processed in accordance with Pa.R.J.A. 103(b). The District Court Administrator is directed to do the following:

1. Publish the local rules on the Court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
2. File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.
3. Cause a copy hereof to be published in the *Washington County Bar Journal* once a week for two successive weeks at the expense of the County of Washington.

By the Court

KATHERINE B. EMERY,  
President Judge

**RULE OF JUDICIAL ADMINISTRATION****ACCESS TO CASE RECORDS****Rule 3000. Public Access Policy. Case Records. Court of Common Pleas.**

(a) *Scope.* The Supreme Court of Pennsylvania has adopted a policy governing public access to Unified Judicial System case records in the courts of common pleas, entitled Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts. The policy may be accessed at [www.pacourts.us](http://www.pacourts.us), [www.washingtoncourts.us](http://www.washingtoncourts.us), in the office of the District Court Administrator, and in the office of the applicable custodian.

(b) *Redaction.* Pursuant to Section 7.0, Subsection C of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts, persons who file a pleading, exhibit, or other document that contains confidential information as defined by the policy shall file with the applicable custodian two versions of any pleading, exhibit, or other document, a redacted version and an unredacted version.

(c) *Certification of Compliance.* A party, or their attorney, shall attach a certification to each filing to attest to their compliance with this policy. The certification shall be substantially in the following form:

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(Name)

(d) *Fee Schedule.* Unless otherwise provided by applicable authority, the fees for duplication by photocopying, or printing from electronic media or microfilm, shall not exceed \$0.25 per page. The custodian of the case record may institute a reasonable surcharge beyond the per page fee for records that are produced by request on a disc or other storage media.

(1) The court shall approve the fee schedule for any custodian pursuant to the Policy by administrative order.

(2) The custodian shall post the approved fee schedule in an area accessible to the public in his or her office and at [www.washingtoncourts.us](http://www.washingtoncourts.us).

**Rule 3001. Public Access of Official Case Records in the Magisterial District Courts.**

(1) Unless otherwise provided by applicable authority, the fees for duplication by photocopying or an alternative method shall not exceed \$0.25 per page.

(2) The magisterial district court shall remit all fees collected pursuant to this rule to the County of Washington.

(3) The magisterial district court may waive the fees if it determines that the requestor is indigent.

[Pa.B. Doc. No. 17-1942. Filed for public inspection November 22, 2017, 9:00 a.m.]

# PROPOSED RULEMAKING

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

[ 17 PA. CODE CH. 45 ]

### Conservation of Pennsylvania Native Wild Plants

The Department of Conservation and Natural Resources (Department) proposes to amend Chapter 45 (relating to conservation of Pennsylvania native wild plants) to read as set forth in Annex A.

#### A. Effective Date

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

#### B. Contact Persons

The primary contact for questions regarding this proposed rulemaking is Rebecca H. Bowen, Chief, Ecological Services, Bureau of Forestry, Department of Conservation and Natural Resources, P.O. Box 8552, Harrisburg, PA 17105-8552, (717) 787-3444, rebbowen@pa.gov. The secondary contact for questions regarding this proposed rulemaking is Stephen Ekema-Agbaw, Assistant Counsel, Office of Chief Counsel, Department of Conservation and Natural Resources, P.O. Box 8767, Harrisburg, PA 17105, (717) 772-4171, sekema@pa.gov.

#### C. Statutory Authority

This rulemaking is proposed under section 7 of the Wild Resource Conservation Act (WRCA) (32 P.S. § 5307) and sections 305(a)(9) and 313(g) of the Conservation and Natural Resources Act (CRNA) (71 P.S. §§ 1340.305(a)(9) and 1340.313(g)).

Section 7(a) of the WRCA provides that “the [former] Department of Environmental Resources shall. . .conduct investigations on wild plants in order to ascertain information relating to. . .other biological and ecological data to classify plants and to determine management measures necessary for their continued ability to sustain themselves successfully.” Under section 7(c) of the WRCA, “[o]n the basis of such determinations, the Environmental Quality Board shall issue regulations not later than two years from the effective date of” the WRCA. Under section 7(c) of the WRCA, “[t]he Environmental Quality Board may add or delete species as conditions change and may modify regulations to reflect the changing environment.”

Section 305(a)(9) of the CRNA transferred to the Department “the powers and duties vested in the Department of Environmental Resources by the. . .Wild Resource Conservation Act.” The former Department of Environmental Resources was the Department’s predecessor in this interest. Section 313(g) of the CRNA transferred to the Department “the powers and duties previously vested in the Environmental Quality Board by. . .[s]ections 7, 8 and 9” of the WRCA.

#### D. Purpose and Background

##### Purpose

This rulemaking proposes to amend Chapter 45 by updating: 1) the classification lists of native wild plants; 2) the scientific and common names of certain native wild

plants; and 3) the reference source that the Department uses for the names of native wild plants.

Regarding updates to the classification lists of native wild plants, this rulemaking proposes to amend the following classification lists: Pennsylvania Extirpated (§ 45.11); Pennsylvania Endangered (§ 45.12); Pennsylvania Threatened (§ 45.13); Pennsylvania Rare (§ 45.14); and Tentatively Undetermined (§ 45.21).

This rulemaking proposes to amend the classification lists by: 1) adding plants that are currently unclassified to a classification list; 2) reclassifying plants already on a classification list to a new classification; and 3) removing plants from the classification lists altogether (declassifying them).

##### Process of classifying native wild plants in Pennsylvania

Native wild plant species are those plant species that existed in this Commonwealth prior to European settlement. There are approximately 2,800 native wild plant species that currently exist or formerly existed in this Commonwealth. The Department classifies approximately 1/5 of these species because they are a conservation concern; the other 4/5 are considered secure and thus not classified.

The Department begins the process of classifying native wild plants by collecting and analyzing data on native wild plant species in this Commonwealth. The Department uses the following data to make its classification decisions: numbers of populations known in this Commonwealth; number of individuals within populations; the plant’s range (amount of ground that it covers); threats such as pests, invasive species and habitat loss; decrease or increase in population numbers; and taxonomic information. The previous list is not exhaustive. The Department analyzes this data to determine the population, distribution, habitat needs, limiting factors, and other biological and ecological information about each plant species.

An important piece of data that the Department uses to make classification decisions are referred to as “State ranks.” In this Commonwealth, each plant species receives a State rank from the Pennsylvania Natural Heritage Program (PNHP). The PNHP assigns these ranks based on a methodology created by Nature Serve, an international network of natural heritage programs. The purpose of Nature Serve’s methodology is to bring consistency to the biodiversity conservation efforts of individuals and organizations throughout the Western Hemisphere. This methodology is used across North America, Central America and South America. By using this standard tool, the Department ensures its evaluation methods are, at a minimum, equivalent to that of other states and countries in the Western Hemisphere and that its classification decisions are based on sound science.

Throughout this process the Department also receives data, information and recommendations from the Pennsylvania Biological Survey’s Vascular Plant Technical Committee (Committee). The Committee is composed of professional botanists working throughout this Commonwealth in academic, consulting, governmental and conservation organizations. Each year, the Committee makes classification recommendations for native wild plants based on the research and expertise of its professional botanists.

The Department assimilates and reviews all data and recommendations it collects and receives, and determines



the appropriate classifications for each native wild plant species under the definitions in Chapter 45.

#### *Native wild plant classifications*

Under section 7(a) of the WRCA, how plants are classified determines the “management measures necessary for their continued ability to sustain themselves successfully.” Native wild plant species that are at risk of extinction in this Commonwealth need greater protection than those less susceptible to this risk. Chapter 45 designates the level of risk facing native wild plant species in this Commonwealth by classifying them as follows:

*Pennsylvania Extirpated* (§ 45.11)—A classification of plant species believed to be extinct in this Commonwealth. If a plant species classified as Pennsylvania Extirpated is later found to exist in this Commonwealth it will automatically be considered classified as Pennsylvania Endangered.

*Pennsylvania Endangered* (§ 45.12)—A classification of plant species that are in danger of extinction throughout most or all of their natural range in this Commonwealth if critical habitat is not maintained or if the species is greatly exploited by man. This classification also includes populations of plant species that have been classified as Pennsylvania Extirpated but are subsequently found to exist in this Commonwealth.

*Pennsylvania Threatened* (§ 45.13)—A classification of plant species that may become endangered throughout most or all of their natural range in this Commonwealth if critical habitat is not maintained to prevent their further decline, or if the species is greatly exploited by man.

*Pennsylvania Rare* (§ 45.14)—A classification of plant species that are uncommon in this Commonwealth because they have low population numbers or are only found in restricted geographic areas.

*Pennsylvania Vulnerable* (§ 45.15)—A classification of plant species that are in danger of population decline in this Commonwealth because of their beauty, economic value, use as a cultivar or other factors which indicate that persons may seek to remove these species from their native habitats.

*Special Concern Population* (§ 45.20)—A classification of plant species that the Department has determined to be a unique occurrence deserving protection. Among the factors used to classify a plant species as a Special Concern Population are the existence of unusual geographic locations, unisexual populations or extraordinarily diverse plant populations.

*Tentatively Undetermined* (§ 45.21)—A classification of plant species that are in danger of population decline but do not meet the criteria for any other classification due to taxonomic uncertainties, limited historical records or insufficient data.

#### *Updating species nomenclature*

This proposed rulemaking updates the scientific and common names of certain native wild plant species to conform to the Department’s new taxonomic source material.

The current nomenclature used to identify species taxonomy in Chapter 45 comes from John T. Kartesz’s 1980 publication, *A Synonymized Checklist of the Vascular Flora of the United States, Canada and Greenland, Volume 2: The Biota of North America*. The Department now uses *The Plants of Pennsylvania Second Edition*

(2007) by Ann Fowler Rhoads and Timothy A. Block as a reference. This proposed rulemaking updates the reference to reflect the most up-to-date information on native wild plants in this Commonwealth. This necessitates an update to the scientific and common names in Chapter 45 to remain consistent with the new source material. Additionally, this proposed rulemaking corrects minor grammatical errors and misspellings of species names.

#### *Pennsylvania Natural Diversity Inventory*

The proposed amendments will be incorporated into the Pennsylvania Natural Diversity Inventory (PNDI).

The PNDI is a database that maintains the Department’s list of native wild plant classifications, as well as native rare wildlife classifications from the Game Commission, the Fish and Boat Commission and the United States Fish and Wildlife Service. The PNDI provides the most current, reliable and objective scientific information about ecological resources in this Commonwealth and it is used to help inform environmental decisions in the Commonwealth. Most notably, the Department of Environmental Protection (DEP) uses the PNDI to inform its environmental permitting decisions.

The overwhelming majority of users use the PNDI as part of the process of obtaining a DEP permit. The DEP requires permit applicants to screen their land use projects through the PNDI for potential impacts to threatened or endangered species to receive a DEP permit; threatened and endangered plant species are thereby protected by the DEP’s permitting process.

Although this proposed rulemaking will result in updates to the plant data in the PNDI, this proposed rulemaking will not affect the DEP’s permitting process. The process of obtaining a DEP permit is beyond the scope of this proposed rulemaking. Instead, the PNDI’s connection to this proposed rulemaking is limited to its use of the plant data that will result from the proposed amendments. No person, business, small business or organization will be required to invest in additional administrative procedures as a direct result of this proposed rulemaking.

Finally, because this proposed rulemaking will remove more species from classifications than it adds, there may be fewer classified plant species for prospective DEP permit applicants to account for when applying to obtain DEP permits. Depending on the project type, location and classified plant species in question, prospective DEP permit applicants may see no change in the amount of mitigation required to address impacts to threatened and endangered species and fulfil permit requirements.

#### *E. Summary of this Proposed Rulemaking*

##### *Subchapter A. General provisions*

The definition of “unlisted” is proposed to be deleted from § 45.2 (relating to definitions) because it is not used in Chapter 45.

Proposed amendments to § 45.3 (relating to classified plant taxonomy) update the taxonomic source material that the Department uses for the nomenclature of native wild plants from John T. Kartesz and Rosemarie Kartesz, *A Synonymized Checklist of the Vascular Flora of the United States, Canada and Greenland, Volume 2: The Biota of North America* (1980), to Ann Fowler Rhoads and Timothy A. Block, *The Plants of Pennsylvania An Illustrated Manual Second Edition* (2007), Philadelphia, Pennsylvania: University of Pennsylvania Press.

*Subchapter B. Classified plants*

There are 130 substantive proposed amendments to Subchapter B (relating to classified plants), with 79 proposed name changes and 51 classification changes. The substantive proposed amendments include: 9 currently unclassified plant species proposed to be newly classified; 11 currently classified plant species proposed to be reclassified; 31 currently classified plant species that are proposed to be unclassified; and 79 currently classi-

fied plant species with proposed name changes.

For the purposes of this proposed rulemaking, a substantive name change is one that changes the meaning of the plant name (see the following “plant name changes” section). This proposed rulemaking makes minor grammatical corrections to plant names (that is, adding periods, deleting commas and fixing spelling errors) that do not change the meaning of the plant name and are therefore not substantive.

*Newly classified and reclassified plant species*

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Proposed</i>	<i>Reason for Change</i>	<i>Habitat / Identification Window</i>
<i>Asclepias variegata</i> L.	White Milkweed	TU	PE	Population decrease; habitat decline	Dry woods; flowers late May—July
<i>Baptisia australis</i> (L.) R. Br.	Blue False Indigo	N	PT	Population decrease; unique/rare habitat	River cobble bars and banks; flowers May—June, identifiable most months by leaf and seed pod
<i>Coeloglossum viride</i> (L.) Hartm.	Long-Bracted Green Orchis	TU	PE	Population decrease; vulnerable to exploitation	Rich woods; flowers May—August
<i>Cypripedium parviflorum</i> Salisb. var. <i>makasin</i> (Source: <i>Flora of North America</i> )	Northern Small Yellow Lady’s-Slipper	N	PE	Taxon split into distinct subspecies; low numbers; unique/rare habitat; vulnerable to exploitation	Moist woods, bogs; flowers April—June
<i>Epilobium strictum</i> Muhl.	Downy Willow-Herb	PE	PR	Population increase; habitat decline; unique/rare habitat	Wet meadows, marshes, fens, thickets; flowers July—September
<i>Equisetum scirpoides</i> Michx. (Source: <i>Flora of North America</i> )	Dwarf Scouring-Rush	N	PE	Recent discovery in this Commonwealth; low numbers; unique/rare habitat	Wet woods and peaty openings; identifiable year-round
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash	N	PE	Low numbers; unique/rare habitat; vulnerable to exotic pest	Wet bottomland forest, often in shallow water; identifiable year-round
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain	TU	PE	Population decrease; habitat decline; vulnerable to exploitation	Moist coniferous and deciduous forest; flowers July—early September
<i>Lycopodiella margueritae</i> J. G. Bruce, W. H. Wagner & Beitel	Marguerite’s Clubmoss	N	PE	Low numbers; global rarity; unique/rare habitat; vulnerable to exploitation	Moist sandy wetlands and shores; sporulates August—October
<i>Lysimachia quadriflora</i> Sims	Four-Flowered Loosestrife	TU	PX	Population extirpated	Wet meadows, fens; flowers July—August
<i>Malaxis bayardii</i> Fernald	Adder’s-Mouth	PR	PE	Population decrease; global rarity; vulnerable to exploitation	Dry open upland forest, shale barrens; flowers July—September
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: <i>Flora of North America</i> )	Northern Green Orchid	N	PE	Taxon split into distinct species; low numbers; vulnerable to exploitation	Wet meadows, marshes, fens, stream banks, moist deciduous forest slopes; flowers June—August
<i>Platanthera huronensis</i> (Nutt.) Lindl.	Huron Green Orchid	N	PE	Taxon split into distinct species; low numbers; vulnerable to exploitation	Wet meadows, bogs, woods; flowers June—August

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Proposed</i>	<i>Reason for Change</i>	<i>Habitat / Identification Window</i>
<i>Platanthera peramoena</i> (A. Gray) A. Gray	Purple Fringeless Orchid	TU	PT	Low numbers; unique/rare habitat; vulnerable to exploitation	Moist meadows, low wet woods, ditches; flowers July—August
<i>Potentilla anserina</i> L.	Silverweed	PT	PR	Unique/rare habitat; tolerant of disturbance	Moist sandy or gravelly shores, or ballast; flowers May—June, identifiable by leaf spring—fall
<i>Ratibida pinnata</i> (Vent.) Barnhart	Gray-Headed Prairie Coneflower	TU	PE	Population decrease	Dry fields, limestone uplands, open roadsides; flowers June—August
<i>Rubus cuneifolius</i> Pursh	Sand Blackberry	TU	PE	Population decrease; habitat decline; unique/rare habitat	Sandy dry open thickets and roadsides; flowers May—June, fruits in July, identifiable by leaf spring—fall
<i>Solidago uliginosa</i> Nutt.	Bog Goldenrod	N	PT	Population decrease; unique/rare habitat	Bogs, swamps, wet meadows, fens; flowers August—October
<i>Vitis rupestris</i> Scheele	Sand Grape	PX	PE	Recent rediscovery in this Commonwealth; low numbers; global rarity; unique/rare habitat	River cobble bars and banks; flowers in May, fruits August—November; identifiable by leaf spring—fall
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	White Camas	N	PE	Recent discovery in this Commonwealth; low numbers; unique/rare habitat	Limestone ledges; flowers in August

Key: N—Currently Unclassified; PX—Pennsylvania Extirpated (§ 45.11); PE—Pennsylvania Endangered (§ 45.12); PT—Pennsylvania Threatened (§ 45.13); PR—Pennsylvania Rare (§ 45.14); PV—Pennsylvania Vulnerable (§ 45.15); TU—Tentatively Undetermined (§ 45.21)

*Classified plant species being declassified*

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Proposed</i>	<i>Reason for Change</i>	<i>Habitat / Identification</i>
<i>Alopecurus carolinianus</i> Walt.	Tufted Foxtail	PE	DC	Determined to be nonnative to this Commonwealth; determined to be invasive; high numbers	Swamps, ditches, moist meadows; flowers late May—June
<i>Aster firmus</i> Nees	Firm Aster	TU	DC	Tolerant of disturbance; high numbers	Wet meadows, swamps, fens; flowers August—October
<i>Atriplex littoralis</i> L.	Seaside Orach	PX	DC	Recent rediscovery in this Commonwealth; determined to be nonnative to this Commonwealth	Coastal areas, beaches, salt-treated roadsides; flowers/fruits August—November
<i>Cynanchum laeve</i> (Michx.) Pers.	Smooth Swallow-Wort	PE	DC	Population increase; determined to be invasive; tolerant of disturbance	River banks, agricultural fields, roadsides; flowers July—August
<i>Elephantopus carolinianus</i> Raeusch.	Elephant's-Foot	PE	DC	Population increase; tolerant of disturbance	Open woodlands, woodland borders, serpentine barrens; flowers August—October

<i>Scientific Name</i>	<i>Common Name</i>	<i>Current</i>	<i>Proposed</i>	<i>Reason for Change</i>	<i>Habitat / Identification</i>
<i>Elodea canadensis</i> L. C. Rich.	Broad Waterweed (Male Plants)	TU	DC	High population numbers	Shallow water of rivers, creeks, lakes, ponds; flowers late June—early August
<i>Juncus gymnocarpus</i> Coville	Coville's Rush	PR	DC	Population increase; tolerant of disturbance	Swamps, seeps, springheads; flowers/fruits in summer
<i>Lemna obscura</i> (Austin) Daubs	Little Water Duckweed	PX	DC	Determined to be nonnative to this Commonwealth; tolerant of disturbance	Shallow water, often in disturbed areas; identifiable by leaf spring—fall
<i>Lycopodium selago</i> L.	Mountain Clubmoss	PX	DC	Misidentified; redetermination	Cool boreal cliffs, forests, meadows, shores; sporulates July—September
<i>Myriophyllum heterophyllum</i> (Michx.)	Broad-Leaved Water-Milfoil	PE	DC	Recent rediscovery in this Commonwealth; determined to be nonnative to this Commonwealth	Still water of ponds, lakes; flowers June—July
<i>Nelumbo lutea</i> (Willd.) Pers.	American Lotus	PE	DC	Determined to be nonnative to this Commonwealth; determined to be invasive	Ponds and other quiet water; flowers June—September
<i>Panicum bicknellii</i> Nash (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth Edition)	Bicknell's Panic-Grass	TU	DC	Taxonomic uncertainties	Wet or moist sandy woods; flowers May—early July and late summer—early fall
<i>Panicum longiligulatum</i> Nash (Morris Arboretum, 1992, Pennsylvania Flora Database)	Long-Ligule Panic-Grass	TU	DC	Taxon lumped with another species	Dry woods, slopes, clearings; flowers May—early July and late summer—early fall
<i>Panicum recognitum</i> Fern. (Morris Arboretum, 1992, Pennsylvania Flora Database)	Fernald's Panic-Grass	TU	DC	Taxon lumped with another species	Moist sandy woods; flowers May—early July and late summer—early fall
<i>Paronychia fastigiata</i> (Raf.) Fern. var. <i>paleacea</i> Fern.	Chaffy Whitlow Wort	TU	DC	Taxon lumped with another species	Dry, rocky, sandy open woods and edges; flowers July—September
<i>Platanthera hyperborea</i> (L.) Lindl.	Leafy Northern Green Orchid	PE	DC	Misidentified; redetermination	Wet tundra, stream banks; flowers July—August
<i>Polygonum robustius</i> (Small) Fern.	Robust Smartweed	PT	DC	Population increase; disturbance tolerant	Swamps, lake shores, streams; flowers July—October
<i>Potamogeton illinoensis</i> Morong	Illinois Pondweed	TU	DC	High numbers; disturbance tolerant	Rivers, streams, lakes, ponds; flowers/fruits summer—fall
<i>Prenanthes crepidinea</i> Michx.	Crepis Rattlesnake-Root	PE	DC	Population increase	Open and forested floodplains, banks; flowers August—November
<i>Pycnanthemum pycnanthemoides</i> (Leavenw.) Fern.	Southern Mountain-Mint	PE	DC	Misidentified; redetermination	Open habitat; flowers July—September



Scientific Name	Common Name	Current	Proposed	Reason for Change	Habitat / Identification
<i>Solidago purshii</i> Porter	Pursh's Goldenrod	TU	DC	Taxon lumped with another species	Bogs, swamps, sedge meadows, fens; flowers August—October
<i>Spirodela punctata</i> (Mey.) C. H. Thompson	Eastern Water-Flaxseed	TU	DC	Determined to be nonnative to this Commonwealth	Ponds, lakes, swamps, sluggish streams; identifiable by leaf spring—fall
<i>Tradescantia ohiensis</i> Raf.	Ohio Spiderwort	TU	DC	High numbers; disturbance tolerant	Alluvial woods, waste ground; flowers May—July
<i>Trautvetteria caroliniensis</i> (Walt.) Vail	Carolina Tassel-Rue	PR	DC	High numbers; disturbance tolerant	Wooded seepage slopes, stream banks, bogs; June—July
<i>Utricularia inflata</i> Walt.	Floating Bladderwort	PX	DC	Determined to be nonnative to this Commonwealth; determined to be invasive	Lakes, ponds, standing water; flowers May—October
<i>Utricularia minor</i> L.	Lesser Bladderwort	PT	DC	Population increase; disturbance tolerant; determined to be invasive	Lakes, ponds, swamps, standing water; flowers June—August
<i>Utricularia purpurea</i> Walt.	Purple Bladderwort	PR	DC	Population increase; disturbance tolerant	Lakes, ponds, standing water; flowers July—early September
<i>Veronica catenata</i> Pennell	Pennell's Speedwell	TU	DC	Taxonomic uncertainties	Wet fields, ditches, stream edges in shallow water; flowers May—September
<i>Viola nephrophylla</i> Greene	Northern Bog Violet	TU	DC	Misidentified; redetermination	Bogs, wet meadows, ditches, stream banks; flowers May—July
<i>Viola pedatifida</i> G. Don	Prairie Violet	PE	DC	Misidentified; redetermination	Open prairies, savannas; flowers April—June
<i>Zannichellia palustris</i> L.	Horned Pondweed	TU	DC	Population increase; disturbance tolerant	Streams, ponds, lakes, springs, tidal mudflats; flowers May—October

Key: DC—Declassified; N—Currently Unclassified; PX—Pennsylvania Extirpated (§ 45.11); PE—Pennsylvania Endangered (§ 45.12); PT—Pennsylvania Threatened (§ 45.13); PR—Pennsylvania Rare (§ 45.14); PV—Pennsylvania Vulnerable (§ 45.15); TU—Tentatively Undetermined (§ 45.21)

*Plant name changes*

*Pennsylvania Extirpated (§ 45.11)*

The names of 16 native wild plant species classified as Pennsylvania Extirpated are proposed to be changed as follows:

*Carex aenea* Fern. to *Carex foenea* Willd.

*Erianthus giganteus* (Walt.) Muhl. to *Saccharum giganteum* (Walter) Pers.

*Eupatorium album* L. to *Eupatorium album* L. var *album*

*Gentianopsis procera* (Holm) Ma. to *Gentianopsis virgata* (Raf.) Holub

*Helianthus angustifolius* L. to *Helianthus angustifolius* L.

*Hypericum stans* (Michx.) P. Adams & Robson to *Hypericum crux-andreae* (L.) Crantz

*Koeleria cristata* (L.) Pers. to *Koeleria macrantha* (Ledeb.) Schultes

*Lycopodium sabinifolium* Willd. to *Diphasiastrum sabinifolium* (Willd.) Holub.

*Panicum leibergii* (Vasey) Scribn. (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichanthelium leibergii* (Vasey) Freckmann

*Panicum spretum* Schultes (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichanthelium spretum* (Schult.) Freckmann

*Phoradendron serotinum* (Raf.) M. C. Johnston to *Phoradendron leucarpum* (Raf.) Reveal & M. C. Johnst.

*Sagittaria stagnorum* Small to *Sagittaria filiformis* J. G. Sm.

*Scirpus heterochaetus* Chase to *Schoenoplectus heterochaetus* Chase (Sojak)

*Sisyrinchium arenicola* E. P. Bickn. to *Sisyrinchium fuscatum* E. P. Bicknell

*Sparganium minimum* (Hartm.) Fries to *Sparganium natans* L.

*Triglochin palustre* L. to *Triglochin palustris* L.  
Pennsylvania Endangered (§ 45.12)

The names of 28 native wild plant species classified as Pennsylvania Endangered are proposed to be changed as follows:

*Alisma plantago-aquatica* L. var. *americana* Schultes & Schultes to *Alisma triviale* Pursh

*Aster borealis* (Torr. & Gray) Prov. to *Symphotrichum boreale* (Torr. & Gray) Á. Löve & D. Löve

*Aster nemoralis* Ait. to *Oclemena nemoralis* (Aiton) E. Greene

*Aster solidagineus* Michx. to *Sericocarpus linifolius* (L.) Britton, Stearns & Poggenb.

*Aster spectabilis* Ait. to *Eurybia spectabilis* (Aiton) Nesom

*Cerastium arvense* (L.) var. *villosissimum* Pennell to *Cerastium velutinum* Raf. var. *villossissimum* (Pennell) J. K. Morton

*Cymophyllus fraseri* (Andr.) Mackenzie to *Cymophyllus fraserianus* (Ker Gawl.) Kartesz & Gandhi

*Cypripedium parviflorum* Salisb. to *Cypripedium parviflorum* Salisb. var. *parviflorum* (Source: *Flora of North America*)

*Frasera caroliniensis* Walt. to *Swertia caroliniensis* (Walter) Kuntze

*Hemicarpha micrantha* (Vahl) Britt. to *Lipocarpa micrantha* (Vahl) G. C. Tucker

*Lycopodium alopecuroides* L. to *Lycopodiella alopecuroides* (L.) Cranfill

*Lycopodium porophilum* Lloyd & Underwood to *Huperzia porophila* (F. E. Lloyd & Underw.) Holub

*Megalodonta beckii* (Torr. ex Spreng.) Greene to *Bidens beckii* (Torr. ex Spreng.) Greene

*Myriophyllum exalbescens* Fern. to *Myriophyllum sibiricum* Komarov

*Onosmodium hispidissimum* Mackenzie to *Onosmodium molle* Michx. var. *hispidissimum* (Mack.) Cronquist

*Oryzopsis pungens* (Torr. ex Spreng.) A. S. Hitchc. to *Piptatherum pungens* (Torr. ex Spreng.) Dorn

*Panicum scoparium* (Lam.) Gould (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium scoparium* (Lam.) Gould

*Panicum xanthophysum* (Gray) Freckmann (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium xanthophysum* (A. Gray) Freckmann

*Polygonum careyi* Olney to *Persicaria careyi* (Olney) Greene

*Polygonum setaceum* Baldw. ex Ell. var. *interjectum* Fern. to *Persicaria setacea* (Baldwin) Small

*Sagittaria calycina* Engelm. var. *spongiosa* Engelm. to *Sagittaria calycina* Engelm.

*Scirpus acutus* Muhl. ex Bigelow to *Schoenoplectus acutus* (Muhl. Ex Bigel.) Löve & Löve

*Scirpus smithii* Gray to *Schoenoplectus smithii* (A. Gray) Sojak

*Scirpus torreyi* Olney to *Schoenoplectus torreyi* (Olney) Palla

*Scleria reticularis* Michx. to *Scleria muhlenbergii* Steud.

*Senecio antennariifolius* Britt. to *Packera antennariifolia* (Britton) W. A. Weber & Á. Löve

*Solidago spathula* DC. spp. *randii* var. *racemosa* (Greene) Gleason to *Solidago simplex* Kunth ssp. *randii* (Porter) Ringius var. *racemosa* (Greene) Ringius

*Tomanthera auriculata* (Michx.) Raf. to *Agalinis auriculata* (Michx.) S. F. Blake

Pennsylvania Threatened (§ 45.13)

The names of nine native wild plant species classified as Pennsylvania Threatened are proposed to be changed as follows:

*Aster depauperatus* (Porter) Fern. to *Symphotrichum depauperatum* (Fernald) Nesom

*Aster novi-belgii* L. to *Symphotrichum novi-belgii* (L.) Nesom var. *novi-belgii*

*Cimicifuga americana* Michx. to *Actaea podocarpa* DC

*Euthamia tenuifolia* (Pursh) Greene to *Euthamia caroliniana* (L.) Greene ex Porter & Britton

*Juncus alpinus* Vill. to *Juncus alpinoarticulatus* Chaix in Vill. ssp. *nodulosus* (Wahlenb.) Hamet-Ahti.

*Juncus balticus* Willd. to *Juncus arcticus* Willd. var. *littoralis* (Engelm.) Boivin.

*Lycopodium appressum* (Chapman) Lloyd & Underwood to *Lycopodiella appressa* (Chapm.) Cranfill

*Spiraea betulifolia* Pallas ssp. *corymbosa* (Raf.) Taylor & MacBryde to *Spiraea betulifolia* Pallas var. *corymbosa* (Raf.) Maxim.

*Talinum teretifolium* Pursh to *Phemeranthus teretifolius* (Pursh) Raf.

Pennsylvania Rare (§ 45.14)

The names of four native wild plant species classified as Pennsylvania Rare are proposed to be changed as follows:

*Panicum commonsianum* Ashe var. *euchlamydeum* (Skinners) Pohl (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichanthelium commonsianum* (Ashe) Freckmann var. *euchlamydeum* (Shinners) Pohl

*Prunus pumila* L. to *Prunus pumila* L. var. *pumila*

*Scirpus fluviatilis* (Torr.) Gray to *Schoenoplectus fluviatilis* (Torr.) Strong

*Senecio anonymus* Wood to *Packera anonyma* (A. W. Wood) W. A. Weber & Á. Löve

Pennsylvania Vulnerable (§ 45.15)

The name of *Cypripedium pubescens* Willd. is proposed to be changed to *Cypripedium parviflorum* Salisb. var. *pubescens* (Willd.) Correll.

Tentatively Undetermined (§ 45.21)

The names of 21 native wild plant species classified as tentatively undetermined are proposed to be changed as follows:

*Aristida curtissii* (Gray) Nash to *Aristida dichotoma* Michx. var. *curtissii* A. Gray

*Aster dumosus* L. to *Symphyotrichum dumosum* (L.) Nesom

*Aster ericoides* L. to *Symphyotrichum ericoides* (L.) Nesom

*Cassia marilandica* L. to *Senna marilandica* (L.) Link

*Hedyotis purpurea* (L.) Torr. & Gray to *Houstonia purpurea* L. var. *purpurea*

*Liatris scariosa* (L.) Willd. var. *nieuwlandii* Lunell and *Liatris scariosa* (L.) Willd. var. *novae-angliae* Lunell combined *Liatris scariosa* (L.) Willd.

*Malaxis brachypoda* (Gray) Fern. to *Malaxis monophyllos* (L.) Swartz var. *brachypoda* (A. Gray) F. Morris & E. A. Eames

*Nuphar lutea* (L.) Sibthorp & Sm. ssp. *pumilum* (Timm) E. O. Beal to *Nuphar microphylla* (Pers.) Fernald

*Panicum annulum* Ashe (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichantheium annulum* (Ashe) LeBlond

*Panicum boreale* Nash (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichantheium boreale* (Nash) Freckmann

*Panicum commonsianum* Ashe var. *commonsianum* (Morris Arboretum, 1992, Pennsylvania Flora Database) to *Dichantheium commonsianum* (Ashe) Freckmann

*Panicum lucidum* Ashe (Fernald, M. L., *Gray's Manual of Botany*, 1970, Eighth Edition) to *Dichantheium lucidum* (Ashe) LeBlond

*Panicum villosissimum* Nash (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichantheium villosissimum* (Nash) Freckmann

*Panicum yadkinense* Ashe (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Dichantheium yadkinense* (Ashe) Mohlenbr.

*Potamogeton filiformis* Pers. to *Potamogeton filiformis* Pers. var. *borealis* (Raf.) St. John

*Pycnanthemum pilosum* Nutt. to *Pycnanthemum verticillatum* (Michx.) Pers. var. *pilosum* (Nutt.) Cooperr.

*Ranunculus trichophyllus* Chaix (Gleason, H. A. and A. Cronquist, *Manual of Vascular Plants of Northeastern United States and Adjacent Canada*, 1991, Second Edition) to *Ranunculus aquatilis* L. var. *diffusus* With.

*Rhynchospora globularis* (Chapman) Small to *Rhynchospora recognita* (Gale) Kral

*Senecio plattensis* Nutt. to *Packera plattensis* (Nutt.) W. A. Weber & Á. Löve

*Uvularia puberula* Michx. to *Uvularia pudica* Michx.

#### F. Benefits, Costs and Compliance Benefits

This proposed rulemaking will benefit State, county and municipal conservation planning officials, conservation groups and other organizations concerned with the welfare of the environment because it more accurately represents the plants in this Commonwealth in need of the most protection. Additionally, this proposed rulemaking benefits the citizens of this Commonwealth by protecting this Commonwealth's natural resources, which is a constitutional right. See Pa.Const. Art. I, § 27.

Keeping up-to-date classifications of native wild plants, ensures that the Department and other public and private conservation organizations are targeting the appropriate species in their conservation efforts. This will help maintain the biodiversity of ecological systems in this Commonwealth.

#### Compliance costs

This proposed rulemaking does not prescribe anything for a group or entity to comply with. This proposed rulemaking updates the Commonwealth's classified lists of native wild plants, updates the scientific and common names of certain native wild plant species, and updates the reference source of the nomenclature that the Department uses for native wild plant species taxonomy. There are no compliance costs associated with this proposed rulemaking.

#### Paperwork requirements

There will be no increase in the amount of required paperwork associated with this proposed rulemaking.

#### G. Sunset Review

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 6, 2017, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

#### I. Public Comments

Interested persons are invited to submit comments regarding this proposed rulemaking to Rebecca H. Bowen, Ecological Services Section, Bureau of Forestry, Department of Conservation and Natural Resources, P.O. Box 8552, Harrisburg, PA 17105-8552 (hand delivery, express mail or first class mail to Rachel Carson State Office Building, 6th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments must be received by the Department 30 days from the date this proposed rulemaking is published in the *Pennsylvania Bulletin*.

Comments may also be submitted to the Department at RA-Ch45WildPlant@pa.gov and must also be received by the Department 30 days from the date this proposed rulemaking is published in the *Pennsylvania Bulletin*. Use "Chapter 45 proposed rulemaking" as the subject line. A return name and United States Postal Service mailing address must be included in each transmission.

CINDY ADAMS DUNN,  
Secretary



**Fiscal Note:** 7B-8. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 17. CONSERVATION AND NATURAL RESOURCES**

**PART I. DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES**

**Subpart D. RESOURCE CONSERVATION**

**CHAPTER 45. CONSERVATION OF PENNSYLVANIA NATIVE WILD PLANTS**

**Subchapter A. GENERAL PROVISIONS**

**§ 45.2. Definitions.**

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

\* \* \* \* \*

*Tentatively Undetermined*—A classification of plant species which are believed to be in danger of population decline, but which cannot presently be included within another classification due to taxonomic uncertainties, limited evidence within historical records or insufficient data.

[ *Unlisted*—Plant species which are native to this Commonwealth, presently capable of sustaining their populations successfully, not in need of protection currently and currently not included in classifications under this chapter. ]

*Wild plants*—Naturally occurring native flora, except those commonly considered an agricultural commodity, including green and nongreen species or subspecies, variety or a part, product, seed or progeny thereof.

**§ 45.3. Classified plant taxonomy.**

Nomenclature used to identify species taxonomy [ contained within Subchapter B is according to Kartesz, J. T. and Rosemarie Kartesz, 1980 *A Synonymized Checklist of the Flora of the U. S., Canada, and Greenland* ] in Subchapter B (relating to classified plants) is according to Rhoads, A. F. and Block, T. A. (2007), *The Plants of Pennsylvania An Illustrated Manual Second Edition*, Philadelphia, Pennsylvania: University of Pennsylvania Press, unless a different taxonomic source is indicated immediately following the scientific name.

**Subchapter B. CLASSIFIED PLANTS**

**§ 45.11. Pennsylvania Extirpated.**

Plant species classified as Pennsylvania Extirpated are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aeschynomene virginica</i> (L.) [ <b>BSP.</b> ] Britton, Stearns & Poggenb.	Sensitive Joint-Vetch
<i>Agalinis decemloba</i> (Greene) Pennell	[ <b>Blue-Ridge False-Foxglove</b> ] <b>Blue Ridge False Foxglove</b>
<i>Agrostis altissima</i> [ (Walt.) Tuckerman ] (Walter) Tuck.	Tall Bentgrass
<i>Arctostaphylos uva-ursi</i> (L.) Spreng.	Bearberry Manzanita
<i>Asclepias rubra</i> L.	Red Milkweed
<i>Astragalus neglectus</i> (Torr. & A. Gray) Sheldon	Cooper's Milk-Vetch
[ <b>Atriplex littoralis</b> L.	<b>Seaside Orach</b> ]
<i>Berberis canadensis</i> P. Mill.	American Barberry
<i>Buchnera americana</i> L.	[ <b>Blue Hearts</b> ] <b>Bluehearts</b>
<i>Carex adusta</i> Boott	Crowded Sedge
[ <b>Carex aenea</b> Fern.	<b>Fernald's Hay Sedge</b> ]
<i>Carex alopecoidea</i> Tuckerman	Foxtail Sedge
<i>Carex backii</i> Boott	Rocky Mountain Sedge
<i>Carex barrattii</i> [ <b>Schwein</b> ] <b>Schwein.</b> & Torr.	Barratt's Sedge
<i>Carex chordorrhiza</i> [ <b>Ehrh. ex</b> ] L.f.	Creeping Sedge
<b>Carex foenea</b> Willd.	<b>Fernald's Hay Sedge</b>
<i>Carex hyalinolepis</i> Steud.	[ <b>Shore-Line</b> ] <b>Shoreline Sedge</b>
<i>Carex nigra</i> (L.) Reichard	Black Sedge
<i>Carex sartwellii</i> Dewey	Sartwell's Sedge
<i>Chamaecyparis thyoides</i> (L.) [ <b>BSP.</b> ] Britton, Stearns & Poggenb.	Atlantic [ <b>White Cedar</b> ] <b>White-Cedar</b>
<i>Commelina erecta</i> L.	Slender [ <b>Day-Flower</b> ] <b>Dayflower</b>
<i>Commelina virginica</i> L.	Virginia [ <b>Day-Flower</b> ] <b>Dayflower</b>



<i>Scientific Name</i>	<i>Common Name</i>
<i>Coreopsis rosea</i> Nutt.	Pink Tickseed
<i>Crassula aquatica</i> (L.) [ <b>Schoenl.</b> ] <b>Schönland</b>	[ <b>Water Pigmy-Weed</b> ] <b>Water-Pigmyweed</b>
<i>Crotonopsis elliptica</i> Willd.	Elliptical Rushfoil
<i>Cynoglossum boreale</i> [ <b>Fern.</b> ] <b>Fernald</b>	Northern Hound's Tongue
<i>Cyperus polystachyos</i> Rottb.	Many-Spiked Flatsedge
<i>Cypripedium candidum</i> Muhl. ex Willd.	Small White Lady's-Slipper
<i>Desmodium sessilifolium</i> (Torr.) Torr. [ & ] and A. Gray	Sessile-Leaved Tick Trefoil
<b><i>Dichantheium leibergii</i></b> (Vasey) <b>Freckmann</b>	<b>Leiberg's Panic Grass</b>
<b><i>Dichantheium spretum</i></b> (Schult.) <b>Freckmann</b>	<b>Eaton's Witchgrass</b>
<b><i>Diphasiastrum sabinifolium</i></b> (Willd.) <b>Holub.</b>	<b>Fir Clubmoss</b>
<i>Distichlis spicata</i> (L.) Greene	Sea-Shore Salt-Grass
<i>Draba reptans</i> (Lam.) [ <b>Fern.</b> ] <b>Fernald</b>	Carolina Whitlow-Grass
<i>Echinacea laevigata</i> (C. L. [ <b>Boynt.</b> ] <b>Boynton &amp; Beadle</b> ) <b>S. F. Blake</b>	Smooth <b>Purple</b> Coneflower
<i>Elatine americana</i> (Pursh) Arn.	[ <b>Long-Stemmed Water-Wort</b> ] <b>Long-Stem Waterwort</b>
<i>Eleocharis tricostata</i> Torr.	Three-Ribbed Spike-Rush
<i>Eleocharis tuberculosa</i> (Michx.) [ <b>Roemer &amp; Schultes</b> ] <b>Roem. &amp; Schult.</b>	Long-Tuberled Spike-Rush
<i>Elodea schweinitzii</i> [ (Planch.) <b>Caspary</b> ] (Planch) <b>Casp.</b>	Schweinitz's Waterweed
[ <b><i>Erianthus giganteus</i></b> (Walt.) <b>Muhl.</b>	<b>Sugar Cane Plumegrass</b> ]
<i>Eriocaulon decangulare</i> L.	[ <b>Ten-Angled</b> ] <b>Ten-Angle</b> Pipewort
<i>Eriocaulon parkeri</i> B. L. [ <b>Robins.</b> ] <b>Rob.</b>	Parker's Pipewort
<i>Eryngium aquaticum</i> L.	Marsh Eryngo
<i>Eupatorium album</i> L. <b>var album</b>	White Thoroughwort
<i>Eupatorium leucolepis</i> [ (DC.) <b>Torr</b> ] (DC) <b>Torr. &amp; A. Gray</b>	White-Bracted Thoroughwort
<i>Euphorbia obtusata</i> Pursh	Blunt-Leaved Spurge
<i>Fimbristylis puberula</i> (Michx.) Vahl	Hairy Fimbr
<i>Galactia regularis</i> (L.) [ <b>BSP.</b> ] <b>Britton, Stearns &amp; Poggenb.</b>	Eastern Milk-Pea
<i>Galactia volubilis</i> (L.) [ <b>Britt.</b> ] <b>Britton</b>	[ <b>Downey</b> ] <b>Downy</b> Milk-Pea
<i>Gentiana catesbaei</i> [ <b>Walt.</b> ] <b>Walter</b>	Elliott's Gentian
[ <b><i>Gentianopsis procera</i></b> (Holm) <b>Ma.</b>	<b>Lesser Fringed-Gentian</b> ]
<b><i>Gentianopsis virgata</i></b> (Raf.) <b>Holub</b>	<b>Narrow-Leaved Fringed Gentian</b>
[ <b><i>Helianthum</i></b> ] <b><i>Helianthus angustifolius</i></b> L.	Swamp Sunflower
<i>Hordeum pusillum</i> Nutt. <b>Á. Löve</b>	[ <b>Little Barley</b> ] <b>Little-Barley</b>
<i>Hottonia inflata</i> [ <b>Ell.</b> ] <b>Elliott</b>	American Featherfoil
<i>Hydrocotyle umbellata</i> L.	Many-Flowered Pennywort
<i>Hypericum adpressum</i> [ <b>Bart.</b> ] <b>Raf. ex Barton</b>	Creeping St. John's-Wort
<b><i>Hypericum crux-andreae</i></b> (L.) <b>Crantz</b>	<b>St. Peter's-Wort</b>
<i>Hypericum</i> [ <b><i>denticuiatum</i></b> <b>Walt.</b> ] <b><i>denticulatum</i></b> <b>Walter</b>	Coppery St. John's-Wort
<i>Hypericum gymnanthum</i> Engelm. & A. Gray	Clasping-Leaved St. John's-Wort
[ <b><i>Hypericum stans</i></b> (Michx.) <b>P. Adams &amp; Robson</b>	<b>St. Peter's-Wort</b>
<b><i>Ilex glabra</i></b> (L.) <b>Gray</b>	<b>Ink-Berry</b> ]
<b><i>Ilex glabra</i></b> (L.) <b>A. Gray</b>	<b>Inkberry</b>
<i>Itea virginica</i> L.	[ <b>Virginia Willow</b> ] <b>Virginia-Willow</b>
<i>Juncus greenii</i> Oakes & [ <b>Tuckerman</b> ] <b>Tuck.</b>	Greene's Rush

<i>Scientific Name</i>	<i>Common Name</i>
<i>Koeleria</i> [ <i>cristata</i> (L.) Pers. ] <i>macrantha</i> (Ledeb.) Schultes	Junegrass
<i>Leiophyllum buxifolium</i> (Berg.) [ Ell. ] Elliott	Sand-Myrtle
[ <i>Lemna obscura</i> (Austin) Daubs	<b>Little Water Duckweed</b> ]
<i>Lespedeza stuevei</i> Nutt.	Tall [ <b>Bush Clover</b> ] <b>Bush-Clover</b>
<i>Limosella australis</i> R. Br.	Awl-Shaped Mudwort
<i>Lobelia nuttallii</i> [ Roemer & Schultes ] Roem. & Schult.	Nuttall's Lobelia
<i>Ludwigia sphaerocarpa</i> [ Ell. ] Elliott	Spherical-Fruited Seedbox
[ <i>Lycopodium sabinifolium</i> Willd.	<b>Fir Clubmoss</b>
<i>Lycopodium selago</i> L.	<b>Mountain Clubmoss</b> ]
<i>Lysimachia quadriflora</i> Sims	<b>Four-Flowered Loosestrife</b>
<i>Matelea carolinensis</i> (Jacq.) Woods.	Carolina Milkvine
<i>Micranthemum micranthemoides</i> (Nutt.) Wettst.	Nuttall's Mud-Flower
<i>Muhlenbergia capillaris</i> (Lam.) Trin.	Short Muhly
<i>Myrica heterophylla</i> Raf.	Evergreen Bayberry
<i>Onosmodium virginianum</i> (L.) A. DC.	Virginia [ <b>False-Gromwell</b> ] <b>False Gromwell</b>
<i>Ophioglossum vulgatum</i> L. var. <i>pycnostichum</i> [ Fern. ] Fernald	Adders Tongue
[ <i>Panicum leibergii</i> (Vasey) Scribn. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, (Second Edition)	<b>Leiberg's Panic-grass</b>
<i>Panicum spretum</i> Schultes (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	<b>Spurred Panic-Grass</b> ]
<i>Phoradendron</i> [ <i>serotinum</i> (Raf.) M. C. Johnston ] <i>leucarpum</i> (Raf.) Reveal & M. C. Johnst.	Christmas Mistletoe
<i>Phyllanthus caroliniensis</i> Walt.	Carolina Leaf-Flower
<i>Platanthera cristata</i> (Michx.) Lindl.	Crested Yellow Orchid
<i>Platanthera leucophaea</i> (Nutt.) Lindl.	Prairie White-Fringed Orchid
<i>Polygala lutea</i> L.	Yellow Milkwort
<i>Populus heterophylla</i> L.	Swamp Cottonwood
<i>Potamogeton alpinus</i> Balbis	Northern Pondweed
<i>Potamogeton praelongus</i> Wulfen	[ <b>White-Stemmed</b> ] <b>White-Stem Pondweed</b>
<i>Prenanthes racemosa</i> Michx.	Glaucous Rattlesnake-Root
<i>Proserpinaca pectinata</i> Lam.	Comb-Leaved Mermaid-Weed
<i>Ranunculus hederaceus</i> L.	Long-Stalked Crowfoot
<i>Rhododendron calendulaceum</i> (Michx.) Torr.	Flame Azalea
<i>Rhynchospora fusca</i> (L.) [ Ait ] Aiton f.	Brown [ <b>Beaked-Rush</b> ] <b>Beak-Rush</b>
<i>Rhynchospora gracilentata</i> A. Gray	[ <b>Beaked-Rush</b> ] <b>Beak-Rush</b>
<i>Ruellia caroliniensis</i> [ (Gmel.) ] (Walter ex J. F. Gmel.) Steud.	Carolina Petunia
<i>Sabatia campanulata</i> (L.) Torr.	Slender [ <b>Marsh Pink</b> ] <b>Marsh-Pink</b>
<i>Sabatia stellaris</i> Pursh	Sea Pink
<i>Saccharum giganteum</i> (Walter) Pers.	<b>Sugarcane-Plumegrass</b>
<i>Sagittaria</i> [ <i>stagnorum</i> Small ] <i>filiformis</i> J. G. Sm.	Water Arrow-Head
[ <i>Scirpus</i> ] <i>Schoenoplectus heterochaetus</i> Chase (Sojak)	Slender [ <b>Bullrush</b> ] <b>Bulrush</b>
<i>Scutellaria serrata</i> Andr.	Showy Skullcap

<i>Scientific Name</i>	<i>Common Name</i>
[ <i>Sisyrinchium arenicola</i> Bickn. ] <i>Sisyrinchium fuscatum</i> E. P. Bicknell	Sand Blue-Eyed Grass
<i>Smilax</i> [ <i>pseudo-china</i> ] <i>pseudochina</i> L.	Long-Stalked Greenbrier
<i>Sparganium</i> [ <i>minimum</i> (Hartm.) Fries ] <i>natans</i> L.	Small Bur-Reed
<i>Spiraea virginiana</i> [ Britt. ] Britton	Virginia Spiraea
<i>Spiranthes magnicamporum</i> Sheviak	Ladies'-Tresses
<i>Trifolium reflexum</i> L.	Buffalo Clover
Triglochin [ <i>palustre</i> ] <i>palustris</i> L.	Marsh Arrowgrass
<i>Utricularia fibrosa</i> Walt.	Fibrous Bladderwort
[ <i>Utricularia inflata</i> Walt.	<b>Floating Bladderwort</b> ]
<i>Utricularia resupinata</i> B. D. Greene ex Bigelow	Northeastern Bladderwort
[ <i>Vitis rupestris</i> Scheele	<b>Sand Grape</b> ]

§ 45.12. Pennsylvania Endangered.

Plant species classified as Pennsylvania Endangered are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum reclinatum</i> A. Gray	White Monkshood
<i>Acorus americanus</i> (Raf.) Raf.	Sweet Flag
<i>Agalinis auriculata</i> (Michx.) S. F. Blake	<b>Eared False Foxglove</b>
[ <i>Agalinis paupercula</i> (Gray) Britt. ] <i>Agalinis paupercula</i> (A. Gray) Britton	Small-Flowered [ <b>False-Foxglove</b> ] <b>False Foxglove</b>
[ <i>Alisma plantago-aquatica</i> L. var. <i>americana</i> Schultes & Schultes ] <i>Alisma triviale</i> Pursh	Broad-Leaved Water-Plantain
<i>Alnus viridis</i> [ (Chaix) DC. ] (Vill.) DC	Mountain Alder
[ <i>Alopecurus carolinianus</i> Walt.	<b>Tufted Foxtail</b> ]
<i>Amelanchier bartramiana</i> (Tausch) M. [ Roemer ] Roem.	Oblong-Fruited Serviceberry
<i>Ammania coccinea</i> Rottb.	Scarlet Ammannia
<i>Anemone cylindrica</i> A. Gray	[ <b>Long-Fruited</b> ] <b>Long-Headed Anemone</b>
<i>Arabis missouriensis</i> Greene	Missouri [ <b>Rock-Cress</b> ] <b>Rockcress</b>
<i>Arethusa bulbosa</i> L.	[ <b>Swamp-Pink</b> ] <b>Dragon's-Mouth</b>
<i>Arnica acaulis</i> [ (Walt.) BSP. ] (Walter) Britton, Stearns & Poggenb.	Leopard's-Bane
<i>Artemisia campestris</i> L. ssp. <i>caudata</i> (Michx.) Hall & [ Clements ] Clements.	Beach Wormwood
<i>Asclepias variegata</i> L.	<b>White Milkweed</b>
<i>Asplenium resiliens</i> Kunze	Black-Stemmed Spleenwort
[ <i>Aster borealis</i> (Torr. & Gray) Prov.	<b>Rush Aster</b>
<i>Aster nemoralis</i> Ait.	<b>Bog-Aster</b>
<i>Aster solidagineus</i> Michx.	<b>Narrow-Leaved White-Topped Aster</b>
<i>Aster spectabilis</i> Ait.	<b>Low Showy Aster</b> ]
<i>Bidens beckii</i> (Torr. ex Spreng.) Greene	<b>Beck's Water-Marigold</b>
<i>Boltonia asteroides</i> (L.) [ L'Her. ] L'Hér.	Aster-Like Boltonia
<i>Cardamine pratensis</i> L. var. <i>palustris</i> Wimm. & Grab. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Cuckooflower
<i>Carex atherodes</i> Spreng.	Awned Sedge
<i>Carex aurea</i> Nutt.	Golden-Fruited Sedge
<i>Carex bebbii</i> (Bailey) Fern.	Bebb's Sedge

<i>Scientific Name</i>	<i>Common Name</i>
<i>Carex bicknellii</i> [ <b>Britt. ] Britton</b>	Bicknell's Sedge
<i>Carex bullata</i> [ <b>Schkuhr ] Willd.</b>	Bull Sedge
<i>Carex careyana</i> Dewey	Carey's Sedge
<i>Carex collinsii</i> Nutt.	Collin's Sedge
<i>Carex crinita</i> Lam. var. <i>brevicrinis</i> [ <b>Fern. (Gleason, H. A. and A. Cronquist, Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition) ] Fernald</b>	[ <b>Short Hair ] Short-Hair Sedge</b>
<i>Carex eburnea</i> Boott	Ebony Sedge
<i>Carex formosa</i> Dewey	Handsome Sedge
<i>Carex garberi</i> [ <b>Fern. ] Fernald</b>	Elk Sedge
<i>Carex geyeri</i> Boott	Geyer's Sedge
<i>Carex gravida</i> Bailey	Heavy Sedge
<i>Carex mitchelliana</i> M. A. Curtis	Mitchell's Sedge
<i>Carex pauciflora</i> Lightf.	Few-Flowered Sedge
<i>Carex polymorpha</i> Muhl.	Variable Sedge
<i>Carex pseudocyperus</i> L.	Cyperus-Like Sedge
<i>Carex retrorsa</i> Schwein.	Backward Sedge
<i>Carex typhina</i> Michx.	Cat-Tail Sedge
<i>Carex viridula</i> Michx.	Green Sedge
[ <b>Cerastium arvense (L.) var. villosissimum Pennell</b>	<b>Mouse-Ear Chickweed ]</b>
<b>Cerastium velutinum Raf. var. villossissimum (Pennell) J. K. Morton</b>	<b>Octoraro Creek Chickweed</b>
<i>Chasmanthium laxum</i> (L.) <b>H. O. Yates</b>	Slender [ <b>Sea-Oats ] Wild-Oats</b>
<i>Chenopodium foggii</i> [ <b>H. A. ] Wahl</b>	Fogg's Goosefoot
<i>Chrysogonum virginianum</i> L.	Green-and-Gold
<i>Cirsium horridulum</i> Michx.	Horrible Thistle
<i>Cladium mariscoides</i> (Muhl.) Torr.	[ <b>Twig Rush ] Twig-Rush</b>
<i>Clematis viorna</i> L.	[ <b>Vase-Vine ] Leather-Flower</b>
<i>Clethra acuminata</i> Michx.	Mountain [ <b>Pepper-Bush ] Pepperbush</b>
<i>Clitoria mariana</i> L.	[ <b>Butterfly-Pea ] Butterfly Pea</b>
<b>Coeloglossum viride (L.) Hartm.</b>	<b>Long-Bracted Green Orchis</b>
<i>Conioselinum chinense</i> (L.) [ <b>BSP. ] Britton, Stearns &amp; Poggenb.</b>	Hemlock-Parsley
<i>Cryptogramma stelleri</i> [ (Gmel.) ] (Gmel.) Prantl	Slender [ <b>Rock-Brake ] Rockbrake</b>
[ <b>Cymophyllus fraseri (Andr.) Mackenzie ] Cymophyllus fraserianus (Ker Gawl.) Kartesz &amp; Gandhi</b>	Fraser's Sedge
[ <b>Cynanchum laeve (Michx.) Pers.</b>	<b>Smooth Swallow-Wort ]</b>
<i>Cyperus acuminatus</i> Torr. & Hook.	Short-Pointed Flatsedge
<i>Cyperus diandrus</i> Torr.	Umbrella [ <b>Flatsedge ] Sedge</b>
<i>Cyperus houghtonii</i> Torr.	Houghton's Flatsedge
<i>Cyperus refractus</i> Engelm. [ <b>ex Steud. ]</b>	Reflexed Flatsedge
<i>Cyperus retrorsus</i> Chapman	Retorse Flatsedge
[ <b>Cypripedium parviflorum Salisb.</b>	<b>Small Yellow Lady's-Slipper ]</b>
<b>Cypripedium parviflorum Salisb. var. makasin (Source: Flora of North America)</b>	<b>Northern Small Yellow Lady's-Slipper</b>
<b>Cypripedium parviflorum Salisb. var. parviflorum (Source: Flora of North America)</b>	<b>Southern Small Yellow Lady's-Slipper</b>
<i>Delphinium exaltatum</i> [ <b>Ait. ] Aiton</b>	Tall Larkspur



<i>Scientific Name</i>	<i>Common Name</i>
<i>Desmodium humifusum</i> (Muhl.) Beck	Trailing Tick-Trefoil
<i>Diarrhena obovata</i> (Gleason) Bradenburg [ (Morris Arboretum, 1992 Pennsylvania Flora Database) ]	[ American Beakgrain ] Obovate Beakgrain
<i>Dicentra eximia</i> [ (Ker-Gwal.) ] (Ker Gwal.) Torr.	Wild [ Bleeding-Hearts ] Bleeding-Heart
<i>Dichantherium scoparium</i> (Lam.) Gould	Velvety Panic Grass
<i>Dichantherium xanthophysum</i> (A. Gray) Freckmann	Slender Panic Grass
<i>Dodecatheon meadia</i> L.	[ Common ] Shooting-Star
<i>Dryopteris campyloptera</i> (Kunze) Clarkson	Mountain Wood Fern
<i>Echinochloa walteri</i> (Pursh) A. Heller	Walter's Barnyard-Grass
<i>Eleocharis caribaea</i> (Rottb.) S. F. Blake	Capitate Spike-Rush
<i>Eleocharis compressa</i> [ Sullivant (Gleason, H. A. and A Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ] Sull.	Flat-Stemmed Spike-Rush
<i>Eleocharis elliptica</i> Kunth	Slender Spike-Rush
<i>Eleocharis obtusa</i> (Willd.) [ Schultes ] Schult. var. <i>peasei</i> Svenson [ (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition) ]	Wright's Spike-Rush
<i>Eleocharis parvula</i> [ (Roemer & Schultes) Link ex Buff. ] (Roem. & Schult.) Link ex Buffon & Fingerh.	[ Little-Spike ] Dwarf Spike-Rush
<i>Eleocharis pauciflora</i> (Lightf.) Link var. <i>fernaldii</i> [ Svens. (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition) ] Swenson	Few-Flowered Spike-Rush
<i>Eleocharis quadrangulata</i> (Michx.) [ Roemer & Schultes ] Roem. & Schult.	Four-Angled Spike-Rush
<i>Eleocharis rostellata</i> (Torr.) Torr.	Beaked Spike-Rush
<i>Eleocharis tenuis</i> (Willd.) [ Schultes ] Schult. var. <i>verrucosa</i> (Svenson) Svenson [ (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ]	Slender Spike-Rush
[ <i>Elephantopus carolinianus</i> Raeusch.	Elephant's-Foot
<i>Epilobium strictum</i> Muhl.	Downey Willow-Herb ]
<i>Equisetum scirpoides</i> Michx. (Source: <i>Flora of North America</i> )	Dwarf Scouring-Rush
<i>Equisetum variegatum</i> Schleich. [ ex Weber & C. Mohr ]	Variegated [ Horsetail ] Scouring-Rush
<i>Eriophorum gracile</i> [ W. D. J. ] Koch ex Roth	Slender [ Cottongrass ] Cotton-Grass
<i>Eriophorum tenellum</i> Nutt.	Rough [ Cottongrass ] Cotton-Grass
<i>Euphorbia ipecacuanhae</i> L.	Wild Ipecac
<i>Euphorbia purpurea</i> (Raf.) [ Fern. ] Fernald	Glade Spurge
<i>Eurybia spectabilis</i> (Aiton) Nesom	Showy Aster
<i>Festuca paradoxa</i> Desv.	Cluster Fescue
[ <i>Frasera caroliniensis</i> Walt.	American Columbo ]
<i>Fraxinus profunda</i> (Bush) Bush	Pumpkin Ash
<i>Galium labradoricum</i> [ (Wieg.) Wieg. ] Wiegand	[ Labrador Marsh ] Bog Bedstraw
<i>Gaylussacia dumosa</i> (Andr.) Torr. & A. Gray	Dwarf Huckleberry
<i>Geranium bicknellii</i> [ Britt. ] Britton	Cranesbill
<i>Glyceria borealis</i> (Nash) [ Batchelder ] Batch.	[ Small-Floating Manna-Grass ] Small Floating Mannagrass
<i>Glyceria obtusa</i> (Muhl.) Trin.	Blunt Manna-Grass
<i>Goodyera tessellata</i> Lodd.	Checkered Rattlesnake-Plantain
<i>Gymnopogon ambiguus</i> (Michx.) [ BSP. ] Britton, Stearns & Poggenb.	Broad-Leaved Beardgrass
<i>Helianthemum bicknellii</i> [ Fern. ] Fernald	Bicknell's Hoary Rockrose

<i>Scientific Name</i>	<i>Common Name</i>
[ <b><i>Hemicarpha micrantha</i></b> (Vahl) Britt.	<b>Common Hemicarpha ]</b>
<i>Heteranthera multiflora</i> [ (Griseb) Horn. (Gleason, H. A. and A Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ] (Griseb.) Horn.	Multi-Flowered Mud-Plantain
<i>Hieracium traillii</i> Greene	Maryland Hawkweed
<i>Hierochloa odorata</i> (L.) Beauv.	Vanilla Sweet-Grass
<b><i>Huperzia porophila</i></b> (F. E. Lloyd & Underw.) Holub	<b>Sandstone-Loving Firmoss</b>
<i>Hydrophyllum macrophyllum</i> Nutt.	Large-Leaved Water-Leaf
<i>Iodanthus pinnatifidus</i> (Michx.) Steud.	[ <b>Purple Rocket</b> ] <b>Purple-Rocket</b>
<i>Iris cristata</i> [ Soland. ] Sol. ex Aiton	[ <b>Crested Dwarf</b> ] <b>Dwarf Crested Iris</b>
<i>Iris prismatica</i> Pursh	Slender Blue [ <b>Iris</b> ] <b>Flag</b>
<i>Iris verna</i> L.	Dwarf Iris
<i>Isotria medeoloides</i> (Pursh) Raf.	Small-Whorled Pogonia
<i>Juncus brachycarpus</i> Engelm.	Short-Fruited Rush
<i>Juncus dichotomus</i> [ Ell. ] Elliott	Forked Rush
<i>Juncus longii</i> Fern.	Long's Rush
<i>Juncus militaris</i> Bigelow	Bayonet Rush
<i>Juncus scirpoides</i> Lam.	Scirpus-Like Rush
<i>Lespedeza angustifolia</i> (Pursh) [ Ell. ] Elliott	[ <b>Narrowleaf Bushclover</b> ] <b>Narrow-Leaved Bush-Clover</b>
<i>Ligusticum canadense</i> (L.) [ Britt. ] Britton	Nondo Lovage
<i>Linum intercursum</i> [ Bickn. ] E. P. Bicknell	Sandplain Wild Flax
<i>Linum sulcatum</i> Riddell	[ <b>Grooved-Yellow</b> ] <b>Grooved Yellow Flax</b>
<b><i>Lipocarpha micrantha</i></b> (Vahl) G. C. Tucker	<b>Common Hemicarpha</b>
<i>Listera australis</i> Lindl.	Southern Twayblade
<i>Listera cordata</i> (L.) R. Br.	[ <b>Heart-Leaved</b> ] <b>Heartleaf Twayblade</b>
<i>Listera smallii</i> [ Wieg. ] Wiegand	Kidney-Leaved Twayblade
<i>Lithospermum carolinense</i> (J. F. Gmel.) [ MacM. ] MacMill.	Hispid Gromwell
<i>Lithospermum latifolium</i> Michx.	American Gromwell
<i>Lobelia kalmii</i> L.	Brook Lobelia
<i>Lobelia puberula</i> Michx.	Downy Lobelia
<i>Lonicera oblongifolia</i> (Goldie) Hook.	Swamp [ <b>Fly Honeysuckle</b> ] <b>Fly-Honeysuckle</b>
<i>Lonicera villosa</i> (Michx.) [ Roemer & Schultes ] Roem. & Schult.	Mountain [ <b>Fly Honeysuckle</b> ] <b>Fly-Honeysuckle</b>
<i>Ludwigia decurrens</i> [ Walt. ] Walter	Upright Primrose-Willow
<i>Ludwigia polycarpa</i> Short & Peter	False Loosestrife Seedbox
[ <b><i>Lycopodium alopecuroides</i></b> L.	<b>Foxtail Clubmoss</b>
<b><i>Lycopodium porophilum</i></b> Lloyd & Underwood	<b>Rock Clubmoss ]</b>
<b><i>Lycopodiella alopecuroides</i></b> (L.) Cranfill	<b>Foxtail Bog Clubmoss</b>
<b><i>Lycopodiella margueritae</i></b> J. G. Bruce, W. H. Wagner & Beitel	<b>Marguerite's Clubmoss</b>
<i>Lycopus rubellus</i> [ Moench ] Moench.	Taper-Leaved Bugle-Weed
<i>Lyonia mariana</i> (L.) D. Don	[ <b>Stagger-Bush</b> ] <b>Staggerbush</b>
<b><i>Malaxis bayardii</i></b> Fernald	<b>Adder's-Mouth</b>
<i>Marshallia grandiflora</i> Beadle & F. E. Boynton	Large-Flowered Marshallia
<i>Matelea obliqua</i> (Jacq.) [ Woods. ] Woodson	Oblique Milkvine

<i>Scientific Name</i>	<i>Common Name</i>
[ <i>Megalodonta beckii</i> (Torr. ex Spreng.) Greene	<b>Beck's Water-Marigold ]</b>
<i>Mitella nuda</i> L.	Naked Bishop's-Cap
<i>Monarda punctata</i> L.	Spotted Bee-Balm
<i>Montia chamissoi</i> (Ledeb. ex Spreng.) Greene	Chamisso's Miner's-Lettuce
<i>Muhlenbergia uniflora</i> (Muhl.) Fern.	Fall Dropseed Muhly
[ <i>Myriophyllum exalbescens</i> Fern.	<b>Northern Water-Milfoil ]</b>
<i>Myriophyllum farwellii</i> Morong	Farwell's Water-Milfoil
[ <i>Myriophyllum heterophyllum</i> Michx.	<b>Broad-Leaved Water-Milfoil ]</b>
<i>Myriophyllum sibiricum</i> Komarov	<b>Northern Water-Milfoil</b>
<i>Myriophyllum verticillatum</i> L.	Whorled Water-Milfoil
<i>Najas marina</i> L.	Holly-Leaved Naiad
[ <i>Nelumbo lutea</i> (Willd.) Pers.	<b>American Lotus ]</b>
<i>Oclemena nemoralis</i> (Aiton) E. Greene	<b>Leafy Bog Aster</b>
[ <i>Onosmodium hispidissimum</i> Mackenzie ] <i>Onosmodium molle</i> Michx. var. <i>hispidissimum</i> (Mack.) Cronquist	False Gromwell
<i>Ophioglossum engelmannii</i> Prantl	Limestone [ <b>Adder's Tongue ]</b> <b>Adder's-Tongue</b>
[ <i>Oryzopsis pungens</i> (Torr. ex Spreng.) A. S. Hitchc.	<b>Slender Mountain-Ricegrass</b>
<i>Panicum amarum</i> Ell. var. <i>amarulum</i> (A. S. Hitchc. & Chase) P. G. Palmer (Morris Arboretum, 1992, Pennsylvania Flora Database)	<b>Southern Sea-Beach Panic-Grass</b>
<i>Panicum scoparium</i> (Lam.) Gould (Morris Arboretum, 1992, Pennsylvania Flora Database)	<b>Velvety Panic-Grass</b>
<i>Panicum xanthophysum</i> (Gray) Freckmann (Morris Arboretum, 1992, Pennsylvania Flora Database)	<b>Slender Panic-Grass ]</b>
<i>Packera antennariifolia</i> (Britton) W. A. Weber & Á. Löve	<b>Cat's-Paw Ragwort</b>
<i>Panicum amarum</i> Elliott var. <i>amarulum</i> (A. Hitchc. & Chase) P. G. Palmer	<b>Beachgrass</b>
<i>Parnassia glauca</i> Raf.	[ <b>Carolina ]</b> Grass-of-Parnassus
<i>Passiflora lutea</i> L.	Passion-Flower
<i>Paxistima canbyi</i> A. Gray	Canby's Mountain-Lover
<i>Persicaria careyi</i> (Olney) Greene	<b>Carey's Smartweed</b>
<i>Persicaria setacea</i> (Baldwin) Small	<b>Swamp Smartweed</b>
<i>Phlox ovata</i> L.	Mountain Phlox
<i>Phlox subulata</i> L. ssp. <i>brittonii</i> (Small) Wherry	Moss Pink
<i>Piptatherum pungens</i> (Torr. ex Spreng.) Dorn	<b>Slender Mountain Ricegrass</b>
<i>Platanthera aquilonis</i> Sheviak, Lindleyana (Source: <i>Flora of North America</i> )	<b>Northern Green Orchid</b>
<i>Platanthera dilatata</i> (Pursh) Lindl. ex Beck	[ <b>Leafy White Orchid ]</b> Tall White <b>Bog-Orchid</b>
[ <i>Platanthera hyperborea</i> (L.) Lindl.	<b>Leafy Northern Green Orchid ]</b>
<i>Platanthera huronensis</i> (Nutt.) Lindl.	<b>Huron Green Orchid</b>
<i>Poa autumnalis</i> Muhl. ex [ Ell. ] Elliott	Autumn Bluegrass
[ <i>Polemonium vanbruntiae</i> Britt. ] <i>Polemonium van-bruntiae</i> Britton	Jacob's-Ladder
<i>Polygala cruciata</i> L.	Cross-Leaved Milkwort
<i>Polygala curtissii</i> A. Gray	Curtis' Milkwort
<i>Polygala incarnata</i> L.	Pink Milkwort
[ <i>Polygonum careyi</i> Olney	<b>Carey's Smartweed</b>

<i>Scientific Name</i>	<i>Common Name</i>
<b><i>Polygonum setaceum</i> Baldw. ex Ell. var. <i>interjectum</i> Fern.</b>	<b>Swamp Smartweed ]</b>
<i>Polystichum braunii</i> [ (Spenner) ] (Spenn.) Fee	Braun's Holly Fern
<i>Populus balsamifera</i> L.	Balsam Poplar
<i>Potamogeton friesii</i> Rupr.	Fries' Pondweed
<i>Potamogeton gramineus</i> L.	Grassy Pondweed
<i>Potamogeton hillii</i> Morong	Hill's Pondweed
<i>Potamogeton obtusifolius</i> Mert. & Koch	Blunt-Leaved Pondweed
<i>Potamogeton pulcher</i> [ Tuckerman ] Tuck.	Spotted Pondweed
<i>Potamogeton strictifolius</i> A. Benn.	Narrow-Leaved Pondweed
<i>Potamogeton tennesseensis</i> [ Fern. ] Fernald	Tennessee Pondweed
<i>Potamogeton vaseyi</i> J. W. Robbins	Vasey's Pondweed
<i>Potentilla fruticosa</i> L.	Shrubby Cinquefoil
<i>Potentilla paradoxa</i> Nutt. [ ex Torr. & Gray ]	Bushy Cinquefoil
<i>Potentilla tridentata</i> [ (Soland) Ait. ] Aiton	Three-Toothed Cinquefoil
[ <b><i>Prenanthes crepidinea</i> Michx.</b>	<b>Crepis Rattlesnake-Root ]</b>
<i>Prunus maritima</i> [ Marsh. ] Marshall	Beach Plum
<i>Prunus nigra</i> Ait.	Canada Plum
<i>Ptilimnium capillaceum</i> (Michx.) Raf.	Mock Bishop-Weed
[ <b><i>Pycnanthemum pycnanthemoides</i> (Leavenw.) Fern.</b>	<b>Southern Mountain-Mint ]</b>
<i>Pycnanthemum torrei</i> Benth.	Torrey's Mountain-Mint
<i>Quercus falcata</i> Michx.	[ Spanish ] Southern Red Oak
<i>Quercus phellos</i> L.	Willow Oak
<i>Quercus shumardii</i> [ Buckl. ] Buckley	[ Shumard's ] Shumard Oak
<i>Ranunculus fascicularis</i> Muhl. ex J.M. Bigelow	Tufted Buttercup
<b><i>Ratibida pinnata</i> (Vent.) Barnhart</b>	<b>Gray-Headed Prairie Coneflower</b>
<i>Rhamnus lanceolata</i> Pursh	Lanceolate Buckthorn
<i>Rhexia mariana</i> L.	Maryland Meadow-Beauty
<i>Rhododendron atlanticum</i> (Ashe) [ Rehd. ] Rehder	Dwarf Azalea
<i>Rhynchospora capillacea</i> Torr.	Capillary [ Beaked-Rush ] Beak-Rush
<i>Ribes missouriense</i> Nutt. ex Torr. & A. Gray	Missouri Gooseberry
<b><i>Rubus cuneifolius</i> Pursh</b>	<b>Sand Blackberry</b>
<i>Ruellia humilis</i> Nutt.	Fringed-Leaved Petunia
<i>Sagittaria calycina</i> Engelm. [ var. <i>spongiosa</i> Engelm. ]	Long-Lobed [ Arrow-Head ] Arrowhead
<i>Scheuchzeria palustris</i> L.	Pod-Grass
[ <b><i>Scirpus acutus</i> Muhl. ex Bigelow</b>	<b>Hard-Stemmed Bullrush ]</b>
<b><i>Schoenoplectus acutus</i> (Muhl. ex Bigel.) Löve &amp; Löve</b>	<b>Hard-Stemmed Bulrush</b>
<b><i>Schoenoplectus smithii</i> (A. Gray) Sojak</b>	<b>Smith's Bulrush</b>
<b><i>Schoenoplectus torreyi</i> (Olney) Palla</b>	<b>Torrey's Bulrush</b>
<i>Scirpus ancistrochaetus</i> Schuyler	Northeastern [ Bullrush ] Bulrush
[ <b><i>Scirpus smithii</i> Gray</b>	<b>Smith's Bullrush</b>
<b><i>Scirpus torreyi</i> Olney</b>	<b>Torrey's Bullrush ]</b>
<i>Scleria minor</i> [ (Britt.) W. ] (Brittton) Stone	[ Minor Nutrush ] Small Nut-Rush
[ <b><i>Scleria reticularis</i> Michx.</b>	<b>Reticulated Nutrush ]</b>
<b><i>Scleria muhlenbergii</i> Steud.</b>	<b>Reticulated Nut-Rush</b>
<i>Scleria verticillata</i> Muhl. ex Willd.	Whorled [ Nutrush ] Nut-Rush



<i>Scientific Name</i>	<i>Common Name</i>
<i>Sedum rosea</i> (L.) Scop.	Roseroot Stonecrop
[ <i>Senecio antennariifolius</i> Britt.	<b>Cat's-Paw Ragwort ]</b>
<i>Sericocarpus linifolius</i> (L.) Britton, Stearns & Poggenb.	<b>Narrow-Leaved White-Topped Aster</b>
<i>Shepherdia canadensis</i> (L.) Nutt.	Canada Buffalo-Berry
<i>Sida hermaphrodita</i> (L.) Rusby	[ <b>Sida</b> ] <b>Virginia Mallow</b>
<i>Sisyrinchium atlanticum</i> [ Bickn. ] E. P. Bicknell	Eastern [ <b>Blue-Eyed Grass</b> ] <b>Blue-Eyed-Grass</b>
<i>Solidago arguta</i> [ Ait. var. <i>harrissii</i> (Steele) Cronq. ] Aiton var. <i>harrissii</i> (E. S. Steele) Cronquist	Harris' Goldenrod
<i>Solidago curtissii</i> Torr. & A. Gray	Curtis' Goldenrod
<i>Solidago erecta</i> <b>Banks ex Pursh</b>	Slender Goldenrod
[ <i>Solidago spathulata</i> DC. ssp. <i>randii</i> var. <i>racemosa</i> (Greene) Gleason ] <i>Solidago simplex</i> Kunth ssp. <i>randii</i> (Porter) Ringius var. <i>racemosa</i> (Greene) Ringius	Sticky Goldenrod
<i>Sorbus decora</i> (Sarg.) Schneid.	Showy Mountain-Ash
<i>Sparganium androcladum</i> (Engelm.) Morong	Branching Bur-Reed
<i>Spiranthes casei</i> Catling & Cruise	Case's Ladies'-Tresses
<i>Spiranthes ovalis</i> Lindl.	October Ladies'-Tresses
<i>Spiranthes romanzoffiana</i> Cham.	Hooded Ladies'-Tresses
<i>Spiranthes vernalis</i> Engelm. & A. Gray	Spring Ladies'-Tresses
<i>Sporobolus clandestinus</i> (Biehler) A. [ <b>S.</b> ] Hitchc.	Rough Dropseed
<i>Sporobolus cryptandrus</i> (Torr.) A. Gray	Sand Dropseed
<i>Sporobolus heterolepis</i> (A. Gray) A. Gray	Prairie Dropseed
<i>Stachys nuttallii</i> [ <b>Shuttlw.</b> ] <b>Shuttlew.</b> ex Benth.	Nuttall's Hedge-Nettle
<i>Swertia caroliniensis</i> (Walter) Kuntze	<b>American Columbo</b>
<i>Symphotrichum boreale</i> (Torr. & Gray) Á. Löve & D. Löve	<b>Northern Bog Aster</b>
<i>Taenidia montana</i> [ (Mackenzie) Cronq. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ] (Mack.) Cronquist	Mountain Pimpernel
<i>Thalictrum coriaceum</i> (Britt.) Small	Thick-Leaved Meadow-Rue
[ <i>Tomanthera auriculata</i> (Michx.) Raf.	<b>Eared False-Foxglove ]</b>
<i>Trichostema setaceum</i> Houtt.	<b>Narrow-Leaved Blue-Curls</b>
<i>Trifolium virginicum</i> Small	[ <b>Kate's Mountain</b> ] <b>Kate's-Mountain Clover</b>
<i>Triphora trianthophora</i> [ (Sw.) ] (Swartz) Rydb.	Nodding Pogonia
<i>Triplasis purpurea</i> [ (Walt.) Chapman ] (Walter) Chapm.	Purple Sandgrass
<i>Trollius laxus</i> Salisb. [ <b>ssp. laxus</b> ]	Spreading Globe-Flower
<i>Veronia glauca</i> (L.) Willd.	Tawny Ironweed
<i>Viburnum nudum</i> L.	Possum Haw Viburnum
<i>Viola brittoniana</i> Pollard	Coast Violet
[ <i>Viola pedatifida</i> G. Don	<b>Prairie Violet ]</b>
<i>Vitis novae-angliae</i> [ Fern. ] Fernald	New England Grape
<i>Vitis rupestris</i> Scheele	<b>Sand Grape</b>
<i>Zigadenus glaucus</i> (Nutt.) Nutt.	<b>White Camas</b>

## § 45.13. Pennsylvania Threatened.

Plant species classified as Pennsylvania Threatened are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Aconitum uncinatum</i> L.	Blue Monkshood
<b><i>Actaea podocarpa</i> DC</b>	<b>American Bugbane</b>
<i>Ammophila breviligulata</i> [ Fern. ] Fernald	American Beachgrass
<i>Arceuthobium pusillum</i> [ M. E. ] Peck	Dwarf Mistletoe
<i>Aristida purpurascens</i> Poir.	Arrow-Feather Three-Awned Grass
<i>Asplenium bradleyi</i> D. C. [ Eat. ] Eaton	Bradley's Spleenwort
[ <i>Aster depauperatus</i> (Porter) Fern.	<b>Serpentine Aster</b>
<b><i>Aster novi-belgii</i> L.</b>	<b>Long-Leaved Aster ]</b>
<b><i>Baptisia australis</i> (L.) R. Br.</b>	<b>Blue False Indigo</b>
<i>Bidens bidentoides</i> (Nutt.) Britt.	Swamp Beggar-Ticks
<i>Bouteloua curtipendula</i> (Michx.) Torr.	Tall Gramma
<i>Camassia scilloides</i> (Raf.) Cory	Wild Hyacinth
<i>Carex alata</i> Torr.	Broad-Winged Sedge
<i>Carex aquatilis</i> Wahlenb.	Water Sedge
<i>Carex cryptolepis</i> [ Mackenzie ] Mack.	Northeastern Sedge
<i>Carex diandra</i> Schrank	Lesser Panicked Sedge
<i>Carex flava</i> L.	Yellow Sedge
<i>Carex oligosperma</i> Michx.	Few-Seeded Sedge
<i>Carex paupercula</i> Michx.	Bog Sedge
<i>Carex prairea</i> Dewey	Prairie Sedge
<i>Carex schweinitzii</i> [ Dewey ex ] Schwein.	Schweinitz's Sedge
<i>Carex sterilis</i> Willd.	Atlantic Sedge
<i>Carex tetanica</i> Schkuhr	Wood's Sedge
<i>Carex wiegandii</i> [ Mackenzie ] Mack.	Wiegand's Sedge
<i>Chamaesyce polygonifolia</i> (L.) Small	[ <b>Small Sea-Side</b> ] <b>Seaside Spurge</b>
<i>Chrysopsis mariana</i> (L.) [ Ell. ] Elliott	Maryland Golden-Aster
[ <i>Cimicifuga americana</i> Michx.	<b>Mountain Bugbane ]</b>
<i>Cypripedium reginae</i> [ Walt. ] Walter	Showy Lady's-Slipper
<i>Digitaria cognatum</i> (Schultes) Pilger	Fall Witch-Grass
<i>Dodecatheon amethystinum</i> (Fassett) Fassett	Jeweled Shooting-Star
<i>Eleocharis intermedia</i> [ Schultes ] (Muhl.) Schult.	Matted Spike-Rush
<i>Eleocharis robbinsii</i> Oakes	Robbins' Spike-Rush
<i>Ellisia nyctelea</i> L.	Ellisia
<i>Eriogonum bulbosum</i> (Michx.) Nutt.	Harbinger-of-Spring
<i>Eriophorum viridicarinatum</i> (Engelm.) [ Fern. ] Fernald	Thin-Leaved Cottongrass
[ <i>Euthamia tenuifolia</i> (Pursh) Greene ] <i>Euthamia caroliniana</i> (L.) Greene ex Porter & Britton	Grass-Leaved Goldenrod
<i>Fimbristylis annua</i> (All.) [ Roemer & Schultes ] Roem. & Schult.	Annual Fimbry
<i>Gaylussacia brachycera</i> (Michx.) A. Gray	Box Huckleberry
<i>Hypericum densiflorum</i> Pursh	Bushy St. John's-Wort
<i>Hypericum majus</i> (A. Gray) [ Britt. ] Britton	[ <b>Larger</b> ] Canadian St. John's-Wort
<i>Ilex opaca</i> [ Ait. ] Aiton	American Holly

<i>Scientific Name</i>	<i>Common Name</i>
[ <i>Juncus alpinus</i> Vill. ] <i>Juncus alpinoarticulatus</i> Chaix in Vill. ssp. <i>nodulosus</i> (Wahlenb.) Hämet-Ahti.	Richardson's Rush
[ <i>Juncus balticus</i> Willd. ] <i>Juncus arcticus</i> Willd. var. <i>littoralis</i> (Engelm.) Boivin.	Baltic Rush
<i>Juncus brachycephalus</i> (Engelm.) L. Buch.	Small-Headed Rush
<i>Juncus torreyi</i> Coville	Torrey's Rush
<i>Lathyrus japonicus</i> Willd.	Beach [ <b>Peavine</b> ] <b>Pea</b>
<i>Lathyrus ochroleucus</i> Hook.	Wild Pea
<i>Linnaea borealis</i> L.	Twinflower
<i>Lobelia dortmanna</i> L.	Water Lobelia
[ <i>Lycopodium appressum</i> (Chapman) Lloyd & Underwood	<b>Southern Bog Clubmoss</b> ]
<i>Lycopodiella appressa</i> (Chapm.) Cranfill	<b>Appressed Bog Clubmoss</b>
<i>Magnolia tripetala</i> (L.) L.	Umbrella Magnolia
<i>Magnolia virginiana</i> L.	[ <b>Sweet Bay</b> ] <b>Sweetbay</b> Magnolia
<i>Melica nitens</i> [ (Scribn.) Nutt. ex Piper ] Nutt.	Three-Flowered Melic Grass
<i>Minuartia glabra</i> (Michx.) Mattf.	Appalachian Sandwort
<i>Myrica gale</i> L.	[ <b>Sweet Bayberry</b> ] <b>Sweet-gale</b>
<i>Myriophyllum tenellum</i> Bigelow	Slender Water-Milfoil
<i>Najas gracillima</i> (A. Braun) Magnus	Bushy Naiad
<i>Nymphoides cordata</i> [ (Eil.) Fern. ] (Elliott) Fernald	Floating-Heart
<i>Oenothera argillicola</i> [ <b>Mackenzie</b> ] Mack.	Shale-Barren Evening-Primrose
<i>Panicum tuckermanii</i> [ Fern. (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition) ] Fernald	Tuckerman's Panic-Grass
<i>Phemeranthus teretifolius</i> (Pursh) Raf.	<b>Round-Leaved Fameflower</b>
<i>Platanthera peramoena</i> (A. Gray) A. Gray	<b>Purple Fringeless Orchid</b>
<i>Poa paludigena</i> [ Fern. & Wieg. ] Fernald & Wiegand	Bog Bluegrass
[ <i>Polygonum robustius</i> (Small) Fern.	<b>Robust Smartweed</b> ]
<i>Potamogeton confervoides</i> Reichenb.	Tuckerman's Pondweed
<i>Potamogeton richardsonii</i> (Benn.) Rydb.	Red-Head Pondweed
[ <i>Potentilla anserina</i> L.	<b>Silverweed</b> ]
<i>Ptelea trifoliata</i> L.	[ <b>Common Hop-Tree</b> ] <b>Hoptree</b>
[ <i>Ranunculus longirostre</i> Godr. ] <i>Ranunculus longirostris</i> Godron	Eastern White Water-Crowfoot
<i>Ribes triste</i> Pallas	<b>Wild Red Currant</b>
<i>Ruellia strepens</i> L.	Limestone Petunia
<i>Salix candida</i> Flugge ex Willd.	Hoary Willow
<i>Salix serissima</i> (Bailey) [ Fern. ] Fernald	Autumn Willow
<i>Scirpus pedicellatus</i> [ Fern. ] Fernald	Stalked [ <b>Bullrush</b> ] <b>Bulrush</b>
<i>Scleria pauciflora</i> Muhl. ex Willd.	Few-Flowered Nutrush
<i>Solidago uliginosa</i> Nutt.	<b>Bog Goldenrod</b>
<i>Spiraea betulifolia</i> Pallas [ ssp. ] var. <i>corymbosa</i> (Raf.) [ Taylor & MacBryde ] Maxim.	Dwarf Spiraea
<i>Streptopus amplexifolius</i> (L.) [ DC. ] DC	[ <b>White</b> ] Twisted-Stalk
[ <i>Talinum teretifolium</i> Pursh	<b>Round-Leaved Fame-Flower</b> ]
<i>Symphotrichum depauperatum</i> (Fernald) Nesom	<b>Serpentine Aster</b>
<i>Symphotrichum novi-belgii</i> (L.) Nesom var. <i>novi-belgii</i>	<b>New York Aster</b>
<i>Utricularia intermedia</i> [ Hayne. ] Hayne	Flat-Leaved Bladderwort

<i>Scientific Name</i>	<i>Common Name</i>
[ <b><i>Utricularia minor</i></b> L.]	<b>Lesser Bladderwort</b> ]
<i>Viola appalachiensis</i> L. K. Henry	Appalachian Blue Violet
<i>Vittaria appalachiana</i> Farrar & Mickel [ (Morris Arboretum, 1992, Pennsylvania Flora Database) ]	Appalachian Grass-Fern

§ 45.14. Pennsylvania Rare.

Plant species classified as Pennsylvania Rare are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Amaranthus cannabinus</i> (L.) Sauer	[ <b>Waterhemp</b> ] <b>Water-Hemp</b> Ragweed
<i>Andromeda polifolia</i> L.	Bog-Rosemary
<i>Aplectrum hyemale</i> (Muhl. ex Willd.) Nutt.	Puttyroot
<i>Baccharis halimifolia</i> L.	Eastern Baccharis
<i>Cakile edentula</i> [ (Bigel.) ] (Bigelow) Hook.	American Sea-Rocket
<i>Carex disperma</i> Dewey	Soft-Leaved Sedge
<i>Carex lasiocarpa</i> Ehrh.	[ <b>Slender</b> ] <b>Many-Fruited</b> Sedge
<i>Collinsia verna</i> Nutt.	Spring Blue-Eyed Mary
<i>Cyperus engelmannii</i> Steud.	Engelmann's Flatsedge
<i>Cyperus schweinitzii</i> Torr.	Schweinitz's Flatsedge
<b><i>Dichanthelium commonsianum</i> (Ashe) Freckmann var. <i>euchlamydeum</i> (Shinners) Pohl</b>	<b>Cloaked Panic Grass</b>
<i>Eleocharis olivacea</i> Torr.	Capitate Spike-Rush
<b><i>Epilobium strictum</i> Muhl.</b>	<b>Downy Willow-Herb</b>
<i>Gaultheria hispidula</i> (L.) Muhl. ex Bigelow	Creeping Snowberry
<i>Juncus filiformis</i> L.	Thread Rush
[ <b><i>Juncus gymnocarpus</i></b> Coville	<b>Coville's Rush</b> ]
<i>Ledum groenlandicum</i> Oeder	Common Labrador-Tea
<i>Lupinus perennis</i> L.	<b>Blue</b> Lupine
<i>Lygodium palmatum</i> (Bernh.) Sw.	Hartford Fern
[ <b><i>Malaxis bayardii</i></b> Fern. (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition)	<b>Bayard's Malaxis</b> ]
<i>Menziesia pilosa</i> (Michx.) Juss.	Minniebush
<i>Opuntia humifusa</i> (Raf.) Raf.	<b>Eastern</b> Prickly-Pear Cactus
<i>Orontium aquaticum</i> L.	Golden Club
[ <b><i>Panicum commonsianum</i></b> Ashe var. <i>euchlamydeum</i> (Skinners) Pohl (Morris Arboretum, 1992, Pennsylvania Flora Database)	<b>Cloaked Panic-Grass</b> ]
<b><i>Packera anonyma</i> (A. W. Wood) W. A. Weber &amp; Á. Löve</b>	<b>Appalachian Groundsel</b>
<i>Potamogeton robbinsii</i> Oakes	Flat-Leaved Pondweed
<i>Potamogeton zosteriformis</i> [ Fern. ] Fernald	Flat-Stemmed Pondweed
<b><i>Potentilla anserina</i></b> L.	<b>Silverweed</b>
<i>Prunus pumila</i> L. var <b><i>pumila</i></b>	Sand Cherry
<i>Pyrolaria pubera</i> Michx.	Buffalo-Nut
<i>Ranunculus micranthus</i> (Gray) Nutt. ex Torr. & Gray	Small-Flowered Crowfoot
<i>Rotala ramosior</i> (L.) Koehne	[ <b>Tooth-Cup</b> ] <b>Toothcup</b>
<i>Sagittaria subulata</i> (L.) L. Buch.	[ <b>Subulata Arrow-Head</b> ] <b>Subulate Arrowhead</b>
<i>Schizachyrium scoparium</i> (Michx.) Nash var. <i>littorale</i> (Nash) Gould	Seaside Bluestem
[ <b><i>Scirpus fluviatilis</i></b> (Torr.) Gray	<b>River Bullrush</b> ]
<b><i>Schoenoplectus fluviatilis</i> (Torr.) Strong</b>	<b>River Bulrush</b>
<i>Sedum telephoides</i> Michx.	Allegheny Stonecrop



<i>Scientific Name</i>	<i>Common Name</i>
[ <b><i>Senecio anonymus</i> Wood</b>	<b>Plain Ragwort ]</b>
<i>Solidago roanensis</i> Porter	Tennessee Golden-Rod
<i>Tipularia discolor</i> (Pursh) Nutt.	Crane-fly Orchid
[ <b><i>Trautvetteria caroliniensis</i> (Walt.) Vail</b>	<b>Carolina Tassel-Rue ]</b>
<i>Trillium nivale</i> Riddell	Snow Trillium
[ <b><i>Utricularia purpurea</i> Walt.</b>	<b>Purple Bladderwort ]</b>
<i>Wolffiella gladiata</i> (Hegelm.) Hegelm.	Bog-mat
<i>Xyris montana</i> Ries.	Yellow Eyed Grass
<i>Zizania aquatica</i> L.	Indian Wild Rice

§ 45.15. **Pennsylvania Vulnerable.**

Plant species classified as Pennsylvania Vulnerable are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
[ <b><i>Cypripedium pubescens</i> Willd. ] <i>Cypripedium parviflorum</i> Salisb. var. <i>pubescens</i> (Willd.) Correll</b>	<b>Large Yellow Lady's-Slipper</b>
<i>Hydrastis canadensis</i> L.	[ <b>Golden-Seal ] Goldenseal</b>
<i>Panax quinquefolius</i> L.	Ginseng

§ 45.21. **Tentatively Undetermined.**

Plant species classified as Tentatively Undetermined are as follows:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Adiantum pedatum</i> L. ssp. <i>caulderi</i> Cody	Northern Maidenhair Fern
<i>Agalinis obtusifolia</i> Raf.	False-Foxglove
<i>Aletris farinosa</i> L.	Colic-Root
<i>Ambrosia psilostachya</i> DC.	Naked-Spiked Ambrosia
<i>Amelanchier humilis</i> [ <b>Wieg. ] Wiegand</b>	Low Serviceberry
<i>Amelanchier obovalis</i> (Michx.) Ashe	Coastal Juneberry
<i>Amelanchier sanguinea</i> (Pursh) DC.	Roundleaf [ <b>Serviceberry ] Juneberry</b>
<i>Andropogon glomeratus</i> [ (Walt.) BSP. ] (Walter) Britton, Stearns & Poggenb.	Bushy Bluestem
<i>Antennaria solitaria</i> Rydb.	Single-Headed Pussy-Toes
<i>Arabis hirsuta</i> (L.) Scop.	Western Hairy Rock-Cress
[ <b><i>Aristida curtissii</i> (Gray) Nash ] <i>Aristida dichotoma</i> Michx. var. <i>curtissii</i> A. Gray</b>	Poverty Grass
<i>Aristida longespica</i> Poir. var. <i>geniculata</i> (Raf.) [ <b>Fern. ] Fernald</b>	Long-Spike Three-Awned Grass
<i>Aristolochia macrophylla</i> Lam.	Pipevine
[ <b><i>Asclepias variegata</i> L.</b>	<b>White Milkweed</b>
<b><i>Aster dumosus</i> L.</b>	<b>Bushy Aster</b>
<b><i>Aster ericoides</i> L.</b>	<b>White Heath Aster</b>
<b><i>Aster firmus</i> Nees</b>	<b>Firm Aster ]</b>
<i>Carex buxbaumii</i> Wahlenb.	Brown Sedge
<i>Carex crawfordii</i> [ <b>Fern. ] Fernald</b>	Crawford's Sedge
<i>Carex haydenii</i> Dewey	Cloud Sedge
<i>Carex limosa</i> L.	Mud Sedge
<i>Carex longii</i> [ <b>Mackenzie ] Mack.</b>	Long's Sedge
<i>Carex lupuliformis</i> Sartwell [ <b>ex Dewey ]</b>	False Hop Sedge
<i>Carex meadii</i> Dewey	Mead's Sedge
<i>Carex mesochorea</i> [ <b>Mackenzie ] Mack.</b>	Midland Sedge

<i>Scientific Name</i>	<i>Common Name</i>
[ <b><i>Cassia marilandica</i> L.</b>	<b>Wild Senna ]</b>
<i>Castilleja coccinea</i> (L.) Spreng.	Scarlet Indian Paintbrush
<i>Chasmanthium latifolium</i> (Michx.) H. O. Yates	[ <b>Wild Oat ] Wild-Oats</b>
<i>Chenopodium capitatum</i> (L.) [ <b>Aschers. ] Asch.</b>	Strawberry Goosefoot
[ <b><i>Coeloglossum viride</i> (L.) Hartman</b>	<b>Long-Bracted Green Orchid ]</b>
<i>Corallorrhiza wisteriana</i> Conrad	Spring Coral-Root
<i>Crataegus brainerdii</i> Sarg.	Brainerd's Hawthorne
<i>Crataegus mollis</i> (Torr. & A. Gray) Scheele	Downy Hawthorne
<i>Cuscuta cephalanthi</i> Engelm.	[ <b>Button-Bush ] Buttonbush Dodder</b>
<i>Cuscuta corylii</i> Engelm.	Hazel Dodder
<i>Cuscuta polygonorum</i> Engelm.	Smartweed Dodder
<i>Cyperus odoratus</i> L.	Rusty Flatsedge
<i>Cyperus tenuifolius</i> (Steud.) Dandy	Thin-Leaved Flatsedge
<i>Cystopteris laurentiana</i> [ <b>(Weatherby) ] (Weath.)</b> Blasdell	Laurentian Bladder-Fern
<i>Desmodium glabellum</i> (Michx.) [ <b>DC. ] Kuntze</b>	Tall Tick-Trefoil
<i>Desmodium nuttallii</i> (Schindl.) Schub.	Nuttall's Tick-Trefoil
<b><i>Dichanthelium annulum</i> (Ashe) LeBlond</b>	<b>Annulus Panic Grass</b>
<b><i>Dichanthelium boreale</i> (Nash) Freckmann</b>	<b>Northern Panic Grass</b>
<b><i>Dichanthelium commonsianum</i> (Ashe) Freckmann</b>	<b>Cloaked Panic Grass</b>
<b><i>Dichanthelium lucidum</i> (Ashe) LeBlond</b>	<b>Shining Panic Grass</b>
<b><i>Dichanthelium villosissimum</i> (Nash) Freckmann</b>	<b>Long-Haired Panic Grass</b>
<b><i>Dichanthelium yadkinense</i> (Ashe) Mohlenbr.</b>	<b>Yadkin River Panic Grass</b>
<i>Dracocephalum parviflorum</i> Nutt.	American Dragonhead
<i>Elatine minima</i> (Nutt.) Fisch. & C. A. Mey	Small [ <b>Water-Wort ] Waterwort</b>
[ <b><i>Elodea canadensis</i> L. C. Rich.</b>	<b>Broad Waterweed (Male Plants) ]</b>
<i>Elymus virginicus</i> L. var. <i>submuticus</i> Hook.	Wild Rye
<i>Epilobium palustre</i> L.	Marsh Willow-Herb
<i>Eupatorium rotundifolium</i> L.	Round-Leaved Thoroughwort
<i>Filipendula rubra</i> (Hill) B. L. [ <b>Robins. ] Rob.</b>	Queen-of-the-Prairie
<i>Gentiana alba</i> Muhl. <b>ex Nutt.</b>	Yellow Gentian
<i>Gentiana saponaria</i> L.	Soapwort Gentian
<i>Gentiana villosa</i> L.	Striped Gentian
<i>Glyceria acutiflora</i> Torr.	Sharp-Flowered Manna-Grass
[ <b><i>Goodyera tessellata</i> Lodd.</b>	<b>Checkered Rattlesnake-Plantain ]</b>
<i>Gratiola aurea</i> Muhl. <b>ex Pursh</b>	Golden Hedge-Hyssop
<i>Gymnocarpium appalachianum</i> [ <b>Pryer &amp; Windham (Morris Arboretum, 1992, Pennsylvania Flora Database) ] K. M. Pryer &amp; Haufler</b>	Appalachian Oak Fern
[ <b><i>Hedyotis purpurea</i> (L.) Torr. &amp; Gray ] <i>Houstonia purpurea</i> L. var. <i>purpurea</i></b>	Purple [ <b>Bluet ] Bluets</b>
<i>Hypericum drummondii</i> (Grev. & Hook) Torr. & A. Gray	Nits-and-Lice
<i>Juncus biflorus</i> Elliott [ <b>(Gleason, H. A. and A. Cronquist,, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada, 1991, Second Edition</i>) ]</b>	Grass-Leaved Rush
<i>Lathyrus palustris</i> L.	Vetchling
<i>Lemna turionifera</i> Landolt [ <b>(Morris Arboretum, 1992, Pennsylvania Flora Database) ]</b>	Winter Duckweed
<i>Leucothoe racemosa</i> (L.) A. Gray	Swamp Dog-Hobble

<i>Scientific Name</i>	<i>Common Name</i>
[ <i>Liatrix scariosa</i> (L.) Willd. var. <i>novae-angliae</i> Lunell	New England Gay-Feather
<i>Liatrix scariosa</i> (L.) Willd. var. <i>nieuwlandii</i> Lunell	Nieuwland's Gay-Feather ]
<i>Liatrix scariosa</i> (L.) Willd.	Northern Blazing-Star
<i>Lonicera hirsuta</i> [ Eat. ] Eaton	Hairy Honeysuckle
<i>Luzula bulbosa</i> (A. W. Wood) Rybd.	[ Common ] Wood-Rush
[ <i>Lysimachia quadriflora</i> Sims.	Four-Flowered Loosestrife ]
<i>Lythrum alatum</i> Pursh	Winged Loosestrife
[ <i>Malaxis brachypoda</i> (Gray) Fern.	White Adder's Mouth ]
<i>Malaxis monophyllos</i> (L.) Swartz var. <i>brachypoda</i> (A. Gray) F. Morris & E. A. Eames	White Adder's-Mouth
<i>Meehanian cordata</i> (Nutt.) [ Britt. ] Britton	[ Heartleaf ] Heart-Leafed Meehanian
<i>Muhlenbergia cuspidata</i> [ (Nutt.) ] (Torr.) Rydb.	Sharp-Pointed Muhly
[ <i>Nuphar lutea</i> (L.) Sibthorp & Sm. ssp. <i>pumilum</i> (Timm) E. O. Beal	Yellow Cowlily ]
<i>Nuphar microphylla</i> (Pers.) Fernald	Small Yellow Pond-Lily
<i>Oenothera pilosella</i> Raf.	Evening-Primrose
<i>Oxydendrum arboreum</i> (L.) DC.	Sourwood
<i>Oxypolis rigidior</i> (L.) Raf.	Stiff Cowbane
[ <i>Panicum annulum</i> Ashe (Morris Arboretum, 1992, Pennsylvania Flora Database)	Annulus Panic-Grass
<i>Panicum bicknellii</i> Nash (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition)	Bicknell's Panic-Grass
<i>Panicum boreale</i> Nash (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Northern Witchgrass
<i>Panicum commonsianum</i> Ashe var. <i>commonsianum</i> (Morris Arboretum, 1992, Pennsylvania Flora Database)	Commons' Panic-Grass ]
<i>Packera plattensis</i> (Nutt.) W. A. Weber & Á. Löve	Prairie Ragwort
<i>Panicum flexile</i> [ (Gattinger) Scribn. (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ] (Gatt.) Scribn.	Wiry Witchgrass
<i>Panicum longifolium</i> Torr. [ (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition) ]	[ Long-Leaf Panic-Grass ] Long-Leaved Panic Grass
[ <i>Panicum longiligulatum</i> Nash (Morris Arboretum, 1992, Pennsylvania Flora Database)	Long-Ligule Panic-Grass
<i>Panicum lucidum</i> Ashe (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition)	Shining Panic-Grass
<i>Panicum recognitum</i> Fern. (Morris Arboretum, 1992. Pennsylvania Flora Database)	Fernald's Panic-Grass
<i>Panicum villosissimum</i> Nash (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Long-Haired Panic-Grass
<i>Panicum yadkinense</i> Ashe (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Yadkin River Panic-Grass ]
<i>Paronychia fastigiata</i> (Raf.) [ Fern. ] Fernald var. <i>nuttallii</i> (Small) [ Fern. ] Fernald	Whitlow Wort
[ <i>Paronychia fastigiata</i> (Raf.) Fern. var. <i>paleacea</i> Fern.	Chaffy Whitlow Wort ]
<i>Parthenium intergrifolium</i> L.	American Fever-Few
<i>Paspalum floridanum</i> (Michx.) var. <i>glabratum</i> Engelm. ex Vasey	Florida Beadgrass
<i>Paspalum laeve</i> (Michx.) var. <i>pilosum</i> Scribn.	Field Beadgrass

<i>Scientific Name</i>	<i>Common Name</i>
<i>Paspalum setaceum</i> Michx.	Slender Beadgrass
<i>Phlox pilosa</i> L.	Downy Phlox
<i>Phyla lanceolata</i> (Michx.) Greene	Lance Fog-Fruit
<i>Physalis virginiana</i> [ P. ] Mill.	Virginia Ground-Cherry
<i>Platanthera ciliaris</i> (L.) Lindl.	Yellow Fringed Orchid
<i>Platanthera hookeri</i> (Torr. ex Gray) Lindl.	Hooker's Orchid
<b>[ <i>Platanthera peramoena</i> (Gray) Gray</b>	<b>Purple-Fringeless Orchid ]</b>
<i>Pluchea odorata</i> (L.) Cass.	Shrubby Camphor-Weed
<i>Poa languida</i> A. [ S. ] Hitchc.	Drooping Bluegrass
<i>Podostemum ceratophyllum</i> Michx.	Riverweed
<i>Polygala polygama</i> [ Walt. ] Walter	Racemed Milkwort
<i>Polygonella articulata</i> (L.) Meisn.	Eastern Jointweed
<i>Polygonum amphibium</i> L. var. <i>stipulaceum</i> (Coleman) Fern.	Stipuled Water-Smartweed
<i>Polygonum ramosissimum</i> Michx.	Bushy Knotweed
<i>Potamogeton filiformis</i> Pers. var. <i>borealis</i> (Raf.) St. John	Slender Pondweed
<b>[ <i>Potamogeton illinoensis</i> Morong</b>	<b>Illinois Pondweed ]</b>
<i>Potamogeton oakesianus</i> J. W. Robbins	Oakes' Pondweed
<i>Potamogeton perfoliatus</i> L.	Clasping-Stemmed Pondweed
<b>[ <i>Pycnanthemum pilosum</i> Nutt. ] <i>Pycnanthemum verticillatum</i> (Michx.) Pers. var. <i>pilosum</i> (Nutt.) Cooperr.</b>	Hairy Mountain-Mint
<b><i>Ranunculus aquatilis</i> L. var. <i>diffusus</i> With.</b>	<b>White Water-Crowfoot</b>
<i>Ranunculus flammula</i> L.	Lesser Spearwort
<b>[ <i>Ranunculus trichophyllus</i> Chaix (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i>, 1991, Second Edition)</b>	<b>Northeastern White Water-Crowfoot</b>
<b><i>Ratibida pinnata</i> (Vent.) Barnh.</b>	<b>Gray-Headed Prairie Coneflower ]</b>
<i>Rhamnus alnifolia</i> [ L'Her ] L' Hér	Alder-Leaved Buckthorn
<b>[ <i>Rhynchospora globularis</i> (Chapman) Small ] <i>Rhynchospora recognita</i> (Gale) Kral</b>	Small Globe Beak-Rush
<i>Ribes lacustre</i> (Pers.) Poir.	Swamp Currant
<i>Rorippa palustris</i> (L.) Besser var. <i>palustris</i> (Gleason, H. A. and A. Cronquist, <i>Manual of Vascular Plants of Northeastern United States and Adjacent Canada</i> , 1991, Second Edition)	Yellow Cress
<i>Rosa virginiana</i> P. Mill.	Virginia Rose
<b>[ <i>Rubus cuneifolius</i> Pursh</b>	<b>Sand Blackberry ]</b>
<i>Rubus setosus</i> Bigelow	Small Bristleberry
<i>Rumex hastatulus</i> [ Baldw. ex Ell. ] Baldwin ex Elliott	<b>[ Heart-Winged ] Heart Sorrell</b>
<i>Salix petiolaris</i> Sm.	Meadow Willow
<i>Salvia reflexa</i> Hornem.	Lance-Leaved Sage
<i>Samolus parviflorus</i> Raf. [ (Fernald, M. L., <i>Gray's Manual of Botany</i> , 1970, Eighth edition) ]	Pineland Pimpernel
<i>Saxifraga micranthidifolia</i> (Haw.) Steud.	Lettuce Saxifrage
<i>Scleria triglomerata</i> Michx.	Whip Nut-Rush
<i>Scutellaria saxatilis</i> Riddell	Rock Skullcap
<b>[ <i>Senecio plattensis</i> Nutt.</b>	<b>Prairie Ragwort ]</b>
<b><i>Senna marilandica</i> (L.) Link</b>	<b>Wild Senna</b>
<i>Sisyrinchium albidum</i> Raf.	<b>[ Blue-Eyed Grass ] Blue-Eyed-Grass</b>
<b>[ <i>Solidago purshii</i> Porter</b>	<b>Pursh's Goldenrod ]</b>



<i>Scientific Name</i>	<i>Common Name</i>
<i>Solidago rigida</i> L.	Hard-Leaved Goldenrod
<i>Spiranthes tuberosa</i> Raf.	[ <b>Little</b> ] <b>Slender Ladies'-Tresses</b>
[ <b><i>Spirodela punctata</i> (Mey.) C. H. Thompson</b>	<b>Eastern Water-Flaxseed ]</b>
<i>Stachys hyssopifolia</i> Michx.	Hyssop Hedge-Nettle
<i>Stylosanthes biflora</i> (L.) [ <b>BSP.</b> ] <b>Britton, Stearns &amp; Poggenb.</b>	Pencil-Flower
<b><i>Symphotrichum dumosum</i> (L.) Nesom</b>	<b>Bushy Aster</b>
<b><i>Symphotrichum ericoides</i> (L.) Nesom</b>	<b>White Heath Aster</b>
<i>Taxus canadensis</i> Marsh.	American Yew
[ <b><i>Tradescantia ohiensis</i> Raf.</b>	<b>Ohio Spiderwort ]</b>
<i>Trillium flexipes</i> Raf.	Declined Trillium
<i>Triosteum angustifolium</i> L.	[ <b>Yellow-Leaved Tinker's-Weed</b> ] <b>Horse Gentian</b>
<i>Tripsacum dactyloides</i> (L.) L.	Eastern [ <b>Gamma-Grass</b> ] <b>Gammagrass</b>
<i>Uvularia</i> [ <b>puberula</b> ] <b>pudica</b> Michx.	Mountain Bellwort
[ <b><i>Veronica catenata</i> Pennell</b>	<b>Pennell's Speedwell ]</b>
<i>Viburnum trilobum</i> [ <b>Marsh.</b> ] <b>Marshall</b>	[ <b>Highbush Cranberry</b> ] <b>Highbush-Cranberry</b>
[ <b><i>Viola nephrophylla</i> Greene</b>	<b>Northern Bog Violet ]</b>
<i>Viola renifolia</i> A. Gray	Kidney-Leaved [ <b>White</b> ] Violet
<i>Viola tripartita</i> [ <b>Ell.</b> ] <b>Elliott</b>	Three-parted Violet
<i>Vitis cinerea</i> [ <b>var. baileyana</b> <b>Munson</b> ] (Englem. in A. Gray) <b>Englem. ex Millardet var. baileyana</b> (Munson) <b>Comeaux</b>	Possum-Grape
<i>Wolffia borealis</i> (Engelm.) Landolt [ (Morris Arboretum, 1992, <i>Atlas of the Flora of Pennsylvania</i> ) ]	Dotted [ <b>Water-Meal</b> ] <b>Dotted Watermeal</b>
[ <b><i>Zanichellia palustris</i> L.</b>	<b>Horned Pondweed ]</b>

[Pa.B. Doc. No. 17-1943. Filed for public inspection November 22, 2017, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 29 ]

[ L-2017-2600599 ]

## Motor Carrier Age Requirement

The Pennsylvania Public Utility Commission, on July 12, 2017, adopted a proposed rulemaking order to amend § 29.503 (relating to age restrictions) for consistency with Department of Health regulations by reducing the minimum age requirement for paratransit drivers from 21 years of age to 18 years of age in limited circumstances.

### Executive Summary

The Pennsylvania Public Utility Commission's current regulations require that drivers of paratransit vehicles be at least 21 years old. The Department of Health oversees emergency medical transportation and allows drivers 18 years and older to operate ambulances, if the drivers have proper training and certification. Many ambulance companies also operate paratransit service and cannot utilize the under 21 year-old ambulance driver in their paratransit service. This has caused operation and hiring problems for these companies. The Pennsylvania Public Utility Commission has granted several waivers with

respect to the 21 year age requirement to paratransit operators so that ambulance drivers under 21 may also operate paratransit vehicles. 66 Pa.C.S. § 501. This proposed rulemaking reduces the minimum age requirement for paratransit drivers to 18 years of age under limited circumstances.

Public Meeting held  
July 12, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

### Motor Carrier Age Requirement, 52 Pa. Code Chapter 29; L-2017-2600599

### Proposed Rulemaking Order

#### By the Commission:

The Pennsylvania Public Utility Commission (Commission) proposes to amend its regulation governing the minimum driver-age requirement. See 52 Pa. Code § 29.503 Specifically, the Commission proposes to update Section 29.503, consistent with Department of Health (DOH) regulations, by reducing the minimum age requirement for paratransit drivers in limited circumstances. The Commission seeks comments from all interested parties on this proposed regulation, following as Annex A to this Order.

The Commission's regulations currently require, *inter alia*, that paratransit drivers meet a minimum age requirement. Specifically, the relevant Commission regulation provides:

**52 Pa. Code § 29.503. Age restrictions.**

A common or contract carrier may not permit a person to operate a vehicle in its authorized service unless that person is at least 21 years of age.

In its Order promulgating this regulation, the Commission opined that the age requirement would help to ensure the quality and safety of public utility service in Pennsylvania. 36 Pa.B. 4181 (August 5, 2006). Although the Commission recognizes that age alone may not be the sole determinant of a driver's ability, the age requirement addressed a statistically documented increase in accidents involving drivers under the age of 21.

Many organizations that provide non-emergency paratransit service also provide emergency medical transportation. The Commission has certificated 506 paratransit carriers, of which at least 155 are ambulance companies. Pursuant to DOH regulations, a driver of an ambulance must only be 18 years of age or older and must successfully complete an emergency vehicle operator's course of instruction approved by the DOH. See 28 Pa. Code § 1023.22.

Notwithstanding that drivers ages 18 and over, properly trained and vetted, are permitted to operate ambulances under the DOH's regulations, Section 29.503 effectively prevents those ambulance drivers under 21 from operating non-emergency paratransit vehicles.<sup>1</sup> This creates a conflict within those organizations, since the Commission's existing age requirement is causing dual-service companies to lose qualified potential employees who are under 21-years old. The inconsistency between the Commission's age requirements for paratransit drivers and the DOH's age requirements for ambulance drivers puts the dual-service companies in a cumbersome position in terms of hiring. These companies generally prefer to have younger, less experienced drivers start in paratransit service before they move up to the more demanding work of driving an ambulance. However, under the current regulatory scenario, drivers under 21 years of age are prohibited from providing paratransit service and are limited to providing ambulance service. While dual-service companies can petition the Commission for a waiver of the driver-age requirement, that process requires a significant investment of time and money on the part of the company and the Commission.<sup>2</sup>

In order to alleviate the negative impact of the Commission's paratransit driver age restrictions on dual-service companies and the need for the companies to petition for waiver of those restrictions, the Commission believes that its regulations should be modified to be consistent with the DOH regulations. As such, the Commission proposes adding a limited exception to the age requirement for paratransit drivers. If a driver is under 21 years of age, the driver will be eligible to operate a non-emergency paratransit vehicle if the DOH has certified the driver to operate an emergency medical services vehicle (EMSV) pursuant to the DOH's regulations at 28 Pa. Code Chapter 1023, Subchapter B. Drivers under the age of 21 will be required to carry their EMSV operator's

certificate issued by the DOH on board. In addition to complying with the DOH's EMSV operator's certification requirements, a paratransit vehicle driver will have to comply with all other Commission regulations for paratransit drivers. Finally, the carriers themselves will be required to (1) maintain records to prove driver certification, and (2) notify the Commission of any accident involving a paratransit vehicle driver under the age of 21.

This proposal will benefit the public by increasing the pool of potential paratransit drivers while at the same time ensuring that common and contract carriers provide safe and reliable paratransit service throughout the Commonwealth.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on November 8, 2017, the Commission submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Consumer Affairs Committee and the Senate Consumer Protection and Professional Licensure Committee. A copy of this material is available to the public upon request.

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

*Order*

Accordingly, under sections 501, 1501 and 2502 of the Public Utility Code (66 Pa.C.S. §§ 501, 1501 and 2502); 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 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 thereunder at 4 Pa. Code §§ 7.231—7.234, we propose adopting the regulations set forth in Annex A; *Therefore,*

*It Is Ordered That:*

1. A proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. The Law Bureau shall submit this proposed rulemaking order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. The Law Bureau shall submit this proposed rulemaking order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. The Law Bureau shall deposit this proposed rulemaking order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. Original written comments referencing Docket Number L-2017-2600599 be submitted within 30 days of

<sup>1</sup> Paratransit vehicles—often wheelchair-accessible vans—are used to transport disabled or elderly people to and from routine medical and dental appointments and for other routine needs, such as grocery shopping.

<sup>2</sup> While only seven ambulance companies have applied for and been granted waivers to date, there is no reason to continue this inconsistency when the DOH requirements are more than sufficient to protect the public safety.

publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, Commonwealth Keystone Building, 2nd Floor 400 North Street, Harrisburg, PA 17120.

6. A copy of this proposed rulemaking order and Annex A shall be served on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, the Ambulance Association of Pennsylvania, and the Pennsylvania Taxi and Paratransit Association.

7. The contact person for legal matters on this proposed rulemaking is Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau, (717) 787-5558. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Alyson Zerbe, Regulatory Review Coordinator, Law Bureau, (717) 772-4597.

ROSEMARY CHIAVETTA,  
*Secretary*

**Fiscal Note:** 57-317. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 52. PUBLIC UTILITIES**

**PART I. PUBLIC UTILITY COMMISSION**

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY**

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS**

**Subchapter F. DRIVER REGULATIONS**

**§ 29.503. Age restrictions.**

[ A ] (a) Except as provided in subsection (b), a common or contract carrier may not permit a person to

operate a vehicle in its authorized service unless that person is at least 21 years of age.

**(b) A common or contract carrier providing paratransit service may permit a person to operate a paratransit vehicle in its authorized service if that person is at least 18 years of age. All of the following conditions shall be met:**

**(1) The person shall be certified as an emergency medical services vehicle operator (EMSVO) by the Department of Health (Department) after meeting the requirements under 35 Pa.C.S. § 8122 (relating to emergency medical services vehicle operators) and 28 Pa. Code §§ 1023.21—1023.34 (relating to EMS providers and vehicle operators).**

**(2) The person shall carry the Department-issued EMSVO certification on board while operating a paratransit vehicle.**

**(3) The carrier shall comply with all applicable Department regulations and maintain records for 4 years to prove each person's EMSVO certification. The records must be available for inspection by Commission staff upon request.**

**(4) The carrier shall immediately notify the Commission's Bureau of Technical Utility Services of an accident involving a paratransit driver who is under 21 years of age, regardless of the severity of the accident.**

[Pa.B. Doc. No. 17-1944. Filed for public inspection November 22, 2017, 9:00 a.m.]

# NOTICES

## BOARD OF COAL MINE SAFETY

### Meeting Cancellation

The December 5, 2017, meeting of the Board of Coal Mine Safety (Board) is cancelled. The next regular meeting of the Board is scheduled for Tuesday, March 6, 2018, at 10 a.m. in Conference Rooms 1A and 1B, Department of Environmental Protection, Cambria Office, 286 Industrial Park Road, Ebensburg, PA.

The agenda and meeting materials for the March 6, 2018, meeting will be available on Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov).

Questions concerning the Board's next scheduled meeting may be directed to Allison Gaida at [agaida@pa.gov](mailto:agaida@pa.gov) or (724) 404-3147.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allison Gaida at (724) 404-3147 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Chairperson*

[Pa.B. Doc. No. 17-1945. Filed for public inspection November 22, 2017, 9:00 a.m.]

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 14, 2017.

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

### BANKING INSTITUTIONS

#### Branch Applications

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-8-2017	Beneficial Bank Philadelphia Philadelphia County	<i>To:</i> 172 West Street Road Feasterville Bucks County  <i>From:</i> 213 West Street Road Feasterville Bucks County	Approved
11-13-2017	The Juniata Valley Bank Mifflintown Juniata County	<i>To:</i> 4076 William Penn Highway Mifflintown Juniata County  <i>From:</i> 5294 West River Road Mifflintown Juniata County	Approved

#### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-3-2017	Beneficial Bank Philadelphia Philadelphia County	245 East Swedesford Road Wayne Chester County	Closed



## CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 17-1946. Filed for public inspection November 22, 2017, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

**I. NPDES Renewal Applications.**

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0261009 (Sew)	Michael R. Baker 6836 Old Harrisburg Pike York Springs, PA 17372	Adams County/ Huntingdon Township	UNT Bermudian Creek/7F	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0111911 (Industrial)	Const Specialties PO Box 380 6696 Route 405 Highway Muncy, PA 17756-0380	Lycoming County Clinton Township	Turkey Run (10-C)	Yes

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

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

**PA0261556**, Sewage, SIC Code 6514, **Whispering Hope East dba Conestoga Retreat**, 881 Crooked Lane, Ephrata, PA 17522-8642. Facility Name: Conestoga Retreat STP. This existing facility is located in West Earl Township, **Lancaster County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0007 MGD.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	XXX
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	XXX

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

The EPA Waiver is in effect.

**Application No. PA0088404**, Concentrated Animal Feeding Operation (CAFO), **Kulp Family Dairy LLC (Kulp Family Dairy CAFO)**, 1691 Millerstown Road, Martinsburg, PA 16662-8020.

Kulp Family Dairy LLC has submitted an application for an Individual NPDES permit for a renewal of a CAFO known as Kulp Family Dairy CAFO, located in North Woodbury Township, **Blair County**.

The CAFO is situated near Unnamed Tributary to Clover Creek, Unnamed Tributary of Clover Creek, and Unnamed Tributary of Little Juniata River in Watershed 11-A, which is classified for Migratory Fishes, High Quality—Cold Water, Warm Water Fishes, High Quality Waters—Cold Water Fishes, and Migratory Fish. The CAFO is designed to maintain an animal population of approximately 3,478.79 animal equivalent units (AEUs) consisting of 2,127 mature dairy cows, 400 dry cows, 140 heifers, and 551 calves. Manure is stored in multiple lagoons and circular concrete tanks on three separate locations. Prior to operation of the manure storage facilities, the design engineer will be required to submit certification that the facilities were constructed in accordance with appropriate PA Technical Guide Standards. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 100-year, 24-hour storm event.

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

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

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

**PA0266566**, Sewage, SIC Code 4952, **Jackson Township Sewer Authority**, 439 Roth Church Road, Spring Grove, PA 17362-8872. Facility Name: Jackson Township STP. This proposed facility is located in Jackson Township, **York County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.776 MGD.—Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	142	226	XXX	22.0	35.0	44
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	194	291	XXX	30.0	45.0	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ultraviolet light intensity (µg/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	155	XXX	XXX	24.0	XXX	XXX
May 1 - Oct 31	51	XXX	XXX	8.0	XXX	16
Total Phosphorus	12	XXX	XXX	2.0	XXX	4

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen—Interim	Report	Report	XXX	XXX	XXX
Net Total Phosphorus—Interim	Report	Report	XXX	XXX	XXX
Net Total Nitrogen—Final	Report	10,958	XXX	XXX	XXX
Net Total Phosphorus—Final	Report	1,461	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

**PA0070378**, Sewage, SIC Code 8211, **Blue Mountain Academy**, 2363 Mountain Road, Hamburg, PA 19526-8745. Facility Name: Blue Mountain Academy STP. This existing facility is located in Tilden Township, **Berks County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.05 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	XXX	XXX	XXX	25	XXX	50
BOD <sub>5</sub>						
Raw Sewage Influent	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	1,000	XXX	XXX
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	Geo Mean 200	XXX	1,000
				Geo Mean		
Ammonia-Nitrogen						
Nov 1 - Apr 30	XXX	XXX	XXX	20	XXX	40
May 1 - Oct 31	XXX	XXX	XXX	9.0	XXX	18

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

The EPA Waiver is in effect.

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

**PA0234028**, Sewage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801-8499. Facility Name: Advanced Water Treatment Building. This existing facility is located in College Township, **Centre County**.

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

The receiving stream(s), Unnamed Tributary to Spring Creek, Unnamed Tributary to Slab Cabin Run, and Slab Cabin Run, is located in State Water Plan watershed 9-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 004 are based on a design flow of 0.03 MGD.—Final Limits.

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

The proposed effluent limits for Outfall 005 are based on a design flow of 0.03 MGD.—Final Limits.

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

The proposed effluent limits for Outfall 006 are based on a design flow of 0.03 MGD.—Final Limits.

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

The proposed effluent limits for Outfall 007 are based on a design flow of 0.03 MGD.—Final Limits.

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



The proposed effluent limits for Outfall 101 are based on a design flow of 3 MGD.—Final Limits.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Minimum</i>	<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>		<i>Average Monthly</i>	<i>Maximum</i>	
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (deg F) (°F)						
Apr 1 - 15	XXX	XXX	XXX	XXX	60.7 Daily Max	XXX
Jan 1 - 31	XXX	XXX	XXX	XXX	48.6 Daily Max	XXX
Apr 16 - 30	XXX	XXX	XXX	XXX	63.5 Daily Max	XXX
May 16 - 31	XXX	XXX	XXX	XXX	60.2 Daily Max	XXX
May 1 - 15	XXX	XXX	XXX	XXX	64.2 Daily Max	XXX
Feb 1 - 28	XXX	XXX	XXX	XXX	46.7 Daily Max	XXX
Jun 1 - 15	XXX	XXX	XXX	XXX	70.5 Daily Max	XXX
Jun 16 - 30	XXX	XXX	XXX	XXX	66.5 Daily Max	XXX
Mar 1 - 31	XXX	XXX	XXX	XXX	59.5 Daily Max	XXX
Aug 16 - 31	XXX	XXX	XXX	XXX	72.2 Daily Max	XXX
Aug 1 - 15	XXX	XXX	XXX	XXX	72.2 Daily Max	XXX
Jul 1 - 31	XXX	XXX	XXX	XXX	73.4 Daily Max	XXX
Sep 1 - 15	XXX	XXX	XXX	XXX	61.9 Daily Max	XXX
Sep 16 - 30	XXX	XXX	XXX	XXX	67.9 Daily Max	XXX
Dec 1 - 31	XXX	XXX	XXX	XXX	50.0 Daily Max	XXX
Oct 1 - 15	XXX	XXX	XXX	XXX	53.0 Daily Max	XXX
Oct 16 - 31	XXX	XXX	XXX	XXX	57.0 Daily Max	XXX
Nov 1 - 15	XXX	XXX	XXX	XXX	44.7 Daily Max	XXX
Nov 16 - 30	XXX	XXX	XXX	XXX	48.3 Daily Max	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	Report	XXX	XXX	10	XXX	25
Turbidity (NTU)	XXX	XXX	XXX	2.0	XXX	5.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	2.2	XXX	23
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	10	XXX	25
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	3.0	XXX	7.5
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Effluent Net	Total Mo	XXX	XXX	XXX	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Phosphorus (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Organic Halogens (TOX)	Report	XXX	XXX	0.2	XXX	0.5
Total Organic Carbon	Report	XXX	XXX	10	XXX	25

The proposed effluent limits for Outfall 201 are based on a design flow of 3 MGD.—Final Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.27	XXX	0.88

The proposed effluent limits for Outfall 301 are based on a design flow of 3 MGD.—Final Limits.

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

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

The EPA Waiver is not in effect.

**PA0020567**, Sewage, SIC Code 4952, **Northumberland Borough Northumberland County**, 175 Orange Street, Northumberland, PA 17857-1669. Facility Name: Northumberland Borough WWTP. This existing facility is located in Northumberland Borough, **Northumberland County**.

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

The receiving stream(s), Susquehanna River, is located in State Water Plan watershed 5-E and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.125 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.5	XXX	1.6
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	234	375	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	281	422	XXX	30	45	60
Total Suspended Solids Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	Report	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Monthly Average	Maximum	
Total Nitrogen (Total Load, lbs) (lbs)	XXX	20,548	XXX	XXX	XXX	XXX
Effluent Net						
Total Nitrogen (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs) (lbs)		Total Annual Report				
Total Phosphorus (Total Load, lbs) (lbs)	XXX	2,740	XXX	XXX	XXX	XXX
Effluent Net						
Total Phosphorus (Total Load, lbs) (lbs)	XXX	Total Annual Report	XXX	XXX	XXX	XXX
		Total Annual				

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Whole Effluent Toxicity
- Stormwater Requirements
- Chesapeake Bay Stormwater Requirements

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

The EPA Waiver is not in effect.

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

**PA0255254**, Industrial, SIC Code, **Indian Creek Valley Water Authority**, 2019 Indian Head Road, Indian Head, PA 15446-0486. Facility Name: Mill Run Reservoir WTP. This proposed facility is located in Springfield Township, **Fayette County**.

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

The receiving stream(s), Indian Creek, is located in State Water Plan watershed 19-E and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.88 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine (TRC)	XXX	XXX	XXX	0.128	XXX	0.300
Total Suspended Solids	XXX	XXX	XXX	30.0	60.0	XXX
Aluminum, Total	XXX	XXX	XXX	0.75	1.17	XXX
Cadmium, Total (µg/L)	XXX	XXX	XXX	0.49	0.76	XXX
Chromium, Hexavalent	XXX	XXX	XXX	0.016	0.025	XXX
Copper, Total	XXX	XXX	XXX	0.014	0.021	XXX

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Iron, Total	XXX	XXX	XXX	2.0	4.0	XXX
Lead, Total	XXX	XXX	XXX	0.0057	0.009	XXX
Manganese, Total	XXX	XXX	XXX	1.0	2.0	XXX

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

The EPA Waiver is in effect.

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

**PA0028576**, Sewage, SIC Code 4952, **Abington Region WW Authority**, PO Box 199, Chinchilla, PA 18410-0199. Facility Name: Abington Region WW Authority. This existing facility is located in South Abington Township, **Lackawanna County**.

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

The receiving stream(s), Leggetts Creek, is located in State Water Plan watershed 5-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 3.34 MGD.—Limits.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0 Max	XXX
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Carbonaceous Biochemical Oxygen Demand (CBOD <sub>5</sub> )	696	1,114	XXX	25	40	50
Biochemical Oxygen Demand (BOD <sub>5</sub> )						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	836	1,254	XXX	30	45	60
Fecal Coliform (No./100 ml)						
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)						
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen						
Nov 1 - Apr 30	217	XXX	XXX	7.8	XXX	15.6
May 1 - Oct 31	72	XXX	XXX	2.6	XXX	5.2
Ammonia-Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus (Total Load, lbs) (lbs)	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Effluent Net	Report Total Mo	XXX	XXX	XXX	XXX	XXX
Copper, Total	0.45	0.90 Daily Max	XXX	0.016	0.032 Daily Max	XXX



The proposed effluent limits for Outfall 001 are based on a design flow of 3.34 MGD.—Limits.

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Weekly Average		Average Monthly	Weekly Average	
Aluminum, Total	Report	Report	XXX	Report	Report	XXX
Zinc, Total	Report	Daily Max Report	XXX	Report	Daily Max Report	XXX

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

Parameters	Mass Units (lbs/day)		Monthly	Concentrations (mg/L)		Instant. Maximum
	Monthly	Annual		Average Monthly	Maximum	
Total Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Effluent Net	XXX	Total Annual 66,483	XXX	XXX	XXX	XXX
Ammonia-Nitrogen (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)		Total Annual				
Effluent Net	XXX	8,310	XXX	XXX	XXX	XXX
Total Phosphorus (Total Load, lbs)	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

\* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

- Whole Effluent Toxicity Testing
- Built-In Excess Hydraulic Capacity
- Chesapeake Bay Nutrient Requirements.

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

The EPA Waiver is not in effect.

**III. WQM 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. WQG02091712**, Sewage, **Chalfont-New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2624.

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

Description of Action/Activity: Construction and operation of a pressure sewer extension.

**WQM Permit No. 2317404**, Sewage, **Concord Township**, 43 Thornton Road, Glen Mills, PA 19342.

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

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

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

**WQM Permit No. WQG02401701**, Sewage, **West Pittston Borough**, 555 Exeter Avenue, West Pittston, PA 18643.

This proposed facility is located in West Pittston Borough, **Luzerne County**.

Description of Proposed Action/Activity: The project is for the separation of existing combined sewers along Erie Street and 4th Street. A new force main will be constructed using approximately 616 feet of 2-inch diameter high density polyethylene pipe and will convey pumped sewage from a low point in the existing gravity sewer system (intersection of South Street and 4th Street) along 4th street to Pacific Avenue. From there, the force main runs to the northwest on Pacific Avenue to an existing gravity sanitary sewer manhole on Pacific Avenue. Two identical submersible grinder pumps (one in service and one on standby) rated at 60 gallons per minute at 59.06 feet of total dynamic head will pump sewage through the force main.

**WQM Permit No. 3517406**, Sewage, **PA American Water Co.**, 800 West Hershey Park Drive, Hershey, PA 17033.

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

Description of Proposed Action/Activity: Improvements to the existing combined sewer over flow sewage conveyance system CSO # 30 located at Prescott Avenue and Ridge Row. The improvement will consist of an additional 1.34 million-gallon storage tank and equalization facility for use during extreme rain events.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD130010	Carbon County P.O. Box 129 Jim Thorpe, PA 18229	Carbon	Nesquehoning Borough	Jeans Run, (HQ-CWF, MF), Nesquehoning Creek (CWF, MF), UNT to Nesquehoning Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD010001	Greater Gettysburg Development Company, LLC 601 Mason Dixon Road Gettysburg, PA 17325	Adams	Straban Township	UNT Rock Creek (WWF) Beaverdam Creek (WWF)
PAD290003	CFC Huston Hollow Properties LLC 2700 Clemens Road Hatfield, PA 19440	Fulton	Taylor Township	Wooden Bridge Creek (HQ-CWF) UNT Wooden Bridge Creek (HQ-CWF) Trib to Wooden Bridge Creek (HQ-CWF)
PAD070002	Valley Rural Electric Cooperative, Inc. 10700 Fairgrounds Road Huntingdon, PA 16652-0477	Blair	North Woodbury Township	UNT Clover Creek (HQ-CWF)

#### *Individual Permit Type—PAD*

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD680003	Attention: Patrick M. Webb  Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Venango County	Irwin Township	Unnamed Tributary to South Sandy Creek (CWF) and Unnamed Tributary to Williams Run (CWF)
PAD680004	Attention: Patrick M. Webb  Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800	Butler County	Allegheny Township	North Branch Bear Creek (CWF)

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

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PAG-12            CAFOs

**MS4 PAG-13 Notices of Intent Received**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG132296	Newton Township 1528 Newton Ransom Boulevard Clarks Summit, PA 18422	Newton Township, Lackawanna County	Y	N

*Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4707. MS4 Notices of Intent Received.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality/County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG133722	Hamburg Borough Berks County 61 North 3rd Street Hamburg, PA 19526	Hamburg Borough, Berks County	N	N
PAG133693	Allegheny Township 3131 Colonial Drive Duncansville, PA 16635	Allegheny Township Blair County	N	Y
PAG133593	Conewago Township 490 Copenhaffer Road York, PA 17404	Conewago Township, York County	Y	N
PAG133500	South Hanover Township 161 Patriot Way Hershey, PA 17033	South Hanover Township Dauphin County	N	Y
PAG133753	Conewago Township 541 Oxford Ave Hanover, PA 17331	Conewago Township, Adams County	N	Y
PAG133567	Penn Township 97 North Penry Road Manheim, PA 17545	Penn Township, Lancaster County	N	Y

**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.**

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

**Application No. 5217506, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Co.</b> 800 West Hersheypark Dr. Hershey, PA 17033
[Township or Borough]	Lehman Township
Responsible Official	David R. Kaufman, VP—Engineering Pennsylvania American Water Co. 800 West Hersheypark Dr. Hershey, PA 17033
Type of Facility	PWS

Consulting Engineer Jeremy Nelson, PE  
PAWC  
2699 Stafford Ave.  
Scranton, PA 18505

Application Received Date 11/03/2017

Description of Action Application proposes improvements to existing Wells 6 and 7 and the construction of a new treatment building with the treatment equipment to be located at the Well & site with associated site improvements. Well 6 will connect to a new transmission main that will run to the Well 7 site. The proposed treatment systems will include disinfection, general corrosion control, polymer to assist with manganese settling in the backwash holding tank, 4-log demonstration, and construction of a chlorine contact segment.

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

**Permit No. 3817506 MA, Minor Amendment, Public Water Supply.**

Applicant **Dela-Ches Fishing Association, Inc.**

Municipality South Londonderry Township

County **Lebanon**

Responsible Official Clint A. Bender, President  
PO Box 1  
Lawn, PA 17401

Type of Facility Public Water Supply

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

Application Received: 11/6/2017

Description of Action

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

**Application No. 1717512—Public Water Supply.**

Applicant **Aqua Pennsylvania—Treasure Lake Division**

Township/Borough Sandy Township

County **Clearfield County**

Responsible Official Mr. Patrick Burke, P.E.  
204 East Sunbury Street  
Shamokin, PA 15801

Type of Facility Public Water Supply

Consulting Engineer Mr. Robert Horvat  
400 Rouse Road  
Building 2, Suite 200  
Coraopolis, PA 15108

Application Received November 8, 2017

Description of Action Authorizes the addition of new treatment provisions at Bimini Well Station to address latent water quality issues associated with this well.

#### WATER ALLOCATIONS

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

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

**WA-15-228B, Water Allocations. Borough of Phoenixville, 351 Bridge Street, Phoenixville, PA 19460, Borough or Phoenixville, Chester County, Permit approval requested a renewal application for the right to withdraw 5,881,000 gallons per day from the Schuylkill River.**

**WA-46-67J, Water Allocations. Aqua Pennsylvania, Inc., 762 W. Lancaster Avenue, Bryn Mawr, PA 19010, Upper Merion Township, Montgomery County, Permit approval requested a renewal application for a water allocation to withdraw 20,000,000 gallons per day from the Upper Merion Quarry Reservoir.**

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

**WA-737A, Water Allocations. Croyle Township Water Authority, PO Box 249, Summerhill, PA 15958, Cambria County. The applicant is requesting the right to purchase 100,000 gallons of water per day, average annual, from the Highland Sewer and Water Authority.**

#### DETERMINATION OF APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

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

**General Permit Application No. WMGM019SW003. Reserve Park Recycling and Transfer, Inc., 408 Hoffman Road, Pittsburgh, PA 15212. The Department of Environmental Protection (DEP) has received and application for a Determination of Applicability (DOA) under General Permit (GP) No. WMGM019. The GP is for the processing and beneficial use of: waste concrete and asphalt to produce a roadway construction material; wood waste and uncontaminated soil to produce topsoil and mulch for landscaping purposes; and leaf and yard waste to produce compost. The DOA application for operation of the Reserve Park Recycling and Transfer, Inc. Facility located at 408 Hoffman Road, Pittsburgh, PA 15212 in Reserved Township, Allegheny County, was received on July 7, 2017, as modified by subsequent revisions received on October 26, 2017, and deemed administratively complete in the DEP Regional Office on November 6, 2017.**



Written comments concerning the application should be directed to the Program Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222. Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412.442.4000. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654.5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or disapproval of the application.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

#### Application(s) Received Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

**Permit Application No. 101509. Republic Services, Inc., Conestoga Landfill**, 420 Quarry Road, P.O. Box 128, Morgantown, PA 19543, New Morgan Borough, **Berks County**. A Major Permit Modification for a Groundwater Abatement Plan was received by the Southcentral Regional Office on November 6, 2017. The application was considered administratively complete on November 7, 2017.

Comments concerning the application should be directed to John Oren, P.E., Permits Section Chief, Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. Persons interested in obtaining more information about the permit application may contact John Oren, P.E., at 717.705.4907. 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

#### 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 Depart-

ment 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.

### PLAN APPROVALS

#### Plan Approval Applications Received under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

**24-131S: SGL Carbon** (900 Theresia Street, St. Marys, PA 15857), application received for the installation of a replacement scrubber control device at their facility located in the City of Saint Marys, **Elk County**. This is an existing non-Title V facility currently permitted under SOOP 24-00131. The scrubber will reduce emissions from Source 7103 (CVD Reactor 6 & 7) and replace Scrubber

C7103 (CVD Reactor 6 & 7 Fume & PM Scrubber). No other changes are proposed. Emission rate limits will not be changed.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act 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 1901.*

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

**09-0196L: Abington Reldan Metals, LLC (ARM)** (550 Old Bordentown Rd, Fairless Hills, PA 19330) for the installation and temporary operation of a replacement Baghouse in Falls Township, **Bucks County**. ARM is a precious metal refining facility. ARM is an existing facility, and operates under Synthetic Minor operating permit No. 09-00196. The proposed Baghouse will replace an existing Baghouse approaching the end of its operating life. The Baghouse will capture particulate matter emissions with at least 99% efficiency. The plan approval contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**09-0004A: Oliver Healthcare Packaging** (905 Pennsylvania Boulevard, Feasterville, PA 19053) for the installation of a new flexographic, two-color printing press with rotary screen at an existing facility located in Southampton Township, **Bucks County**. The primary pollutant of concern from the new printing press will be volatile organic compounds (VOC) as a result of the inks, coatings, and clean-up solvents from the printing process. The project has a potential to emit 1.25 ton per year of VOC. The plant will maintain a synthetic minor status by limiting its facility-wide VOC emissions to 24.9 tons per year. The plan approval will include 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.*

**39-00006E: American Craft Brewery LLC** (7880 Penn Drive, Breinigsville, PA 18031-1508) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval # 39-00006E to American Craft Brewery LLC, 7880 Penn Drive, Breinigsville, PA 18031-1508, for their plant located in Upper Macungie Township, **Lehigh County**. The facility currently has Title V Operating Permit No. 39-00006. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-00006E is to increase the overall production capacity and to provide additional brewing, blending, and packaging flexibility at the facility. Specifically, the Project includes physical modification to existing Can Line-Two (2) Can Fillers (Source ID 154), addition of a new can crusher and replacement of existing Hot Wort Settling (2 Units) (Source ID 120) operations. ACB is also proposing several changes to simplify

recordkeeping at the Facility to provide additional operational and/or recordkeeping flexibility.

The company currently operates one can line (Source ID 158), which consists of two can fillers. Due to current physical conveying restrictions, the company can only operate one can filler at a time. The company has propose to separate the two can fillers on the existing single line to create two can filling lines which can operate simultaneously. The capacity of the individual fillers will not change. This separation will provide flexibility for the company to react to the increasingly high demand of canned products relative to products sold in other containers (i.e., bottles, kegs, and Bag-in-Box). The company is also proposing to install an additional pasteurizer in conjunction with the split can line. Although the pasteurizer is not a direct source of emissions, the emissions associated with the additional steam required to operate the pasteurizer have been accounted for within the fuel increase to the boilers.

The company currently has two hot wort settling units (i.e., Coolship) (Source ID 120) at the Facility. The company is proposing to replace the existing hot wort settling units with a new state of the art Coolship unit.

The company currently operates a can crusher and a bottle crusher as part of off spec product destruction (Source ID 127) at the Facility. The company is proposing to remove the existing can crusher and replace it with a new, functionally equivalent can crusher.

Only VOC & Particulate emissions are expected to increase due to this expansion project. This expansion project will result in an increase of 31.2 tpy of VOC & 0.01 tpy of particulate emissions from the facility. The emissions of these pollutants are within all applicable emissions limitations. No other pollutants are affected due to this project.

A review of the information submitted by the company indicates that the proposed project will meet all applicable State and Federal air quality requirements. Based upon these findings, DEP plans to approve the application and issue a permit for the facility.

In order to assure compliance with the applicable standards, DEP will place conditions in the plan approval.

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.

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.: 39-00006E 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

**58-00001A: Tennessee Gas Pipeline Company** (1001 Louisiana St., Suite 1000, Houston, TX 77002) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a Plan Approval No. 58-00001A to Tennessee Gas Pipeline Company, (1001 Louisiana St., Suite 1000, Houston, TX 77002), for their facility located in Clifford Township, **Susquehanna County**. The facility currently operates under Title V Operating Permit No. 58-00001. This plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 58-00001A is to increase in the sub-zero operating hours and start-up/shut-down event associated with three existing Solar Centaur 40 turbines. The company has proposed to increase sub-zero operating hours for Source IDs 113, 114 & 115 from 50 hrs to 300 hrs and start-up/shut-down events from 250 to 300. The company will continue to use Solar's lean-premixed dry low emissions system (SoLoNO<sub>x</sub>) to provide the lowest emissions possible during normal operating conditions. The combustion and fuel systems are designed to reduce NO<sub>x</sub>, CO and unburned hydrocarbons to attain NO<sub>x</sub> emission level of 25 PPM and CO emission level of 50 PPM, corrected to 15% oxygen, and hydrocarbon at 25 PPM when burning natural gas. The company will operate each turbine for 8,760 hours annually.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating in compliance with 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 DEP, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701.

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. 58-00001A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit is required.

A public hearing may be held, if the DEP, 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 Raymond Kempa, P.E., Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701, Phone 570-826-2511 within 30 days after publication date.

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**30-00089D: Dominion Transmission, Inc.** (5000 Dominion Boulevard—2NE, Glen Allen, VA 23060) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-30-00089D to Dominion Transmission, Inc. ("DTI") for installation of one Solar Taurus 60-7800S natural gas-fired compressor turbine rated at 7,684 HP @ ISO conditions, controlled by an oxidation catalyst; one produced fluids storage tank, 2,500 gallon capacity; one lube oil tank, 1,000 gallon capacity; and piping components in natural gas service at the Crayne Compressor Station ("Crayne CS") located in Franklin Township, **Greene County**.

This plan approval will also incorporate sources, controls (including conditions) temporarily operating under PA-30-00089C, including one Solar Taurus 60-7800S natural gas-fired compressor turbine rated at 7,700 HP @ ISO conditions, and controlled by an oxidation catalyst; one natural gas-fired boiler rated at 5.3 MMBtu/hr; and four Capstone C200 natural gas-fired microturbine generators rated at 200 kW each.

Potential to emit from the facility after installation of the new sources and controls will be:

Table 1: Facility Wide Potential to Emit

<i>Air Contaminant</i>	<i>Emission Rate (tpy)</i>
Nitrogen Oxides (NO <sub>x</sub> )	87.74
Carbon Monoxide (CO)	94.03
Total Particulate Matter (PM)	36.78
Particulate Matter Less Than 10 Microns In Diameter (PM <sub>10</sub> )	36.78
Particulate Matter Less Than 2.5 Microns In Diameter (PM <sub>2.5</sub> )	36.78
Sulfur Oxides (SO <sub>x</sub> )	2.64
Volatile Organic Compounds (VOC)	18.14
Hazardous Air Pollutants (HAP)	2.13
Formaldehyde (HCHO)	0.94
Carbon Dioxide Equivalents (CO <sub>2e</sub> )	166,010

This authorization is subject to State regulations including 25 Pa. Code Chapters 123—Standards for Contaminants; 127—Construction, Modification, Reactivation, and Operation of Sources; 135—Reporting of Sources; and 139—Sampling and Testing. This authorization is also subject to Federal New Source Performance Standards ("NSPS") including 40 CFR Part 60 Subparts KKKK, and OOOOa. Other applicable Federal regulations include 40 CFR Part 98—Mandatory Greenhouse Gas Reporting.

Plan approval conditions include source specific emission limitations, operational restrictions, compliance testing and monitoring requirements, work practice standards, and associated recordkeeping and reporting requirements. The Department has determined that the proposed facility satisfies Best Available Technology ("BAT") requirements. Once compliance with the Plan Approval is demonstrated, the applicant will be required to submit a State Only Operating Permit ("SOOP") application in accordance with 25 Pa. Code Subchapter F.



DTI's Plan Approval application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Plan Approval 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 Plan Approval 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 Plan Approval for this project, a person may contact Alan Binder at 412.442.4168.

A person may oppose the proposed Plan Approval by filing a written protest with the Department through Alan Binder via the U.S. Postal Service to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to abinder@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00089D) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

All comments must be received prior to the close of business 30 days after the date of this publication.

#### 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.*

**09-00028: Neenah Northeast, LLC** (45 N. 4th Street, Quakertown, PA 18951) located in Quakertown Borough, **Bucks County**, for a renewal of Title V Operating Permit (TVOP) No. 09-00028. The facility's main sources consist of a saturator (with natural gas-fired drying ovens), two coaters (each with natural gas-fired drying ovens), and two graphic arts lines (each with natural gas-fired dryers), a solvent cleaning operation, and a strip-coating operation. In addition, the facility operates and maintains two natural gas/No. 2 fuel oil-fired boilers, two natural gas-fired emergency generator sets, four natural gas-fired make-up air units, and a parts washer to support the facility. The two graphic arts lines and one of the coaters are subject to volatile organic compound (VOC) emission rate restrictions of 12.0, 12.3, and 10 tons/yr (calculated monthly as a 12-month rolling sum), respectively. The facility is subject to individual and total hazardous air pollutant (HAP) emission rate restrictions of less than 10 and 25 tons/yr (calculated monthly as a 12-month rolling sum), respectively. Since the TVOP was renewed in 2012, another saturator and a splice glue operation were removed from the facility.

The saturator and coaters are subject to the provisions of 40 CFR Part 63, Subpart JJJJ. The graphic arts lines are subject to the provisions of 40 CFR Part 63, Subparts KK and OOOO. The engines of the emergency generator sets are subject to the provisions of 40 CFR Part 63, Subpart ZZZZ. The TVOP will continue to include all applicable monitoring, recordkeeping, reporting, and work practice requirements from these regulations.

In addition, Neenah Northeast, LLC, has conducted a review of the facility to determine whether it is subject to any of the additional Reasonably Available Control Technology requirements for major sources of nitrogen oxides (NO<sub>x</sub>) and VOCs, as codified in 25 Pa. Code §§ 129.96—129.100 (RACT II). The potentials to emit NO<sub>x</sub> and VOCs from the facility are less than 100 tons/yr and 50 tons/yr, respectively. As such, the facility is not considered a major NO<sub>x</sub> emitting facility or major VOC emitting facility for RACT II purposes and, therefore, not subject to RACT II requirements.

The facility is not subject to the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64.

The TVOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00020: Superior Tube Company, Inc.** (3900 Germantown Pike, Collegeville, PA 19426) for significant modification of a Title V Operating Permit in Lower Providence Township, **Montgomery County**. This renewal will (1) incorporate the provisions of Pennsylvania's Reasonably Achievable Control Technology (RACT Phase II) regulations for the presumptive RACT requirements as per 25 Pa. Code § 129.97 and the alternate RACT proposal as per 25 Pa. Code § 129.99; (2) amend the responsible official; (3) incorporate Plan Approvals—46-0020H, 46-0020J and 46-0020K; and (4) applicability of 40 CFR Part 63, Subpart ZZZZ for emergency generators. Superior Tube Company, Inc. is a major emitting facility for VOC but not a major facility for NO<sub>x</sub> pollutants. Sources at the site include: two flush/blowout booths, two lubrication spray booth, one general source of fugitive emissions and three solvent cleaner tanks. The modification of this operating permit does not authorize any increase in air emissions of any regulated pollutants above previously approved levels. These RACT II revisions will be submitted to EPA for review and approval to be added to the State implementation plan. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

*Title IV (ACID RAIN) Intent to Renew*

**ORIS Number 3161: Exelon Generation Company**, Eddystone Generating Station (1 Industrial Highway, Eddystone, PA 19022) located in Eddystone Borough, **Delaware County**. The acid rain permit establishes SO<sub>x</sub> and NO<sub>x</sub> allowances for Units # 3, and 4.

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

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

**06-05115: Granger Energy of Morgantown, LLC** (16980 Wood Road, Lansing, MI 48906-1044) for their landfill gas (LFG) treatment plant and LFG-to-energy plant in Caernarvon Township, **Berks County**. Potential emissions from the facility are estimated to be 134.1 tons CO, 28.4 tons NO<sub>x</sub>, 7.7 tons PM<sub>10</sub>/PM<sub>2.5</sub>, 30.7 tons SO<sub>x</sub>, 19.5 tons VOC, 7.0 tons of a single HAP (formaldehyde), and 10.5 tons of combined HAPs. The Title V Operating Permit will include emission limits, performance testing and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provi-



sions derived from 40 CFR Part 60, Subpart WWW—Standards of Performance for Municipal Solid Waste Landfills, 40 CFR Part 63, Subpart AAAA—National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste Landfills, 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, and 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

**41-00013: JW Aluminum Company** (2475 Trenton Ave., Williamsport, PA 17701) for renewal of the Title V operating permit for their facility located in Williamsport, **Lycoming County**. The facility's sources include nineteen (19) storage tanks, fourteen (14) natural gas-fired heaters and boilers, eight (8) coil coating lines, eight (8) natural gas-fired process heaters and ovens, four (4) cold rolling mills, three (3) annealing ovens, two (2) parts washers, one (1) vegetable/animal fat application process, quality control laboratory operations, one (1) natural gas-fired emergency generator and a coating solutions storage.

The facility has the potential to emit 31.73 tons of nitrogen oxides (NO<sub>x</sub>) per year, 26.65 tons of carbon monoxide (CO) per year, 337.83 tons of volatile organic compounds (VOCs) per year, 0.18 ton of sulfur oxides per year (SO<sub>x</sub>), 1.95 ton of particulate matter (PM/PM<sub>10</sub>) per year, less than 10 tons of individual and a combined 25 tons of hazardous air pollutants (HAPs) per year and 37,644 tons of greenhouse gasses (GHGs) per year. 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 Subpart TT of 40 CFR Part 60, 40 CFR Part 64 and 25 Pa. Code Chapters 121—145.

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

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

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

**TVOP-32-00129 Dominion Transmission:** (500 Dominion Blvd.—2N, Glen Allen, VA 23060) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a Title V Operating Permit (TVOP) modification to include RACT II for Dominion Transmission, Inc., Rochester Mills Compressor Station located in North Mahoning Township, **Indiana County**.

Rochester Mills Compressor Station (RM) supports Dominion's natural gas production operations. Sources and the control devices at this facility include (2) 4-cycle, rich

burn, 440 bhp Ingersoll Rand engines, a Dehydrator and still, an Emergency Generator, several Tanks and a Thermal Oxidizer.

In accordance with 25 Pa. Code § 129.97, this facility is subject to applicable requirements of RACT II for being a major source of NO<sub>x</sub> and VOC emission. The emissions restrictions, testing, monitoring, recordkeeping, reporting and work practice conditions of this TVOP have been derived from the applicable requirements of 40 CFR Parts 63 and 25 Pa. Code Chapters 121—145.

A person may oppose the proposed Title V Operating Permit Modification by filing a written protest with the Department through Noor Nahar via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to nnaharr@pa.gov; or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Title V Operating Permit (TVOP-32-00129) and a concise statement of the objections to the Operating Permit issuance and the relevant facts upon which the objections are based.

Rochester Mills Compressor Station Title V Operating Permit Modification application, the Department's Air Quality Review Memorandum, and the Proposed Air Quality Operating Permit Modification for this facility 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 Rochester Mills Compressor Station Title V Operating Permit 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 Operating Permit for this facility, a person may contact Noor Nahar at nnahar@pa.gov or 412.442.5225.

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

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

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

**09-00019: Naceville Materials Joint Venture** (887 Mill Creek Road, Rushland, PA 18956) for a renewal of State Only (Synthetic Minor) Operating Permit No. 09-00019 for its Miller Materials/Rushland Quarry facility, which is located in Wrightstown Township, **Bucks County**.

The facility's air emissions sources consist of a stone crushing plant, a batch hot mix asphalt (HMA) plant, and a reclaimed asphalt pavement (RAP) plant. The potential to emit nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs) from the batch HMA plant/facility each exceed 25 tons per year; however, Naceville Materials JV has elected to restrict the HMA production for the batch HMA plant such that the NO<sub>x</sub> and VOC emissions from the facility each will not exceed 24.9 tons per year.

No changes have occurred at the facility since the SOOP was last amended in 2016. The SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements 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.*

**48-00080: Belyea Company, Inc.** (2200 Northwood Ave, Easton, PA 18045-2208) intends to issue a State-Only (Synthetic Minor) Operating Permit renewal for operation of their facility located in Palmer Township, **Northampton County**. The sources include a paint spray booth controlled by panel filters. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution 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.*

**22-05024: Penn State University/Milton S. Hershey Medical Center** (500 University Drive, Hershey, PA 17033) to issue a State Only Operating Permit for the hospital located in Derry Township, **Dauphin County**. The actual emissions from the facility from July 2016 thru June 2017 are estimated at 28.0 tpy of NO<sub>x</sub>, 21.2 tpy of CO, 1.9 tpy of PM<sub>10</sub>, 0.2 tpy of SO<sub>x</sub>, 1.5 tpy of VOC and 0.6 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources, 40 CFR Part 60 Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

**67-03094: Rocher Inc. dba Del-Wood Kitchens, Inc./Hanover** (1856 Dubs Church Road, Hanover, PA 17331) to issue a State Only Operating Permit for operation of their wood cabinetry manufacturing facility in Manheim Township, **York County**. The 2016 emissions were 6.64 tons VOC, and 1.50 tons HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

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

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

**OP-04-00675: Aliquippa Terminal Inc.** (100 Woodlawn Road, Aliquippa, PA 15001-5404), In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal State Only Operating Permit (SOOP-04-00675) to Aliquippa Terminal

Inc. (“Aliquippa”) to authorize the continued operation of their aggregate handling facility located in Aliquippa (D) City, **Beaver County**.

The facility’s air contamination sources consist of loading and un-loading of hoppers and conveyors, and trucks; emissions from un-paved roadways, storage pile, and diesel or propane captive equipment. Facility-wide potential emissions are estimated to be 40.0 tons NO<sub>x</sub>, 45.0 tons CO, 3.5 tons VOC, 38.0 tons PM, and 18.0 tons PM<sub>10</sub>. Actual emissions from the facility are much lower considering actual hours of operation.

This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP renewal includes conditions relating to applicable emission restrictions, monitoring, recordkeeping, reporting, and work practice standards requirements.

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

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

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 04-00675) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

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



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

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

**37-00218: Young Galvanizing** (PO Box 334, Pulaski, PA 16143-0334), the Department on November 8, 2017 issued the renewal of the State Only Operating Permit for the metal galvanizing operations located in Pulaski Township, **Lawrence County**. The facility is a Natural Minor. The primary sources at the facility include a large and small zinc kettle, parts washer, a boiler, and miscellaneous combustion process heaters. The potential emissions from the facility are less than the following: 7 TPY NO<sub>x</sub>; 5.4 TPY CO; 5.1 TPY PM; 0.04 TPY SO<sub>x</sub>; 0.34 TPY VOC; 1.84 TPY zinc chloride; and 4.2 TPY ammonium chloride. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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

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

**OP16-000025: Kinder Morgan Point Breeze Terminal** (6310 West Passyunk Ave Street, Philadelphia, PA 19153) for the operation of a gasoline loading terminal in the City of Philadelphia, **Philadelphia County** and to incorporate a responsible official change. The facility's air emissions sources include 1 four bay motor fuels truck loading rack, 7 gasoline storage tanks, 1 biodiesel storage tank, 2 gasoline additive tanks, 1 vapor combustion unit with a capacity of 40 MMBtu/hr, and fugitive emissions from piping components. The motor fuels truck loading rack vents to the vapor combustion unit.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

## 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.*

**56090701 and NPDES No. PA0235938. PBS Coals, Inc.**, (1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541). To renew the permit for the Schrock Run Coal Refuse Disposal Area in Stonycreek Township, **Somerset County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on November 6, 2017. Application received April 12, 2017.

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

**Permit No. 56170105 and NPDES No. PA0279595. Sherpa Mining Contractors, Inc.**, 337 Benny Road, Hooversville, PA 15936, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County** affecting 47.0 acres. Receiving streams: unnamed tributaries to Blue Lick Creek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 30, 2017.

The application includes a stream encroachment to install a culverted stream crossing within the barrier area of unnamed tributary to Bluelick Creek.

The application also includes a request for a Section 401 Water Quality Certification.

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

**26840105 and NPDES Permit No. PA0600555. Boyle Land & Fuel Company** (P.O. Box 400, Laughlinton, PA 15655). Renewal application for continued treatment to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 69.6 acres. Receiving streams: unnamed tributary to Stony Fork, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 6, 2017.

**30050103 and NPDES Permit No. PA0250759. Duquesne Light Company** (1800 Seymour Street, Pittsburgh, PA 15233-1134). Renewal application for continued mining to an existing bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 37.0 acres. Receiving streams: Sandy Run and Monongahela River, classified for the following use: WWF. The potable water supply intakes are Dunkard Valley Joint Municipal Water Authority and Masontown Borough Carmichaels Water Authority. Renewal application received: November 8, 2017.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

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



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

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

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

#### Coal NPDES Draft Permits

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

**NPDES No. PA0235695 (Mining Permit No. 56743705), Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). A renewal and revision to the NPDES and mining activity permit for the Mine 78 CRDA in Paint Township, **Somerset County**, Adams Township, Cambria County to add Outfall 003. Surface Acres Affected 221.0. Receiving stream: Unnamed Tributary to Paint Creek, classified for the following use: CWF. Receiving stream: Unnamed Tributary 45262 to Paint Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watershed TMDL. The renewal application was considered administratively complete on November 19, 2015. Renewal application received July 1, 2015. The revision application was considered administratively complete on May 11, 2015. Revision application received February 12, 2015.

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

*Outfall 001* discharges to: UNT Paint Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 14' 29" Long: 78° 47' 43") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35	70	90
Sulfate	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	50	100	-
Chloride	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
Alkalinity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, net	(mg/l)	0.0	-	-	-
pH		6.0	-	-	9.0
Selenium	(mg/l)	-	Report	Report	-
Arsenic	(mg/l)	-	Report	Report	-
Antimony	(mg/l)	-	Report	Report	-
Silver	(mg/l)	-	Report	Report	-

*Internal Monitoring Point 101* discharges to: Underground Injection to Lower Kittanning Mine Workings

The proposed effluent limits for *Internal Monitoring Point 101* (Lat: 40° 14' 29" Long: 78° 47' 43") are:

Parameter		Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	3.0	6.0	7.0
Manganese	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	2.0	4.0	5.0
Total Suspended Solids	(mg/l)	-	35	70	90
Sulfate	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
Alkalinity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, net	(mg/l)	0.0	-	-	-
pH		6.0	-	-	9.0
Selenium	(mg/l)	-	Report	Report	-
Arsenic	(mg/l)	-	Report	Report	-
Antimony	(mg/l)	-	Report	Report	-
Silver	(mg/l)	-	Report	Report	-

*Outfall 002* discharges to: UNT Paint Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 14' 00" Long: 78° 47' 18") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids <sup>2</sup>	(mg/l)	-	35	70	90
Sulfate	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	-	-	Report
Chloride	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Alkalinity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, net	(mg/l)	0.0	-	-	-
pH		6.0	-	-	9.0

*Outfall 003* discharges to: UNT 45262 to Paint Creek

The proposed effluent limits for *Outfall 003* (Lat: 40° 14' 56" Long: 78° 47' 04") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	-	-	Report
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35	70	90
Sulfate	(mg/l)	-	-	-	Report
Osmotic Pressure	(mos/kg)	-	98	196	-
Chloride	(mg/l)	-	-	-	Report
Total Dissolved Solids	(mg/l)	-	-	-	Report
Bromide	(mg/l)	-	-	-	Report
Alkalinity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Acidity, total as CaCO <sub>3</sub>	(mg/l)	-	-	-	Report
Alkalinity, net	(mg/l)	0.0	-	-	-
pH		6.0	-	-	9.0

EPA Waiver not in effect.

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

**NPDES No. PA0279552 (Mining Permit No. 56170103), Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, new NPDES permit for a coal surface mine operation in Shade Township, **Somerset County**, affecting 12.2 acres. Receiving stream: unnamed tributary to Dark Shade Creek, classified for the following use: cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: August 14, 2017.

The outfalls listed below discharge to unnamed tributary to Dark Shade Creek.

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

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

<i>Outfall: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)			0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.			
Alkalinity must exceed acidity at all times.			

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002—Sediment Trap 1	Y
003—Sediment Trap 2	Y

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

<i>Outfalls: 002, 003</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)			0.75
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

**NPDES No. PA0269034 (Mining Permit No. 56120109), Mountaineer Mining Corporation**, 1010 Garrett Shortcut Road, Berlin, PA 15530, renewal of an NPDES permit for bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 127.1 acres. Receiving stream(s): Schrock Run, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: October 10, 2017.

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

The outfall(s) listed below discharge to Schrock Run:

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

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

<i>Outfalls: 001 and 002</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times.  
Alkalinity must exceed acidity at all times.

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0593931 (Mining Permit No. 01870301), Vulcan Construction Materials, LP**, 875 Oxford Avenue, Hanover, PA 17331 renewal of an NPDES permit for noncoal surface mining in Oxford, Conewago, and Berwick Township, **Adams County**, affecting 1,292.7 acres. Receiving stream(s): Slagle Run, and North Stream to South Branch of Conewago Creek, classified for the following use(s): Warm Water Fishery (WWF). Application received: May 19, 2017.

The outfall(s) listed below discharge to Slagle Run and North Stream:

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

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

<i>Outfalls: 001, 002, 003, 003A, 003B, 004</i> <i>(All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Phenols (mg/l)		Monitor and Report Only	

pH (S.U.): Must be between 6.0 and 9.0 standard units.  
Alkalinity must exceed acidity.

The combined discharges from 003, 003A, 003B, 004 shall not exceed 28.8 MGD for monthly average.

The discharge from 002 shall not exceed 0.5 MGD for monthly average.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-885. Chesterbrook Trust Parcel 1 Master Association, c/o Castlebridge Management, 1770 E. Lancaster Avenue, Suite A, Paoli, PA 19301, Tredyffrin Township, Chester County, ACOE Philadelphia District.**

To restore and maintain approximately 820 linear feet in and along the 100-year floodplain of Wilson Run (a tributary to Valley Creek EV, MF). The proposed work will include the removal of an existing obstruction (a small rock dam), stream bank stabilization, and minor channel relocation and floodplain grading, providing a more naturalized and stable floodplain area. Also, to construct and maintain a 35.16 ft. long by 8 ft. wide pedestrian bridge with stone toe protection designed to maintain the existing channel cross section area and clearance for the 100-year flood, providing access to an existing trail and open space.

The site is located between Heyward Avenue and Wilson Farm Park (Valley Forge USGS Map; Latitude: 40.071793; Longitude: -75.44892).

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

**E39-558. Upper Macungie Township, 8330 Schantz Road, Breinigsville, PA 18031, in Upper Macungie Township, Lehigh County, U.S. Army Corps of Engineers, Philadelphia District.**

To construct and maintain a Contech pedestrian bridge having a span of 70-feet, a width of 6-feet and an underclearance of approximately 2.8-feet over Schaefer Run (HQ-CWF, MF). (Allentown, PA Quadrangle, Latitude: 40°32'5"; Longitude: -75°38'18"), Upper Macungie Township, Lehigh County, U.S. Army Corps of Engineers, Baltimore District.

**E35-468. Walter Jr. & Katherine Stocki, 501 Oak Street, Old Forge, PA 18518, in Taylor Borough, Lackawanna County, U.S. Army Corps of Engineers, Baltimore District.**

To construct and maintain a private access road crossing of Keyser Creek (CWF, MF) consisting of a 50-foot long, 10-foot diameter culvert depressed 1-foot below streambed elevation with headwalls and endwalls, for the purpose of providing access to private property. (Scranton, PA Quadrangle, Latitude: 41°23'0"; Longitude: -75°42'14"), Taylor Borough, Lackawanna County, U.S. Army Corps of Engineers, Baltimore District.

**E64-311. Dan Ryan & Susan Ryan, 348 Maplewood Avenue, Kenilworth, NJ 07033, in Lehigh Township, Wayne County, U.S. Army Corps of Engineers, Philadelphia District.**

To construct and maintain a 16-foot long by 6-foot wide dock in Lake Watawga (EV, MF). The project is located at 65 Lakeview Timbers Drive (Tobyhanna, PA Quadrangle Latitude: 41° 14' 31.49"; Longitude: -75° 26' 3.80") in Lehigh Township, Wayne County.

**E35-467. Alliance Sanitary Landfill, 398 South Keyser Avenue, Taylor, PA 18517, in Ransom Township, Lackawanna County, U.S. Army Corps of Engineers, Baltimore District.**

To place and maintain fill in 0.16 acre of wetlands associated with the development of Pad 12A, Phase I of the Alliance Sanitary Landfill which were previously authorized by Permit E35-195 which has expired. The project is located at the Taylor/Old Forge exit of the Pennsylvania Turnpike with Keyser Avenue in Ransom Township, Lackawanna Co. (Ransom, PA Quadrangle, Latitude: 41°23'40"; Longitude: -75°43'58").

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

**E28-393: Borough of Mercersburg, 113 South Main Street, Mercersburg, Pennsylvania 17236, in the Borough of Mercersburg, Franklin County, U.S. Army Corps of Engineers Baltimore District.**

To install and maintain: 1) 2—18-inch diameter stormwater outfalls with grouted riprap apron and 2) a 48 inch diameter stormwater outfall with grouted riprap apron in the floodway of Johnston Run (WWF, MF) (Latitude: 39.8341°, Longitude: -77.8996°). No wetlands will be affected by the project.

**E67-936: Norfolk Southern Railway, 1200 Peachtree Street, NE, Atlanta, GA 30309, NS Bridge EP-51.17 Maintenance, East Manchester Township, York County, U.S. Army Corps of Engineers Baltimore District.**



To regrade approximately 0.46 of an acre of emergent wetland in order to access and assess a railroad bridge for maintenance. The project is located on an access road off Wago Road (York Haven, PA Quadrangle, Latitude: 40.094494 Longitude: -76.701539) in East Manchester Township, York County. The project area is intended to remain an emergent wetland, therefore no mitigation is required.

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

**E57-135. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montoursville, PA 17754-0218. S.R. 4010 Section 010, Mill Creek Channel and Floodplain Restoration Project, Hillsgrove Township, **Sullivan County**, Baltimore ACOE (Hillsgrove, PA Quadrangle N: 41° 26' 42"; W: -76° 42' 29").

PA DOT Engineering District 3-0 proposes to restore the Mill Creek channel, which was damaged during the October 2016 flooding. The stream channel and floodplain will be restored to the approximate Pre-Flood location and dimensions. The stream restoration will be approximately 850 Ft. The restoration will include Debris and Deposition Removal and 850 L.F. of R-8 Rip Rap Stabilization along the right bank. The adjacent roadway will be restored to Pre-Flood conditions. This project is located

directly upstream of the SR 0087 Bridge over Mill Creek. The project will not impact any jurisdictional wetlands. Mill Creek is classified as an Exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards.

**E57-134. Pennsylvania Department of Transportation, Engineering District 3-0**, PO Box 218, Montoursville, PA 17754-0218. S.R. 4001 Section 036, Hoagland Branch Channel Restoration and Bridge Rehabilitation Project, Fox Township, **Sullivan County**, Baltimore ACOE (Hillsgrove, PA Quadrangle N: 41° 28' 49"; W: -76° 41' 35").

PA DOT Engineering District 3-0 proposes to restore the Hoagland Branch channel, which was damaged during the October 2016 flooding. The stream channel will be restored to the approximate Pre-Flood location and dimensions. The stream restoration will be approximately 500 Ft. The restoration will include Debris and Deposition Removal, Four Upstream Multi-Log Stream Deflectors, and 500 L.F. of R-8 Rip Rap Stabilization. The existing bridge structure will be underpinned with concrete and R-8 Rip Rap Scour protected around the abutments and wingwalls. The roadway will be restored to Pre-Flood conditions. The project will not impact any jurisdictional wetlands. Hoagland branch is classified as an Exceptional Value Stream by Title 25, Chapter 93 Water Quality Standards.

## ACTIONS

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

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

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

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

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

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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0043982 (Sewage)	Utilities Inc., of PA 1201 Sawmill Road Downingtown, PA 19335-3830	Chester County West Bradford Township	East Branch Brandywine Creek 3-H	Y
PA0244635 A-2 (Storm Water)	Morton Salt, Inc. 44 West Lake Street Suite 3000 Chicago, IL 60606	Bucks County Falls Township	Delaware River 2-E	Y
PA0012467 (Industrial)	Booth Station IWTP 5002 Buckeye Road P.O. Box 368 Emmaus, PA 18049-0368	Delaware County Bethel Township	Green Creek 3-G	Y
PA0050466 (Industrial)	East Vincent Township 262 Ridge Road Spring City, PA 19475-2203	Chester County East Vincent Township	Unnamed Stream 3-D	Y
PA0244902 (Storm Water)	Waste Management of PA, Inc. 1000 New Ford Mill Road Morrisville, PA 19067	Bucks County Tullytown Borough	Manor Lake Van Sciver Lake Delaware River 2-E	Y
PA0052515 (Industrial)	Ambler Borough Water Dept. 131 Rosemary Avenue Ambler, PA 19002	Montgomery County Whitemarsh Township	Wissahickon River 3-F	Y
PA0050377 (Industrial)	Johnson Matthey Inc. 900 River Road Conshohocken, PA 19428	Montgomery County Upper Merion Township	Matsunk Creek 3-F	Y
PA0058599 (Sewage)	Quartuccio Associates, LLC P.O. Box 430 Pipersville, PA 19428	Bucks County Bedminster Township	Unnamed Tributary to Cabin Run 2-D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063568 (Industrial)	Northampton Borough Municipal Authority WTP PO Box 156 1 Clear Springs Drive Northampton, PA 18067-0156	Lehigh County North Whitehall Township	Spring Creek (2-C)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0086142	Washington Township 120 Barto Road Barto, PA 19504-8746	Washington Township, Berks County	West Branch Perkiomen Creek Watershed(s) 3-E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0095621 (Sewage)	Ashville Borough STP Route 36 Ashville, PA 16613	Cambria County Ashville Borough	Clearfield Creek (8-C)	Yes

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


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

**WQM Permit No. WQG02461708**, Sewage, **Lansdale Borough**, One Vine Street, Suite 201, Lansdale, PA 19446.

This proposed facility is located in Lansdale Borough, **Montgomery County**.

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

**WQM Permit No. 1517406**, CAFO, **Walmoore Holsteins, Inc.**, 1826 Howell Moore Road, West Grove, PA 19390.

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

Description of Action/Activity: Construction of an HDPE-lined Manure Storage Pond.

**WQM Permit No. 1596410**, Sewage, Amendment, **Aqua Pennsylvania Wastewater, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3402.

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

Description of Action/Activity: Request permit approval for upgrades to the Bridlewood Farm Wastewater Treatment Plant.

**WQM Permit No. 1588416**, Sewage, **Balmoral Homeowners Maintenance Corp.**, P.O. Box 119, Chadds Ford, PA 19317.

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

Description of Action/Activity: Permit approval for the renewal of the Balmoral Homeowners Association Wastewater Treatment Plant.

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**V. NPDES Waiver Stormwater Discharges from MS4 Actions**


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The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the MS4s listed below in lieu of NPDES permit coverage.

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

**NPDES**

<i>Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG132311	Delaware Water Gap 49 Main Street Delaware Water Gap, PA 18327	Delaware Water Gap Borough, Monroe County	Delaware River/TSF and WWF
PAG132313	Rice Township, 3000 Church Road Mountaintop, PA 18707	Rice Township, Luzerne	Big Wapwallopen Creek, Little Wapwallopen Creek/CWF and MF, CWF and MF

The following waiver applications have been approved for a 5-year period. The Department is issuing waivers for the following MS4s in lieu of NPDES permit coverage.

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

**NPDES**

<i>Waiver No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Receiving Water(s)/Use(s)</i>
PAG136379	Centerville Borough 100 East End Road Brownsville, PA 15417	Centerville Borough, Washington	Monongahela River/WWF
PAG136264	Edgewood Borough Allegheny County 2 Race Street Pittsburgh, PA 15218-1445	Edgewood Borough, Allegheny	Ninemile Run/TSF
PAG136230	Versailles Borough Allegheny County 5100 Walnut Street McKeesport, PA 15132-6322	Versailles Borough, Allegheny	Youghiogheny River and Long Run/WWF and TSF

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD090009	MLH 150 Roebling, LLC 308 Lancaster Avenue Suite 300 Wynnewood, PA 19096-2145	Bucks	Falls Township	Unnamed Tributary to Delaware River WWF-MF
PAD150003	Terry O'Neill 425 Rock Raymond Road Downingtown, PA 19335	Chester	East Brandywine Township	East Branch Brandywine HQ-TSF-MF
PAI011516021	APG The Village, L.P. 606 Gordon Drive Exton, PA 19341	Chester	East Whiteland Township	Tributary to Valley Creek EV-MF
PAD150053	Hettie J. Herzog 1057 St. Matthews Road Chester Springs, PA 19425	Chester	West Vincent Township	Pickering Creek HQ
PAD230010	Sunoco Partners Marketing and Terminals, L.P. 100 Green Street Marcus Hook, PA 19061	Delaware	Marcus Hook Borough	Delaware River WWF
PAD510013	Cristo Rey Philadelphia High School 5218 North Broad Street Philadelphia, PA 19141	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD450027	PennDOT Engineering District 5-0 1002 Hamilton Street Allentown, PA 18101	Monroe	Tunkhannock	Keiper Run (HQ-CWF, MF) Tunkhannock Creek (HQ-CWF, MF)
PAD390027	Upper Saucon Township 5500 Camp Meeting Road Center Valley, PA 18034	Lehigh	Upper Saucon Township	UNT to Saucon Creek (HQ-CWF, MF)
PAD390036	ARCO Murray 3110 Woodcreek Drive Downers Grove, IL 60515	Lehigh	Upper Macungie Township	Iron Run (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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD210002 Issued	Carlisle Moose Lodge # 761 25 East High Street Carlisle, PA 17013	Cumberland	Middlesex Township	Letort Spring Run (HQ-CWF, MF)

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

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140018	Samuel B. King 574 Tattletown Road Aaronsburg, PA 16820	Centre	Penn Twp	UNT-Elk Creek EV, MF



*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798.*

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD180008	Phil Courter 508 East Valley Rd Loganton, PA 17747	Clinton	Porter Twp	Cedar Run HQ-CWF
PAD180009	Abner Fisher 212 Brungard Lane Mill Hall, PA 17751	Clinton	Porter Twp	UNT to Cedar Run HQ-CWF

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD260001	Jeremy Critchfield 1078 Nemacolin Drive Chalkhill, PA 15402	Fayette County	Wharton Township	UNT to Braddock Run (HQ-CWF)
PAI055616001	Mason Dixon Wind, LLC 1251 Waterfront Place Third Floor Pittsburgh, PA 15222	Somerset County	Fairhope Township; Larimer Township; Southampton Township	Flaugherty Creek (CWF); Laurel Run (HQ-CWF); Wills Creek (CWF); UNTs to Wills Creek (HQ-CWF); Gladdens Run (HQ-CWF); Mountain Run (HQ-CWF); Jennings Run (CWF)
PAI056316002	Legacy Park L and Partners, LLC 3625 Washington Pike Bridgeville, PA 15017	Washington County	North Strabane Township	UNT to Little Chartiers Creek (HQ-WWF)

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

**NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD430001	Greenville-Reynolds Development Corp 301 Arlington Drive Greenville, PA 16125	Mercer	Pymatuning Township	Shenango River WWF

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

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

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

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

PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
North Union Township and East Union Township, Schuylkill County	PAC540011	AQUA Pennsylvania, Inc. c/o Joshua Shoff 1 Aqua Way White Haven, PA 18661	Sugarloaf Creek (CWF-MF)	Schuylkill County Conservation District 570-622-3742

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland Township Adams County Issued	PAC010029	Woodhaven Building and Development 4175 Hanover Pike Manchester, MD 21102	Marsh Creek (CWF) Willoughby Run (WWF)	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325-3404 717.334.0636
City of Reading Berks County Issued	PAC060049	American Regent Reading, LLC 1105 Industrial Highway Southampton, PA 18966	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710
Ontelaunee and Perry Townships, Shoemakersville Borough Berks County Issued	PAC060073	PennDOT District 5-0 1002 Hamilton Street Myerstown, PA 18101	Schuylkill River (WWF, MF)	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710
Penn Township Lancaster County Issued	PAC210044	Venus Partners, LLC 100 South Wacker Drive Chicago, IL 60606	Mount Rock Spring Creek (WWF, MF) Conodoguinet Creek (WWF, MF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Mechanicsburg Borough Cumberland County Issued	PAC210046	Landmark Homes at Cedar Run, LLC 1737 West Main Street Ephrata, PA 17522	UNT Cedar Run (CWF)	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9101 717.240.7812
Penbrook Borough Dauphin County Issued	PAC220054	Penbrook Borough 150 South 28th Street Harrisburg, PA 17103-1910	Asylum Run (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Conewago Township Dauphin County Issued	PAC220032	Brendan Zimmerman 2993 Mill Road Elizabethtown, PA 17022	Brills Run (TSF) Conewago Creek (TSF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township Dauphin County Issued	PAC220052	Hershey Med Center Manor Housing 139J Physical Plant Building University Park, PA 16803-1118	Spring Creek East (WWF) UNT's Swatara Creek (WWF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Susquehanna Township Dauphin County Issued	PAC220011	AVA Group 3737 Routh 46 East Parsippany, NJ 07054	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220047	Vanguard Realty Group 4090 Continental Drive Harrisburg, PA 17112	Paxton Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Lower Paxton Township Dauphin County Issued	PAC220053	Fishing Creek Valley Associates 4712 Smith Street Harrisburg, PA 17109	Beaver Creek (WWF, MF)	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717.921.8100
Earl Township Lancaster County Issued	PAC360050	Samuel Stoltzfus 194 Nolt Road New Holland, PA 17557	UNT Mill Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Lancaster City Lancaster County Issued	PAC360097	Michael O'Brien 2450 Marietta Avenue Lancaster, PA 17601	Conetoga River (WWF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Clay Township Lancaster County Issued	PAC360128	Marcus Kline 100 Durlach Road Ephrata, PA 17522	Middle Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Warwick Township Lancaster County Issued	PAC360129	Joan Sinz 970 Disston View Drive Lititz, PA 17543	Cocalico Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Earl Township Lancaster County Issued	PAC360133	Clair Nolt 652 North Shirk Road New Holland, PA 17557	Trib Conestoga Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Issued	PAC360137	PPT Holding LLC 374 Chowning Place Lancaster, PA 17601	Bachman Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Manheim Township Lancaster County Issued	PAC360139	Buckwalter Enterprises LLC 124 Eshelman Road Lancaster, PA 17601	Bachman Run (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Elizabeth Township Issued	PAC360150	Davide and Krista Cipalla 38 Duffield Drive Lititz, PA 17543	UNT Hammer Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
West Donegal Township Lancaster County Issued	PAC360158	Yarrum LP PO Box 332 Lemoyne, PA 17043	UNT Conewago Creek (TSF, MF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
Clay Township Lancaster County Issued	PAC360036	Marlin Sensenig 355 Hillcrest Drive Ephrata, PA 17522	Middle Creek (WWF)	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601-3149 717.299.5361
East Hanover Township Lebanon County Issued	PAC380036	Ben Moyer 807 Ono Road Jonestown, PA 17038	UNT Swatara Creek (WWF/WWF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Lebanon Township Lebanon County Issued	PAC380039	S. Gerald Musser 1310 Mt. Pleasant Road Lebanon, PA 17042	UNT Little Swatara Creek (WWF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275
North Cornwall Township Lebanon County Issued	PAC380038	Brooke N. Kreider 3093 West Oak Street Lebanon, PA 17042	Quittapahilla Creek (TSF, MF)	Lebanon County Conservation District 2120 Cornwall Road Lebanon, PA 17042-9788 717.277.5275

*Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
College Twp, Centre Cnty	PAC140032	Penn State University 139J Physical Plant Bldg University Park, PA 16802	Big Hollow CWF	Centre County Conservation District 414 Holmes Ave, Ste 4 Bellefonte, PA 16823 (814) 355-6817

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Meadville, Crawford County	PAC200042	Crawford County 903 Diamond Park Meadville, PA 16335	Mill Run WWF	Crawford County Conservation District Woodcock Creek Nature Center 21742 German Road Meadville, PA 16335 814-763-5269



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Middlesex Township, Butler County	PAC100061	United Landscape and Supply 796 Pittsburgh Road Butler, PA 16002	UNT to Glade Run	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270
Summit Township, Butler County	PAC100069	PTV XXX, LLC 1563 Woodward Drive Extension Greensburg, PA 15601	Tributary to Coal Run WWF	Butler County Conservation District 122 McCune Drive Butler, PA 16001 724-284-5270

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plymouth Township Montgomery County	PAG030066	Spray Products Corp 1323 Conshohocken Rd Plymouth Meeting, PA 19462	Diamond Run 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Upper Merion Township Montgomery County	PAG030068	Amazon. Com. DEDC, LLC P.O. Box 80842 Seattle, WA 98108-0842	Unnamed Tributary Trout Creek 3-F	DEP Southeast Regional Office Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-4*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
East Brandywine Twp Chester County	PAG040220	Mr. Kevin Lang 1660 Bondsville Road Downingtown, PA 19335	Beaver Creek 3-H	DEP Southeast Regional Office Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

**MS4 PAG-13 Notices of Intent Received**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136385	Apollo Borough PO Box 306 Apollo, PA 15613	Apollo Borough, Armstrong County	No	Yes
PAG136328	Derry Borough Municipal Authority 620 N Chestnut Street Derry, PA 15327	Derry Borough, Westmoreland County	N	Y
PAG136209	Borough of Conway 1208 3rd Avenue Conway, PA 15027-1598	Conway Borough, Beaver County	N	N
PAG136398	Mount Pleasant Township 31 McCarrell Road Hickory, PA 15340-1147	Mount Pleasant Township, Washington County	Yes	No
PAG136258	Arona Borough PO Box 200 Arona, PA 15617	Arona Borough, Westmoreland County	Yes	No

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Municipality, County</i>	<i>Waiver Application Submitted (Y/N)</i>	<i>Pollutant Reduction Plan Submitted (Y/N)</i>
PAG136394	Brownsville Township 232 Brown Street Brownsville, PA 15417	Brownsville Township, Fayette County	Yes	No
PAG136311	North Union Township, 7 S Evans Station Road Lemont Furnace, PA 15456-1077	North Union Township, Fayette County	N	Y
PAG136229	East Deer Township 927 Freeport Road Creighton, PA 15030-1049	East Deer Township, Allegheny County	N	N
PAG136225	Churchill Borough Allegheny County 2300 William Penn Highway Pittsburgh, PA 15235-4952	Churchill Borough, Allegheny County	N	Y
PAG136261	Ingram Borough Allegheny County 40 W Prospect Avenue Pittsburgh, PA 15205-2241	Ingram Borough, Allegheny County	( Y )	( N )
PAG136119	Paint Borough Somerset County 119 Hoffman Avenue Windber, PA 15963-2358	Paint Township, Somerset County	( Y )	( N )
PAG136233	Scalp Level Borough Cambria County 422 Main Street Windber, PA 15963-1017	Scalp Level Borough, Cambria County	( Y )	( N )

### STATE CONSERVATION COMMISSION

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

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

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

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

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

#### CAFO NMP PUBLIC NOTICE SPREADSHEET—ACTIONS (Approval/Disapproval)

<i>Agricultural Operation (Name and Address)</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units (AEUs)</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproval</i>
John Pepper Enterprises, LLC 1075 New Road Granville Summit, PA 16926	Bradford	74.5	779.11	Swine	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.

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

**Permit No. 4617516**, Public Water Supply.

Applicant	<b>Horsham Water &amp; Sewer Authority</b> 617 Horsham Road Horsham, PA 19044
Township	Horsham
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Gilmore & Associates, Inc. 65 E. Butler Avenue New Britain, PA 18901
Permit to Construct Issued	November 1, 2017

**Permit No. 1517524**, Public Water Supply.

Applicant	<b>UMH Properties, Inc.</b> 1 Mark Lane Honey Brook, PA 19344
Township	Honey Brook
County	<b>Chester</b>

Type of Facility	PWS
Consulting Engineer	Martin Water Conditioning 4850 Perkiomen Avenue Reading, PA 19606
Permit to Construct Issued	November 2, 2017

**Operations Permit # 4616525** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460028**, Horsham Township, **Montgomery County**, on November 2, 2017 for the operation of Ammonia Feed Equipment at Hatboro Well Station No. 6 facilities approved under construction permit # 4616525.

**Operations Permit # 4616527** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, **PWS ID # 1460028**, Upper Moreland Township, **Montgomery County** on November 2, 2017 for the operation of Ammonia Feed Equipment at Hatboro Well Station No. 21 facilities approved under construction permit # 4616527.

**Operations Permit # 4616528** issued to **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 1901, **PWS ID # 1460028**, Horsham Township, **Montgomery County** on November 2, 2017 for the operation of Ammonia Feed Equipment at Hatboro Well Station No. 8 facilities approved under construction permit # 4616528.

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

**Permit No. 3540036**, **Operations Permit**, Public Water Supply.

Applicant	<b>Citizens Water Association of Deer Lake</b> 228B Lake Front Drive Orwigsburg, PA 17961
[Borough or Township]	Orwigsburg Borough
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Ms Jennifer M Kowalonek PE Alfred Benesch & Company 400 One Norwegian Plaza Pottsville, PA 17901-3060
Permit to Operate Issued	10/11/2017

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

**Permit No. 2117510 MA**, **Minor Amendment**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b>
Municipality	Silver Spring Township
County	<b>Cumberland</b>
Responsible Official	David R. Kauffman, Vice-President—Engineering 800 West Hershey Park Drive Hershey, PA 17033

Type of Facility The interior of Filter No. 2 will be blast cleaned and repainted. The filter media will be removed and replaced with new media. Other work will include removal and rebuilding of bull gear and drive, and rehabilitation of the underdrain system.

Consulting Engineer Bruce A. Brubaker, P.E.  
Pennsylvania-American Water Company  
852 Wesley Drive  
Mechanicsburg, PA 17055

Permit to Construct Issued 11/6/2017

**Permit No. 3617514**, Public Water Supply.

Applicant **Lancaster Mennonite School**

Municipality Pequea Township

County **Lancaster**

Responsible Official Troy D. Hurst, Plant Manager  
2176 Lincoln Highway East  
Lancaster, PA 17602

Type of Facility Installation of treatment facilities for nitrate removal.

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

Permit to Construct Issued 11/3/2017

**Permit No. 6717513 MA, Minor Amendment**, Public Water Supply.

Applicant **Miller Group Holdings, LP**

Municipality Fawn Grove Borough

County **York**

Responsible Official Darrin Rapali, Manager  
950 East Main Street  
Schuylkill Haven, PA 17972-0472

Type of Facility A new noncommunity water system will be installed at a Dollar General in Fawn Grove Borough, York County. Treatment of the new well will include nitrate treatment, acid neutralization, softening, and microfiltration.

Consulting Engineer Kevin L. Little, P.E.  
Barton & Loguidice DPC  
3901 Hartzdale Drive  
Camp Hill, PA 17013

Permit to Construct Issued 11/3/2017

**Permit No. 2217512 MA, Minor Amendment**, Public Water Supply.

Applicant **Capital Region Water**

Municipality Harrisburg

County **Dauphin**

Responsible Official Michael McFadden, Water System Superintendent  
100 Pine Drive  
Harrisburg, PA 17101

Type of Facility Rehabilitation of the existing finished water underground Upper Reservoir, including repairs to the valve chamber, concrete crack, spall and joint repairs and sediment removal and cleaning.

Consulting Engineer Michael J. Mehaffey, P.E.  
Gannett Fleming, Inc.  
PO Box 67100  
Harrisburg, PA 17106-7100

Permit to Construct Issued 11/6/2017

**Permit No. 2817505**, Public Water Supply.

Applicant **New Guilford Brethren in Christ Church (NGBIC)**

Municipality Guilford Township

County **Franklin**

Responsible Official Grant Benedict, Trustee  
1575 Mont Alto Road  
Chambersburg, PA 17202

Type of Facility The existing treatment system, including softening and UV equipment, will be abandoned and replaced with new softening, nitrate treatment, and chlorine disinfection equipment. A flow control valve and a finished water storage tank will also be installed.

Consulting Engineer Joseph M. McDowell, P.E.  
Martin & Martin, Inc.  
37 S Main Street  
Chambersburg, PA 17201

Permit to Construct Issued 10/11/2017

**Operation Permit No. 0716502 MA** issued to: **Hillcrest Communities (PWS ID No. 4070045)**, Logan Township, **Blair County** on 11/8/2017 for facilities approved under Construction Permit No. 0716502 MA.

**Operation Permit No. 0117505 MA** issued to: **Lutheran Camping Corporation of Central PA (PWS ID No. 7010835)**, Menallen Township, **Adams County** on 11/9/2017 for facilities at Camp Nawakwa submitted under Application No. 0117505 MA.

**Comprehensive Operation Permit No. 7360942** issued to: **Mount Joy Township (PWS ID No. 7360942)**, Mount Joy Township, **Lancaster County** on 11/3/2017 for the operation of facilities submitted under Application No. 7360942.

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

**Permit No. MA-GWR-T1—Operation—Public Water Supply.**

Applicant **Bimbo Bakeries USA, Inc.**

Township/Borough Old Lycoming Township



County **Lycoming County**  
 Responsible Official Ms. Tina Rook  
 Bimbo Bakeries USA, Inc.  
 3375 Lycoming Creek Road  
 Williamsport, PA 17701  
 Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued November 6, 2017  
 Description of Action Authorizes the transfer of permit MA-GWR-T1 from Orograin Bakery Manufacturing, Inc. to Bimbo Bakeries USA, Inc. This permit approves the operation of the existing sodium hypochlorite chemical feed system and detention piping, which provides 4-log inactivation of viruses.

Description of Action Authorizes construction of bolted steel, glass-lined 100,000-gallon water-storage tank and the rehabilitation of the existing 530,000-gallon water-storage tank while the new 100,000-gallon tank is in operation.

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

**Operations Permit** issued to: **Center Township Water Authority**, 224 Center Grange Road, Aliquippa, PA 15001, (**PWSID # 5040007**) Potter Township, **Beaver County** on November 8, 2017 for the emergency operation of facilities approved under Construction/Operation Permit # 0415504-A1-E2.

**WATER ALLOCATIONS**

**Permit No. 147502 (Amendment 1)—Operation—**  
 Public Water Supply.

Applicant **Madison Water Works**  
 Township/Borough Miles Township  
 County **Centre County**  
 Responsible Official Mr. Tim Clouser  
 Madisonburg Water Works  
 250 Madisonburg Pike  
 Madisonburg, PA 16852  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Michael J. Peleschak, P.E.  
 Alfred Benesch & Company  
 400 One Norwegian Plaza  
 Pottsville, PA 17901  
 Permit Issued November 2, 2017  
 Description of Action Authorizes the amendment to permit 1407502 to include the Lead and Copper Rule (LCR) treatment facilities.

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

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

**WA 67-960A, Water Allocations. Dover Township (PWS ID No. 7670073), York County.** Dover Township is requesting to renew their existing water allocation permit which grants the right to purchase 1.0 million gallons per day from The York Water Company. Permittee Contact: Consulting Engineer: Christina Crawford MBA, PE, Spotts, Stevens & McCoy, Inc., 1047 North Park Road, PO Box 6307, Reading, PA 19610-0307. Permit Issued: 11/3/2017.

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

**WA4-724D, Water Allocations. North Sewickley Township Water Authority**, 590 Mercer Road, Beaver Falls, PA 15010, **Beaver County**. The right to purchase up to 1,000 gallons of water per day, average day, from the Pennsylvania American Water Company—Ellwood City.

**Permit No. 5517501MA—Construction—Public Water Supply.**

Applicant **Penn Township Municipal Authority**  
 Township/Borough Penn Township  
 County **Snyder County**  
 Responsible Official Mr. Thomas C. Ferry, Chairman  
 Penn Township Municipal Authority  
 P.O. Box 155  
 Selinsgrove, PA 17870  
 Type of Facility Public Water Supply  
 Consulting Engineer Mr. Edward J. Brown, P.E.  
 Larson Design Group, Inc.  
 1000 Commerce Park Drive  
 Suite 200  
 Williamsport, PA 17701  
 Permit Issued November 7, 2017

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Spring Garden Township	558 South Ogontz St York, PA 17403	York

*Plan Description:* Approval is granted for a revision to the official plan of Spring Garden Township, York County. The project is known as the Jeffrey Sargen Property. The project is for the replacement of a malfunctioning on lot sewage disposal system with a small flow treatment

facility with a discharge of 700 gpd to a dry stream tributary to Tyler Run. The permit applications must be submitted in the name of the property owner. The Department's review of the revision amendment has not identified any significant impacts resulting from this proposal. The DEP Code Numbers for this plan are A3-67003-178-3s and the APS Id is 944560.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

#### Plan Disapprovals Under the Pennsylvania Sewage Facilities Act.

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
South Hanover Township	161 Patriot Way Hershey, PA 17033-2498	Dauphin

*Plan Description:* The sewage planning exemption request submitted for the Daniel & Meredith Mills Subdivision, DEP Code No. A3-22930-192-2E, APS Id 954433, is disapproved. The purpose of this plan is to create one new single family residential building lot to use an individual onlot sewage disposal system and a residual tract with an existing dwelling an onlot sewage disposal system. The project is located on the north side of Hanshue Road, southwest of the junction with Shetland Drive. A preliminary hydrogeologic study is required because the proposed subdivision is within 1/4 mile of a well documented to exceed 5 PPM nitrate-N and onlot sewage disposal is proposed. Reference: Chapter 71, Section 71.51(b)(1)(ii) and South Hanover Township's Act 537 Sewage Facilities Plan (1989 submission). Therefore, the proposal must be submitted using the Component 2 sewage planning module forms.

##### Plan Location:

Borough or Township	Borough or Township Address	County
Earl Township	19 Schoolhouse Rd. Boyertown, PA 19512	Berks
Colebrookdale Township	765 West Philadelphia Ave. Boyertown, PA 19512	Berks

*Plan Description:* The sewage planning exemption request submitted for the Lea Subdivision, DEP Code No. A3-06931-107-2E, APS Id 954605, is disapproved. The purpose of this plan is to create one new single family residential building lot to use an individual onlot sewage disposal and a residual tract with an existing dwelling and onlot sewage disposal system. The proposed new development would be located in Earl Township. The submission also proposed the construction of a new residence to use an individual onlot sewage disposal system on a vacant parcel in Colebrookdale Township. A portion of that parcel and a portion of another parcel would be conveyed to the aforementioned residual tract via side lot additions. The project is located on both sides of Terrace Road, south of the junction with Ironstone Road. A preliminary hydrogeologic study is required because the proposed subdivision is within 1/4 mile of a well documented to exceed 5 PPM nitrate-N and onlot sewage disposal is proposed. Reference: Chapter 71, Section 71.51(b)(1)(ii) and Colebrookdale Township's Act 537

Sewage Facilities Plan (1997 submission). Therefore, the proposal must be submitted using the Component 2 sewage planning module forms.

## 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: Environmental Cleanup & Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Unison Engine Components, Inc.**, 701 Crestwood Road, Wright Township, **Luzerne County**. Amec Foster Wheeler, 751 Arbor Way, Hillcrest Building 1, Ste 180, Blue Bell, PA 19422, on behalf of GE Global Operations, 475 Creamery Way, Exton, PA 19341, submitted a revised Remedial Investigation, Risk Assessment and Final Report concerning remediation of site soils and groundwater contaminated with Aroclor-1242, Aroclor-1254, Aroclor-1260, 1,2,4-Trichlorobenzene, Benzo(g,h,i)perylene, Benzo(a)pyrene, and Dibenz(a,h)anthracene. The report is intended to document remediation of the site to meet the Site Specific Standard.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**LPR Energy Snow Shoe 2 Well Pad**—Snow Shoe Township, **Centre County**. BiglerBoyz Enviro, Inc., 1950 Dale Road, Woodland, PA 16881, on behalf of LPR Energy, LLC, 2 E. Market Street, Suite 1, Clearfield, PA 16830, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Background and Statewide Health Standards.

**Rosenbaum Trucking & Feed State Route 147E**—Jackson Township, **Northumberland County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Rosenbaum Trucking & Feed, PO Box 165, Glade Springs, VA 24340-0165, has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel, motor oil and anti-freeze. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Cozza Residence**—Lewisburg Borough, **Union County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of D. Brandyn Cozza, 942 Saint Paul Street, Lewisburg, PA 17837, has submitted a Final report concerning remediation of site soil contaminated with # 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 3

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

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

remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Fruitville Business Park**, 1570 Fruitville Pike, Lancaster, PA 17602, Lancaster City, **Lancaster County**. Liberty Environmental, 50 N. 5th Street, 5th Floor, Reading, PA 19601, on behalf of 1570 Fruitville Pike, LP, 2450 Marietta Avenue, Lancaster, PA 17601, and Robert Lepore, c/o John Reed, Esquire, Barley Snyder, LLC, 126 East King Street, Lancaster, PA 17602-2893, submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and SVOCs. The Plan was disapproved by the Department on November 3, 2017.

**JRF Motorsports LLC Property**, 348 Memorial Highway, Fleetwood, PA 19522, Ruscomber Township, **Berks County**. Liberty Environmental, 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of VIST Bank, 1240 Broadcasting Road, P.O. Box 6219, Wyomissing, PA 19610-0219, and Strahn Law Offices, 5341 Perkiomen Avenue, Reading, PA 19606, submitted a Final Report concerning the remediation of site soil and groundwater contaminated with used motor oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 8, 2017.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**LPR Energy Snow Shoe 2 Well Pad**—Snow Shoe Township, **Centre County**. BiglerBoyz Enviro, Inc., 1950 Dale Road, Woodland, PA 16881, on behalf of LPR Energy, LLC, 2 E. Market Street, Suite 1, Clearfield, PA 16830, has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Background and Statewide Health Standards and was approved by the Department on October 25, 2017.

**Diamond State Trucking Inc. I-80 MM 194.4 Accident Cleanup**, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Diamond State Trucking, Inc., 7659 US 270, Malvern, AR 72104, has submitted a Final Report concerning remediation of site soil contaminated with Diesel Fuel. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 11, 2017.



**Repsol William B Street Ethylene Glycol Release**, Hamilton Township, **Tioga County**. Golder Associates Inc., 209 N. Main Street, Suite 3, Horseheads, NY 14845, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, has submitted a Final Report concerning remediation of site soils contaminated with Ethylene Glycol. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on September 15, 2017.

**Right of Way, William B Street**, Hamilton Township, **Tioga County**. Golder Associates, Inc., 209 North Main Street, Horseheads, NY 14845, on behalf of Repsol Oil & Gas USA, LLC, 337 Daniel Zenker Drive, Horseheads, NY 14845, has submitted a revised Final Report concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 6, 2017.

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

**Former Melody Tent/Civic Arena**, Center Avenue, Fullerton Street, Crawford & Bedford Avenue Pittsburgh, **Allegheny County**. KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219, has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with volatile organic compounds (VOCs); Semi volatile organic compounds (SVOCs) and metals. Public notice was printed in the *Pittsburgh Post Gazette* on August 18, 2017. The Plans were approved by the Department on November 7, 2017 and achieved a site-specific standard for soil and groundwater.

#### RESIDUAL WASTE GENERAL PERMITS

**Permit(s) Issued Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR019D010. Weatherly Casting and Machine Company**, P.O. Box 21, Weatherly, PA 18255. A permit renewal for continued coverage under General Permit WMGR019 for the beneficial use of foundry waste as roadway construction material, a component or ingredient in the manufacturing of concrete or asphalt products, a soil additive or soil substitute, and for non-roadway construction activity. The foundry operation is located in Weatherly Borough, **Carbon County**. The renewal was approved by the Regional Office on November 2, 2017.

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

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

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

**General Permit Application No. WMGR047. Harsco Corporation**, 359 North Pike Road, Sarver, PA 16055; **Butler County**. This permit was modified to include the following beneficial uses: sludge stabilization, construction material, raw material for concrete production, underground storage tank and pipe backfill, mine buffering agent, acid mine drainage (AMD) treatment plant feed stock, briquettes to reclaim AMD-affected streams, grout production for flowable backfill, road base reclamation and soil stabilization, and raw material for asphalt production. The general permit was also revised and formatted to meet the current general permit format which included minor language changes and rearrangement of conditions. The revised permit was issued October 31, 2017.

Persons interested in reviewing obtaining a copy of the revised general permit can download a copy at <http://www.dep.pa.gov/Business/Land/Waste/SolidWaste/Residual/Permitting/Pages/BeneficialUsePermits.aspx> or may contact Chris Solloway, Environmental Group Manager, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registrations issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Registration No. WMGR019NC001: Benton Foundry, Inc.**, 5297 State Route 487, Benton, PA 17814-7641. Registration to operate under General Permit No. WMGR019NC001 for the beneficial use of waste foundry sand and ferrous metal foundry system dust, slag and refractory. The registration was approved by Northcentral Regional Office on November 2, 2017.

**General Permit Registration No. WMGR019NC002: Clearfield Machine Company, Inc.**, 520 S. 3rd Street, Clearfield, PA 16830. Registration to operate under General Permit No. WMGR019NC001 for the beneficial use of waste foundry sand and ferrous metal foundry system dust, slag and refractory. The registration was approved by Northcentral Regional Office on November 2, 2017.

Persons interested in obtaining more information about the general permit applications 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.

**BOND RELEASE PROPOSAL UNDER THE SOLID WASTE MANAGEMENT ACT AND REGULATIONS TO OPERATE A MUNICIPAL OR RESIDUAL WASTE FACILITY**

*Southwest Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit I.D. No. WMGR123SW021. RES Water—Champion, LLC**, 1373 Washington Pike, Suite 100, Bridgeville, PA 15017. The Department of Environmental Protection is releasing \$1,098,510 in bond liability for RES Water—Champion, LLC, for its residual waste processing facility operating under DEP Residual Waste General Permit WMGR123SW021 located at 100 RES Drive, McDonald, PA 15057, Robinson Township, **Washington County**. RES Water—Champion, LLC submitted on October 16, 2017 a request to surrender the above referenced permit and for bond release for its facility that was permitted but never constructed.

**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.*

**GP3-09-0151: Mount Materials, LLC** (427 South White Horse Pike) On November 7, 2017 for Portable Screener, Warrior 2100, in Falls Township, **Bucks County**.

**GP11-09-0061: Mount Materials, LLC** (427 South White Horse Pike) On November 7, 2017 for a diesel fuel-fired internal combustion engine in Falls Township, **Bucks County**.

**GP3-46-0150: Allied Recycling Co.** (1752 Limekiln Pike, Dresher, PA 19025) On November 7, 2017 for a Portable Screener, Warrior 2100, in Montgomery Township, **Montgomery County**.

**GP11-46-0083: Allied Recycling Co.** (1752 Limekiln Pike, Dresher, PA 19025) On November 7, 2017 for a nonroad engine, in Montgomery Township, **Montgomery County**.

**GP14-09-0146: Bucks County Crematory, LLC** (3500 Bristol Oxford Valley Road, Levittown, PA 19057) On November 3, 2017 for a human Crematory (2 Units), in Bristol Township, **Bucks County**.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**GP1-35-008A: General Dynamics Ordnance and Tactical Systems PA, Scranton Army Ammunition Plant** (156 Cedar Ave, Scranton, PA 18505) on November 8, 2017, for the operation of a Burnham Corp. Boiler at their facility in Scranton, **Lackawanna County**.

**GP3-40-023: Mark Construction Services, LLC** (4000 4th Street, Moosic, PA 18507) on November 8, 2017, for the construction and operation of a crusher and screening operation at their facility in City of Hazelton, **Luzerne County**.

**GP9-40-023: Mark Construction Services, LLC** (4000 4th Street, Moosic, PA 18507) on November 8, 2017, for the construction and operation of two diesel fired engine at their facility in City of Hazelton, **Luzerne County**.

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

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

**GP5-43-342C: Enervest Operating LLC—Collins Station** (300 Capitol St., Suite 200, Charleston, WV 25301) on November 2, 2017, for the authority to operate a Caterpillar Model G3406TA natural gas engine, a Natco Natural Gas Dehydrator, a 4,200 gallon slop engine oil & liquids from compressor scrubber storage tank, and fugitive emissions (BAQ-GPS/GP5) located at their facility in West Salem Township, **Mercer County**.

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

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

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

**46-0044C: Glasgow, Inc.** (Church & Flint Hill Roads, King of Prussia, PA 19406), on November 8, 2017 for the following modifications for the existing batch hot mix asphalt (HMA) plant and associated dust collector (baghouse) at its McCoy Quarry & Asphalt Plant facility:

Revisions to the hourly and annual particulate matter (PM)/PM less than 10  $\mu\text{m}$  in aerodynamic diameter (PM<sub>10</sub>) emission rate restrictions for the batch HMA plant to correspond with the best available technology PM emission concentration restrictions of 0.016 grain per dry standard cubic foot (gr/dscf) for filterable PM and 0.021 gr/dscf for PM<sub>10</sub> (i.e., filterable plus condensable). The revisions result in an increase in the potential to emit PM/PM<sub>10</sub> for the batch HMA plant from 2.01 tons/yr to 5.71 tons/yr (PM) and 7.50 tons/yr (PM<sub>10</sub>), as based on adjusted exhaust gas flow parameters from the most recent stack test for the batch HMA plant.

A change to the source description for the batch HMA plant to correct the name of the baghouse manufacturer and the quantity of filter bags used in the baghouse.

The facility is located in Upper Merion Township, **Montgomery County**, and is a non-Title V facility.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00011A: Martins Creek, LLC.** (835 Hamilton St, Suite 150, Allentown, PA 18101-2400) on October 23, 2017 for the installation and operation of Separated Over Fired Air (SOFA) equipment and use of the existing Flue Gas Recirculation (FGR) on boilers to control NO<sub>x</sub> emissions

at the Martins Creek LLC's existing facility located in Lower Mt. Bethel Twp., **Northampton County**.

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

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

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

**46-00005: Merck & Co., Inc.** (770 Sumneytown Pike, West Point, PA 19486-0004) November 8, 2017, located in Upper Gwynedd Township, **Montgomery County** for a renewal of their Title V operating permit. This renewal includes the incorporation of plan approval 46-0005AQ.

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

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

**TVOP-30-00077: Texas Eastern Transmission LP** (258 Bristoria Road, Wind Ridge, PA 15380-1259) Title V Operating Permit renewal issued on November 08, 2017, for their Holbrook Compressor Station located in Richhill Township, **Greene County**.

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

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

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

**23-00113: AT&T Communications of PA, LLC** (60 West Avenue, Wayne, PA 19087) On November 7, 2017 located in Radnor Township, **Delaware County**, for a renewal of State Only (Natural Minor) Operating Permit No. 23-00113.

**09-00068: Orchard Hill Memorial Park** (80 Kelly Road, Quakertown, PA 18951; Attn: Mr. Derek Cooke) On November 2, 2017 for a non-Title V Facility, State-Only Synthetic Minor Operating Permit in Richland Township, **Bucks County**.

**09-00164: The H&K Group (Naceville Materials)** (300 Skunk Hollow Road, Chalfont, PA 18914), located in Hilltown Township, **Bucks County**, for a renewal of State Only (Natural Minor) Operating Permit for its Naceville Materials Joint Venture—Chalfont facility.

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

*Contact: Norman Frederick, P.E., Environmental Engineer Manager—Telephone: 570-826-2409.*

**48-00022: Ardent Mills, LLC** (4888 South Delaware Drive, Martins Creek, PA 18063) issued on 11/8/17, a State-Only (Synthetic Minor) Operating Permit renewal for operation of their dog and cat food manufacturing facility located in Lower Mt. Bethel Township, **Northampton County**. The sources include a boiler, wheat receiving, handling, and a flour mill, bulk loading, feed loadout, water chlorination, and a fumigation process. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

**48-00023: Ardent Mills, LLC** (4888 South Delaware Drive, Martins Creek, PA 18063-0193) issued on 11/8/17, a State-Only (Synthetic Minor) Operating Permit renewal for operation of their grain and field bean wholesaling facility located in Lower Mt. Bethel Township, **Northampton County**. The sources include wheat receiving, handling, and loadout and a fumigation process. The permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

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

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

**50-03006: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) on November 7, 2017, for the natural gas liquid (ethane, propane, butane or a mixture of these) Doyleburg pumping station located in Toboyne Township, **Perry County**.

**22-03094: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) on November 7, 2017, for the natural gas liquid (ethane, propane, butane or a mixture of these) Middletown pumping station located in Londonderry Township, **Dauphin County**.

**31-03036: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) on November 7, 2017, for the natural gas liquid (ethane, propane, butane or a mixture of these) Mount Union pumping station located in Shirley Township, **Huntingdon County**.

**06-03164: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) on November 7, 2017, for the natural gas liquid (ethane, propane, butane or a mixture of these) Beckersville pumping station located in Brecknock Township, **Berks County**.

**36-03197: Sunoco Pipeline LP** (525 Fritztown Road, Sinking Spring, PA 19608) on November 7, 2017, for the natural gas liquid (ethane, propane, butane or a mixture of these) Blainsport pumping station located in West Cocalico Township, **Lancaster County**.

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

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

**41-00019: VT Hackney, Inc.** (914 Saegers Station Road, Montgomery, PA 17752) on October 30, 2017, for their Montgomery Plant located in Clinton Township, **Lycoming County**. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable State air quality regulations.

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

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

**OP-03-00250: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201) Operating Permit Amendment issuance for name change date effective November 6, 2017, for their coal preparation plant located in West Franklin Township, **Armstrong County**.



*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9476.*

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

**OP17-000051: The Curtis Center** (601 Walnut Street, Philadelphia, PA 19106) issued on November 7, 2017 for the operation of a commercial office in the City of Philadelphia, **Philadelphia County** and to incorporate a change of ownership. This is the renewal of a Natural Minor operating permit. The facility's air emission sources include two 14.845 MMBtu/hr boilers that burn natural gas or No. 2 fuel oil, a diesel fired 600 kW emergency generator, and a diesel fired 245 BHP emergency fire pump.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**46-00240: JBS Souderton, Inc.** (249 Allentown Road, Souderton, PA 18964) On November 8, 2017, located in Franconia Township, **Montgomery County**. The permit was opened for cause to correct a minor administrative change to condition # 009(b) for source # 036. The stack test condition has been modified to test only for NO<sub>x</sub> and CO while firing natural gas.

**46-00040: LUX Global Label Co., LLC** (2025 Joshua Rd, Lafayette Hill, PA 19444) On November 8, 2017 for operation of a printing facility in Whitemarsh Township, **Montgomery County**. This Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 is to address a change in ownership and Federal tax ID number.

**46-00157: DANA Driveshaft Products, LLC.** (1040 Center Avenue, Pottstown, PA 19464-6007) On November 8, 2017 located in Pottstown Borough, **Montgomery County**. An Administrative Amendment of State-Only Operating Permit issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.450 to address an existing source of fugitive emissions (Lubrication/Cleaning, Source ID 104) at the facility that is has been in operation for a number of years. This source uses a Safety-Kleen solvent during cleaning of the cold forming tanks as well as a spray lubricant along the various assembly lines in the plant.

**09-00117: Heucotech Limited** (99 Newbold Road, Fairless Hills, PA 19030) on November 8, 2017 a minor modification of the State Only Operating Permit 09-00117 for the facility in Falls Township, **Bucks County** is issued to change the allowable pressure drop range for the TD 3060 dust collector, part of Source ID C101.

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

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

**16-00149: Clarion Laminates** (301 Fiberboard Road, Shippenville, PA 16254-4811). On November 8, 2017, the

Department issued an administrative amendment to the State Operating Permit to incorporate the requirements of Plan Approval 16-149C. The facility is located in Paint Township, **Clarion County**.

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

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

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

**43-00280: Miller Industries Chevron** (7320 West Market Street, Mercer, PA 16137) on November 9, 2017, the permit was revoked for the facility located in Lackawannock Township, **Mercer County**. This State Operating Permit was revoked because the sources were decommissioned and the facility no longer operates the facility.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).**

*Coal Permits Issued*

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

**Permit No. 32120101. Amerikohl Mining Inc.,** 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface mine in East Wheatfield Township, **Indiana County**, affecting 210.2 acres. Receiving streams: unnamed tributaries to/and Mardis Run and unnamed tributaries to/and Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 24, 2017.

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

**Permit No. 19930101R4 and NPDES Permit No. PA0225487. Burnrite Coal Company,** (231 Thomas Road, Elysburg, PA 17824), renewal for reclamation activities only on an anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Conyngham and Mt. Carmel Townships, **Columbia and Northumberland Counties** affecting 559.1 acres, receiving stream: South Branch Roaring Creek and Quake Run, classified for the following use: HQ—cold water fishes. Application received: June 10, 2014. Renewal issued: October 27, 2017.

*Noncoal Permits Issued*

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

**PAM417030-GP104. Bricker Paving & Excavating**, 1661 Edenville Road, Chambersburg, PA 17202. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 28000803 located in Hamilton Township, **Franklin County**. Receiving stream: Unnamed Tributary to Back Creek, classified for the following uses: Trout Stocked Fishes and Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: October 10, 2017. Coverage Approved: November 9, 2017.

**PAM417026-GP104. Eagle Mountain Lumber Company**, P.O. Box 407, Fannettsburg, PA 17221. General NPDES Permit for stormwater discharges associated with mining activities on Noncoal Permit No. 28052801 located in Metal Township, **Franklin County**. Receiving stream: West Branch Conococheague Creek classified for the following uses: Cold Water Fishes and Migratory Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: October 23, 2017. Coverage Approved: November 9, 2017.

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

**08170801. Charles H. God II** (46 Riverwoods Lane, Sugar Run, PA 18846), commencement, operation and restoration of a small noncoal industrial minerals surface mine permit (Bluestone) in Tuscarora Township, **Bradford County** affecting 5.0 acres. Receiving stream(s): (Fargo Creek) UNT to Tuscarora Creek. Application received: April 5, 2017. Permit Issued: November 3, 2017.

**PAM217007. Charles H. God II** (46 Riverwoods Lane, Sugar Run, PA 18846). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 08170801 in Tuscarora Township, **Bradford County**. Receiving stream(s): (Fargo Creek) UNT to Tuscarora Creek. Application received: April 5, 2017. Permit Issued: November 3, 2017.

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

**Permit No. 8274SM2C11 and NPDES Permit No. PA0612871. New Enterprise Stone & Lime Company, Inc. d/b/a Eastern Industries, Inc.**, (3724 Crescent Court West, Whitehall, PA 18052), renewal of NPDES permit for discharge of treated mine drainage in West Cocalico Township, **Lancaster County**, receiving stream: unnamed tributary to Indian Run. Application received: June 30, 2017. Renewal issued: November 7, 2017.

**Permit No. 5376SM16C10 and NPDES Permit No. PA0593915. American Asphalt Paving Company**, (500 Chase Road, Shavertown, PA 18708), renewal of NPDES permit for discharge of treated mine drainage in Jackson Township, **Luzerne County**, receiving stream: Browns Creek. Application received: June 14, 2017. Renewal issued: November 7, 2017.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E45-608. PennDOT Engineering District 5-0**, 1002 Hamilton Street, Tunkhannock Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with roadway improvements along SR 0115:

1. To remove the existing structure and to construct and maintain a road crossing carrying SR 0115 over Keiper Run Creek (HQ-CWF, MF), consisting of a 61-foot long, 13' × 7' reinforced concrete box culvert, depressed 12 inches below natural streambed elevation;
2. To restore approximately 200 linear feet of Keiper Run Creek (HQ-CWF, MF) to include three cross vanes and rip rap scour protection within the channel.

The overall improvements will permanently impact 0.11 acre of wetlands and 0.51 acre of floodway and temporary



ily impact 0.01 acre of wetlands, 0.02 acre of stream channel, and 0.37 acre of floodway in Monroe County.

The permittee is required to provide 0.11 acre of replacement wetlands.

The proposed overall project is located along a 1.8-mile section of SR 0115 starting approximately 400 feet west of the intersection with State Route 0903 and moving east 1.8 mile (Blakeslee, PA Quadrangle Latitude: 41°03'17"; Longitude: -75°32'16") in Tunkhannock Township, Monroe County.

**E04-366. JoPA Development LLC (d/b/a River Harbour Marina)**, 501 Steel Street, Aliquippa, PA 15001. Bridgewater Borough, **Beaver County**, Army Corps of Engineers Pittsburgh District.

To remove the existing structure and to construct and maintain a 300-foot-long by 8-foot-wide metal framed dock and access ramp which will be supported by 4 piles driven into the bed of the Beaver River. The project is located approximately 330 feet east of intersection of Wolf Lane and Market Street along the Beaver River (WWF; N) (Beaver, PA Quadrangle Latitude: 40° 41' 55.55"; Longitude: -80° 17' 26.14").

**E40-794. Michael T. Morris**, 256 East Carcas Avenue, Hershey, PA 17033. Harveys Lake Borough, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 567 sq. ft. pile-supported addition to the existing 262 sq. ft. dock within the basin of Harveys Lake (HQ-CWF). The project is located approximately at Pole 229, Lakeside Drive (Harvey's Lake, Quadrangle Latitude: 41°21'55.9"; Longitude: -76°2'41.2").

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

**E22-637: Hershey Entertainment & Resorts Company**, 300 Park Boulevard, Hershey, PA 17033 in Steelton Borough, **Dauphin County**, U.S. Army Corps of Engineers, Baltimore District.

To install and maintain approximately 1,418 square feet of queue line relocated and replaced adjacent to the existing 1,368 square foot queue line of the Sooper Dooper Looper attraction and to install and maintain an approximately 30 square foot chair lift structure adjacent to the Trailblazer attraction in the floodway and floodplain of Spring Creek (WWF, MF) to improve guest accessibility. The permit was issued on 11/6/17.

**E36-965: Eden Township Board of Supervisors**, 489 Stony Hill Road, Quarryville, PA 17566 in Eden Township, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To: 1) install and maintain a 48 inch diameter intake and outfall with headwall, endwall, and rock riprap apron and 2) maintain a 48 foot long, 36 inch diameter, reinforced concrete pipe with endwalls in an unnamed tributary to Bowery Run (HQ-CWF, MF) (Latitude: 39°53'19.9", Longitude: -76°07'30.8") for the purpose of improving safety standards and reducing the frequency of flooding on Hess Road. No wetlands will be impacted by this project. The permit was issued 11/7/17.

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

**E02-1754, Pennsylvania Turnpike Commission**, P.O. Box 67676, Harrisburg, PA 17057, South Fayette Township, **Allegheny County**, Pittsburgh ACOE District.

Has been given consent to:

1. Place and maintain fill in 121 LF of a UNT to Coal Run (aka Coal Run UNT 17) (WWF);
2. Construct and maintain a 407.5' × 4.5' culvert in a UNT to Coal Run (aka Coal Run UNT 16) (WWF);
3. Construct and maintain a 265' × 3' culvert in a UNT to Coal Run (aka Coal Run UNT 13) (WWF);
4. Construct and maintain a 622' × 3' culvert in a UNT to Coal Run (aka Coal Run UNT 14) (WWF);
5. Place and maintain fill in 38 LF of a UNT to Coal Run (aka Coal Run UNT L) (WWF);
6. Construct and maintain a 812' long, 12.5' × 5' box culvert in Coal Run (WWF);
7. Relocate and maintain 1,324 LF of Coal Run (WWF);
8. Place and maintain fill in 215 LF of a UNT to Coal Run (aka Coal Run UNT E) (WWF);
9. Place and maintain fill in 23 LF of a UNT to Coal Run (aka Coal Run UNT G) (WWF);
10. Place and maintain fill in 48 LF of a UNT to Coal Run (aka Coal Run UNT F) (WWF);
11. Place and maintain fill in 0.244 acre of PEM wetland in the Coal Run watershed (WWF);
12. Install and maintain road associated stormwater facilities and outfalls in the Coal Run watershed (WWF);
13. Place and maintain 829,763 cubic yards of fill in 0.097 acre of floodplain in the Coal Run Watershed (WWF);

In association with constructing a new section (Section 55C1-2) of the Pennsylvania Turnpike, as a component of the overall construction of a new 13.3-mile section (aka The Southern Beltway Project) of the Pennsylvania Turnpike, between U.S Route 22, and Interstate 79 (a.k.a. The Southern Beltway project). The structures and activities requiring authorization for Section 55C1-2 in South Fayette Townships, Washington County (Canonsburg, PA Quadrangle; starting at Latitude: 40° 19' 49.63" Longitude: -80° 09' 40.72"; and ending at Latitude: 40° 21' 43", Longitude: -80° 13' 21") will permanently impact a total of approximately 5,372 linear feet (LF) of various watercourses, resulting in a permanent loss of 4,048 LF of regulated watercourses and 0.244 acre of wetland, and temporarily impact a total of approximately 2,589 LF of various watercourse and 0.008 acre of wetland.

To compensate for the watercourse impacts associated with Section 55C1-2 of the Southern Beltway Project, the stream mitigation plan includes the on-site relocation of 1,324 LF of stream channel, and restoration of approximately 4,048 LF of various tributaries in the Buck Run watershed, in Donegal Township, Washington County (West Middletown, PA Quadrangle; Latitude: 40° 8' 53" Longitude: -80° 26' 19"). Although final plans for future projects are not available, the applicant estimates that the aforementioned future subprojects and the current project will permanently affect a cumulative total of approximately 7.885 acres wetlands. As compensation for these wetland impacts, the applicant will construct approximately 8.3 acres of wetlands, at a site approximately 0.5 mile west of the intersection of S.R. 18, and Joffre Bulger Road, in Smith Township, Washington County (Clinton, PA Quadrangle; Latitude: 40° 23' 16" Longitude: -80° 22' 24").

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESX10-125-0005 Renewal  
Applicant Name Range Resources—Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Boulevard  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Cross Creek Township  
Receiving Stream(s) and Classification(s) UNT to Cross Creek (HQ-WWF), UNT to South Fork Cross Creek (HQ-WWF), & UNT to Middle Fork North Fork Cross Creek (HQ-WWF)

ESCGP-2 # ESX17-003-0008  
Applicant Name EQT Production Company  
Contact Person Todd Klaner  
Address 2400 Ansys Drive, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Allegheny County  
Township(s) Forward Township  
Receiving Stream(s) and Classification(s) UNT to Becketts Run (WWF) and UNT to Gillespie Run (WWF) (WWF)

[Pa.B. Doc. No. 17-1947. Filed for public inspection November 22, 2017, 9:00 a.m.]

**Cleanup Standards Scientific Advisory Board Meeting Cancellation**

The December 13, 2017, meeting of the Cleanup Standards Scientific Advisory Board (Board) has been cancelled. The next Board meeting will be scheduled for early 2018.

Questions should be directed to Troy Conrad at (717) 783-9480 or tconrad@pa.gov. The agenda and meeting

materials for the next Board meeting will be available on the Board webpage on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Cleanup Standards Scientific Advisory Board").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 783-9480 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1948. Filed for public inspection November 22, 2017, 9:00 a.m.]

**Sewage Advisory Committee Meeting**

The Sewage Advisory Committee (Committee) has scheduled a meeting for Tuesday, December 5, 2017. The meeting will begin at 10:30 a.m. in the Susquehanna Room, Department of Environmental Protection, Southcentral Regional Office Building, 909 Elmerton Avenue, Harrisburg, PA.

The agenda and meeting materials for the December 5, 2017, meeting will be available on the Public Participation Center of the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "Sewage Advisory Committee"). Prior to the meeting date, check information on the Department's web site to confirm meeting date, time and location.

Individuals with questions concerning this meeting should contact Janice Vollero at (717) 772-5157. Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 787-5017 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Secretary*

[Pa.B. Doc. No. 17-1949. Filed for public inspection November 22, 2017, 9:00 a.m.]

**DEPARTMENT OF TRANSPORTATION****Findings**

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)) establishing the Department of Transportation (Department), the Director of the Bureau of Project Delivery, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to

evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

• **SR 0000, Section SSB—Philadelphia City, Philadelphia County.**

*Project Description:* The project proposes to connect the east bank of the Grays Ferry Crescent Trail to the Bartram's Mile Trail located on the west bank of the Schuylkill River at the location of the Schuylkill River Swing Bridge. The project will replace the existing steel truss and will reuse the existing piers, abutments and side spans.

*Environmental Documents:* CE 2 Evaluation approved on June 9, 2017, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on June 8, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Schuylkill River Swing Bridge was determined eligible for listing on the National Register of Historic Places (NRHP). The removal of the Schuylkill River Swing Bridge will have an adverse effect on the NRHP-eligible Schuylkill River Swing Bridge. As the Schuylkill River Swing Bridge is a contributing element to the PW&B Railroad Historic District, the project will therefore also have an adverse effect to the historic district. The Schuylkill River Swing Bridge is discontinuous from the historic district and no other impacts to the historic district will occur.

• **SR 0006, Section 530—Kane Borough, McKean County.**

*Project Description:* The proposed work will consist of pavement reconstruction, drainage improvements, bituminous overlay, traffic signal upgrades, and possible water, sewer and gas line relocations. Minor curb and sidewalk work may be required around drainage/inlet replacement.

*Environmental Documents:* CE BRPA Evaluation approved on May 24, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 24, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Kane Historic District was determined to be eligible for listing on the NRHP. The proposed project will have an effect on the eligible historic district, because it will have a direct impact on property associated with a contributing resource, but it is not considered an adverse effect because it is a very minimal property take of approximately 0.011 acre of the 45.6-acre historic district.

• **SR 0006, Section 620—Coudersport Borough, Potter County.**

*Project Description:* The proposed work will consist of full depth reconstruction in specific areas, base replacements, drainage improvements, bituminous overlay, bridge superstructure replacement, traffic signal upgrades, and possible water, sewer and gas line relocations. Minor curb and sidewalk work may be required around drainage/inlet replacement.

*Environmental Documents:* CE BRPA Reevaluation approved on June 1, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 18, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The Coudersport Historic District is listed on the NRHP. Approximately of 0.023-acre of right-of-way (ROW) will be required from Mary C. Freysinger property, a contributing property to the Coudersport Historic District.

• **SR 0035, Section A11—Fayette Township, Juniata County.**

*Project Description:* The Department, through the P3 Rapid Bridge Replacement Project (RBRP), proposes to replace the SR 0035, Section A11 (Main Street) bridge over Little Lost Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on May 28, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 28, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.03 acre of ROW from the approximately 57-acre Lost Creek Community Park, which qualifies as a Section 4(f)/Section 2002 resource.

• **SR 0074, Section 000—Tyrone Township, Perry County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 0074, Section 000 (Veterans Way) bridge over Montour Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on August 29, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on March 8, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* There are two properties within the project area eligible for listing on the NRHP. Approximately 0.07 acre of ROW will be required from the Barnheisel Farm property. Approximately 0.009 acre of ROW will be required from Bernheisel Mill Complex property.

• **SR 0078, Section 13B—Hamburg Borough and Tilden Township, Berks County.**

*Project Description:* The proposed project is the widening of Interstate 78 between Exit 29 (SR 61 Interchange) and Exit 30 in Tilden Township and Hamburg Borough, Berks County. This will include the widening of the existing I-78 Bridge over the Schuylkill River, widening of both I-78 single span bridges over Port Clinton and improvements to the SR 61 Interchange.

*Environmental Documents:* CE 2 Evaluation approved on April 26, 2017, and three Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Lands approved on March 22, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Schuylkill River is included in the Scenic Rivers Pro-



grams in this Commonwealth and is a Section 4(f)/Section 2002 resource as designated by the Department of Conservation and Natural Resources (DCNR). Approximately 830 square feet of permanent impacts will be required from the resource. Hamburg Community Park (The Etchberger Memorial Park) is located in, owned and managed by the Borough of Hamburg, Berks County. Approximately 0.01 acre of ROW will be required from this Section 4(f)/Section 2002 resource. The Schuylkill River Water Trail is designated as a public recreational water trail by the Fish and Boat Commission (Commission) and is a Section 4(f)/Section 2002 resource. Portions of the Schuylkill River Water Trail (National Recreational Trail) will be closed to passage during the anticipated 36-month construction period. An ATON Plan was approved by the Commission on January 14, 2016.

• **SR 0220, Section 112—Piatt and Woodward Townships, Lycoming County.**

*Project Description:* The project proposes to improve safety along an approximately 6.1-mile section of the SR 220 corridor by closing the median except at strategic locations, thereby eliminating most potential crash points associated with crossing traffic and turning traffic. A proposed U-turn will be constructed approximately 350 feet west of the Woodward Township Elementary School property.

*Environmental Documents:* CE 1b Evaluation approved on April 25, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 17, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Woodward Township Elementary School is eligible for listing on the NRHP. Approximately of 0.3 acre of ROW will be required from the resource.

• **SR 0233, Section 000—Cooke Township, Cumberland County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 0233, Section 000 bridge over Toms Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on May 24, 2017, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 1, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.03 acre of ROW from the approximately 85,500-acre Michaux State Forest and approximately 0.009 acre of ROW from the approximately 696-acre Pine Grove Furnace State Park, both which qualify as Section 4(f)/Section 2002 resources.

• **SR 0445, Section A04—Miles Township, Centre County.**

*Project Description:* This project consists of a bridge replacement carrying SR 0445 over an Unnamed Tributary to Elk Creek in Miles Township, Centre County. Work will also include new approach pavement, guide rail, signage, grading and drainage improvements.

*Environmental Documents:* ED BRPA Evaluation approved on June 22, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 8, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Penns Valley Brush Valley Historic District was determined eligible for listing on the NRHP. Approximately of 0.065 acre of ROW will be required from the resource, but the project will not have an adverse effect on the Penns Valley Brush Valley Historic District.

• **SR 0655, Section A02—Union Township, Mifflin County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 0655, Section A02 bridge over Frog Hollow. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on June 29, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on July 5, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Willows Farm was determined to be eligible for listing on the NRHP. The new bridge will require approximately 0.04 acre of ROW from the 162.1-acre Willows Farm.

• **SR 0869, Section 000—Pavia Township, Bedford County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 0869 (Burnt House Road) bridge over Bobs Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on August 22, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 5, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The Ickes-Corle Farm property is eligible for listing on the NRHP. Approximately 0.06 acre of ROW will be required from the resource.

• **SR 1001, Section 000—Ayr Township, Fulton County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 1001, Section 000 (Cito Road) bridge over Spring Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE 2 Evaluation approved on May 12, 2017, and a Final Individual Section 4(f) Evaluation approved on February 28, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The demolition of the bridge, a contributing element to the NRHP-eligible Webster Mills Historic District, will result in an adverse effect on the historic district. The new bridge will require land from four contributing properties within the historic district totaling 0.181 acre.

• **SR 1003, Section 039—Gamble Township, Lycoming County.**

*Project Description:* The proposed project will involve replacement of the SR 1003 bridge over Wallis Run, repair of an upstream slide and stream restoration due to an intense flash event.

*Environmental Documents:* ED 1a Reevaluation approved on April 4, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public



Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 4, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 1.5-acre of ROW from the approximately 114,552-acre Loyalsock State Forest, which qualifies as a Section 4(f)/Section 2002 resource.

• **SR 1021, Section 000—East Earl Township, Lancaster County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 1021, Section 000 (Spring Grove Road) bridge over Conestoga River. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE 2 Evaluation approved on April 5, 2017, and a two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on March 9, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* Spring Grove Forge Mansion is listed on the NRHP. Approximately 0.01 acre of ROW will be required from within the NRHP boundary. The Henry Zimmerman Farm property is eligible for listing on the NRHP. Approximately 0.12 acre of ROW will be required from the resource.

• **SR 1039, Section 000—Ephrata Township, Lancaster County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 1039, Section 000 bridge over Middle Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Evaluation approved on May 24, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on August 30, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The John Royer Farm property is eligible for listing on the NRHP. Approximately 0.02 acre of ROW will be required from the resource.

• **SR 2010, Section 009—Colerain and East Drumore Townships, Lancaster County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 2010, Section 009 bridge over West Branch Octoraro Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE BRPA Reevaluation approved on May 1, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 10, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.07 acre of ROW from the approximately 140-acre State Game Lands No. 136 that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 2015, Section 02B—Monroe Township, Bedford County.**

*Project Description:* The proposed project will involve replacement of the Black Valley Road (SR 2015) bridge over Sweet Root Creek.

*Environmental Documents:* ED BRPA Evaluation approved on April 7, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on March 31, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* The new bridge will require approximately 0.0488 acre of ROW from State Game Lands No. 097 that qualifies as a Section 4(f)/Section 2002 resource.

• **SR 2031, Section 001—Lower Allen Township, Cumberland County and Fairview Township, York County.**

*Project Description:* The Department, through the P3 RBRP, proposes to replace the SR 2031, Section 000 bridge over Yellow Breeches Creek. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* CE 1b Reevaluation approved on April 27, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on April 3, 2017, and Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on June 23, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Prowell Farm was determined eligible for listing on the NRHP. A total of approximately 0.05 acre of ROW will be required from within the NRHP boundary. The new bridge will require approximately 0.15 acre of ROW from the Yellow Breeches Creek (designated as a Commission Water Trail and a DCNR Pennsylvania Wild and Scenic River) and approximately 0.09 acre of ROW from the Commission's Spangler's Mill Boat Launch, both qualify as a Section 4(f)/Section 2002 resource.

• **SR 7101, Section BRG—Manheim and East Hempfield Townships, Lancaster County.**

*Project Description:* The proposed project will replace the bridge that carries Lititz Road (T-715) over Little Conestoga Creek.

*Environmental Documents:* CE BRPA Evaluation approved on May 24, 2017, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on May 11, 2017.

*Proposed Use of Section 4(f)/2002 Resource:* There are two properties within the project area eligible for listing on the NRHP. Approximately 0.019 acre of ROW will be required from the Miller-Peifer Farm property. Approximately 0.051 acre of ROW will be required from Oberholtzer-Peifer Farm property.

BRIAN G. THOMPSON, P.E.,  
Director  
Bureau of Project Delivery

[Pa.B. Doc. No. 17-1950. Filed for public inspection November 22, 2017, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Alleged Violation of Insurance Laws; Ann E. Kaduck; Doc. No. SC17-11-011

Notice is hereby given of the Order to Show Cause issued on November 13, 2017, by the Deputy Insurance Commissioner in the previously-referenced matter. Violation of the following is alleged: section 611-A(7), (9), (17) and (20) of The Insurance Department Act of 1921 (40 P.S. § 310.11(7), (9), (17) and (20)).

Respondent shall file a written answer to the Order to Show Cause within 30 days of the date of issue. If respondent files a timely answer, a formal administrative hearing shall be held in accordance with 2 Pa.C.S. §§ 501—508 (relating to Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure) and other relevant procedural provisions of law.

Answers, motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed in writing with the Hearings Administrator, Insurance Department, Administrative Hearings Office, 901 North 7th Street, Harrisburg, PA 17102.

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 Fleischauer, Agency ADA Coordinator, at (717) 705-4194.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1951. Filed for public inspection November 22, 2017, 9:00 a.m.]

### Appeal of Humana; Pennsylvania Life and Health Insurance Guaranty Association; Doc. No. FC17-10-015

Under 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), a preliminary prehearing telephone conference shall be held on November 21, 2017, at 1 p.m. On or before November 17, 2017, each party shall designate the persons participating in the telephone conference and a telephone number to be used for each individual. Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed with the Administrative Hearings Office on or before November 27, 2017.

This is an appeal by members of the Pennsylvania Life and Health Insurance Guaranty Association (PLHIGA) from a determination by the Board of Directors (Board) of PLHIGA dated June 22, 2017, in which the Board denied or declined to act upon the members' appeals from PLHIGA's assessment in connection with the liquidation of Penn Treaty Network America Insurance Company and/or American Network Insurance Company. The appeal seeks a determination that certain premiums associated with Medicare Parts C and D products are not subject to assessment.

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 Human Resources at (717) 783-4308.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1952. Filed for public inspection November 22, 2017, 9:00 a.m.]

### Application for Voluntary Surrender of Pennsylvania Certificate of Authority Filed by Radian Mortgage Insurance, Inc.

Radian Mortgage Insurance, Inc., a domestic stock casualty insurance company, has submitted an application for approval to surrender its Insurance Department Certificate of Authority.

Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the writer; identification of the application to which the comment is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Lori Bercher, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, lbercher@pa.gov.

JESSICA K. ALTMAN,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 17-1953. Filed for public inspection November 22, 2017, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Environmental Assessment Approval for PENNVEST Funding Consideration

*Scope:* Clean Water and Drinking Water State Revolving Fund Projects for January 31, 2018, Pennsylvania Infrastructure Investment Authority (PENNVEST) Board meeting consideration.

*Description:* PENNVEST, which administers the Commonwealth's Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund, is intended to be the funding source for the following projects. The Department of Environmental Protection's (Department)

review of these projects, and the information received in the Environmental Report for these projects, has not identified any significant, adverse environmental impact resulting from any of the proposed projects. The Department hereby approves the Environmental Assessment for each project. If no significant comments are received during this comment period, the Environmental Assessment will be considered approved and funding for the project will be considered by PENNVEST.

The Department will consider all comments on this approval received through December 26, 2017. Commenters are encouraged to use the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments can be submitted by e-mail to [ecomment@pa.gov](mailto:ecomment@pa.gov) or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For more information about the approval of the following Environmental Assessments or the Clean Water State Revolving Loan Program and Drinking Water State Revolving Loan Program contact Richard Wright at [riwright@pa.gov](mailto:riwright@pa.gov) or the Bureau of Clean Water, Department of Environmental Protection, P.O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-4059, or visit the Department's web site at <http://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/default.aspx>.

*CWSRF Projects Being Considered*

*Applicant:* Doylestown Township  
*County:* Bucks  
*Applicant Address:* 425 Wells Road, Doylestown, PA 18901

*Project Description:* The project will provide public sewers serving 252 existing properties in Pebble Ridge/Woodridge and vicinity.

*Problem Description:* Throughout the project area there are failed onlot septic systems. Through laboratory analysis, it was determined that the stormwater is contaminated with human fecal coliform and the failed onlot systems are believed to be the source of the pollution.

*Applicant:* Mercer Township  
*County:* Butler  
*Applicant Address:* P.O. Box 380, 152 Boomerang Road, Harrisville, PA 16038

*Project Description:* The proposed project includes the construction of the following: to serve the properties along SR 58 west of Harrisville, low pressure sewer mains will be installed along with 29 individual grinder pumps; to serve the 15 properties along SR 58 east of Harrisville, a combination of gravity and low pressure sewer mains will be installed along with 7 individual grinder pumps; for the Village of Forestville, approximately 1,555 linear feet

of 2-inch, low-pressure sewer main line and 18 individual grinder pumps will be installed along with approximately 8,233 linear feet of 8-inch gravity sewer main to serve 77 properties. The wastewater from the SR 58 extensions will be treated at the Grove City Borough Sewage Treatment Plant. The Village of Forestville will be served by a new recirculating sand filter treatment plant.

*Problem Description:* This project consists of serving three different service areas. They include properties along SR 58 west of Harrisville, properties along SR 58 east of Harrisville and properties located in the Village of Forestville. A sanitary survey of these project areas revealed a 62% confirmed onlot malfunction rate. These systems leach untreated and partially treated wastewater onto the ground surface and into the waters of the Commonwealth. This project will eliminate the malfunctioning sewage systems thereby improving the areas water quality.

*Applicant:* Keystone Protein Company  
*County:* Lebanon  
*Applicant Address:* 154 West Main Street, Fredericksburg, PA 17026

*Project Description:* This project is for construction of a new industrial wastewater treatment facility to treat the combined wastewater from a proposed Keystone Protein poultry processing facility and the existing Keystone Protein rendering plant located in Bethel Township, Lebanon County. The first phase of the project will have a design capacity of 1.05 million gallons per day.

*Problem Description:* The rendering plant is expanding and a new poultry processing plant is proposed. The existing treatment plant capacity is inadequate to handle the combined flow from the proposed poultry processing plant and the rendering plant to comply with the required permit limits.

*Applicant:* Liberty Borough  
*County:* Allegheny  
*Applicant Address:* 2921 Liberty Way, Liberty Borough, PA 15133

*Project Description:* The proposed construction project involves sanitary sewer rehabilitation and repairs.

*Problem Description:* The existing sanitary sewers are subject to excessive infiltration and overflow during wet weather.

PATRICK McDONNELL,  
*Secretary*  
 Department of Environmental Protection  
 BRION JOHNSON,  
*Executive Director*  
 Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 17-1954. Filed for public inspection November 22, 2017, 9:00 a.m.]



# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security or Insufficient Financial Security Amount

Public Meeting held  
November 8, 2017

*Commissioners Present:* Gladys M. Brown, Chairperson;  
Andrew G. Place, Vice Chairperson; David W. Sweet;  
John F. Coleman, Jr.

*Electric Generation Supplier License Cancellations of  
Companies with an Expired Financial Security or  
Insufficient Financial Security Amount; M-2017-2584781*

### Tentative Order

*By the Commission:*

The Commission's regulations at 52 Pa. Code § 54.40(a) state that an Electric Generation Supplier (EGS) license will not be issued or remain in force until the licensee furnishes a bond or other security approved by the Commission. In addition, 52 Pa. Code § 54.40(d) states that the maintenance of an EGS license is contingent on the licensee providing proof to the Commission that a

bond or other approved security in the amount directed by the Commission has been obtained.

Each EGS must file an original bond, letter of credit, continuation certificate, amendment, or other approved financial instrument with Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120 prior to the EGS's current security expiration date. Each financial instrument must be an original document that displays a "wet" signature or digital signature, preferable in blue ink, and displays a "raised seal" or original notary stamp. The name of the principal on the original financial instrument must match exactly with the name that appears on the EGS's license issued by the Commission.

Failure to file before the financial security's expiration date may cause Commission staff to initiate a formal proceeding that may lead to the following: cancellation of each company's electric supplier license, removal of each company's information from the Commission's website and notification to all electric distribution companies, in which each company is licensed to do business, of the cancellation of the license.

As of October 30, 2017, each EGS listed in the Supplier Table below has not provided proof to the Commission that it has a bond or other approved security in the amount directed by the Commission, to replace its expired bond as noted in the table below.

### Supplier Table—List of Electric Generation Suppliers

<i>Docket Number</i>	<i>Company Name</i>	<i>Expired Financial Security Date</i>	<i>Commission Approved Amount</i>
A-2016-2576938	NAUP BROKERAGE, LLC	October 17, 2017	Yes
A-2015-2512351	ENERGY SPECTRUM, INC.	October 20, 2017	Yes
A-2015-2516890*	ASPIRITY ENERGY MIDSTATES, LLC	October 20, 2017	Yes

\*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 90-day Security Renewal Notice Letter to each entity in the Supplier Table above stating that original documentation of a bond, or other approved security, must be filed within 30 days prior to each entity's security expiration date. None of the companies listed in the Supplier Table provided the required documentation.

Based on the above facts, we tentatively conclude that the EGSs listed in the Supplier Table are not in compliance with 52 Pa. Code § 54.40(a) and (d) and therefore it is appropriate to initiate the cancellation process for each EGS license of each company listed in the Supplier Table, without the necessity of a formal complaint, as being in the public interest; *Therefore,*

*It Is Ordered That:*

1. Cancellation of the Electric Generation Supplier Licenses of each company listed in the Supplier Table is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Bureau of Investigation & Enforcement, Department of Revenue—Bureau of Corporation Taxes, all electric distribution companies, all of the Electric Generation Suppliers in the Supplier Table and

also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. Absent the filing of adverse public comment or the filing of an approved security within 30 days after publication in the *Pennsylvania Bulletin*, the Bureau of Technical Utility Services shall prepare a Final Order for entry by the Secretary.

4. Upon entry of the Final Order described in Ordering Paragraph No. 3 above, each company listed in the Supplier Table will be stricken from all active utility lists maintained by the Commission's Bureau of Technical Utility Services and the Assessment Section of the Bureau of Administration, removed from the Commission's website, and notifications be sent to all electric distribution companies in which the Electric Generation Suppliers are licensed to do business.

5. Upon entry of the Final Order described in Ordering Paragraph No. 3, each electric distribution company in which the Electric Generation Suppliers are licensed to do business, shall return the customers of the Electric Generation Suppliers to default service.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1955. Filed for public inspection November 22, 2017, 9:00 a.m.]



### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 December 11, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

#### Application of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under the application.

**A-2017-2633048. G. Keith Harvin** (19 Runningbrook Road, Glen Mills, Delaware County, PA 19342) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Chester and Delaware.

#### Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *persons* by *transfer of rights* as described under the application.

**A-2017-2633013. Ambassador 35 Limousine, Inc.** (2733 West Porter Street, Philadelphia, PA 19145) limousine service, between points in Pennsylvania; excluding areas under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all rights authorized under the certificate issued at A-00108173, F.4, to D's Limousine Service, Ltd., subject to the same limitations and conditions. *Attorney:* Michael Eichert, 7102 Frankford Avenue, Philadelphia, PA 19135.

#### Application of the following for approval of the *beginning* of the exercise of the right and privilege of operating motor vehicles as *common carriers* for the transportation of *household goods* as described under the application.

**A-2017-2623502 (Revised). Keystone Moving & Junk Removal, LLC** (207 West Maplewood Avenue, Mechanicsburg, Cumberland County, PA 17055) household goods in use, between points in Pennsylvania. *Attorney:* Joh F. Povilaitis, 409 North 2nd Street, Suite 500, Harrisburg, PA 17101.

#### Application of the following for approval to *begin* operating as a *broker* for transportation of *persons* as described under the application.

**A-2017-2633049. Coordinated Transportation Solutions, Inc.** (32 Nutmeg Drive, Suite 120, Trumbull, CT 06611) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons between points in Pennsylvania. *Attorney:* Daniel J. Brennan, 656 East Swedesford Road, Suite 330, Wayne, PA 19087.

#### Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

**A-2017-2632806. Myers Coach Lines, Inc.** (2001 Ball Park Road, Export, Westmoreland County, PA 15632) discontinuance of service and cancellation of its certificate, to transport, as a common carrier, by motor vehicle, persons in scheduled route, in the Counties of Allegheny, Butler and Mercer, as more thoroughly described in the original ordering paragraphs at A-00116476, F.2. *Attorney:* William Gray, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219-2383.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 17-1956. Filed for public inspection November 22, 2017, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Holly R. Bouse; Doc. No. 1475-45-17; File No. 17-45-08469

On October 4, 2017, Holly R. Bouse, license No. CO229555L, last known of Towanda, Bradford County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Ariel E. O'Malley, Board Counsel, State Board of Cosmetology, P.O. Box 69523, Harrisburg, PA 17106-9523.

STEPHEN A. WALLIN,  
*Chairperson*

[Pa.B. Doc. No. 17-1957. Filed for public inspection November 22, 2017, 9:00 a.m.]

## STATE BOARD OF NURSING

### Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Scott A. Mulcahy, RN, Respondent; File No. 12-51-04348; Doc. No. 1492-51-14

*Notice to Scott A. Mulcahy, RN:*

On August 28, 2014, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Professional Nursing Law, Act of May 22, 1951, P.L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, the State Board of Nursing has issued an Order authorizing service of process upon you by publication.

**Notice**

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P.O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P.O. Box 2649  
Harrisburg, PA 17105

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

LINDA L. KMETZ, PhD, RN,  
*Chairperson*

[Pa.B. Doc. No. 17-1958. Filed for public inspection November 22, 2017, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
Lowell Nolt 944 Stracks Dam Road Myerstown, PA 17067	Lebanon County/ Bethel Township	290.01	Swine	New	Approved
Keith Miller 165 Wirth Road Mifflinburg, PA 17844	Union County/ Lewis Township	25.22	Veal	New	Approved
Aaron Ott—Back Run Road Farm 678 Back Run Road McConnellsburg, PA 17233	Fulton County/ Ayr Township	688.57	Swine	Amended	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended or Existing</i>	<i>Action Taken</i>
David W. Sweigart, III— Ridge View Ag 8969 Elizabethtown Road Elizabethtown, PA 17022	Lancaster County/ Mount Joy Township	827.43	Swine	New	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 17-1959. Filed for public inspection November 22, 2017, 9:00 a.m.]

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## STATE POLICE

### Patch Fee Increase

The Pennsylvania Access to Criminal History (PATCH) fee is increased as follows. The act of October 30, 2017 (P.L. , No. 40) authorizes the State Police to increase the fees for Criminal History Record Information under 18 Pa.C.S. Chapter 91 (relating to Criminal History Record Information Act) by publishing a notice in the *Pennsylvania Bulletin*. Effective immediately, the following are the new PATCH fees:

*Criminal History Check Fee*  
\$22

*Access and Review Challenge Fee*  
\$20

COLONEL TYREE C. BLOCKER,  
*Commissioner*

[Pa.B. Doc. No. 17-1960. Filed for public inspection November 22, 2017, 9:00 a.m.]

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