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PENNSYLVANIA BULLETIN

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Number 48
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The Courts

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Department of Agriculture

Department of Banking and Securities

Department of Education

Department of Environmental Protection

Department of Health

Department of Human Services

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Pennsylvania Gaming Control Board

Pennsylvania Infrastructure Investment

Authority

Pennsylvania Public Utility Commission

Thaddeus Stevens College of Technology

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

No. 504, November 2016

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

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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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, 2016 through November 30, 2017, 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, 2015 through October 31, 2016.

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, 2015 through October 31, 2016 increased by 1.336%. Therefore, the salary for legislators for the period beginning December 1, 2016 through November 30, 2017 will be \$86,478.50.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2016 through November 30, 2017, 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, 2015 through October 31, 2016.

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	1.336%	\$134,998.46
Majority Floor Leader	1.336%	\$125,296.31
Minority Floor Leader	1.336%	\$125,296.31
Majority Whip	1.336%	\$115,938.23
Minority Whip	1.336%	\$115,938.23
Majority Caucus Chairman	1.336%	\$104,846.90
Minority Caucus Chairman	1.336%	\$104,846.90
Majority Appropriations Chairman	1.336%	\$115,938.23
Minority Appropriations Chairman	1.336%	\$115,938.23
Majority Caucus Secretary	1.336%	\$98,609.41
Minority Caucus Secretary	1.336%	\$98,609.41
Majority Caucus Policy Chairman	1.336%	\$98,609.41
Minority Caucus Policy Chairman	1.336%	\$98,609.41
Majority Caucus Administrator	1.336%	\$98,609.41
Minority Caucus Administrator	1.336%	\$98,609.41

DONETTA M. D'INNOCENZO,
Chief Clerk

Senate of Pennsylvania

DAVID REDDECLIFF,
Chief Clerk

House of Representatives

[Pa.B. Doc. No. 16-2029. Filed for public inspection November 23, 2016, 9:00 a.m.]

COMMISSION ON SENTENCING**Meetings Scheduled**

The Commission on Sentencing (Commission) announces the following meetings to be held at the Harrisburg Hilton and Towers Hotel, One North Second Street, Harrisburg, PA and at the Capitol Complex, Third Street, Harrisburg, PA:

Wednesday, December 7, 2016	6:30 p.m.	Dinner Meeting Harrisburg Hilton and Towers Hotel One North Second Street Harrisburg, PA
Thursday, December 8, 2016	9 a.m.	Policy Committee Meeting Main Capitol Senate Majority Caucus Room 156 Harrisburg, PA
	11 a.m.	Quarterly Commission Meeting Main Capitol Senate Majority Caucus Room 156 Harrisburg, PA

MARK H. BERGSTROM,
Executive Director

[Pa.B. Doc. No. 16-2030. Filed for public inspection November 23, 2016, 9:00 a.m.]

THE COURTS

Title 225—RULES OF EVIDENCE

[225 PA. CODE ARTS. VIII AND IX]

Order Amending Rules 803(6), 803(8) and 803(10), Approving the Revision of the Comments to Rules 802, 803(7) and 803(9) and Adopting New Rule 902(13) of the Rules of Evidence; No. 715 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 9th day of November, 2016, upon the recommendation of the Committee on Rules of Evidence; the proposal having been published for public comment at 45 Pa.B. 6472 (November 7, 2015):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that:

1) Pennsylvania Rules of Evidence 803(6), 803(8), and 803(10) are amended;

2) The Comments to Pennsylvania Rules of Evidence 802, 803(7), and 803(9) are revised; and

3) Pennsylvania Rule of Evidence 902(13) is 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, 2017.

Annex A

TITLE 225. RULES OF EVIDENCE

ARTICLE VIII. HEARSAY

Rule 802. The Rule Against Hearsay.

Hearsay is not admissible except as provided by these rules, by other rules prescribed by the Pennsylvania Supreme Court, or by statute.

Comment

* * * * *

Also, hearsay may be admitted pursuant to a state statute. Examples include:

1. A public record may be admitted pursuant to 42 Pa.C.S. § 6104. *See* Comment to Pa.R.E. 803(8) [**(Not Adopted)**].

* * * * *

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; Comment revised March 29, 2001, effective April 1, 2001; rescinded and replaced January 17, 2013, effective March 18, 2013; **Comment revised February 19, 2014, effective April 1, 2014; Comment revised November 9, 2016, effective January 1, 2017.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the February 19, 2014 revision of the Comment published with the Court's Order at 44 Pa.B. 1309 (March 8, 2014).

Final Report explaining the November 9, 2016 revision of the Comment published with the Court's Order at 46 Pa.B. 7438 (November 19, 2016).

Rule 803(6). Records of a Regularly Conducted Activity.

(6) *Records of a Regularly Conducted Activity.* A record (which includes a memorandum, report, or data compilation in any form) of an act, event or condition if [,]:

(A) the record was made at or near the time by—or from information transmitted by—someone with knowledge;

(B) the record was kept in the course of a regularly conducted activity of a “business”, which term includes business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit;

(C) making the record was a regular practice of that activity;

(D) all these conditions are shown by the testimony of the custodian or another qualified witness, or by a certification that complies with Rule 902(11) or (12) or with a statute permitting certification; and

(E) [**neither**] **the opponent does not show that** the source of information [**nor**] **or** other circumstances indicate a lack of trustworthiness.

Comment

Pa.R.E. 803(6) differs from F.R.E. 803(6). One difference is that Pa.R.E. 803(6) defines the term “record.” In the Federal Rules this definition appears at F.R.E. 101(b). Another difference is that Pa.R.E. 803(6) applies to records of an act, event or condition, but does not include opinions and diagnoses. This is consistent with prior Pennsylvania case law. *See Williams v. McClain*, [**513 Pa. 300**,] 520 A.2d 1374 (Pa. 1987); *Commonwealth v. DiGiacomo*, [**463 Pa. 449**,] 345 A.2d 605 (Pa. 1975). A third difference is that Pa.R.E. 803(6) allows the court to exclude business records that would otherwise qualify for exception to the hearsay rule if [**neither**] the “source of information [**nor**] **or other circumstances** indicate lack of trustworthiness.” The Federal Rule allows the court to do so only if [**neither**] **either** “the source of information [**nor**] **or** the method or circumstances of preparation indicate a lack of trustworthiness.”

If offered against a defendant in a criminal case, an entry in a record may be excluded if its admission would violate the defendant's constitutional right to confront the witnesses against him or her[. *See*], *see Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009); **however, forensic laboratory reports may be admissible in lieu of testimony by the person who performed the analysis or examination that is the subject of the report, see Pa.R.Crim.P. 574.**

Rule 803(7). Absence of a Record of a Regularly Conducted Activity (Not Adopted).

(7) *Absence of a Record of a Regularly Conducted Activity (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 803(7) which provides:

Evidence that a matter is not included in a record described in [**paragraph (6)**] [**F.R.E. 803(6)**] if:

(A) the evidence is admitted to prove that the matter did not occur or exist; [**and**]

(B) a record was regularly kept for a matter of that kind; and

(C) [**neither**] the **opponent does not show that the possible source of the information [nor] or other circumstances indicate a lack of trustworthiness.**

Principles of logic and internal consistency have led Pennsylvania to reject this rule. The absence of an entry in a record is not hearsay, as defined in Pa.R.E. 801(c). Hence, it appears irrational to except it to the hearsay rule.

On analysis, absence of an entry in a business record is circumstantial evidence—it tends to prove something by implication, not assertion. Its admissibility is governed by principles of relevance, not hearsay. *See* Pa.R.E. 401, *et seq.*

Pennsylvania law is in accord with the object of F.R.E. 803(7), *i.e.*, to allow evidence of the absence of a record of an act, event, or condition to be introduced to prove the nonoccurrence or nonexistence thereof, if the matter was one which would ordinarily be recorded. *See Klein v. F.W. Woolworth Co.*, [**309 Pa. 320,**] 163 A. 532 (Pa. 1932) (absence of person's name in personnel records admissible to prove that he was not an employee). *See also Stack v. Wapner*, [**244 Pa. Super. 278,**] 368 A.2d 292 (Pa. Super. 1976).

Rule 803(8). Public Records [**(Not Adopted)**].

(8) *Public Records [(Not Adopted)]*. A record of a public office if:

(A) the record describes the facts of the action taken or matter observed;

(B) the recording of this action or matter observed was an official public duty; and

(C) the opponent does not show that the source of the information or other circumstances indicate a lack of trustworthiness.

Comment

[Pennsylvania has not adopted F.R.E. 803(8). An exception to the hearsay rule for public records is provided by 42 Pa.C.S. § 6104 which provides:

(a) *General rule.*—A copy of a record of governmental action or inaction authenticated as provided in section 6103 (relating to proof of official records) shall be admissible as evidence that the governmental action or inaction disclosed therein was in fact taken or omitted.

(b) *Existence of facts.*—A copy of a record authenticated as provided in section 6103 disclosing the existence or nonexistence of facts which

have been recorded pursuant to official duty or would have been so recorded had the facts existed shall be admissible as evidence of the existence or nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.

Subsection (b) of the statute is limited to “facts.” It does not include opinions or diagnoses. This is consistent with Pa.R.E. 803(6), and Pennsylvania case law. *See* Comment to Pa.R.E. 803(6).]

Pa.R.E. 803(8) differs from F.R.E. 803(8) insofar as it reflects the hearsay exception for public records provided in 42 Pa.C.S. § 6104. *See* Rules 901(b)(7), 902(1)—(4) and 42 Pa.C.S. §§ 5328, 6103, and 6106 for authentication of public records.

Rule 803(9). Public Records of Vital Statistics (Not Adopted).

(9) *Public Records of Vital Statistics (Not Adopted)*

Comment

Pennsylvania has not adopted F.R.E. 803(9). Records of vital statistics are also records of a regularly conducted activity and may be excepted to the hearsay rule by Pa.R.E. 803(6). Records of vital statistics are public records and they may be excepted to the hearsay rule by 42 Pa.C.S. § 6104 [**(text quoted in Comment to Pa.R.E. 803(8))**].

* * * * *

Rule 803(10). [**Absence**] **Non-Existence** of a Public Record [**(Not Adopted)**].

(10) [*Absence of a Public Record (Not Adopted)*] **Non-Existence of a Public Record.** Testimony—or a certification—that a diligent search failed to disclose a public record if:

(A) the testimony or certification is admitted to prove that

(i) the record does not exist; or

(ii) a matter did not occur or exist, if a public office regularly kept a record for a matter of that kind.

(B) in a criminal case:

(i) the attorney for the Commonwealth who intends to offer a certification files and serves written notice of that intent upon the defendant's attorney or, if unrepresented, the defendant, at least 20 days before trial; and

(ii) defendant's attorney or, if unrepresented, the defendant, does not file and serve a written demand for testimony in lieu of the certification within 10 days of service of the notice.

Comment

[Pennsylvania has not adopted F.R.E. 803(10) for the same reasons that it did not adopt F.R.E. 803(7). *See* Comment to Pa.R.E. 803(7).

42 Pa.C.S. § 6104(b), provides for admissibility of evidence of the absence of an entry in a public record to prove the nonexistence of a fact:

(b) *Existence of facts.*—A copy of a record authenticated as provided in section 6103 disclosing the...nonexistence of facts which...would have been...recorded had the facts existed shall be admissible as evidence of the...nonex-

istence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.

Pennsylvania also has a complementary statute, 42 Pa.C.S. § 5328, entitled “Proof of Official Records,” which provides, in pertinent part:

(d) *Lack of record.*—A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in this section in the case of a domestic record, or complying with the requirements of this section for a summary in the case of a record in a foreign country, is admissible as evidence that the records contain no such record or entry.]

Pa.R.E. 803(10)(A) differs from F.R.E. 803(10)(A) insofar as it does not include “statements.” This rule is consistent with Pennsylvania law. See 42 Pa.C.S. §§ 5328(d) and 6103(b). See also Pa.R.E. 902(13) (authentication of certificate).

Pa.R.E. 803(10)(B) differs from F.R.E. 803(10)(B) insofar as it is made consistent with aspects of Pa.R.Crim.P. 574. Like the federal rule, this rule is intended to provide a mechanism for a defendant to exercise the constitutional right to confront the witnesses against him or her. See *Melendez-Diaz v. Massachusetts*, 557 U.S. 305 (2009). Nothing in this evidentiary rule is intended to supersede procedural requirements within the Pennsylvania Rules of Criminal Procedure, see, e.g., Pa.R.Crim.P. 576 (Filing and Service by Parties), or limit the ability of the court to extend the time periods contained herein.

Official Note: Adopted May 8, 1998, effective October 1, 1998; Comment revised March 23, 1999, effective immediately; Comment revised March 10, 2000, effective immediately; Comment revised May 16, 2001, effective July 1, 2001; amended November 2, 2001, effective January 1, 2002; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017.

Committee Explanatory Reports:

Final Report explaining the March 23, 1999 technical revisions to the Comment for paragraph 25 published with the Court’s Order at 29 Pa.B. 1714 (April 3, 1999).

Final Report explaining the March 10, 2000 revision of the Comment for paragraph 25 published with the Court’s Order at 30 Pa.B. 1641 (March 25, 2000).

Final Report explaining the May 16, 2001 revision of the Comment for paragraph 18 published with the Court’s Order at 31 Pa.B. 2789 (June 2, 2001).

Final Report explaining the November 2, 2001[,] amendments to paragraph 6 published with the Court’s Order at 31 Pa.B. 6384 (November 24, 2001).

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the November 9, 2016 amendments to paragraph 6, 8, 10, and revision of the Comment for paragraph 7 and 9 published with the Court’s Order at 46 Pa.B. 7438 (November 19, 2016).

ARTICLE IX. AUTHENTICATION AND IDENTIFICATION

Rule 902. Evidence That is Self-Authenticating.

The following items of evidence are self-authenticating; they require no extrinsic evidence of authenticity in order to be admitted:

* * * * *

(12) *Certified Foreign Records of a Regularly Conducted Activity.* In a civil case, the original or a copy of a foreign record that meets the requirements of Rule 902(11), modified as follows: the certification rather than complying with a statute or Supreme Court rule, must be signed in a manner that, if falsely made, would subject the maker to a criminal penalty in the country where the certification is signed. The proponent must also meet the notice requirements of Rule 902(11).

(13) *Certificate of Non-Existence of a Public Record*—A certificate that a document was not recorded or filed in a public office as authorized by law if certified by the custodian or another person authorized to make the certificate.

Comment

* * * * *

Pa.R.E. 902(11) and (12) permit the authentication of domestic and foreign records of regularly conducted activity by verification or certification. Pa.R.E. 902(11) is similar to F.R.E. 902(11). The language of Pa.R.E. 902(11) differs from F.R.E. 902(11) in that it refers to Pa.R.C.P. No. 76 rather than to Federal law. Pa.R.E. 902(12) differs from F.R.E. 902(12) in that it requires compliance with a Pennsylvania statute rather than a Federal statute.

Pa.R.E. 902(13) has no counterpart in the Federal Rules. This rule provides for the self-authentication of a certificate of the non-existence of a public record, as provided in Pa.R.E. 803(10)(A).

Official Note: Adopted May 8, 1998, effective October 1, 1998; amended November 2, 2001, effective January 1, 2002; amended February 23, 2004, effective May 1, 2004; rescinded and replaced January 17, 2013, effective March 18, 2013; amended November 9, 2016, effective January 1, 2017.

Committee Explanatory Reports:

* * * * *

Final Report explaining the January 17, 2013 rescission and replacement published with the Court’s Order at 43 Pa.B. 651 (February 2, 2013).

Final Report explaining the November 9, 2016 addition of paragraph (13) published with the Court’s Order at 46 Pa.B. 7438 (November 19, 2016).

FINAL REPORT¹

Amendment of Pa.R.E. 803(6), (8), (10) with Revision of the Comment to Pa.R.E. 802, 803(7), 803(9), and Adoption of Pa.R.E. 902(13)

On November 9, 2016, effective January 1, 2017, upon recommendation of the Committee on Rules of Evidence, the Court ordered the amendment of Pa.R.E. 803(6), (8), (10), together with the revision of the Comment to Pa.R.E. 802, 803(7), 803(9) and adoption of Pa.R.E. 902(13). As more fully set forth in the publication report

¹ The Committee’s Final Report 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.

at 45 Pa.B. 6472 (November 7, 2015), the Committee recommended these changes to specify the burden shift to the opponent to show a lack of trustworthiness in Rule 803(6), to codify statutory requirements regarding the proof of public records and the absence thereof in Rules 803(8) and 803(10), respectively, and to provide for the authentication of a certificate of the non-existence of a public record in Rule 902. These changes necessitated corollary revisions to the Comment to Rule 802, Rule 803(7), and Rule 803(9).

[Pa.B. Doc. No. 16-2031. Filed for public inspection November 23, 2016, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 4 AND 7]

Order Adopting New Rule 791 and Amending Rules 490 and 790 of the Rules of Criminal Procedure; No. 481 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 9th day of November, 2016, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 45 Pa.B. 5913 (October 3, 2015) and 46 Pa.B. 3637 (July 9, 2016), 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 new Pennsylvania Rule of Criminal Procedure 791 and the amendments to Pennsylvania Rules of Criminal Procedure 490 and 790 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 November 14, 2016.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 4. PROCEDURES IN SUMMARY CASES PART H. Summary Case Expungement Procedures

Rule 490. Procedure for Obtaining Expungement in Summary Cases; Expungement Order.

(A) [*Petition for Expungement*] PETITION FOR EXPUNGEMENT

* * * * *

(3) [**A**] Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner’s Pennsylvania State Police criminal [**record**] history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition. **Absent a waiver by the attorney for the Commonwealth, the judge shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.**

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) [*Objections; Hearing*] OBJECTIONS; HEARING

* * * * *

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) [**The**] Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.

* * * * *

Comment

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in summary cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under Rule 790.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a summary case and Rule 790 for court case expungement procedures.

This rule sets forth the only information that is to be included in every expungement petition and order.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal [**record**] history report to the petition. **The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth’s agreement to the waiver may be made orally or in writing, or averred in the petition.**

[**A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.**]

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

“Petition,” as used in this rule, is a “motion” for purposes of Rules 575, 576, and 577.

The “reason for expungement” in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal, arrest or prosecution free for five years following the conviction for that summary offense, or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

For purposes of this rule, “criminal justice agency” includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, [**594 Pa. 346**,] 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, [**563 Pa. 248**,] 759 A.2d 1269 (Pa. 2000).

Official Note: Adopted September 22, 2010 effective in 90 days; amended November 9, 2016, effective November 14, 2016.

Committee Explanatory Reports:

Final Report explaining the September 22, 2010 promulgation of new Rule 490 providing the procedures for expungements in summary cases published with the Court's Order at 40 Pa.B. 5740 (October 9, 2010).

Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published for comment at 46 Pa.B. 7442 (November 26, 2016).

CHAPTER 7. POST-TRIAL PROCEDURES IN COURT CASES

PART C. Court Case Expungement Procedures

Rule 790. Procedure for Obtaining Expungement in Court Cases; Expungement Order.

(A) [Petition for Expungement] PETITION FOR EXPUNGEMENT

* * * * *

(3) **[A] Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal [record] history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition. Absent a waiver by the attorney for the Commonwealth, the judge shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.**

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) [Objections; Hearing] OBJECTIONS; HEARING

* * * * *

(4) If the judge grants the petition for expungement, the judge shall enter an order directing expungement.

(a) The order shall contain the information required in paragraph (C).

(b) **[The] Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the expungement order is stayed pending the disposition of the appeal and further order of court.**

* * * * *

Comment

This rule, adopted in 2010, provides the procedures for requesting and ordering expungement in court cases. Any case in which a summary offense is filed with a misdemeanor, felony, or murder of the first, second, or third degree is a court case (see Rule 103). The petition for expungement of the summary offense in such a case would proceed under this rule.

See also Rule 320 for the procedures for expungement following the successful completion of an ARD program in a court case, Rule 490 for summary case expungement

procedures, and 35 P.S. § 780-119 for expungement procedures under [The] the Controlled Substance, Drug, Device, and Cosmetic Act.

This rule sets forth the only information that must be included in every expungement petition and order.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal [record] history report to the petition. **The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth's agreement to the waiver may be made orally or in writing, or averred in the petition.**

An order for expungement under [The] the Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-119, also must include the information in paragraph (C).

[A form petition is to be designed and published by the Administrative Office of Pennsylvania Courts in consultation with the Committee as provided in Rule 104.]

A form petition and form order of expungement has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition" as used in this rule is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for expungement" in paragraph (A)(2)(i) and (C)(1)(i) means, for example, acquittal or age.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the "date of arrest" for purposes of paragraph (A)(2)(f).

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. See also 18 Pa.C.S. § 9102.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, [594 Pa. 346,] 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, [563 Pa. 248,] 759 A.2d 1269 (Pa. 2000).

Official Note: Adopted September 22, 2010 effective in 90 days; amended November 9, 2016, effective November 14, 2016.

Committee Explanatory Reports:

Final Report explaining the September 22, 2010 promulgation of new Rule 790 providing the procedures for expungements in court cases published with the Court's Order at 40 Pa.B. 5740 (October 9, 2010).

Final Report explaining the November 9, 2016 amendment regarding the stay of expungement when the Commonwealth has consented and petition and order forms published with the Court's Order at 46 Pa.B. 7442 (November 26, 2016).

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

Rule 791. Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access.

(A) PETITION FOR ORDER FOR LIMITED ACCESS

(1) Pursuant to 18 Pa.C.S. § 9122.1, an individual who satisfies the statutory requirements for obtaining an order for limited access may request an order that limits the dissemination of his or her criminal history record information by filing a petition with the clerk of the courts of the judicial district in which the charges were disposed.

(2) The petition shall set forth:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the court of common pleas docket number, magisterial district court docket number, or the Philadelphia Municipal Court docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be subject to limited access;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for the order for limited access;

(j) a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and

(k) a verification by the petitioner that facts set forth in the petition are true and correct to the best of the petitioner's personal knowledge or information and belief. The verification may be by a sworn affidavit or by an unsworn written statement that the facts are verified subject to the penalties for unsworn falsification to authorities under the Crimes Code § 4904, 18 Pa.C.S. § 4904.

Additional information shall not be required by local rule or practice.

(3) Unless the attorney for the Commonwealth agrees to waive this requirement, a current copy of the petitioner's Pennsylvania State Police criminal history report shall be attached to the petition. The copy shall be obtained from the Pennsylvania State Police within 60 days before filing the petition. Absent a waiver by the attorney for the Commonwealth, the court shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed.

(4) A copy of the petition shall be served on the attorney for the Commonwealth concurrently with filing.

(B) OBJECTIONS; HEARING

(1) Within 30 days after service of the petition, the attorney for the Commonwealth shall file a consent or objection to the petition or take no action. The attorney

for the Commonwealth's consent or objection shall be filed with the clerk of courts, and copies shall be served on the petitioner's attorney, or the petitioner if unrepresented.

(2) Upon receipt of the attorney for the Commonwealth's response, or no later than 14 days after the expiration of the 30-day period in paragraph (B)(1), the judge of the court of common pleas shall grant or deny the petition or shall schedule a hearing.

(3) At the hearing, if any, the parties shall be afforded an opportunity to be heard. Following the hearing, the judge promptly shall enter an order granting or denying the petition.

(4) If the judge grants the petition for limited access, the judge shall enter an order directing that the petitioner's criminal record history information that is subject to the limited access order shall not be disseminated to an individual, a noncriminal justice agency, or an internet website and that dissemination of the petitioner's criminal record history be limited only to a criminal justice agency or government agency as provided in 18 Pa.C.S. § 9122.1.

(a) The order shall contain the information required in paragraph (C).

(b) Except when the attorney for the Commonwealth has filed a consent to the petition pursuant to paragraph (B)(1), the order shall be stayed for 30 days pending an appeal. If a timely notice of appeal is filed, the order for limited access is stayed pending the disposition of the appeal and further order of court.

(5) If the judge denies the petition for an order of limited access, the judge shall enter an order denying the petition and stating the reasons for the denial.

(6) If the judge grants the petition for an order of limited access, the petition and order are subject to limited access.

(C) ORDER

(1) Every order for limited access shall include:

(a) the petitioner's name and any aliases that the petitioner has used, address, date of birth, and social security number;

(b) the name and address of the judge of the court of common pleas, magisterial district judge, or Philadelphia Municipal Court judge who accepted the guilty plea or heard the case;

(c) the name and mailing address of the affiant as shown on the complaint, if available;

(d) the court of common pleas docket number, magisterial district court docket number, or the Philadelphia Municipal Court docket number, whichever applies;

(e) the offense tracking number (OTN);

(f) the date on the complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest;

(g) the specific charges, as they appear on the charging document, to be subject to limited access;

(h) the disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid;

(i) the reason(s) for the order for limited access;

(j) a statement that the case qualifies for a limited access order and none of the exceptions under 18 Pa.C.S. § 9122.1(b) are applicable; and

(k) the criminal justice agencies upon which certified copies of the order shall be served.

Additional information shall not be required by local rule or practice.

(2) The clerk of courts shall serve a certified copy of the Order to each criminal justice agency identified in the court's Order.

Comment

Section 9122.1 of the Criminal Code provides for an order limiting dissemination of a record of a criminal conviction for a misdemeanor of the second degree, a misdemeanor of the third degree, or an ungraded misdemeanor which carries a maximum penalty of no more than two years only to a criminal justice agency or government agency. This rule, adopted in 2016, provides the procedures for requesting and ordering an order for limited access as provided in the statute.

This rule sets forth the only information that must be included in every petition and order for limited access.

The petition must be filed with the clerk of courts of the judicial district in which the charges that are the subject of the petition were disposed. The petition must be decided by a judge of the court of common pleas, even if the charges that are the subject of the petition were disposed by a magisterial district judge or Philadelphia Municipal Court judge.

Paragraph (A)(3) requires the petitioner to attach a copy of his or her criminal history report to the petition. The attorney for the Commonwealth may waive the requirement that the criminal history report be attached to the petition. The Commonwealth's agreement to the waiver may be made orally or in writing, or averred in the petition.

A form petition and form order for limited access has been created by the Administrative Office of Pennsylvania Courts, in consultation with the Committee, and is available at the following website: <http://www.pacourts.us/forms/for-the-public>.

"Petition" as used in this rule is a "motion" for purposes of Rules 575, 576, and 577.

The "reason for the order for limited access" in paragraph (A)(2)(i) and (C)(1)(i) means, for example, the defendant's freedom from arrest or prosecution for 10 years.

For the procedures for filing and service of petitions, see Rule 576.

For the procedures for filing and service of orders, see Rule 114.

When a summons instead of an arrest warrant is issued pursuant to Rule 519, the date of the summons constitutes the "date of arrest" for purposes of paragraph (A)(2)(f).

For purposes of this rule, "criminal justice agency" includes police departments, county detectives, and other law enforcement agencies. *See also* 18 Pa.C.S. § 9102. For the definition of "government agency," see 18 Pa.C.S. § 9121(b.1) and (b.2).

Nothing in this rule is intended to alter procedures regarding expungement. *See* Rule 320 for the procedures for expungement following the successful completion of an ARD program in a court case, Rule 490 for summary case expungement procedures, Rule 790 for court case

expungement, and 35 P.S. § 780-119 for expungement procedures under the Controlled Substance, Drug, Device, and Cosmetic Act.

Concerning standing, see *In Re Administrative Order No. 1-MD-2003*, 936 A.2d 1 (Pa. 2007); *Commonwealth v. J.H.*, 759 A.2d 1269 (Pa. 2000).

Official Note: Adopted November 9, 2016, effective November 14, 2016.

Committee Explanatory Reports:

Final Report explaining new Rule 791 providing the procedures for orders for limited access in court cases published with the Court's Order at 46 Pa.B. 7442 (November 26, 2016).

FINAL REPORT¹

Adoption of new Pa.R.Crim.P. 791 Amendments to Pa.Rs.Crim.P. 490 and 790

Contents of Expungement Petitions and Orders; Procedure for Limited Access Orders

On November 9, 2016, effective November 14, 2016, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted new Rule 791 (Procedure for Obtaining Order for Limited Access in Court Cases; Order for Limited Access) to provide procedures for the petition and order for limited access as provided in Act 5 of 2016, and amended Rules 490 (Procedure for Obtaining Expungement in Summary Cases; Expungement Order) and 790 (Procedure For Obtaining Expungement In Court Cases; Expungement Order) to: (1) permit the Commonwealth to waive the requirement that a petitioner's Pennsylvania State Police criminal history record be attached to the petition; (2) eliminate the 30-day stay on the expungement order during which time the Commonwealth may appeal in a case in which the Commonwealth has consented to the expungement; and (3) add a cross-reference to the Comments of both rules to the webpage where the AOPC forms for expungement petitions and orders are found.

Expungement Rules 490 and 790

Beginning in early 2015, the Committee had considered suggested amendments to the procedures contained in the expungement rules, Rules 490 and 790. Some of these suggestions related to complaints that it was taking lengthy amounts of time for the Pennsylvania State Police (PSP) to provide criminal history reports required for the expungement petition. It was suggested that this requirement be eliminated or modified so that the PSP criminal history could be replaced with an alternative such as the AOPC web docket sheets. The Committee concluded that the PSP report represents the best available criminal history record information and that alternatives were either incomplete or inapt for purposes of determining criminal history. Therefore, the Committee concluded that this requirement should be retained in the expungement rules.

However, the Committee determined that there are jurisdictions in which very large numbers of expungement petitions are being filed and, as a result, protocols have been developed between petitioners and district attorney's offices to speed the process of expungement in a large majority of cases. In these jurisdictions, the district attorney's office will agree to waive the requirement for a PSP report because those offices have the means of

¹ 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.

alternative confirmation of a petitioner's criminal history. The Committee agreed that practices such as these ensure speedy resolution of meritorious petitions and should not be impeded. Therefore, Rules 490 and 790 have been amended to provide that the requirement for the attachment of the PSP report may be waived by the attorney for the Commonwealth. The Comment has been revised to state that the waiver may be made orally, in writing, or averred in the petition in order to permit flexibility in this waiver practice.

During the discussion of this point, it was reported that some judges refuse to order the PSP report as part of the petition even in those cases where the attorney for the Commonwealth has not waived the requirement. To clarify that the general rules requires a PSP report, language has been added to paragraph (A)(3) of Rules 490 and 790 stating, "Absent a waiver by the Attorney for the Commonwealth, the court shall not rule upon the petition until the Pennsylvania State Police criminal history report is filed."

Another suggestion received by the Committee was to eliminate, in those cases in which the Commonwealth has filed a consent to the expungement, the 30-day stay on the expungement order provided in Rules 490(B)(4)(b) and 790(B)(4)(b) during which time the Commonwealth may appeal. The consent provisions in Rules 490(B)(1) and 790(B)(1) recognize that the Commonwealth may join in the desire to expedite an expungement. The Committee concluded that it is logical that the stay provision be curtailed where the Commonwealth has consented and a provision has been added to both rules precluding the stay in cases in which the Commonwealth has consented to the expungement.

Another suggestion the Committee considered was to require a single standard form for expungement petitions and orders to enable courts and agencies more uniformly process these requests. Rules 490 and 790 require specific contents for the petitions and orders but do not mandate a specific form. The Committee ultimately rejected the idea of requiring one particular form. There was a concern that a petition could be rejected solely on the basis of not being the approved form while still containing the other information necessary for an expungement. The Committee noted that the AOPC already had developed form petitions and orders for expungements under Rules 490 and 790 that are publically available on the UJS website. The Comments to Rules 490 and 790 already mention the AOPC forms. The Committee concluded that adding a cross-reference to the webpage where the AOPC forms for expungement petitions and orders are found would be helpful to encourage use of the standard forms. This direct cross-reference has been added to the Comments of both Rules 490 and 790.

New Rule 791 Regarding Limited Access Orders

While the Committee was conducting its review of expungement procedures, the Legislature enacted Act 5 of 2016.² The Act originated from a proposal for an expansion of the current expungement statute to cover second and third degree misdemeanors but was subsequently modified to introduce a new concept, a petition for limited access. The Act added new Section 9122.1 to the Crimes Code, 18 Pa.C.S. § 9122.1, that provides that a qualified defendant may petition for an order that would allow only certain entities access to criminal history record information, primarily criminal justice or other government agencies. The offenses in question are, with certain exceptions,

misdemeanors of the second and third degree and ungraded offenses carrying a maximum penalty of no more than two years. The Act also includes an amendment to Section 9122 of the Crimes Code, 18 Pa.C.S. § 9122, that provides that a court or the Administrative Office of Pennsylvania Courts may not disseminate criminal case information that is subject to "a court order for limited access as provided in Section 9122.1 (relating to order for limited access)."

Because the Act requires a petition to be filed with the court and subsequent order to be produced, there was a need for procedural rules implementing the Act. Given the history of the Act, the Committee concluded that the concept of limiting access to a conviction record is closely related to expungement and that the procedures should be similar. The procedures for obtaining a limited access order contained in new Rule 791 are derived from the court case expungement procedures in Rule 790. These new procedures are in a separate rule rather than an addition to the expungement rule since the nature and purpose of this procedure is different from expungement and placing it in the same rule as expungement procedures might have led to confusion. The new rule immediately follows the court case expungement procedures.

In terms of information required in the petition and order, the same concern, that of correctly identifying the criminal record, is applicable to limited access procedures as it is for expungement. Therefore, the required contents of the petition, contained in paragraph (A), and the contents of the order, contained in paragraph (C), are virtually identical to those required in Rule 790 for expungement petitions and orders.

Paragraph (A)(3) of Rule 791 contains the requirement that the Pennsylvania State Police criminal history report shall be attached to the petition. As discussed above, this is currently required by the expungement rules and the Committee concluded that, as in expungement procedures, the PSP report is the best means of verifying the defendant's criminal history. The Committee also concluded that the practice of waiving this requirement as is done in certain jurisdictions for expungements should be applied to limited access petitions as well. The provision regarding waiver of the PSP report have been incorporated into Rule 791(A)(3).

Paragraph (B) describes the procedures to be followed once the petition is filed. Section 9122.1(c) provides that the court notify the district attorney of the petition within 10 days of filing and the district attorney then has 30 days to respond. The current procedure for court case expungement in Rule 790 requires that the petition be served on the prosecution concurrent with filing. The Committee believes that simultaneous service is a more efficient procedure and one that would help in the prosecution reaching a quicker decision on whether to oppose the petition or not. This does not constitute a conflict between the Act and the rules, but rather is an additional procedural step being added to make the process more efficient and ensure proper and timely notice to the prosecution.

The Act allows 30 days for the prosecution to respond to a petition for limited access. Paragraph (B)(1) incorporates this time-limit for the prosecution's response and requires any response to be filed no later than 30 days following service of the petition.

The Act requires a petition to be filed requesting the issuance of the order, similar to expungement procedures. Section 9122.1 describes the effect of the order as permit-

² Act 5 of 2016 (originally SB 166 of 2015) was signed into law by the Governor on February 16, 2016. Act 5 will become effective on November 14, 2016.

ting the criminal record to be disseminated “only to a criminal justice agency or a governmental agency. . . .” However, the language that is added to Section 9121, which directly states the applicability of the statute to the courts and AOPC, uses the terminology that they “may not disseminate to an individual, a noncriminal justice agency or an internet website any information” relating to information that is subject to a limited access order. In the paragraph (B)(4), the terminology in both statutory selections is used to describe the order granting the petition so that there is no confusion concerning the order’s effects.

Rule 790 provides for a 30-day stay on any granted petition to provide time for the prosecution to appeal. A similar provision is included in Rule 791(B)(4)(b) when the petition for limited access is granted. However, this stay would be waived when the prosecution agrees to the petition. This is similar to the above provision for the expungement rules.

[Pa.B. Doc. No. 16-2032. Filed for public inspection November 23, 2016, 9:00 a.m.]

Title 25—LOCAL COURT RULES

BEDFORD COUNTY

Local Rule 4007.1 and Local Rule 4008.1 of Judicial Administration; AD No. 4 for 2016

Order of Court

And now, November 2, 2016, the Court hereby adopts the following new Local Rules of Judicial Administration:

Rule 4007.1. Requests for Transcripts.

(A) All requests for transcripts shall be submitted on a form provided by the district court administrator which will include the current rates charged for transcripts.

(B) The request for transcript can be downloaded from the Bedford County website at bedfordcountypa.org or a copy can be obtained at the district court administrator’s office. For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the district court administrator. The requesting party shall also serve copies of the formal request to:

- (1) the judge presiding over the matter;
- (2) the court reporter or transcriptionist;
- (3) opposing counsel, but if not represented, the opposing party.

(C) Daily, expedited, same day or rough draft transcripts are not available except in extreme circumstances approved by the judge presiding over the matter.

(D) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make partial payment of 50% of the estimated transcript cost. Deposit payments are to be made payable to Bedford County and shall be delivered to the district court administrator. Payment by private parties shall be made by money order. Cash shall NOT be accepted by the district court administrator’s office.

(2) the court reporter or transcriptionist shall prepare the transcript upon direction of the district court administrator after approval by the judge presiding over the matter.

(3) the court reporter or transcriptionist shall notify the ordering party and the district court administrator of the completion of the transcript and deliver the original to the judge presiding over the matter for approval of the transcript.

(4) upon payment of any balance owed, the court reporter or transcriptionist shall deliver the original transcript to the district court administrator for filing with copies for distribution to the requesting party and any other parties who may have requested copies. Payment for the final balance shall be made payable to Bedford County and shall be delivered to the district court administrator who will forward it to the Finance Department. Copies of the transcript and filing of the original will be made upon payment in full.

(E) When a litigant requests a transcript, but cannot pay for the transcript because of alleged economic hardship, the court shall determine economic hardship pursuant to the procedure set forth in Rule 4008(B). In cases of economic hardship, where the matter is under appeal or a transcript is necessary to advance the litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the court. In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance the litigation, the requesting party must demonstrate reasonable need before the court shall waive or adjust the cost of obtaining the transcript.

(F) When a transcript is requested for which the court or county is responsible for the cost, the court reporter or transcriptionist shall prepare the transcript at the direction of the district court administrator after approval by the judge presiding over the matter who will determine the priority of the request.

Rule 4008.1. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.

(A) *Costs*

(1) The costs payable by a requesting party, other than the Commonwealth or a subdivision thereof, for a transcript in an electronic format shall be:

- (a) for an ordinary transcript, \$2.50 per page;
- (b) for an expedited transcript, \$3.50 per page, if the court reporter is able to accommodate;
- (c) for a daily transcript, \$4.50 per page, if the court reporter is able to accommodate; and
- (d) for same day delivery, \$6.50 per page, if the court reporter is able to accommodate.

(2) When the transcript is prepared in bound paper format, the costs shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

(B) *Economic hardship—minimum standards*

(1) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who

has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services (HHS) poverty guidelines for the current year.

(2) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the HHS poverty guidelines for the current year.

(3) Transcript costs for ordinary transcripts in matters that are not subject to an appeal, where the transcript is not necessary to advance the litigation, may be waived at the court's discretion for parties who qualify for economic hardship under subdivision (B)(1) or (B)(2) and upon good cause shown.

(4) The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and submitted with the request for transcript.

(C) *Assignment and allocation of transcripts costs*

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

(D) *Copies of transcript*

A request for a copy of any transcript previously ordered, transcribed and filed of record shall be provided according to the following schedule:

- (1) \$0.75 per page bound, paper format; and,
- (2) \$0.50 per page electronic copy.

(E) *Additional Costs*

A trial judge may impose a reasonable surcharge in cases such as mass tort, medical malpractice or other unusually complex litigation, where there is a need for court reporters to significantly expand their dictionary. Such surcharges are at the discretion of the trial judge.

Said Local Rules of Judicial Administration shall be effective in the 57th Judicial District of the Commonwealth of Pennsylvania thirty (30) days after publication in the *Pennsylvania Bulletin* and upon publication on the Bedford County website.

By the Court

THOMAS S. LING,
President Judge

[Pa.B. Doc. No. 16-2033. Filed for public inspection November 23, 2016, 9:00 a.m.]

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 9th day of November 2016, Dauphin County Local Rule of Civil Procedure 1915.7 is amended as follows:

1915.7. Agreements and Consent Orders.

(a) Agreements and consent orders filed contemporaneously with the custody complaint:

1. When a custody agreement has been reached prior to the filing of the custody complaint, either party shall file with the Prothonotary the original signed custody agreement simultaneously with the original and one copy of the custody complaint.

2. The custody agreement shall be signed by all parties and the signatures shall be witnessed or notarized unless the agreement is reached before the Custody Conference Officer or the Court.

3. The custody agreement shall contain a proposed order of court with a distribution legend.

4. An administrative fee of \$150.00 shall be paid to the Prothonotary in accordance with Rule 1915.3(a) or (b).

5. The Prothonotary shall forward the original custody complaint and the signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.

6. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court posted at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

(b) Agreements and consent orders to modify existing custody orders:

1. When the parties agree to modify an existing custody order, the original agreement and consent order shall be filed with the Prothonotary. A petition for modification of a custody order should not be filed. There shall be no administrative fee paid to the Prothonotary for the modification of an existing custody order when no petition for modification of a custody order has been filed.

2. The custody agreement shall be signed by all parties and the signatures shall be witnessed or notarized.

3. The custody agreement shall contain a proposed order of court with a distribution legend.

4. The Prothonotary shall forward the original signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.

[5. Agreements shall not contain any provision relating to child support.

6.] 5. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her

custodial rights. The agreement shall contain the language and exhibit used by the Court [**and this may be obtained from the Court Administrator's Office**] posted at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

(c) Agreements reached after the complaint or petition for modification of a custody order is assigned to a Custody Conference Officer:

1. If at any time prior to the Custody Conference the parties are able to agree upon custody, the parties shall file with the Prothonotary the proposed custody agreement. The custody agreement shall be signed by all parties and the signatures shall be witnessed or notarized. The custody agreement shall contain a proposed order of court with a distribution legend.

2. The Prothonotary shall forward the original signed and witnessed custody agreement to the Court Administrator's Office for review and assignment to the judge assigned to oversee custody matters.

[3. Agreements shall not contain any provision relating to child support.

4.] **3.** Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court [**and this may be obtained from the Court Administrator's Office**] posted at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

(d) Agreements reached after a custody matter has been assigned to a judge:

1. If at any time prior to a conference or hearing before the assigned judge an agreement is reached regarding custody or visitation, the parties shall file with the Prothonotary the proposed agreement and consent order with a distribution legend. The agreement shall be signed by all parties and the signatures shall be witnessed or notarized. **[Agreements shall not contain any provision relating to child support.]** The Prothonotary shall forward the original signed and witnessed custody agreement to the Court Administrator's Office for delivery to the assigned judge. Upon presentation of the agreement and consent order, the Court may, in its discretion, enter an order without taking testimony.

2. The parties or children need not be present at a scheduled conference or hearing before a judge when an agreement has been reached prior to the conference or hearing unless the Court so directs.

3. Agreements shall contain a paragraph regarding the parties' responsibilities if one party seeks permission to relocate when such relocation will significantly impair the ability of a non-relocating party to exercise his or her custodial rights. The agreement shall contain the language and exhibit used by the Court [**and this may be obtained from the Court Administrator's Office**] posted at www.dauphincounty.org/government/Court-Departments/Self-Help-Center.

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

By the Court

RICHARD A. LEWIS,
President Judge

[Pa.B. Doc. No. 16-2034. Filed for public inspection November 23, 2016, 9:00 a.m.]

MERCER COUNTY

Amendment to Local Rule of Civil Procedure L208.3(a)(4)(b)(1); No. 2016-3084

Order

And Now, this 3rd day of November, 2016, *It Is Hereby Ordered* that Mercer County Local Rules of Court L208.3(a)(4)(b)(1) is amended as follows:

(1) Matters for Argument Court and all other matters to be scheduled by praecipe shall be scheduled by praecipe filed at the same time as the pleading and/or matters to be heard with the Prothonotary and shall be signed by counsel of record or an unrepresented party.

This Order shall become effective the 1st day of January, 2017.

By the Court

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 16-2035. Filed for public inspection November 23, 2016, 9:00 a.m.]

MERCER COUNTY

Local Rules; No. MD 2016-3084

And Now, this 3rd day of November 2016, the Court Hereby *Approves, Adopts and Promulgates* Mercer County Local Rule of Civil Procedure L208.3(a)(4)(b)(1), effective thirty (30) days after the date of publication of this Order in the *Pennsylvania Bulletin*, pursuant to Rule 103(c) of the Pennsylvania Rules of Judicial Procedure.

It is further *Ordered and Directed* that the Court Administrator of Mercer County shall file one (1) certified copy of this Order with the Administrative Office of Pennsylvania Courts, furnish two (2) certified copies to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and file one certified copy with the Civil Procedural Rules Committee.

It is further *Ordered and Directed* that Local Rules shall be kept continuously available for public inspection and copying in the Offices of the Clerk of Courts and the Prothonotary of Mercer County. Upon request and payment of reasonable costs of reproduction and mailing, these offices shall furnish to any person a copy of these Rules. This Order shall be published in the *Mercer County Law Journal*.

By the Court

THOMAS R. DOBSON,
President Judge

[Pa.B. Doc. No. 16-2036. Filed for public inspection November 23, 2016, 9:00 a.m.]

WESTMORELAND COUNTY
Adopting New Rule W1915.12; No. 3 of 2016

Administrative Order of Court

And Now, this 4th day of November, 2016, *It Is Hereby Ordered* that new rule Westmoreland County Rule of Civil Procedure W1915.12, "Enforcement. Contempt" is adopted. This change is effective 30 days after publication in the *Pennsylvania Bulletin*.

By the Court

RICHARD E. McCORMICK, Jr.,
President Judge

Rule W1915.12. Enforcement. Contempt.

(a) Upon filing of any motion or petition alleging violation of a custody or partial custody order, and seeking enforcement of the order, whether or not sanctions are requested, the Court shall direct the parties to appear before the Court for a 15 minute conference to conciliate the disagreement. All parties and their counsel shall appear for this conference.

(b) If the enforcement request is not disposed of at the conciliation conference, the Court shall schedule an additional hearing before the Court to address the alleged violation.

New rule 1915.12 adopted November, 2016, effective _____, 2016.

[Pa.B. Doc. No. 16-2037. Filed for public inspection November 23, 2016, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer to Disability Inactive Status

Notice is hereby given that Walter Ignatius Willard (# 60859), who resides in New Orleans, LA, having been transferred to disability inactive status by Order of the Supreme Court of Delaware dated June 16, 2016, by Order of the Supreme Court of Pennsylvania dated November 9, 2016, Walter Ignatius Willard was transferred to disability inactive status in Pennsylvania, for an indefinite period and until further Order of the Court, to take effect immediately. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

JULIA M. FRANKSTON-MORRIS, Esq.,
Secretary

*The Disciplinary Board of the
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 16-2038. Filed for public inspection November 23, 2016, 9:00 a.m.]

RULES AND REGULATIONS

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 75]

[L-2014-2404361]

Implementation of the Alternative Energy Portfolio Standards Act of 2004; Official Text

Due to mechanical errors, the official hard copy of the November 19, 2016, *Pennsylvania Bulletin* may not include pages 7317, 7318 and 7323 of the final-form rulemaking published at 46 Pa.B. 7277. To obtain the hard copy of this final-form rulemaking amending 52 Pa. Code Chapter 75, contact the Legislative Reference Bureau, Pennsylvania Code and Bulletin Office, (717) 783-1530.

[Pa.B. Doc. No. 16-2039. Filed for public inspection November 23, 2016, 9:00 a.m.]

Title 58—RECREATION

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 681a]

21 Baccarat; Table Game Rules of Play; Official Text

Due to mechanical errors, the official hard copy of the November 19, 2016, *Pennsylvania Bulletin* may not include the final-form rulemaking published at 46 Pa.B. 7323, 7324. To obtain the hard copy of this final-form rulemaking adopting 58 Pa. Code Chapter 681a, contact the Legislative Reference Bureau, Pennsylvania Code and Bulletin Office, (717) 783-1530.

[Pa.B. Doc. No. 16-2040. Filed for public inspection November 23, 2016, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGING

Long-Term Care Council Meeting

The Long-term Care Council will hold a meeting on Wednesday, November 30, 2016, at 10 a.m. in Conference Rooms A, B and C, Department of Aging, 555 Walnut Street, 5th Floor, Harrisburg, PA 17101.

Questions concerning this meeting may be directed to Charles Quinnan, (717) 705-7296, cquinnan@pa.gov.

TERESA OSBORNE,
Secretary

[Pa.B. Doc. No. 16-2041. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Addendum to the Order of Quarantine; Spotted Lanternfly

Recitals

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

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

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

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

E. The place or area in which the plant pest is detected or confirmed shall be added to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, through an addendum delineating the specific location and geographic parameters of the area or place. Such Addendum shall be published in the *Pennsylvania Bulletin* and enforcement of the Addendum to the Order of Quarantine, published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, with regard to that place or area shall become effective immediately.

Order

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

1. *Establishment of Quarantine.*

A quarantine is hereby established with respect to Union Township, Ruscombmanor Township, Richmond Township, Maiden Creek Township, Fleetwood Borough, Robeson Township, Centre Township, Centreport Borough, Birdsboro Borough in Berks County, Quakertown Borough, Richland Township, Richlandtown Borough in Bucks County, North Coventry Township, Spring City Borough, East Coventry Township, East Vincent Township in Chester County, Bethlehem City in Lehigh County, Bethlehem City in Northampton County, and Lower Fredrick Township, Pottstown Borough, Royersford Borough, Limerick Township, Upper Providence Township, Upper Pottsgrove Township, Upper Salford Township in Montgomery County. This is in addition to, and does not replace, any townships and areas already subject to the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, and any previous Addendums to that Quarantine Order.

2. *All Provisions Apply.*

All of the provisions established in the Spotted Lanternfly Quarantine Order published at 44 Pa.B. 6947 issued Saturday, November 1, 2014, are hereby incorporated herein and made a part hereof this Addendum as if fully set forth herein and shall hereby be made applicable to Union Township, Ruscombmanor Township, Richmond Township, Maiden Creek Township, Fleetwood Borough, Robeson Township, Centre Township, Centreport Borough, Birdsboro Borough in Berks County, Quakertown Borough, Richland Township, Richlandtown Borough in Bucks County, North Coventry Township, Spring City Borough, East Coventry Township, East Vincent Township in Chester County, Bethlehem City in Lehigh County, Bethlehem City in Northampton County, and Lower Fredrick Township, Pottstown Borough, Royersford Borough, Limerick Township, Upper Providence Township, Upper Pottsgrove Township, Upper Salford Township in Montgomery County.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 16-2042. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 15, 2016.

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

BANKING INSTITUTIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-9-2016	Firsttrust Savings Bank Conshohocken Montgomery County Application for approval to purchase assets and assume liabilities of one branch of MB Financial Bank, Rosemont, IL, located at: 7818 Bustleton Avenue Philadelphia Philadelphia County	Filed

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2016	Jersey Shore State Bank Williamsport Lycoming County	3081 Route 405 Highway Muncy Lycoming County	Filed
11-9-2016	Luzerne Bank Luzerne Luzerne County	285—287 Main Street Pittston Luzerne County	Filed

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-9-2016	Mifflinburg Bank & Trust Mifflinburg Union County	<i>To:</i> 7874 State Route 304 Mifflinburg Union County <i>From:</i> 214 Vine Street New Berlin Union County	Filed

Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-1-2016	Univest Bank & Trust Co. Souderton Montgomery County	5006 York Road Holicong Bucks County	Closed
11-1-2016	Univest Bank & Trust Co. Souderton Montgomery County	595 West Main Street Trappe Montgomery County	Closed

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-1-2016	Univest Bank & Trust Co. Souderton Montgomery County	601 Louis Drive Warminster Bucks County	Closed

CREDIT UNIONS

No activity.

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

ROBIN L. WIESSMANN,
Secretary

[Pa.B. Doc. No. 16-2043. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application by Commonwealth Medical College to Amend Articles of Incorporation

Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application for approval of a Certificate of Authority for Commonwealth Medical College to amend its Articles of Incorporation to Integrate with Geisinger Health System, change the name of the medical school to Geisinger Commonwealth School of Medicine and convert into a member nonprofit corporation from a nonmember nonprofit corporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon the application without a hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public

hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protests) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with the Division of Higher and Career Education, 333 Market Street, Harrisburg, PA 17126-0333 on or before the due date prescribed by this notice. A person wishing to review the application should phone (717) 783-8228 or write to the previously listed address to schedule a time for a review.

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

PEDRO A. RIVERA,
Secretary

[Pa.B. Doc. No. 16-2044. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0096369 (Sewage)	Valley Hi MHP STP 3499 Route 9 North Suite 3C Freehold, NJ 07728	Westmoreland County East Huntingdon Township	Unnamed Tributary of Buffalo Run (19-D)	No
PA0252638 (Sewage)	Perry Township Municipal Authority STP PO Box 306 Star Junction, PA 15482-0183	Fayette County Perry Township	Youghiogheny River (19-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0065307 (Industrial)	Comm Environmental System Landfill PO Box 322 Hegins, PA 17938	Schuylkill County Foster Township	Middle Creek (7-D)	Yes

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?
PA0229130 (Sewage)	Snyder (Apt) SFTF 185 Stauffer Road Bellefonte, PA 16823-4261	Centre County Liberty Township	Hunters Run (9-C)	Yes

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0100951 (Industrial Waste)	Penelec Shannon Road Ash Disposal P.O. Box 16001 2800 Pottsville Pike Reading, PA 19612-6001	Erie County Harborcreek Township	Four Mile Creek (15-A)	Yes
PA0222925 (Sewage)	Kenneth E. White SFTF 2275 West Washington Street Bradford, PA 16701-2412	McKean County Corydon Township	Willow Creek (16-B)	Yes

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

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

PA0264717, Sewage, SIC Code 8800, **Todd Liszka**, 725 Mercer Road, Greenville, PA 16125. Facility Name: Todd Liszka SRSTP. This proposed facility is located in Delaware Township, **Mercer County**.

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

The receiving stream(s), Unnamed Tributary of Shenango River, is located in State Water Plan watershed 20-A and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	XXX	Report	XXX	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

PA0264733, Sewage, SIC Code 8800, **Shirley Foster**, 2558 West Washington Street, Bradford, PA 16701. Facility Name: Shirley Foster SRSTP. This proposed facility is located in Corydon Township, **McKean County**.

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

The receiving stream(s), Unnamed Tributary to Willow Creek, is located in State Water Plan watershed 16-B and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

Parameters	Mass Units (lbs/day)			Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly	Minimum	Average Monthly	Maximum	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0	XXX
Biochemical Oxygen Demand (BOD ₅)	XXX	XXX	XXX	10.0	XXX	20

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

PA DEP Central Office: Bureau of Clean Water, Rachael Carson State Office Building, 400 Market Street, Harrisburg, PA 17105-8184, Telephone: 717.787.8184.

PA0270814, Pesticides, SIC Code 0782, **FirstEnergy Corp**, 341 White Pond Drive, Akron, OH 44320.

Description of Proposed Activity: The application is for a new NPDES permit for discharges associated with the application of pesticides to control vegetation that can interfere with transmission and distribution equipment (especially high voltage wires) located in the transmission and distribution right-of-ways (ROWs) and that represents a safety and security risk, at substations, service buildings and microwave facilities statewide.

Applicators are required to follow product labeling instructions of pesticides, which may include provisions to reduce application doses and notify public water suppliers in the event applications are conducted near public water supply intakes. Applicators are required to coordinate with the operators of such drinking water treatment plants prior to treatment to avoid any shortages. The discharges associated with the pesticide applications by FirstEnergy are not expected to affect public water supplies.

PA DEP has made a tentative determination to issue the NPDES permit subject to the terms and conditions of the permit. An anti-degradation analysis has been completed to document that pesticide application activities in High Quality (HQ) or Exceptional Value (EV) waters will be conducted in a manner that minimizes adverse environmental effects. The proposed permit contains conditions that require implementation of Pest Management Measures, Recordkeeping and Annual Reporting Requirements, Corrective Action Documentation and Reporting, and a Pesticides Discharge Management Plan.

You may make an appointment to review the DEP files on this case by calling Bureau of Clean Water at 717-787-5017. You may submit written comments on the application and draft permit within 30 days to the address above. After the 30-day comment period, PA DEP will make a final determination on the issuance of the permit.

The EPA waiver is not in effect.

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

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

WQM Permit No. 0216407, Sewage, **Riviera Land Partners LP**, 2585 Washington Road, Pittsburgh, PA 15241.

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

Description of Proposed Action/Activity: Construction and operation of a low pressure sewer system.

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

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

Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD390006	Dennis Schepker Allentown Commerce Park Corp. 47 Parsippany Rd. Whippany, NJ 07981	Lehigh	City of Allentown	Trout Creek (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 Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD140006	Glenn O. Hawbaker, Inc 1952 Waddle Road State College, PA 16803	Centre	Potter Twp	Potter Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140005	Penn State University 139J Physical Plant University Park, PA 16802	Centre	State College Boro College Twp	Spring Creek HQ-CWF
PAD140007 Previously PAI041416008	Columbia Gas of Pa, Inc. 4000 Energy Drive Bridgeville, PA 15017	Centre	Patton Twp and Benner Twp	UNT to Buffalo Run HQ-CWF UNT to Big Hollow CWF
PAD140004	Ben & Jodi Johnston 838 Ridge Road Mill Hall, PA 17751	Centre	Walker Twp	UNT to Little Fishing Creek HQ-CWF

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

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

Application No. 1416506—Construction Public Water Supply.

Applicant	Rockview SCI
Township/Borough	Benner Township
County	Centre

Responsible Official	Mark Garman, Superintendent Rockview SCI Box A, Rockview Place Bellefonte, PA 16823
Type of Facility	Public Water Supply
Consulting Engineer	Carol A. Piontkowski, P.E. Dept. of Corrections, Bureau of Operations 1920 Technology Parkway Mechanicsburg, PA 17050
Application Received	November 9, 2016
Description of Action	Addition of sodium bicarbonate to increase the alkalinity and granular activated carbon, “Nuchar,” to remove odor and color.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

**UNDER ACT 2, 1995
PREAMBLE 1**

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

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

not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

Shaskas South Well Pad, 118 Hart Road, Jessup Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of J.P. Reilly Construction LP, 559 Turnpike Road, Friendsville, PA 18801, submitted a Notice of Intent to Remediate for strontium, to address an earlier release of stormwater mixed with produced water that had received release of liability for soil on January 29, 2016. The proposed future use of the property will be natural gas production and water treatment operations. The Notice of Intent to Remediate was published in *The Susquehanna County Transcript, Inc.* on October 19, 2016.

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

M. Joseph Reese Farm, 13222 South Road, Shippenburg, PA 17257, Lurgan Township, **Franklin County**. United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222, on behalf of Lurgan Township, 8650 McClays Mill Road, Newburg, PA 17240, and Mr. M. Joseph Reese and Marlene F. Reese, 13222 South Road, Shippenburg, PA 17257 submitted a Notice of Intent to Remediate site soil contaminated with hydraulic fluid and used motor oil. The site will be remediated to the Residential Statewide Health Standard. Future use of the site will continued to be used as residential and farmland. The Notice of Intent to Remediate was published in the *The News Chronicle* on November 1, 2016.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Bonnell Run H & FC Pad D, Pine Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Anadarko E & P Onshore, LLC, 33 West 3rd St., Suite 300, Williamsport, PA 17701, has submitted a Notice of Intent to Remediate site soil contaminated with inorganic constituents. The applicant proposes to remediate the site to meet the Statewide Health Standard.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application(s) received Under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit Application No.300713. Talen Energy, 835 Hamilton Street, Suite 150, Allentown, PA, 18101, Derry Township, **Montour County**. The major permit modification is to reclaim ash from an existing permitted closed residual waste ash landfill. The project includes opening the site and reclaiming the waste with the intention of clean closure. The application was received by NorthCentral Regional office on November 7, 2016. An LMIP meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania 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 Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

Persons wishing to file a written protest or provide comments or additional information, which they believe

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

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

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

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

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.

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

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

48-00091A: Lower Mount Bethel Energy LLC (835 Hamilton Street, Allentown, PA 18101-1179) for the modification of their VOC emission limits at the site located in Lower Mt Bethel Twp., **Northampton County**.

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.

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

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

07-03036A: Forsht Products, Inc./Altoona (787 Forsht Lane, Altoona, PA 16601) for construction of a human crematory controlled by an afterburner at the facility in Logan Township, **Blair County**. The facility has the following potential air emissions: 1.68 ton of CO, 2.04 tons of NO_x, 1.61 ton of PM, 0.73 ton of SO_x, and 0.14 ton of VOC. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. The plan approval and subsequent State-Only operating permit will include emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality regulations. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-401A: Commercial Asphalt Supply (161 Plain Grove Road, Slippery Rock, PA 16057), The Department intends to issue a plan approval to Commercial Asphalt Supply, the plan approval provides authorization to construct and initially operate a hot mix asphalt plant. This natural minor facility (non-Title V) is to be constructed in Clearfield Township, **Butler County**. This facility will be newly constructed at a site which had previously been used for agriculture. Compliance will be demonstrated through stack testing. The facility's asphalt production rate will be limited to 110% the rate at which the facility was operating during its last successful stack test. Stack testing is to be conducted at the maximum achievable production rate.

This application was reviewed to evaluate the project's incorporation of Best Available Technology. Emissions from the facility will be controlled through combustion technology and a bag house fabric filter.

It is estimated that the potential to emit emission rates from the facility will total: 5.4 tpy of VOC, 13.23 tpy of CO, 5.4 tpy of NO_x, and 4.75 tpy of PM.

Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The Plan Approval will contain testing, recordkeeping, emission restriction, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8 a.m. to 4 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. 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 Regional Air Quality Program Manager, Pennsylvania Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [10-401A: Commercial Asphalt Supply] 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 Christina Nagy, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6411.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

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

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

The City of Philadelphia, Air Management Services (AMS) intends to renew a Minor State Only Operating Permit for the following facilities:

S1600023: South Eastern Pennsylvania Transportation Authority, Berridge/Courtland Maintenance Shop. (at 200 West Wyoming Avenue, Philadelphia, PA 19140) for the operation of a public transportation in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes two each 10.043 MMBTU/hr boilers, two each 5.021 MMBTU/hr boilers, one 2.95 MMBTU/hr, one 3.95 MMBTU/hr heaters, and one 1 MMBTU/hr, two each 0.5 MMBTU/hr, nine each 1.21 MMBTU/hr hot water heaters, six pressure washers, two space heaters and one Catalyst Regeneration Unit, a spray booths, a stage 2 vapor recovery units, a printing presses, an emergency generator, cyclones, and a non-emergency engines.

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.

N1600018: Social Security Administration Office (At 300 Spring Garden Street, Philadelphia, PA 19123), for the operation of the following sources in the City of Philadelphia, **Philadelphia County**; Three (3) 5.1 MMBTU/hr boilers and one 2.583 MMBTU/hr boiler firing natural and No. fuel oil and One (1) 1,818 HP diesel emergency generator.

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.

N1600020: Weber Displaying & Packaging (at 3500 Richmond Street, Philadelphia, PA 19134), for the operation of the following sources in the City of Philadelphia, **Philadelphia County**; One (1) 25 MMBTU/hr boiler firing natural and No. 2 fuel oil and Four (4) Flexographic Press, a cyclone and a baghouse.

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.

OPERATING PERMITS

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

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

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

46-00011: Arcelormittal Plate LLC (900 Conshohocken Road, Conshohocken, PA 19428) for operation of a blast furnaces and steel mills facility in Plymouth Town-

ship, **Montgomery County**. This Significant Permit Modification Application will follow the same procedures that apply to initial permit issuance in accordance with 25 Pa. Code §§ 127.542(b), 127.505 and 127.424. This modification is to address the incorporation of the Department's RACT II requirements found in 25 Pa. Code §§ 129.96—129.100. These RACT revisions will be submitted to EPA to add to the state implementation plan. The affected sources for case-by-case RACT are: five furnaces (Sources 101, 102, 106, 110 and 152), addressed in the Title V permit. There will be no changes in actual emissions of any air contaminant, nor will there be any new sources constructed or installed as a result of this action. The significant modification will be incorporated under the Title V operating permit renewal.

The Title V operating permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

36-05001: Armstrong World Industries, Inc. (1507 River Road, Marietta, PA 17547-9403) for operation of their residential and commercial ceiling tile manufacturing plant in East Donegal Township, **Lancaster County**. Actual emissions from the facility in 2015 were estimated at 1,000.87 tons CO, 66.61 tons NO_x, 27.54 tons PM₁₀, 27.54 tons PM_{2.5}, 0.40 ton SO_x, 116.02 tons VOC, 32.03 tons of a single HAP (formaldehyde), and 34.89 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code §§ 129.52 and 129.63, 40 CFR 63, Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boilers and Process Heaters, 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR 63, Subpart HHHHH—National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing, 40 CFR 60, Subpart UUU—Standards of Performance for Calciners and Dryers in Mineral Industries.

67-05006: York County Solid Waste & Refuse Authority (2700 Black Bridge Road, York, PA 17406) to issue a Title V Operating Permit for the operation of a municipal waste-to-energy plant in Manchester Township, **York County**. The 2015 emissions were 136 tons of carbon monoxide, 394 tons of nitrogen oxide, 10 tons of particulate matter, 29 tons of sulfur dioxide, 2.9 tons of volatile organic compounds, and 3.3 tons of total 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 provi-

sions derived from 40 CFR Part 60, Subpart Cb—Emission Guidelines and Compliance Times for Large Municipal Waste Combustors, and 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

07-05008: Team Ten, LLC (1600 Pennsylvania Avenue, Tyrone, PA 16686) to issue a Title V Operating Permit for the paper mill located in Tyrone Borough, **Blair County**. The actual emissions from the facility in 2015 year are estimated at 2,538.09 tons of SO_x; 439.49 tons of NO_x; 79.743 tons of HAPs; 49.98 tons of CO; 35.33 tons of PM₁₀; 12.6 tons of VOC and 1.12 ton of PM_{2.5}. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63—Degreasing operations; 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines; 40 CFR Part 60, Subpart Db—Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

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

09-00141: Lower Bucks County Joint Municipal Authority/Kenwood Station (7811 New Falls Road, Levittown, PA 19058) for the renewal of a State-Only Operating Permit in Bristol Township, **Bucks County**. The facility is a sewage pumping station consisting of an odor removal scrubber (Source Id C01) and a 364 BHP-emergency generator (Source Id 103). The emergency engine is subject to the regulations of 40 CFR Part 60 Subpart IIII. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-00252: H&K Group Inc (394 S. Sanatoga Road, Pottstown, PA 19464) for a Renewal Non-Title V Facility, State-Only Permit in Lower Pottsgrove Township, **Montgomery County**. H&K does rock crushing and screening at this location. No new changes are being made to the permit at this time. The facility is still subject to 40 CFR 60 Subpart OOO. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

23-00048: West Rock CP, (100 McDonald Boulevard, Aston, PA 19014-3202) for the renewal of a synthetic minor operating permit for their facility located in Chester Township, **Delaware County**. This action is to renew the facility's Operating Permit. This facility manufactures corrugated paper for use in cardboard boxes. The renewal will include monitoring, recordkeeping and reporting 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.

39-00009: Martins Creek, LLC, Allentown CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Allentown CTS Turbine Site located in City of Allentown, **Lehigh County**. The facility is currently operating under Title V Operating Permit 39-00009; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include four (4) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

40-00017: Martins Creek, LLC, Jenkins CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Jenkins CTS Turbine Site located in Laffin Borough, **Luzerne County**. The facility is currently operating under Title V Operating Permit 40-00017; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

40-00022: Martins Creek, LLC, Harwood CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Harwood CTS Turbine Site located in Hazle Township, **Luzerne County**. The facility is currently operating under Title V Operating Permit 40-00022; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) General Electric Frame 5/Model L, 269 MMBtu/hour diesel-fired combustion turbines.

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.

48-00034: Lafayette College (730 High St, Easton, PA 18042) intends to issue a State Only (Synthetic Minor) Operating Permit for their facility located in the City of Easton, **Northampton County**. The facility is currently operating under Title V Operating Permit 48-00034; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) 30 MMBtu/hr No. 2 and natural gas-fired Keeler boilers, and two (2) 29.5 MMBtu/hr No. 2 and natural gas-fired Nebraska boilers. Other sources at the

facility include miscellaneous small natural gas-fired boilers and hot water heaters, miscellaneous natural gas-fired emergency generators, one (1) diesel-fired emergency generator, two (2) diesel-fired emergency fire pumps, and diesel and No. 2 fuel oil storage tanks. 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.

54-00011: Martins Creek, LLC, Fishbach CTS Site (835 Hamilton Street, Suite 150, Allentown, PA 18101) intends to issue a State Only (Synthetic Minor) Operating Permit for their Fishbach CTS Turbine Site located in Norwegian Township, **Schuylkill County**. The facility is currently operating under Title V Operating Permit 54-00011; however, the permittee has requested voluntary emissions caps in order for the facility to be designated as a Synthetic Minor and below major source thresholds to avoid RACT 2 applicability. The facility's main sources include two (2) Pratt-Whitney, 282 MMBtu/hour diesel-fired combustion turbines.

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 Elmer-ton Avenue, Harrisburg, PA 17110.

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

36-03005: Intelligencer Printing Co., Inc. (330 Eden Road, PO Box 1768, Lancaster, PA 17608) to issue a renewal of a State Only Operating Permit for the printing operation in Manheim Township, **Lancaster County**. Actual emissions from the facility in 2015 after control were 0.50 ton per year (tpy) CO, 0.59 tpy NO_x, 0.04 tpy PM₁₀ and PM_{2.5}, and 12.4 tpy VOCs. One (1) emergency generator is subject to MACT 40 CFR Part 63 Subpart ZZZZ and the presses are subject to 25 Pa. Code § 129.67b, "Control of VOC emissions from offset lithographic printing presses and letterpress printing presses." The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

38-03017: Keystone Spikes Corp. (255 N. Lincoln Avenue, Lebanon, PA 17046) to issue a State Only Operating Permit for the railroad spike manufacturing facility located in Lebanon City, **Lebanon County**. The potential emissions from the facility are estimated at 0.99 tpy of PM₁₀, 3.88 tpy of SO_x, 6.90 tpy of NO_x, 4.59 tpy of CO and 0.29 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code § 129.63 Degreasing operations and 25 Pa. Code § 123.22 Combustion units.

36-05164: Bigbee Steel & Tank Company (4535 Elizabethtown Road, Manheim, PA 17545) to issue a State Only Operating Permit for the steel tank manufacturing facility located in Rapho Township, **Lancaster**

County. The actual emissions from the facility in 2015 year are estimated at 10.5 tpy of VOCs and 4.2 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 25 Pa. Code § 129.52 Surface coating processes and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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-03-00185: Vista Metals Inc. (1024 E. Smithfield Street, McKeesport, PA 15135-1031), In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal State Only Operating Permit (SOOP-03-00185) to Vista Metals Inc. to authorize the continued operation of manufacturing of high-strength tungsten carbide preforms located at their Kittanning Powder Plant located in East Franklin Township, **Armstrong County**.

The facility's main sources and controls include; four (4) Attritors, six (6) Ball Mills, one (1) In-Line Screen, two (2) Ross Dryers, one (1) underground Heptane Storage Tank, one (1) Package Boiler System with five modules each rated at 0.3 MMBtu/hr, two (2) Condensers to capture heptane, and one (1) Torit Fabric Dust Collector rated at 7,100 cfm for particulate matter control.

This facility has the potential to emit the following type and quantity of air contaminants (on an annual basis): 49.92 tons of VOC, 0.10 ton of PM₁₀, 0.11 ton of NO_x, and 0.10 ton of CO. SO_x being minimal is not included. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the operating permit have been derived from the applicable requirements of RACT and 25 Pa. Code Chapters 121—145.

Vista Metals 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 Jesse Parihar at jparihar@pa.gov or 412.442.4030.

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 03-00185) 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.

43-00034: Dunbar Asphalt Products, Incorporated Wheatland Plant (PO Box 477, Wheatland, PA 16161) for renewal of the Synthetic Minor Permit to operate an asphalt paving mixtures and block manufacturing facility. The facility's emitting sources include the Rotary Dryer Barber Greene Plant 2 Batch Mix Asphalt (BMA) plant with the associated asphalt handling and storage and the Rotary dryer McCarter Plant 4 BMA plant with the associated asphalt handling and storage. The facility is located in Wheatland Borough, **Mercer County**. The facility is a synthetic minor based on limiting CO emissions. The CO emissions are limited based on a production restriction of 495,000 tons product per year based on 12-month rolling total for the facility-wide production. The actual emissions reported by the facility for 2015 were 35.8 TPY CO, 2.0 TPY NO_x, 14.2 TPY PM₁₀, 0.5 TPY SO_x, and 2.1 TPY VOC.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

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

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

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Morello Funeral Home, d/b/a Palmer Crematory Services** (3720 Nicholas Street, Easton, PA 18045) for their facility located in Palmer Township, **Northampton County**.

Plan Approval No. 48-00107A is for the construction and operation of a human cremator. This facility is a Non

Title V facility. The company has applied to operate the cremator without interlock system & opening of the chamber before it cools to 1,500°F. The company shall comply with 123.41 for opacity. The company will operate the cremator and maintain the system in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No.: 48-00107A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Environmental Group Manager, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone 570-826-2511 within 30 days after publication date.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to **Vita-Line Products Inc.** (1111 North Park Drive, Humboldt Industrial Park, Hazleton, PA 18202) for their facility to be located in Hazle Twp, **Luzerne County**. This Plan Approval No. 40-00123A will be incorporated into a Synthetic Minor Permit through an administrative amendment at a later date.

Plan Approval No. 40-00123A is for the installation of an odor control device. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code § 123.41 for Visible emissions. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting

the comments, identification of the proposed permit No.: 48-00107A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). Mining activity permits issued in response to such applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding a mining permit application should contain the name, address and telephone number of persons submitting comments or objections, application number and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for

an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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

17060110 and NPDES PA0256421. Bell Resources, Inc. (1340 Hoyt Road, Curwensville, PA 16833). Permit renewal for continued operation and restoration of a bituminous surface mine located in Bloom and Penn Townships, **Clearfield County** affecting 361.9 acres. Receiving stream(s): several Unnamed Tributaries to Bell Run and Bell Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2016.

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

Permit No. 35910101R5 and NPDES Permit No. PA0595187. Pioneer Aggregates, Inc., (215 East Saylor Avenue, Laflin, PA 18702), renewal of an existing anthracite surface mine operation and NPDES Permit for discharge of treated mine drainage in Fell Township, **Lackawanna County** affecting 425.0 acres, receiving stream: Wilson Creek, classified for the following uses: cold water and migratory fishes. Application received: November 3, 2016.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

59020301. Chad E. Cross (19316 Route 6, Mansfield, PA 16933). Permit revision to the permit boundary on noncoal industrial minerals surface mine in Lawrence Township, **Tioga County**, affecting 16.6 acres. Receiving stream(s): Harts Creek to Tioga River classified for the following use(s): WWF. There are no potable water supply intakes within 10 miles downstream. Application received: October 31, 2016.

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

Permit No. 64030809. Rowe Brothers, (2252 Owego Turnpike, Honesdale, PA 18431), Stage I & II bond release of a quarry operation in Cherry Ridge Township, **Wayne County** affecting 5.0 acres on property owned by Joseph Rowe and Randy Rowe. Application received: October 31, 2016.

MINING ACTIVITY NPDES DRAFT PERMITS

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

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

Effluent Limits for Coal Mining Activities

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

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
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. PA0236268 (Mining Permit No. 30130701), Consol Pennsylvania Coal Company LLC, (1000 Consol Energy Drive, Canonsburg, PA 15317). A new NPDES and mining activity permit for the Bailey Central Mine Complex Coal Refuse Disposal Areas No. 7 and No. 8 in Richhill and Morris Townships, **Greene County** for a new NPDES outfall from sediment pond for the future Coal Refuse Disposal Area No. 8 at the Bailey Central Mine Complex. Surface Acres Affected 109.5 during site construction, 565.0 during disposal area operation. Receiving stream: Boothe Run, classified for the following use: WWF. The application was considered administratively complete on July 22, 2015. Application received June 18, 2015.

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

The permittee is authorized to discharge during the period from Permit Effective Date through Start of Refuse Placement.

Outfall 801 discharges to: Boothe Run

The proposed effluent limits for Outfall 801 (Lat: 39° 48' 41.3" Long: -80° 22' 41.9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0	-
				Max	
Iron	(mg/l)	-	1.92	3.84	4.8
Manganese ^d	(mg/l)	-	2.0	4.0	5.0
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids ^d	(mg/l)	-	35.0	70.0	90.0
Total Dissolved Solids	(mg/l)	-	Report	Report	-

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

The permittee is authorized to discharge during the period from Start of Refuse Placement through Permit Expiration. *Outfall 801* discharges to: Boothe Run

The proposed effluent limits for *Outfall 801* (Lat: 39° 48' 41.3" Long: -80° 22' 41.9") are:

<i>Parameter</i>		<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow	(mgd)	-	Report	Report	-
pH	(S.U.)	6.0	-	9.0 Max	-
Iron	(mg/l)	-	1.5	3.0	3.8
Manganese	(mg/l)	-	1.0	2.0	2.5
Aluminum	(mg/l)	-	0.75	0.75	-
Total Suspended Solids	(mg/l)	-	35.0	70.0	90.0
Osmotic Pressure	(mOs/kg)	-	50	100	-
Selenium	(ug/l)	-	4.6	9.2	-
Mercury	(ug/l)	-	0.05	0.1	-
Sulfate	(mg/L)	-	Report	Report	-
Chloride	(mg/L)	-	Report	Report	-
Total Dissolved Solids	(mg/l)	-	Report	Report	-
Alkalinity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Acidity, total (as CaCO ₃)	(mg/l)	-	Report	Report	-
Alkalinity Net, total (as CaCO ₃)	(mg/l)	0.0	-	-	-

This permit is not subject to the EPA waiver.

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

NPDES No. PA0251941 (Mining permit no. 63090101), Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, renewal NPDES permit for a bituminous surface mine in Nottingham Township, **Washington County**, affecting 399.3 acres. Receiving streams: unnamed tributaries to Mingo Creek, Mingo Creek and Sugar Creek, classified for the following use: HQ-TSF. Application received: May 19, 2016.

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

The outfalls listed below will be using a non-discharge alternative (treatment facilities).

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
015	N	Mine Drainage Treatment

The proposed instantaneous limits for outfall 015 are as follows:

<i>Outfall: 015 Parameter</i>	<i>30-day avg.</i>	<i>Daily max</i>	<i>Instant. Maximum</i>
Iron (mg/l)	N/A	N/A	7.0
Manganese (mg/l)	N/A	N/A	5.0
Aluminum (mg/l)	N/A	N/A	5.0
Total Silver (mg/l)	N/A	N/A	0.0038
Total Suspended Solids (mg/l)	N/A	N/A	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water

Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in

writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E06-710: PennDOT Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101. In Exeter and Robeson Townships, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To (1) remove existing structure and (2) to install and maintain a 460-foot × 53-foot bridge over Schuylkill River (WWF, MF) with rip-rap scour protection for the purpose of improving transportation safety and roadway standards. The project proposes to have a total of 460 linear feet of permanent stream and 0.2 acre of permanent floodway impacts. The project is located on SR 2017 Section 01B in Exeter and Robeson Townships, Berks County (Latitude: 40° 17' 20.9"; Longitude: -75° 52' 03.9").

E67-923: Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd floor, Pittsburgh, PA 15275 in Lower Windsor & Chanceford Townships, **York County**, U.S. Army Corps of Engineers Baltimore District.

The applicant proposes to remove the existing structure and 1) to construct and maintain a 90.0-foot long by 34.0-foot wide concrete spread box beam bridge with an average underclearance of approximately 17.0 feet across Fishing Creek (TSF, MF) and 2) to relocate 107 linear feet of an unnamed tributary to Fishing Creek (CWF, MF) to accommodate the new bridge structure, and 3) to impact 0.071 acre of floodway of Fishing Creek (CWF, MF), all for the purpose of replacing the existing structurally deficient bridge and improve roadway safety standards along SR 0425 in Lower Windsor Township and Chanceford Township, York County (USGS Quadrangle: Safe Harbor, PA; Latitude: 39° 56' 23"; Longitude: -76° 29' 12").

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E08-497. Rome Township, 38507 Route 187, Rome, PA 18837, Rome Township, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District.

Rome Township has applied for a joint permit to install R6 Rock Riprap along both banks (west/left bank—700' length/east/right bank—430' length) through an 1,120' reach of Parks Creek to reduce sediment delivery to waters of the Commonwealth. Geotextile fabric will be

installed behind the placed riprap, as well as a 2' core trench and 6' bank keys to prevent slumping, undercutting, and/or flanking. Riprap will be placed at a 1.5:1 slope to minimize projection in to the stream channel.

The project is located at Quadrangle, Latitude: 41° 53' 2.6739", Longitude: -76° 20' 2".

District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701.

E5929-059: Howard Energy Partners, LLC, 37 Fox Chase Drive, Towanda, PA, 18848-9060, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 949 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°36'09"N, 77°06'23"W);

2) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,111 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'05"N, 77°06'19"W);

3) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 50 linear feet of an unnamed tributary to Blacks Creek (CWF) (Liberty, PA Quadrangle 41°36'06"N, 77°06'21"W);

4) A temporary road crossing using timber mats impacting 527 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°36'05"N, 77°06'19"W);

5) A temporary road crossing using timber mats impacting 68 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'38"N, 77°06'35"W);

6) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,051 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'36"N, 77°06'43"W);

7) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,499 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'35"N, 77°06'52"W);

8) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 991 square feet of a palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°35'36"N, 77°07'05"W);

9) A temporary road crossing using timber mats, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,275 square feet of a palustrine emergent (PEM) wetland and 52 linear feet of Blacks Creek (CWF) (Liberty, PA Quadrangle 41°35'36"N, 77°07'09"W).

The project will result in 11,360 square feet (0.26 acre) of temporary wetland impacts and 102 linear feet of temporary stream impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County.

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).

Location	Permit Authority	Application Type or Category
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 Permit Renewal Amendment Actions

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0047228 (Sewage)	Pennsbury Village 1043 Pennsbury Boulevard Pittsburgh, PA 15205-1643	Allegheny County Pennsbury Village Borough	Unnamed Tributary of Chartiers Creek (20-F)	Yes

This Amendment changes the sampling frequency of D.O., TRC and pH of the STP effluent from 1/day to 4/week for this permit cycle.

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?
PA0208779 (Industrial)	Wickett & Craig-Curwensville Tannery 120 Cooper Road Curwensville, PA 16833	Clearfield County Curwensville Borough	West Branch Susquehanna River (8-B)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0221783 (Sewage)	Crystal Springs MHP PO Box 52 900 S Railroad Street Penn, PA 15675-0052	Butler County Mercer Township	Unnamed Tributary to McDonald Run (20-C)	Yes

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

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

NPDES Permit No. PA0027081, Sewage, SIC Code 4952, **Lackawanna River Basin Sewer Authority**, P.O. Box 280, Olyphant, PA 18447-0280.

This existing facility is located in Clinton Township, **Wayne County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated sewage.

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

NPDES Permit No. PA0023531 A-1, Sewage, SIC Code 4952, **Danville Municipal Authority**, 12 West Market Street, Danville, PA 17821.

This existing facility is located in Danville Borough, **Montour County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit Amendment for an existing discharge of treated Sewage.

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

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

WQM Permit No. 6316402, Sewage, SIC Code 4952, **North Strabane Township Municipal Authority Washington County**, 68 E Pike Street, Canonsburg, PA 15317-1375.

This proposed facility is located in Cecil Township, **Washington County**.

Description of Proposed Action/Activity: Installation of approximately 10,000 linear feet of 8 inch diameter sanitary sewer to serve the Christy Road area in the Little Chartiers Creek Watershed.

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

WQM Permit No. WQG01251609, Sewage, SIC Code 8800, **Andrea & Robert Lorman**, 9573 New Road, North East, PA 16428.

This proposed facility is located in Greenfield Township, **Erie County**.

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916013	Parkwood Real Estate Trust, LLC 2451 Parkwood Drive Allentown, PA 18103	Lehigh	City of Allentown Salisbury Township	Little Lehigh Creek (HQ-CWF, MF)

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems

PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

General Permit Type—PAG-02

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

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lynn Township Lehigh County	PAG02003916016	Kevin L. & Heather A. Utt 7573 Springhouse Rd. New Tripoli, PA 18066	Ontelaunee Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

Northcentral Region: Watershed Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Facility Location & Municipality

<i>Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of DuBois Clearfield Cnty	PAC170002	Sheeta, Inc. 5700 Sixth Ave Altoona, PA 16602	Sandy Lick Creek, TSF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629
Muncy Twp Lycoming Cnty	PAG02004112029(5)	Aubrey Alexander Blaise Alexander Family LTD 10 Alexander Drive Muncy, PA 17756	Turkey Run, WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
West Beaver Twp Snyder Cnty	PAG02005516003	Josh Renninger 83 Edminston Lane Beaver Springs, PA 17812	Trib 12426 to Jacks Creek, CWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
White Deer Twp Union Cnty	PAC600001	GAF Keystone LLC c/o Patrick Crowley 14911 Quorum Drive Ste 600 Dallas, TX 75254	UNT to the West Branch of the Susquehanna River, WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860
Limestone Twp Union Cnty	PAC600003	Linus Martin 736 Hess Rd Mifflinburg, PA 17844	Penns Creek, WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

General Permit Type—PAG-03

<i>Facility Location Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Brothersvalley Township Somerset County	PAG036166	New Enterprise Stone & Lime Co. Inc. 3912 Brumbaugh Road P.O. Box 77 New Enterprise, PA 16664	Wilson Creek—19-F	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Greenfield Township Erie County	PAG041215	Andrea & Robert Lorman 9573 New Road North East, PA 16428	Unnamed Tributary to West Branch French Creek—16-A	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814.332.6942

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
McKean Township Erie County	PAG088314	Sun Communities 27777 Franklin Road Suite 200 Southfield, MI 48034	Countryside Estates 2 Sharon Drive McKean, PA 16426	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-10

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks, Blair, Cumberland, Dauphin, Huntingdon, Juniata, Lancaster, Lebanon and York Counties/Multiple Municipalities	PAG103570	Sunoco Pipeline LP 535 Fritztown Rd Sinking Spring, PA 19608	to Unnamed Tributary to Marsh Run, Unnamed Tributary of Yellow Breeches Creek, Raystown Branch Juniata River, Unnamed Tributary to Spring Creek, Yellow Breeches Creek, Unnamed Tributary to Quittapahilla Creek, Unnamed Tributary of Spring Creek, Unnamed Tributary of Blair Gap Run, East Branch Conestoga River, Unnamed Tributary to Locust Creek, Unnamed Tributary to George Creek, Tuscarora Creek, Blair Run, Little Trough Creek, Unnamed Tributary to Cedar Run, Unnamed Tributary to Susquehanna River, Frankstown Branch Juniata River, Unnamed Tributary to Yellow Breeches Creek, Unnamed Tributary to Raystown Branch Juniata River, Dry Run, Locust Creek, Unnamed Tributary to Tuscarora Creek, Unnamed Tributary to Iron Run, Conodoguinet Creek, James Creek, Middle Creek, Aughwick Creek, Susquehanna River, Unnamed Tributary to Little Cocalico Creek, Swatara Creek, Unnamed Tributary to Conestoga River, Unnamed Tributary to Middle Creek, Unnamed Tributary to Swatara Creek, Unnamed Tributary to Conodoguinet Creek, Unnamed Tributary of Locust Creek, Unnamed Tributary of Beaverdam Branch, Unnamed Tributary of Swatara Creek, George Creek, Unnamed Tributary to East Branch Conestoga River, and Bloser Creek in Watershed(s) 12-C, 7-E, 7-J, 7-C, 11-D, 7-B, 7-D, 11-A, and 12-B	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

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

Permit No. 0887503-T1 and MA-GWR-T1—Transfer/Operation—Public Water Supply.

Applicant	DeMorgan Acres Mobile Home Park
Township/Borough	Canton Township
County	Bradford
Responsible Official	Cindy Ridall, Owner DeMorgan Acres, LLC 1104 Dunbar Road Troy, PA 16947
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	November 9, 2016
Description of Action	Approve the use of groundwater sources known as Well Nos. 1 and 3 to supply water to DeMorgan Acres, LLC, disinfection, transmission mains, finished water storage, distribution facility and 4-log inactivation of viruses at Entry Point 101.

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

Operation Permit issued to Ronald & Robert Krenitsky, PWSID No. 5100009, Connoquenessing Township, **Butler County**. Permit Number 1015505 issued November 8, 2016 for the operation of Well No. 4. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on October 12, 2016.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Under the Pennsylvania Sewage Facilities Act (35 P.S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Windsor Township	2425 Craley Road Wrightsville, PA 17368	York

Plan Description: The planning module for the Gerald Buser proposed development, DEP Code No. A3-67937-331-2, APS Id No. 923640 and Auth ID No. 1152422, consisting of a one lot single-family residential development on 44 acres with total proposed sewage flows of 400 gpd to be treated by an individual on-lot disposal system is disapproved. The proposed development is located on Spyker Lane, south of East Prospect Road in Lower Windsor Township, York County. This plan is disapproved because, in the preliminary hydrogeologic study background nitrate-nitrogen assessment, samples not hydrogeologically linked to the actual site were used to portray background levels. Samples not linked to the tract were used to lower the average nitrate-nitrogen concentration. The groundwater sample that most accurately represents the shallow groundwater characteristics at the site has a nitrate-nitrogen concentration of 16.8 mg/l. This is greater than the US EPA maximum contaminant level. The groundwater is already polluted; therefore, the use of an on lot sewage disposal system is not approvable for this site. Pursuant to Section 606 of the Clean Streams Law, when groundwater at the site is already polluted, a proposal for a new or increased discharge to that polluted groundwater cannot be approved. The proposal, as submitted, will potentially create a public health hazard and further contamination of the waters of the Commonwealth.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

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

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

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

The Department has received the following plans and reports:

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

Shaskas South Well Pad, 118 Hart Road, Jessup Township, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of J.P. Reilly Construction LP, 559 Turnpike Road, Friendsville, PA 18801, submitted a Final Report concerning remediation of site soils contaminated with strontium. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

GROWMARK FS, LLC, 3150 Stoney Point Road, East Berlin, PA 17316, Latimore Township, **Adams County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9340, on behalf of GROWMARK FS LLC, 308 NE Front Street, Milford, DE 19963, submitted a Remedial Investigation Report concerning site soils and groundwater contaminated with herbicides and fertilizers from the operation of an agrochemical business. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health and Site Specific Standards.

FCI USA, Inc., 320 Busser Road, Emigsville, PA 17318-0248, Manchester and Springettsbury Townships, **York County**. HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, on behalf of AFCI Americas, 825 Old Trail Road, Etters, PA 17319, submitted a

Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with Chlorinated Solvents. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Bonnell Run H & FC Pad D, Pine Township, **Lycoming County**. Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Anadarko E & P Onshore, LLC, 33 West 3rd St., Suite 300, Williamsport, PA 17701, has submitted a Final Report concerning remediation of site soil contaminated with inorganic constituents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Transpro Intermodal Trucking, Inc. I-80 MM 185 Accident Cleanup, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Transpro Intermodal Trucking, Inc., 3070 Bristol Pike 2-100, Bensalem, PA 19020, has submitted a Final Report concerning remediation of site soils contaminated with motor 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:

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

H. Petersen Pad 1, 4365 Meshoppen Creek Road, **Susquehanna County**. Resource Environmental Management, Inc., 50 Maple Street, Montrose, PA 18801, on behalf of Cabot Oil & Gas Corporation, 2000 Park Lane, Suite 300, Pittsburgh, PA 15275, submitted a Final Report concerning the remediation of site soils contaminated with aluminum, barium, boron, iron, lithium, manganese, selenium, strontium, vanadium, and zinc. The Final Report demonstrated attainment of the Statewide Health and Background Standard, and was approved by the Department on November 7, 2016.

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

Tate Access Floors, Inc., 52 Springvale Road, Red Lion, PA 17356-0398, Windsor Township, **York County**. Amec Foster Wheeler, 800 North Bell Avenue, Carnegie, PA 15106, on behalf of USG Corporation, P.O. Box 6721, Chicago, IL 60680-6721, submitted a Remedial Investigation and Risk Assessment Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents. The report was approved by the Department on November 9, 2016.

Steico, Inc. Property/DC Goodman & Sons Release, 5538-5608 Sixth Avenue, Altoona, PA 16602, City of Altoona, **Blair County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16602, on behalf of Steico, Inc., 5700 Sixth Avenue, Altoona, PA 16602, and D.C. Goodman & Sons, Inc., 314 Allegheny Street, Huntingdon, PA 16652, submitted a Final Report concerning site soils and groundwater contaminated with hydraulic fluid released in a vehicle accident. The Final Report demonstrated attainment of the Residential Statewide Standard, and was approved by the Department on November 4, 2016.

Area Storage & Transfer Diesel & UMO Release, 5005 Lincoln Highway, Knizers, PA 17535, Salisbury Township, **Lancaster County**. JK Environmental Services LLC, P.O. Box 509, Lafayette Hill, PA 19444, on behalf of Premium Environmental, 5032 South Plaza Drive, P.O. Box 370, Newburgh, IN 47629, and Roamers Retreat Campground LLC, 5005 Lincoln Highway, Kniz-

ers, PA 17535, submitted a Final Report concerning remediation of site soil contaminated with diesel fuel and used motor oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on November 4, 2016.

Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.

Former PPL EU Site, 10 West 8th Street, Mt. Carmel Borough, **Northumberland County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of PPL Electric Utilities Corporation, 1639 Church Road, Allentown, PA 18104, submitted a Combined Remedial Investigation, Risk Assessment, Cleanup Plan and Final Report concerning the remediation of site soil contaminated with concentrations of polychlorinated biphenyls (PCBs) and arsenic. The Combined Remedial Investigation, Risk Assessment, Cleanup Plan and Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on October 31, 2016.

Transpro Intermodal Trucking, Inc. I-80 MM 185 Accident Cleanup, Greene Township, **Clinton County**. Northridge Group, Inc., P.O. Box 231, Northumberland, PA 17857, on behalf of Transpro Intermodal Trucking, Inc., 3070 Bristol Pike 2-100, Bensalem, PA 19020, submitted a Final Report concerning remediation of site soils contaminated with motor oil. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 8, 2016.

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

Almono Site (Eliza Furnace & Monongahela Connecting Railroad Parcels), Second Avenue, City of Pittsburgh, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110 on behalf of Almono, LP, 225 Fifth Avenue, Pittsburgh, PA 15222 and RIDC/RIDC Growth Fund, 210 Sixth Avenue, Suite 3620, Pittsburgh, PA 15222, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with semi-volatile organic compounds and metals. The Final report demonstrated attainment of the Site Specific standard for soil and groundwater and was approved by the Department on November 2, 2016.

HAZARDOUS WASTE TRANSPORTER LICENSE

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

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

Renewal Applications Received

Transwaste, Inc., 3 Barker Drive, Wallingford, CT 06492. License No. PA-AH 0674. Effective Nov 03, 2016.

Hazardous Waste Transporter License Issued

Castelli Development Corporation LLC DBA Castelli Oil & Gas, 1868 Lions Club Road, New Alexandria, PA 15670. License No. PA-AH 0851. Effective Nov 10, 2016.

**OPERATE WASTE PROCESSING OR DISPOSAL
AREA OR SITE**

Permit(s) issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

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

Permit No. 101217. Northern Tier Solid Waste Authority, P.O. Box 10, Burlington, PA 18814, Delmar Township, **Tioga County**. Modifications to the Tiadaghton Transfer Station to accept construction demolition waste. The permit was issued by Northcentral Regional Office on October 19, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, PE, 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.

Permit No. 101243. Northern Tier Solid Waste Authority, P.O. Box 10, Burlington, PA 18814, West Burlington Township, **Bradford County**. Modifications to the landfill gas extraction well construction method. The permit was issued by Northcentral Regional Office on November 8, 2016.

Persons interested in reviewing the permit may contact Lisa D. Houser, PE, 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.

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

Permit Application No. 101187. County Landfill, Inc., 344 Wally Run Drive, P.O. Box 237, Leeper, PA 16233-4128; Farmington Township, **Clarion County**. County Landfill is a closed municipal waste landfill. This application is a major modification of the approved Closure Plan. The landfill has requested off-site trucking of leachate as the primary disposal method. The permit modification was issued on November 3, 2016. The application was received May 12, 2016. The application was found to be administratively complete by the Northwest Regional Office on June 9, 2016.

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.

GP3-15-0075: Highway Materials (850 Crusher Road, Downingtown, PA 19335) On November 3, 2016 for a portable non-metallurgical mineral processing plant in East Caln Township, **Chester County**.

GP9-15-0030: Highway Materials (850 Crusher Road, Downingtown, PA 19335) On November 3, 2016 for use of two (2) diesel or No. 2 Fuel Oil fired internal combustion units in East Caln Township, **Chester County**.

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

Contact: Raymond Kempa, New Source Review Chief—Telephone: 570-826-2531.

GP3-58-047: F.S. Lopke Contracting Inc (3430 State Route 434, Apalachin, NY 13732) on November 2, 2016 for the construction and operation of a Portable Crushing Operation with watersprays at McNeice Quarry the site located in Liberty Twp., **Susquehanna County**.

GP9-58-047: F.S. Lopke Contracting Inc (3430 State Route 434, Apalachin, NY 13732) on November 2, 2016 for the construction and operation of diesel engines at McNeice Quarry site located in Liberty Twp., **Susquehanna County**.

GP4-48-001: Pulverman (1170 Lower Demunds Road, Dallas, PA 18612) on November 01, 2016, for the operation of burn off oven controlled by after burner at the facility located in Dallas Township, **Luzerne County**.

GP3-35-012A: Popple Construction Inc. (215 E. Saylor Avenue, Laflin, PA 18702) on October 26, 2016 for the construction and operation of a Portable Crushing Operation with watersprays at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

GP11-35-012A: Popple Construction Inc. (215 E. Saylor Avenue, Laflin, PA 18702) on October 26, 2016 for the installation and operation of Diesel I/C engines at the Lackawanna Energy Center located in Jessup Borough, **Lackawanna County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

GP3-24-186A: JM Delullo Stone Sales/Advanced Disposal (1247 Million Dollar Hwy., Kersey, PA 15846) on October 27, 2016, for the authority to operate a diesel fired internal combustion engine (BAQ-GPS/GP3) located at their facility in Fox Township, **Elk County**.

GP5-33-176C: Alliance Petroleum Corp (4150 Belden Village Ave., NW, Suite 410, Canton, OH 44718) on October 25, 2016, for the authority to operate a natural gas fired compressor engine (Caterpillar G3508LA) and condensate storage tank (BAQ-GPS/GP5) located at their facility in Pine Creek Township, **Jefferson County**.

GP11-37-332H: Amerikohl Aggregates, Inc. (1384 State Route 711, Stahlstown, PA 15687) on October 25, 2016, for the authority to install and operate a diesel or No. 2 fuel fired nonroad internal combustion engine (Perkins P1104D-E44TA) (BAQ-GPS/GP11) located at their facility in Wayne Township, **Lawrence County**.

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

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

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

36-05107F: Pepperidge Farm Inc. (2195 N. Reading Road, Denver, PA 17517) on October 25, 2016, for the installation of a new catalytic oxidizer to replace Catalytic Oxidizer 6 at the bakery located in East Cocalico Township, **Lancaster County**.

36-05092B: Greiner Industries Inc. (1650 Steel Way, Mount Joy, PA 17552) on November 1, 2016, for the construction of a spray paint booth at the structural steel manufacturing facility located in Mount Joy Township, **Lancaster County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

20-310A: Reed Oil Company/Harned Oil Bulk Plant (10470 Pymatuning Ave., Conneaut Lake, PA 16316) on October 26, 2016 issued a Plan Approval to install and operate sixteen (16) storage tanks of various sizes, storing various petroleum products, and associated loading operations at their facility in Conneaut Lake Township, **Crawford County**.

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

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

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

46-0007: Holy Redeemer Hospital & Medical Center (1648 Huntingdon Pike, Meadowbrook, PA 19046-8001) On November 3, 2016 for the installation of a Cogeneration Generator System in Abington Township, **Montgomery County**.

09-0184A: Doylestown Hospital (595 W State Street, Doylestown, PA 18901) On November 3, 2016 to install a 1,600 kW natural gas-fired cogeneration unit with oxidation catalyst in Doylestown Township, **Bucks County**.

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

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

36-05107D: Pepperidge Farm, Inc. (2195 North Reading Road, Denver, PA 17517) on November 1, 2016, for the installation of a new Catalytic Oxidizer 5 to control Cracker Oven 8 and re-routing the exhaust so only Cracker Oven 7 exhausts to Catalytic Oxidizer 4 at the Pepperidge Farm bakery located in East Cocalico Township, **Berks County**. The plan approval was extended.

06-05077D: Can Corporation of America (326 June Avenue, Blandon, PA 19510-0170) on November 1, 2016, for replacing a sheet coater and a sheet coater oxidizer in its Blandon plant located in Maiden Creek Township, **Berks County**. The plan approval was extended.

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

Contact: Alan Binder, PE, Environmental Engineer Manager—Telephone: 412-442-4168.

PA-26-00500C: Contura Pa Coal Terminal (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370) Plan Approval extension issuance date effective October 28, 2016, to prepare and submit operating permit application for their LaBelle facility located in Luzerne Township, **Fayette County**.

PA-56-00319A: Rosebud Mining Company (301 Market Street, Kittanning, PA 16201) plan approval extension effective on October 29, 2016, for construction and temporary operation of air contamination sources and controls associated with a coal preparation plant at its Stoneycreek Mine in Quemahoning Township, **Somerset County**.

PA-03-00244A: Dominion Transmission, Inc. (5000 Dominion Blvd—2NW, Glen Allen, VA 23060) on November 2, 2016, plan approval PA-03-00244A, modification issued to replace the old boiler with a new boiler rated at 5.25 MMBtu/hr equipped with a low NO_x burner at their Rural Valley Compressor Station located in Valley Township, **Armstrong County**.

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

Contact: David Balog, New Source Review Chief—Telephone: 814-332-6328.

10-001N: AK Steel Butler Works (P.O. Box 832, Butler, PA 16003) on November 2, 2016, effective November 30, 2016, will issue a plan approval extension for the modification of the # 26 Carlite Furnace which includes increasing the line speed of the unit from 440 fpm to 580 and installation of new low NO_x burners (increasing the fire rate from 24.4 mmbtu/hr to 26.8 mmbtu/hr). This is a Title V facility.

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

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

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

38-03016: PA Precision Cast Parts, Inc. (1521 N. 3rd Avenue, PO Box 1429, Lebanon, PA 17042-1429) on October 25, 2016, for the steel investment foundry located in Lebanon City, **Lebanon County**. The State-only permit was renewed.

67-03157: SWF Industrial (6287 Lincoln Highway, Wrightsville, PA 17368) on October 25, 2016, for the metal products fabrication facility located in Hellam Township, **York County**. The State-only permit was renewed.

06-03134: Sensory Effects, Inc. (136 Fox Run Drive, Defiance, OH 43512-1394) on October 24, 2016, for the spray drying facility located in Exeter Township, **Berks County**. The State-only permit was renewed.

36-05135: Stylecraft Corp. (PO Box 740, Terre Hill, PA 17581-0740) on November 1, 2016, for the wood kitchen cabinet manufacturing facility located in Terre Hill Borough, **Lancaster County**. The State-only permit was renewed.

22-03046: Pennsy Supply, Inc. (1001 Paxton Street, PO Box 3331, Harrisburg, PA 17105-3331) on November 1, 2016, for the stone crushing operation at the Fiddlers Elbow North Quarry facility located in Lower Swatara Township, **Dauphin County**. The State-only permit was renewed.

01-05017: QG Printing II Corp. (N61 W23044 Harry's Way, Sussex, WI 53089) on November 1, 2016, for the book printing facility located in Fairfield Borough, **Adams County**. The State-only permit was renewed.

06-03062: Theo C. Auman, Inc. (247 Penn Street, Reading, PA 19601-4047) on November 2, 2016, for the human crematory unit at the facility located in Reading City, **Berks County**. The State-only permit was renewed.

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

Contact: Matt Williams, Facilities Permitting Chief at Telephone: 814-332-6940.

25-00911: Humane Society of Northwestern Pennsylvania (2407, Zimmerly Road, Erie, PA 16506-4905) on November 1, 2016 issued a renewal of the Natural Minor Operating Permit to operate a pet shelter and cremator located in Millcreek Township, **Erie County**. The emitting sources include the Incinerator equipped with a secondary chamber. The emission of pollutants from the facility is less than the Title V threshold-limits. Thus, the facility is natural minor. The emission of VOC and Criteria Pollutants from the facility is less than the Title V threshold.

42-00184: Keystone Powdered Metal Company, Lewis Run Plant (1 American Way, Sharon, PA 16146) on November 7, 2016 issued the renewal Natural Minor Operating Permit to operate a powder metal components manufacturing company located in Lewis Run Borough, **Mckean County**. The emitting sources include: Source ID # 105: # 4733 Induction Heat Treater, Source ID # 1461: 4' x 8' Electric Sintering Furnace, 48' Electric Sintering Furnace, Source ID # 2744: 48' Electric Sintering Furnace—Pusher, Source ID # 4206: 48' Electric Sintering Furnace—Belt, Source ID # 5417: 32' Electric Sintering Furnace—Belt, Source ID # 5941: # 5941 32' Electric Sintering Furnace—Belt, Source ID # 6490: Tempering Furnace, Source ID # 6617: Samsco Unit (Water Evaporator), Source ID # 6967: Emergency Generator, Source ID # 7001: Parts Washer, and Source ID # 7812: Induction Heat Treater. The two heat treat furnaces and the tempering furnace are controlled by individual smog hogs. The permit contains the requirements of the previous applicable plan approvals, as well as recordkeeping, work practice requirements and additional requirements to demonstrate compliance with the Clean Air Act. The emergency generator engine is subject to 40 CFR 63 Subpart ZZZZ pertaining to the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The potential emissions from the facility stated in the permit application are: Total Particulate Matter 0.45 Ton per year (TPY), Oxides of Nitrogen 0.86 TPY, Carbon Monoxide 0.72 TPY, and Volatile Organic Compound: 0.07 TPY.

Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215 685 9476.

The City of Philadelphia, Air Management Services (AMS) has intended to issue a Minor State Only Operating Permit for the following facility:

S14-016: Thomas Jefferson University & Hospital (214 S 11th St, Philadelphia, PA 19107) issued October 28, 2016 for University facility in the City of Philadelphia, **Philadelphia County**.

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.

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

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

40-00109: GRUMA Corp. dba Mission Foods (15 Elmwood Avenue, Mountaintop, PA 18707) on November 3, 2016 for the administrative amendment to include all applicable requirements from plan approval number 40-00109A at the site located in Wright Twp., **Luzerne County**.

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

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

36-05106: Premier Custom Built, Inc. (110 Short Street, New Holland, PA 17557-1515) on November 1, 2016, for the wood cabinet manufacturing facility located in East Earl Township, **Lancaster County**. The State-only permit was administratively amended in order to incorporate the requirements of Plan Approval No. 36-05106B.

67-05106: Donsco, Inc. (PO Box 2001, Wrightsville, PA 17368-0040) on October 28, 2016, for the iron foundry located in Wrightsville Borough, **York County**. The State-only permit underwent a significant modification in order to revise the applicability determination for 40 CFR Part 60, Subpart ZZZZZ.

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

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

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

46-00018: Quad Graphics Inc. (N61 W23044) Harry's Way, Sussex, Wisconsin 53089) On November 3, 2016 for revocation of a Title V Operating permit as the facility has ceased operation in Upper Hanover Township, **Montgomery County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law; the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P.S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1002).

Coal Permits Issued

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

03951601 and NPDES No. PA0002275. Murray Keystone Processing, Inc., (46226 National Road, St. Clairsville, OH 43950). To transfer the permit for the Keystone Cleaning Plant in Plumcreek Township, **Armstrong County** and related NPDES permit from Keystone Coal Mining Corporation to Murray Keystone Processing, Inc. No additional discharges. The application was considered administratively complete on January 20, 2016. Application received October 6, 2015. Permit issued November 8, 2016.

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

33110101. MSM Coal Company, Inc. (P.O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface and auger mine in Beaver Township, **Jefferson County**, affecting 30.0 acres. Receiving streams: Unnamed tributary to Reitz Run. This renewal is issued for reclamation only. Application received: August 31, 2016. Permit Issued: November 7, 2016.

33140106. P. and N. Coal Co., Inc. (P.O. Box 332, Punxsutawney, PA 15767) Revision to an existing bituminous surface mine to add auger mining in Washington Township, **Jefferson County**, affecting 892.4 acres. Receiving streams: Rattlesnake Run and unnamed tributaries to Rattlesnake Run, unnamed tributary to Wolf Run, and Harveys Run. Application received: August 1, 2016. Permit Issued: November 7, 2016.

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

Permit No. 54150102. Lone Eagle Coal Company, Inc., (2060 Old Phoenix Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine operation in Foster and Frailey Townships, **Schuylkill County** affecting 147.6 acres, receiving stream: Swatara Creek. Application received: August 10, 2015. Permit issued: November 8, 2016.

Permit No. PAM115023, Lone Eagle Coal Company, Inc., (2060 Old Phoenix Road, Pottsville, PA 17901), General NPDES Stormwater Permit for stormwater discharges associated with mining activities

on Surface Mining Permit No. 54150102 in Foster and Frailey Townships, **Schuylkill County**, receiving stream: Swatara Creek. Application received: August 10, 2015. Permit issued: November 8, 2016.

Permit No. 40663025R6. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 325.0 acres, receiving stream: Black Creek. Application received: March 9, 2016. Renewal issued: November 9, 2016.

Permit No. 40663025C11. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), correction to update the post-mining land use of an existing anthracite surface mine, coal refuse reprocessing and refuse disposal operation in Hazle Township, **Luzerne County** affecting 325.0 acres, receiving stream: Black Creek. Application received: March 9, 2016. Renewal issued: November 9, 2016.

Permit No. PAM111095R. Pagnotti Enterprises, Inc., (46 Public Square, Suite 600, Wilkes-Barre, PA 18701), renewal of General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40663025 in Hazle Township, **Luzerne County**, receiving stream: Black Creek. Application received: March 9, 2016. Permit issued: November 9, 2016.

Noncoal Permits Issued

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

16112803. Ancient Sun, Inc. (P.O. Box 129, Shippenville, PA 16254) Renewal of NPDES No. PA0259071, Elk Township, **Clarion County**. Receiving streams: Unnamed tributaries to Canoe Creek. Application received: August 19, 2016. Permit Issued: November 7, 2016.

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

Permit No. 35160801. Susan J. and John Roba, (1491 Lakeland Drive, Scott Township, PA 18433), commencement, operation and restoration of a quarry operation in Scott Township, **Lackawanna County** affecting 2.8 acres, receiving stream: South Branch Tunkhannock Creek. Application received: August 3, 2016. Permit issued: November 7, 2016.

Permit No. PAM116042. Susan J. and John Roba, (1491 Lakeland Drive, Scott Township, PA 18433), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 35160801 in Scott Township, **Lackawanna County**, receiving stream: South Branch Tunkhannock Creek. Application received: August 3, 2016. Permit issued: November 7, 2016.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Issued

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

63164105. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the GOH Sunoco Truck Loadout II, this is replacing Blasting Activity permit 63164104, located in Independence Township, **Washington County** with an exploration date of December 31, 2017. Blasting permit issued: November 3, 2016.

02164104. Wampum Hardware Co. (636 Paden Road, New Galilee, PA 16141). Blasting activity permit for the construction of the Pinnacle Point II, this is replacing Blasting Activity permit 02164103, located in South Fayette Township, **Allegheny County** with an exploration date of December 31, 2017. Blasting permit issued: November 4, 2016.

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

Permit No. 36164169. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Swiss Pioneer in Earl Township, **Lancaster County** with an expiration date of November 30, 2016. Permit issued: November 8, 2016.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636.

E57-132. Forksville Borough, 1226 Taylor Hill Road, Dushore, PA 18614-7454, Forksville Borough, **Sullivan County**, U.S. Army Corps of Engineers, Baltimore District.

To install a dry hydrant in Loyalsock Creek at Water Street. A feeder trench with 8" PVC pipe (2' depth to marker) will be installed within R-4 rip-rap. Stack rock will be situated within the strainer area to avoid rocks bearing directly on the pipe and minimize opening obstruction.

The dry hydrant is to be utilized by the fire department during fire emergencies. The hydrant is expected to be installed upstream of the stabilization project and adjacent to the project construction. The stabilization project will entail stabilization of 478 lineal feet of the western streambank of the Loyalsock Creek, adjacent to and immediately upstream of the Forksville Covered Bridge.

The project is located at Quadrangle, Latitude: 41° 29' 13", Longitude: -76° 35' 58.1".

E08-496. Plenary Walsh Keystone Partners, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275, Ridgebury Township, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District.

To replace SR 4013, Section 016 (Berwick Turnpike) bridge over Miller Run on the existing alignment. The project entails replacement of the deteriorating structure with the following: guiderail updates, drainage improvements, and the mill and overlay of the approaches.

The project is located at Quadrangle, Latitude: 41° 55' 50", Longitude: -77° 42' 6".

E49-343. W&L Sportscars, Inc., 547 Point Township Drive, Northumberland, PA 17857. W&L Subaru, in Point Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40° 54' 27.09" Latitude; W: 76° 46' 17.83" Longitude).

W&L Sportscars, Inc. plans to build an expansion of the existing dealership through the construction of a 31,655 square foot building with related parking, driveways, utility services, stormwater management and additional facilities.

As approved, the project will require fill to be deposited and maintained in 0.18 acre of Palustrine Emergent (PEM) wetlands in the Susquehanna River watershed, a Chapter 93 designated Warm Water Fishery. The project will not have direct impact on the stream.

The applicant will mitigate impacts to wetlands on-site by converting a minimum of 0.18 acre of maintained, grass field to wetlands, adjacent to an existing wetland.

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

E32-518, PennDOT District 10, 2550 Oakland Avenue, Indiana, PA 15701, Blacklick Township, **Indiana County**, Pittsburgh ACOE District.

Has been given consent to:

1. Remove the existing SR 0217 two lane, 46' wide by 43.4' long single span box beam bridge having an under-clearance of 6.33' and construct and maintain a replacement two lane, 46' wide by 48' long, dual concrete box culvert having an under-clearance of 7.5 feet over Stewart Run (CWF) with a drainage area of 5.8 square miles.

2. Place and maintain fill in 445' of Stewart Run and construct a 445' long replacement channel.

3. Remove an existing 30' long 16" diameter culvert carrying a UNT to Stewart Run (CWF) with a drainage area of less than 100 acres and construction and maintain a replacement 75' long 16" diameter culvert downstream from the original location.

4. Place and maintain fill in a de minimis 0.04 acre of PEM wetlands.

5. Construct and maintain roadway associated stormwater outfalls and temporarily impact 605' of stream for the purpose of constructing these encroachments.

This work is associated with safety improvements of the intersection of SR 0217 and SR 3004 (Blairsville Quadrangle, Latitude: 40° 29' 14", Longitude: -79° 16' 24.1") in Blacklick Township, Indiana County.

E56-333-A1, Conemaugh Township, 1120 Tire Hill Road, Johnstown, PA 15905, Conemaugh Township, **Somerset County**, Pittsburgh ACOE District.

Has been given consent to:

Amend Water Obstruction and Encroachment Permit No. E56-333 (which authorized the construction and maintenance of two (2) channel deflectors, two (2) drop structures, approximately 695 feet of stone riprap, streambank protection and an access ramp in and along the Stonycreek River, and to regrade the stream bed, to create a recreational whitewater course), to:

1. Dredge approximately 1,025' of the Stonycreek River (WWF), and to

2. Construct and maintain a 3' x 12' x 35' concrete weir in this river

For the purpose of improving Greenhouse Park and the functionality of the existing features, within the whitewater course. The project site is located near Greenhouse Park, a recreational area, at 100 Greenhouse Road, Johnstown, PA 15905, near its intersection with Tire Hill Road (SR 403), in Conemaugh Township, Somerset County and Stonycreek Township, Cambria County (USGS Quadrangle: Johnstown, PA; Latitude: 40° 16' 38.22"; Longitude: -78° 55' 17.06").

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.

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335.

ESCGP-2 # ESX16-019-0017—Wilson Lateral
Applicant MarkWest Liberty Bluestone LLC
Contact Richard Lowry
Address 4600 J Barry Court, Suite 500
City Canonsburg State PA Zip Code 15317
County Butler Townships Middlesex and Adams Townships
Receiving Stream(s) and Classification(s) Slippery Rock Creek Watershed UNTs to Glade Run (WWF) and UNTs to South Branch Glade Run (WWF)

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-2 # ESX11-015-0292(01)
Applicant Name Chief Oil & Gas LLC
Contact Person Jeffrey Deegan
Address 1720 Sycamore Rd
City, State, Zip Montoursville, PA 17754
County Bradford
Township(s) Monroe
Receiving Stream(s) and Classification(s) UNT to Towanda Ck (CWF, MF); Towanda Ck (TSF, MF)
Secondary—Susquehanna River

ESCGP-2 # ESG29-037-16-0001
Applicant Name XTO Energy Inc
Contact Person Melissa Breitenbach
Address 190 Thorn Hill Rd
City, State, Zip Warrendale, PA 15086
County Columbia
Township(s) Pine
Receiving Stream(s) and Classification(s) Little Brier Run (EV); Little Fishing Ck (EV)
Secondary—Little Fishing Ck (EV)

ESCGP-2 # ESG29-117-16-0025
Applicant Name SWEPI LP
Contact Person Jason Shoemaker
Address 2100 Georgetown Dr, Suite 400
City, State, Zip Sewickley, PA 15143
County Tioga
Township(s) Liberty
Receiving Stream(s) and Classification(s) UNT to Blockhouse Ck (CWF)

ESCGP-2 # ESX29-117-16-0034
 Applicant Name SWEPI LP
 Contact Person Jason Shoemaker
 Address 2100 Georgetown Dr, Suite 400
 City, State, Zip Sewickley, PA 15143
 County Tioga
 Township(s) Richmond
 Receiving Stream(s) and Classification(s) Corey Ck (CWF)

ESCGP-2 # ESX29-015-16-0020
 Applicant Name Chesapeake Appalachia LLC
 Contact Person Eric Haskins
 Address 14 Chesapeake Lane
 City, State, Zip Sayre, PA 18840
 County Bradford
 Township(s) Tuscarora
 Receiving Stream(s) and Classification(s) UNT to Fargo
 Ck (CWF, MF); Fargo Ck (CWF, MF)
 Secondary—Tuscarora Ck

ESCGP-2 # ESG29-113-16-0009
 Applicant Name Appalachia Midstream Services LLC
 Contact Person Josh Brown
 Address 400 Ist Center, Suite 404
 City, State, Zip Horseheads, NY 14845
 County Sullivan
 Township(s) Cherry
 Receiving Stream(s) and Classification(s) Little Loyalsock
 Ck (EV); Loyalsock Ck (EV)

ESCGP-2 # ESX29-131-16-0008
 Applicant Name Appalachia Midstream Services LLC
 Contact Person Josh Brown
 Address 400 Ist Center, Suite 404
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Windham
 Receiving Stream(s) and Classification(s) UNTs to Little
 Mehoopany Ck (CWF)
 Secondary—Little Mehoopany Ck (CWF)

SPECIAL NOTICES

Proposed State Water Quality Certification Required by Section 401 of the Clean Water Act for the Equitrans, L.P. TP-371 Pipeline Replacement Project

*Southwest Region: Waterways & Wetlands Program, 400
 Waterfront Drive, Pittsburgh, PA 15222, Rita A. Coleman,
 412-442-4000.*

EA03-005-A2, Equitrans, L.P. (Applicant), 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222-3114. TP-371 PL Replacement Project (Project), in Conemaugh and Young Townships and Borough of Blairsville, Indiana County and Burrell, Cowanshannock, Kittanning, Kiskiminetas, Plumcreek, and South Bend Townships **Armstrong County**, in ACOE Pittsburgh District. The proposed project starts approximately 0.8 mile south of the intersection of State Route 85 and Margaret Road in Cowanshannock Township, Armstrong County (Rural Valley, PA Quadrangle Latitude: 40°, 47', 31"; Longitude: -79°, 21', 52") and ends approximately 0.35 mile northeast of the intersection of Saltsburg Road and Clarksburg Road in Conemaugh Township, Indiana County (McIntire, PA Quadrangle Latitude: 40°, 30', 52"; Longitude: -79°, 20', 57").

On July 10, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C. § 717f) seeking a certificate of public convenience and necessity to construct and operate its Project (FERC Docket No.

CP15-528). The FERC Environmental Assessment for the Project, which was issued on March 1, 2016 may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-528). The Partial Notice to Proceed with Construction Activities was issued on May 6, 2016.

On October 26, 2015, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act. State water quality certification was granted on March 17, 2016.

The previously approved project (DEP File # EA03-005) allowed approximately 331 acres of earth disturbance, and impacts to approximately 6,987 linear feet of Huskins Run (WWF), Cherry Run (CWF), Long Run (WWF), Fagley Run (WWF), Crooked Creek (WWF), Whiskey Run (CWF), Nesbit Run (CWF), Blacklegs Creek (CWF), Marshall Run (CWF), and Unnamed Tributaries of Huskins Run (WWF), Cherry Run (CWF), Fagley Run (WWF), Crooked Creek (WWF), Whiskey Run (CWF), Nesbit Run (CWF), and Marshall Run (CWF), 3.44 acres of temporary Palustrine Emergent and Palustrine Scrub Shrub wetland impacts, and 0.83 acre of Palustrine Emergent and Palustrine Scrub Shrub permanent impacts.

Most recently, on September 20, 2016, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C. § 1341) for proposed revisions to the previously approved line route, to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

In order to amend the Project as approved by FERC, the applicant anticipates submitting a variance request under the same docket number. Once submitted, the request may be viewed on FERC's website at www.ferc.gov (search eLibrary; Docket Search; CP15-528).

The Project includes the replacement of approximately 21 miles of 12-inch diameter pipeline with 20-inch diameter pipeline, for the purpose of allowing for the modernization of the TP-371 pipeline for integrity assessment through the use of in-line inspection. The replacement pipeline will be offset 10 to 15 feet from the existing pipeline. The existing 12-inch pipeline will be abandoned in place. The new pipeline will utilize portions of the existing right-of-way during construction. Approximately 19.2 miles, or 91.4% of the proposed Project will be collocated with existing ROW. Ancillary facilities proposed as part of the Project include a pig launcher receiver, cathodic protection ground beds and mainline valves that will be installed along the proposed pipeline. In addition, tie-ins will be transferred over to the new pipeline via pipeline taps to maintain service to customers. The Project will also include the abandonment and/or replacement of pigging facilities as well as existing ancillary facilities such as taps and valves. The project will also utilize horizontal directional drilling techniques for 2 locations.

One new permanent and thirteen new temporary access roads are planned for the Project. Two permanent and twenty-six access roads will utilize existing access or paved driveways. The pipeline shall be installed using a typical 100-foot wide limit of disturbance (LOD) for pipeline construction with areas of temporary work space adjacent to the LOD, and a typical 25-foot LOD for the access roads to allow access to the pipeline. The construction ROW will be reduced to a 75-foot-width at streams and wetlands. The permanent ROW width will be 50 feet centered on the pipeline. There is no anticipated permanent increase in impervious area or in stormwater runoff due to the construction of the pipeline.

The proposed revisions will involve a re-routing of three discontinuous sections of the previously approved pipeline route within the Cherry Run Watershed (approximately 1,750 LF of 20" diameter pipeline, 6,545 LF of 20" diameter pipeline, and 1,647 LF of 20" diameter pipeline), and will involve approximately 11.7 acres of new earth disturbance, and impacts to approximately 271.5 linear feet of Unnamed Tributaries of Cherry Run (CWF). These modifications reduce overall stream impacts associated with the project by 1,321.1 linear feet of unnamed tributaries of Cherry Run (CWF). The net impact is -1,049.6 linear feet to unnamed tributaries of Cherry Run. Additionally, these proposed modifications result in fewer impacts to wetlands. The proposed modification will result in 4 fewer Palustrine Emergent wetland crossings, reducing wetland impacts associated with the project by 4,699.7 square feet. No new wetland crossings are anticipated.

PADEP anticipates issuing a state water quality certification to Applicant for the Project revisions that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001), and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17), and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.), and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that

the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this State Water Quality Certification and all required permits, authorizations and approvals. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this certification shall be available for inspection by the PADEP during such inspections of the Project.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this State Water Quality Certification shall be addressed to the Department of Environmental Protection, Southwest Regional Office, Rita A. Coleman, Program Manager, Waterways and Wetlands Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

9. *Reservation of Rights*—PADEP may suspend or revoke this State Water Quality Certification if it determines that Applicant has not complied with the terms and conditions of this certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this State Water Quality Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this State Water Quality Certification are severable and should any provision of this certification be declared invalid or unenforceable, the remainder of the certification shall not be affected thereby.

Prior to issuance of the final state water quality certification, PADEP will consider all relevant and timely comments, suggestions or objections submitted to PADEP within 30 days of this notice. Comments should be directed to Rita Coleman at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted.

Landowner and Licensed Mine Operators for the Reclamation of an Abandoned Strip Mine Project; Letters of Interest

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

Under Act 181 of 1984, the Department of Environmental Protection solicits letters of interest from the landowner and licensed mine operators for the reclamation of an abandoned strip mine project identified as the Orcutt-Smail Project No. PBF 33803040.8, located in Union Township, Jefferson County.

The above referenced project requires operation and maintenance of an active chemical acid mine drainage treatment system. Reclamation work may involve scheduled visitation, monitoring chemical levels and application rates, and routine maintenance as directed by the Knox District Mining Office.

Letters of interest must be received by Christopher T. Yeakle, Watershed Manager, Department of Environmental Protection, P.O. Box 669, Knox, PA 16232, no later than 4:00 p.m., December 9, 2016, to be considered. Telephone inquiries shall be directed to Mr. Yeakle at 814.797.1191.

[Pa.B. Doc. No. 16-2045. Filed for public inspection November 23, 2016, 9:00 a.m.]

Citizens Advisory Council Meeting

The Citizens Advisory Council will hold a joint meeting with the Environmental Justice Advisory Board on Wednesday, December 14, 2016, from 9 a.m. to 1 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. Individuals interested in participating in the meeting by means of conference call should visit the following web site for additional instructions.

The agenda, meeting materials and webinar registration instructions for the December 14, 2016, meeting will be available through the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Citizens Advisory Council (CAC)"). Questions concerning the meeting can be directed to Katherine Hetherington Cunfer, Acting Executive Director, at (717) 705-2693 or khethering@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Katherine Hetherington Cunfer at (717) 705-2693 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-2046. Filed for public inspection November 23, 2016, 9:00 a.m.]

Environmental Justice Advisory Board Rescheduled Meeting

The November 15, 2016, meeting of the Environmental Justice Advisory Board (Board) is rescheduled. The Board will meet on Wednesday, December 14, 2016, in a joint

meeting with the Citizens Advisory Council. The meeting will begin at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and meeting materials for the December 14, 2016, meeting will be available through the Department of Environmental Protection's (Department) web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Environmental Justice Advisory Board"). Questions concerning the next scheduled meeting can be directed to Carl Jones at (484) 250-5818 or caejone@pa.gov.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (484) 250-5818 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Acting Secretary

[Pa.B. Doc. No. 16-2047. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF HEALTH

Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed requests for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following requests for exception relate to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

<i>Facility Name</i>	<i>Regulation</i>
Wexford Surgery	28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery) (CPT Codes 49650, 49562, 49653, 49654, 49655, 49656 and 49657) 28 Pa. Code § 551.21(d)(2) (CPT Codes 47562, 47563 and 47564)

The requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and

Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-2048. Filed for public inspection November 23, 2016, 9:00 a.m.]

Health Research Advisory Committee Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on November 29, 2016, from 9:30 a.m. to 11:30 a.m. The meeting will be held in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The purpose of this meeting is to discuss the history of the Committee and to begin the planning process for State Fiscal Year 2016-2017 and following. The meeting is

open to the public. No reservations are required. The meeting is not a public hearing and therefore public testimony or comments are not part of the meeting agenda.

For additional information or persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Penny E. Harris, MEd, CAC, LPC, Public Health Program Manager, Health Research Office or Sylvia Golas, DMD, MPH, Public Health Program Administrator, Health Research Office, (717) 231-2825, ra-healthresearch@pa.gov, by mail to Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, or for speech and/or hearing impaired persons at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-2049. Filed for public inspection November 23, 2016, 9:00 a.m.]

Hospitals; Requests for Exceptions

The following hospital has filed a request for exception under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals), with the exception of 28 Pa. Code § 153.1 (relating to minimum standards). Exception requests related to 28 Pa. Code § 153.1 are listed separately in this notice.

<i>Facility Name</i>	<i>Relating to</i>
Chambersburg Hospital	28 Pa. Code § 139.12 (relating to neonatal care units) (perinatal care guidelines)

The following hospitals are requesting exceptions under 28 Pa. Code § 153.1. Requests for exceptions under this section relate to minimum standards that hospitals must comply with under the *Guidelines for Design and Construction of Hospitals and Outpatient Facilities (Guidelines)*. The following list includes the citation to the section under the *Guidelines* that the hospital is seeking an exception, as well as the publication year of the applicable *Guidelines*.

<i>Facility Name</i>	<i>Guidelines Section</i>	<i>Relating to</i>	<i>Publication Year</i>
Butler Memorial Hospital	2.2-3.4.5.4(1)	Patient toilet rooms	2014
Main Line Hospital Lankenau Medical Center	2.2-2.6.2.6	Toilet or human waste disposal rooms	2014
Waynesboro Hospital	2.2-3.1.3.6(10)(a)	Space requirements (fast-track areas)	2014
	2.2-3.1.3.6(10)(b)	Examination/treatment areas (fast-track areas)	2014

All requests previously listed are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,
Secretary

[Pa.B. Doc. No. 16-2050. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF HUMAN SERVICES

Federally Qualified Health Center and Rural Health Clinic Alternative Payment Methodologies

This notice announces implementation of alternative payment methodologies (APM) for delivery services provided in the Federally Qualified Health Center (FQHC) setting, delivery services provided by FQHC personnel in the acute care general hospital (hospital) inpatient setting, and the payment by managed care organizations (MCO) to FQHCs and Rural Health Clinics (RHC) of rates that are not less than the Department of Human Services (Department) Fee-for-Service (FFS) Prospective Payment System (PPS) rate for beneficiary encounters.

Background

Section 1902(bb)(1) of the Social Security Act (42 U.S.C.A. § 1396a(bb)(1) provides for payment to FQHCs and RHCs using a PPS methodology. For services provided to managed care beneficiaries, states pay supplemental payments equal to the amount the FQHC or RHC would have been paid under the PPS. See section 1902(bb)(5) of the Social Security Act. States can also pay providers using an APM. See section 1902(bb)(6) of the Social Security Act.

The Department received requests from stakeholders for the Medical Assistance (MA) Program to pay FQHCs for delivery services rendered by FQHC personnel in the inpatient setting and delivery services rendered in the FQHC setting.

In addition, on January 1, 2016, the physical health and behavioral health HealthChoices MCOs began paying FQHCs and RHCs fees that are no less than the PPS rate. However, as a result of the State Health Official letter No. 16-006, this is now considered an APM.

APM for FQHC Personnel Performing Delivery Services in a Hospital Inpatient Setting

Effective with dates of services on and after December 1, 2016, the Department will implement an APM to pay the FQHC a practitioner's fee for a delivery performed in an inpatient hospital setting from the MA Program Fee Schedule as follows:

<i>Procedure Code</i>	<i>Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>MA Fee</i>	<i>MA units</i>	<i>Limits</i>
59409	Vaginal delivery only (with or without episiotomy and/or forceps)	08	080	21		\$1,200	per procedure	One per beneficiary per pregnancy
59514	Cesarean delivery only	08	080	21		\$1,200	per procedure	One per beneficiary per pregnancy
					80	\$240		
59612	Vaginal delivery only, after previous cesarean delivery (with or without episiotomy and/or forceps)	08	080	21		\$1,500	per procedure	One per beneficiary per pregnancy
59620	Cesarean delivery only, following attempted vaginal delivery after previous cesarean delivery	08	080	21		\$1,500	per procedure	One per beneficiary per pregnancy
					80	\$300		

APM for Delivery Services Performed in the FQHC Setting

Effective with dates of service on and after December 1, 2016, the Department will implement an APM to continue to pay the FQHC's PPS rate for all beneficiary prenatal visits, as well as a fee for delivery services that includes both the practitioner and facility payments.

The Department developed the FQHC delivery rate by utilizing historical cost data supplied by birth centers, an alternative provider of outpatient delivery services, enrolled in the MA Program and then proportionally adjusting the cost for pregnancy by trimester. The resulting costs associated with the third trimester obstetrical services were then reduced by the minimum five office visits expected in that trimester, which FQHCs can bill as an encounter. The Department determined the cost of the delivery for the practitioner and the facility to be \$1,129 per encounter.

<i>Procedure Code</i>	<i>Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Pricing Modifier</i>	<i>MA Fee</i>	<i>MA units</i>	<i>Limits</i>
T1015	Clinic visit/ encounter, all-inclusive	08	080	50	U4	\$1,129	per encounter	One per beneficiary per pregnancy

APM for MCOs Paying the PPS Rate to FQHCs/RHCs

As previously set forth, the MCOs shall continue to pay all FQHCs and RHCs rates that are not less than the FFS PPS rates as determined by the Department. The Department is submitting a State Plan Amendment to identify this as an APM.

Fiscal Impact

These changes result in a minimal fiscal impact to the MA Program.

Public Comment

Interested persons are invited to submit written comments regarding these changes to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1081. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 16-2051. Filed for public inspection November 23, 2016, 9:00 a.m.]

Medical Assistance Program Fee Schedule Updates

The Department of Human Services (Department) announces that, effective with dates of service on and after December 1, 2016, it will pay acute care general hospitals (hospitals) for long-acting reversible contraception (LARC) intrauterine devices and contraceptive implants in addition to the All Patient Refined—Diagnosis Related Group (APR-DRG) payment for obstetrical deliveries under the Medical Assistance (MA) Program Fee-for-Service (FFS) delivery system. The Department is also updating the MA fees for certain family planning and family planning-related services.

Background/Discussion

As one method to prevent unplanned pregnancies, LARC can be used immediately postpartum to facilitate adequate spacing between pregnancies. Research demonstrates that inadequate birth spacing can heighten the risk of encountering placental abruption, placenta previa, autism in second born children, low birth weight and preterm birth.¹

Utilization of LARC is a growing choice among women due to the device's durability and effectiveness. In 2007, the Contraceptive CHOICE Project (CHOICE), run by

Washington University in St. Louis, MO, began recruiting women into a large prospective cohort study (10,000 participants). Participants were given medically accurate information on all contraceptive methods and were provided with the contraceptive of their choice at no cost for the duration of the project (2-3 years). Seventy-five percent of participants in the CHOICE project selected LARC methods (compared with 8.5% Nationally). In addition, satisfaction and 12-month continuation rates were much higher in LARC users compared with women using non-LARC methods.²

Women who receive LARC postpartum, during their obstetrical delivery hospital admission, have higher incidence of practicing family planning than those women scheduled to receive LARC during the outpatient postpartum follow-up visit. Research demonstrates that up to 35% of women do not attend their outpatient postpartum appointment.³ This suggests that there are missed opportunities for action to prevent unplanned pregnancies because over 1/2 of unintended pregnancies occur within 2 years following delivery.⁴

² Secura, G.M., Allsworth, J.E., Madden, T. et al. (2010). "The Contraceptive CHOICE Project: Reducing barriers to long-acting reversible contraception." *Am J Obstet Gynecol.*, vol. 203(2), 115.e1–115.e7.

³ Daniels K., Daugherty J., Jones J. (2014). "Current contraceptive status among women aged 15–44: United States, 2011–2013." National Center for Health Statistics Data Brief, no. 173, 1-8D.

⁴ Potter, J.E., Hopkins, K., Aiken, A.R.A., Hubert, C., Stevenson A.J., Whitec, K., Grossman, D. (2014). "Unmet demand for highly effective postpartum contraception in Texas." *Contraception*, vol. 90(5), 488–495.

¹ Mayo Clinic Staff. (2014). Family planning: Get the facts about pregnancy spacing. Retrieved from <http://www.mayoclinic.org/healthy-lifestyle/getting-pregnant/in-depth/family-planning/art-20044072>.

To optimize LARC usage, prevent unplanned pregnancies and improve maternal health outcomes, the Department will pay hospitals for LARC intrauterine devices and contraceptive implants in addition to APR-DRG payment for obstetrical deliveries under the MA FFS delivery system.

Additionally, the Department will update the MA Program fees for certain family planning and family planning-related services. This update is expected to prevent an estimated 870 unplanned pregnancies annu-

ally due to an increase in family planning service utilization.

Fee Schedule Update

Effective with dates of service on and after December 1, 2016, the Department is adding the following procedure codes to the MA Fee Schedule and will pay hospitals for LARC intrauterine devices and contraceptive implants in addition to the APR-DRG payment for obstetrical deliveries:

<i>Procedure Code</i>	<i>Description</i>	<i>Provider Type</i>	<i>Provider Specialty</i>	<i>Place of Service</i>	<i>Info Modifier</i>	<i>MA Fee Effective December 1, 2016</i>
J7297	Levonorgestrel—releasing intrauterine contraceptive system, 52 mg, 3 year duration	01	010	22	FP	\$645.00
J7298	Levonorgestrel—releasing intrauterine contraceptive system, 52 mg, 5 year duration	01	010	22	FP	\$885.80
J7300	Intrauterine copper contraceptive	01	010	22	FP	\$762.65
J7301	Levonorgestrel—releasing intrauterine contraceptive system, 13.5 mg	01	010	22	FP	\$737.57
J7307	Etonogestrel (contraceptive) implant system, including implant and supplies	01	010	22	FP	\$796.20
S4989	Contraceptive intrauterine device (such as, Progesterone IUD), including implants and supplies	01	010	22	FP	\$800.00

Effective with dates of service on and after December 1, 2016, the Department is updating the MA Program fees for certain family planning and family planning-related services as follows:

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
11976	Removal, implantable contraceptive capsules		FP	\$30.50	\$118.05
11981	Insertion, non-biodegradable drug delivery implant		FP	\$75.73	\$103.91
11982	Removal, non-biodegradable drug delivery implant		FP	\$92.33	\$126.20
11983	Removal with reinsertion, non-biodegradable drug delivery implant		FP	\$165.98	\$219.10
17110	Destruction (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery, surgical curettement), of benign lesions other than skin tags or cutaneous vascular proliferative lesions; up to 14 lesions		FP	\$49.00	\$85.20
17111	Destruction (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery, surgical curettement) of benign lesions other than skin tags or cutaneous vascular proliferative lesions; 15 or more lesions.		FP	\$51.37	\$105.29
46900	Destruction of lesion(s), anus (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), simple; chemical		FP	\$47.00	\$171.03
46916	Destruction of lesion(s), anus (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), simple; cryosurgery		FP	\$117.03	\$178.05

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
46924	Destruction of lesion(s), anus (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), extensive (such as, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$115.00	\$230.08
54050	Destruction of lesion(s), penis (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), simple; chemical		FP	\$20.50	\$129.69
54056	Destruction of lesion(s), penis (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), simple; cryosurgery		FP	\$28.00	\$136.79
54065	Destruction of lesion(s), penis (such as, condyloma, papilloma, molluscum contagiosum, herpetic vesicle), extensive (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$135.89	\$215.35
55250	Vasectomy, unilateral or bilateral (separate procedure), including postoperative semen examination(s)		FP	\$148.50	\$282.79
56420	Incision and drainage of Bartholin's gland abscess		FP	\$50.50	\$112.73
56440	Marsupialization of Bartholin's gland cyst		FP	\$163.00	\$225.08
56501	Destruction of lesion(s), vulva; simple (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$63.50	\$141.09
56515	Destruction of lesion(s), vulva; extensive (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$116.50	\$249.18
56605	Biopsy of vulva or perineum (separate procedure); one lesion		FP	\$55.51	\$75.38
56606	Biopsy of vulva or perineum (separate procedure); each separate additional lesion (list separately in addition to code for primary procedure)		FP	\$27.40	\$37.30
57061	Destruction of vaginal lesion(s); simple (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$70.00	\$120.58
57065	Destruction of vaginal lesion(s); extensive (for example, laser surgery, electrosurgery, cryosurgery, chemosurgery)		FP	\$154.44	\$216.16
57170	Diaphragm or cervical cap fitting with instructions		FP	\$42.31	\$60.55
57421	Colposcopy of the entire vagina, with cervix if present; with biopsy(s) of vagina/cervix		FP	\$112.78	\$155.89
57452	Colposcopy of the cervix including upper/adjacent vagina		FP	\$39.50	\$114.64
57454	Colposcopy of the cervix including upper/adjacent vagina; with biopsy(s) of the cervix and endocervical curettage		FP	\$105.94	\$168.63
57455	Colposcopy of the cervix including upper/adjacent vagina; with biopsy(s) of the cervix		FP	\$101.68	\$137.94
57456	Colposcopy of the cervix including upper/adjacent vagina; with endocervical curettage		FP	\$95.01	\$128.30
57460	Colposcopy of the cervix including upper/adjacent vagina; with loop electrode biopsy(s) of the cervix		FP	\$149.80	\$202.40
57461	Colposcopy of the cervix including upper/adjacent vagina; with loop electrode conization of the cervix		FP	\$173.53	\$234.04
57500	Biopsy of cervix, single or multiple, or local excision of lesion, with or without fulguration (separate procedure)		FP	\$66.12	\$94.01
57505	Endocervical curettage (not done as part of a dilation and curettage)		FP	\$22.00	\$113.13
57511	Cautery of cervix; cryocautery, initial or repeat		FP	\$51.50	\$162.30
57800	Dilation of cervical canal, instrumental (separate procedure)		FP	\$41.50	\$60.09
58100	Endometrial sampling (biopsy) with or without endocervical sampling (biopsy), without cervical dilation, any method (separate procedure)		FP	\$51.00	\$108.89
58300	Insertion of intrauterine device (IUD)		FP	\$17.25	\$67.60

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
58301	Removal of intrauterine device (IUD)		FP	\$17.25	\$84.25
58562	Hysteroscopy, surgical; with removal of impacted foreign body		FP	\$237.08	\$359.51
64435	Injection, anesthetic agent; paracervical (uterine) nerve		FP	\$32.00	\$104.43
76856	Ultrasound, pelvic (nonobstetric), real time with image documentation; complete		FP	\$76.50	\$131.63
76856	Ultrasound, pelvic (nonobstetric), real time with image documentation; complete	TC	FP	\$46.50	\$88.59
76856	Ultrasound, pelvic (nonobstetric), real time with image documentation; complete	26	FP	\$30.00	\$43.04
76857	Ultrasound, pelvic (nonobstetric), real time w/ image documentation; limited or follow-up (such as, for follicles)		FP	\$32.00	\$57.83
76857	Ultrasound, pelvic (nonobstetric), real time w/ image documentation; limited or follow-up (such as, for follicles)	TC	FP	\$19.00	\$26.64
76857	Ultrasound, pelvic (nonobstetric), real time w/ image documentation; limited or follow-up (such as, for follicles)	26	FP	\$13.00	\$31.19
81002	Urinalysis, by dip stick or tablet reagent for bilirubin, glucose, hemoglobin, ketones, leukocytes, nitrite, pH, protein, specific gravity, urobilinogen, any number of these constituents; non-automated, without microscopy		FP	\$3.57	\$4.35
81025	Urine pregnancy test, by visual color comparison methods		FP	\$4.00	\$10.76
85018	Blood count; hemoglobin (HgB)		FP	\$3.23	\$4.04
86703	Antibody; HIV-1 and HIV-2, single result		FP	\$18.70	\$23.34
87086	Culture, bacterial; quantitative colony count, urine		FP	\$8.00	\$13.75
87207	Smear, primary source with interpretation; special stain for inclusion bodies or parasites (such as, malaria, coccidia, microsporidia, trypanosomes, herpes viruses)		FP	\$4.50	\$10.20
87207	Smear, primary source with interpretation; special stain for inclusion bodies or parasites (such as, malaria, coccidia, microsporidia, trypanosomes, herpes viruses)	26	FP	\$15.21	\$22.83
87210	Smear, primary source with interpretation; wet mount for infectious agents (such as, saline, India ink, KOH preps)		FP	\$5.82	\$7.28
87623	Infectious agent detection by nucleic acid (DNA or RNA); human papillomavirus (HPV), low-risk types (for example, 6, 11, 42, 43, 44)		FP	\$38.21	\$59.75
87624	Infectious agent detection by nucleic acid (DNA or RNA); human papillomavirus (HPV), high-risk types (for example, 16, 18, 31, 33, 35, 39, 45, 51, 52, 56, 58, 59, 68)		FP	\$38.21	\$59.75
87625	Infectious agent detection by nucleic acid (DNA or RNA); human papillomavirus (HPV), types 16 and 18 only, includes type 45, if performed		FP	\$38.21	\$59.75
88305	Level IV—Surgical pathology, gross and microscopic examination Abortion—spontaneous/missed Artery, biopsy Bone marrow, biopsy Bone exostosis Brain/meninges, other than for tumor resection Breast, biopsy, not requiring microscopic evaluation of surgical margins Breast, reduction mammoplasty Bronchus, biopsy Cell block, any source Cervix, biopsy Colon, biopsy Duodenum, biopsy Endocervix, curettings/biopsy Endometrium, curettings/biopsy Esophagus, biopsy Extremity, amputation, traumatic Fallopian tube, biopsy Fallopian tube, ectopic pregnancy Femoral head, fracture Fingers/toes, amputation, non-traumatic Gingiva/oral mucosa, biopsy Heart valve Joint, resection Kidney, biopsy Larynx, biopsy Leiomyoma(s),		FP	\$34.00	\$88.53

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
	uterine myomectomy—without uterus Lip, biopsy/wedge resection Lung, transbronchial biopsy Lymph node, biopsy Muscle, biopsy Nasal mucosa, biopsy Nasopharynx/oropharynx, biopsy Nerve, biopsy Odontogenic/dental cyst Omentum, biopsy Ovary with or without tube, non-neoplastic Ovary, biopsy/wedge resection Parathyroid gland Peritoneum, biopsy Pituitary tumor Placenta, other than third trimester Pleura/pericardium—biopsy/tissue Polyp, cervical/endometrial Polyp, colorectal Polyp, stomach/small intestine Prostate, needle biopsy Prostate, TUR Salivary gland, biopsy Sinus, paranasal biopsy Skin, other than cyst/tag/debridement/plastic repair Small intestine, biopsy Soft tissue, other than tumor/mass/lipoma/debridement Spleen Stomach, biopsy Synovium Testis, other than tumor/biopsy/castration Thyroglossal duct/brachial cleft cyst Tongue, biopsy Tonsil, biopsy Trachea, biopsy Ureter, biopsy Urethra, biopsy Urinary bladder, biopsy Uterus, with or without tubes and ovaries, for prolapse Vagina, biopsy Vulva/labia, biopsy				
88305	Level IV—Surgical pathology, gross and microscopic examination Abortion—spontaneous/missed Artery, biopsy Bone marrow, biopsy Bone exostosis Brain/meninges, other than for tumor resection Breast, biopsy, not requiring microscopic evaluation of surgical margins Breast, reduction mammoplasty Bronchus, biopsy Cell block, any source Cervix, biopsy Colon, biopsy Duodenum, biopsy Endocervix, curettings/biopsy Endometrium, curettings/biopsy Esophagus, biopsy Extremity, amputation, traumatic Fallopian tube, biopsy Fallopian tube, ectopic pregnancy Femoral head, fracture Fingers/toes, amputation, non-traumatic Gingiva/oral mucosa, biopsy Heart valve Joint, resection Kidney, biopsy Larynx, biopsy Leiomyoma(s), uterine myomectomy—without uterus Lip, biopsy/wedge resection Lung, transbronchial biopsy Lymph node, biopsy Muscle, biopsy Nasal mucosa, biopsy Nasopharynx/oropharynx, biopsy Nerve, biopsy Odontogenic/dental cyst Omentum, biopsy Ovary with or without tube, non-neoplastic Ovary, biopsy/wedge resection Parathyroid gland Peritoneum, biopsy Pituitary tumor Placenta, other than third trimester Pleura/pericardium—biopsy/tissue Polyp, cervical/endometrial Polyp, colorectal Polyp, stomach/small intestine Prostate, needle biopsy Prostate, TUR Salivary gland, biopsy Sinus, paranasal biopsy Skin, other than cyst/tag/debridement/plastic repair Small intestine, biopsy Soft tissue, other than tumor/mass/lipoma/debridement Spleen Stomach, biopsy Synovium Testis, other than tumor/biopsy/castration Thyroglossal duct/brachial cleft cyst Tongue, biopsy Tonsil, biopsy Trachea, biopsy Ureter, biopsy Urethra, biopsy Urinary bladder, biopsy Uterus, with or without tubes and ovaries, for prolapse Vagina, biopsy Vulva/labia, biopsy	TC	FP	\$9.00	\$39.94

NOTICES

7491

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
88305	<p>Level IV—Surgical pathology, gross and microscopic examination Abortion—spontaneous/missed Artery, biopsy Bone marrow, biopsy Bone exostosis Brain/meninges, other than for tumor resection Breast, biopsy, not requiring microscopic evaluation of surgical margins Breast, reduction mammoplasty Bronchus, biopsy Cell block, any source Cervix, biopsy Colon, biopsy Duodenum, biopsy Endocervix, curettings/biopsy Endometrium, curettings/biopsy Esophagus, biopsy Extremity, amputation, traumatic Fallopian tube, biopsy Fallopian tube, ectopic pregnancy Femoral head, fracture Fingers/toes, amputation, non-traumatic Gingiva/oral mucosa, biopsy Heart valve Joint, resection Kidney, biopsy Larynx, biopsy Leiomyoma(s), uterine myomectomy—without uterus Lip, biopsy/wedge resection Lung, transbronchial biopsy Lymph node, biopsy Muscle, biopsy Nasal mucosa, biopsy Nasopharynx/oropharynx, biopsy Nerve, biopsy Odontogenic/dental cyst Omentum, biopsy Ovary with or without tube, non-neoplastic Ovary, biopsy/wedge resection Parathyroid gland Peritoneum, biopsy Pituitary tumor Placenta, other than third trimester Pleura/pericardium—biopsy/tissue Polyp, cervical/endometrial Polyp, colorectal Polyp, stomach/small intestine Prostate, needle biopsy Prostate, TUR Salivary gland, biopsy Sinus, paranasal biopsy Skin, other than cyst/tag/debridement/plastic repair Small intestine, biopsy Soft tissue, other than tumor/mass/lipoma/debridement Spleen Stomach, biopsy Synovium Testis, other than tumor/biopsy/castration Thyroglossal duct/brachial cleft cyst Tongue, biopsy Tonsil, biopsy Trachea, biopsy Ureter, biopsy Urethra, biopsy Urinary bladder, biopsy Uterus, with or without tubes and ovaries, for prolapse Vagina, biopsy Vulva/labia, biopsy</p>	26	FP	\$25.00	\$48.59
99201	<p>Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A problem focused history; A problem focused examination; Straightforward medical decision making. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are self limited or minor. Typically, 10 minutes are spent face-to-face with the patient and/or family.</p>		FP	\$20.00	\$32.84
99202	<p>Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: An expanded problem focused history; An expanded problem focused examination; Straightforward medical decision making. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low to moderate severity. Typically, 20 minutes are spent face-to-face with the patient and/or family.</p>		FP	\$35.33	\$62.20

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
99203	Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A detailed history; A detailed examination; Medical decision making of low complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate severity. Typically, 30 minutes are spent face-to-face with the patient and/or family.		FP	\$54.25	\$95.13
99204	Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A comprehensive history; A comprehensive examination; Medical decision making of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 45 minutes are spent face-to-face with the patient and/or family.		FP	\$90.37	\$160.89
99205	Office or other outpatient visit for the evaluation and management of a new patient, which requires these 3 key components: A comprehensive history; A comprehensive examination; Medical decision making of high complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 60 minutes are spent face-to-face with the patient and/or family.		FP	\$117.54	\$209.15
99212	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: A problem focused history; A problem focused examination; Straightforward medical decision making. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are self limited or minor. Typically, 10 minutes are spent face-to-face with the patient and/or family.	U7	FP	\$20.00	\$31.15
99212	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: A problem focused history; A problem focused examination; Straightforward medical decision making. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are self limited or minor. Typically, 10 minutes are spent face-to-face with the patient and/or family.		FP	\$26.00	\$31.15

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
99213	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: An expanded problem focused history; An expanded problem focused examination; Medical decision making of low complexity. Counseling and coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low to moderate severity. Typically, 15 minutes are spent face-to-face with the patient and/or family.		FP	\$35.00	\$63.14
99214	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: A detailed history; A detailed examination; Medical decision making of moderate complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 25 minutes are spent face-to-face with the patient and/or family.		FP	\$54.42	\$96.91
99215	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least 2 of these 3 key components: A comprehensive history; A comprehensive examination; Medical decision making of high complexity. Counseling and/or coordination of care with other physicians, other qualified health care professionals, or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate to high severity. Typically, 40 minutes are spent face-to-face with the patient and/or family.		FP	\$78.05	\$137.24
99384	Initial comprehensive preventive medicine evaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, new patient; adolescent (12—17 years)		FP	\$20.00	\$126.41
99385	Initial comprehensive preventive medicine evaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, new patient; 18—39 years		FP	\$20.00	\$121.14
99386	Initial comprehensive preventive medicine evaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, new patient; 40—64 years		FP	\$20.00	\$147.46

<i>Procedure Code</i>	<i>Code Description</i>	<i>Pricing Modifier</i>	<i>Info Modifier</i>	<i>Current MA Fee</i>	<i>MA Fee Effective December 1, 2016</i>
99394	Periodic comprehensive preventive medicine reevaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, established patient; adolescent (12—17 years)		FP	\$20.00	\$107.53
99395	Periodic comprehensive preventive medicine reevaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, established patient; 18—39 years		FP	\$20.00	\$110.60
99396	Periodic comprehensive preventive medicine reevaluation and management of an individual including an age and gender appropriate history, examination, counseling/anticipatory guidance/risk factor reduction interventions, and the ordering of laboratory/diagnostic procedures, established patient; 40—64 years		FP	\$20.00	\$120.25

Note: The Department is not updating the support component payment for services provided in the Short Procedure Unit or Ambulatory Surgical Center.

The Department will issue an MA Bulletin to providers with instructions for billing.

Fiscal Impact

The Fiscal Year 2016-2017 fiscal impact as a result of these payments is \$3.385 million (\$0.374 million in State general funds).

Public Comment

Interested persons are invited to submit written comments regarding the notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered by the Department.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,
Secretary

Fiscal Note: 14-NOT-1080. (1) General Fund;

(7) MA—Capitation (2) Implementing Year 2016-17 is \$325,000; (3) 1st Succeeding Year 2017-18 is \$985,000; 2nd Succeeding Year 2018-19 is \$999,000; 3rd Succeeding Year 2019-20 is \$1,014,000; 4th Succeeding Year 2020-21 is \$1,030,000; 5th Succeeding Year 2021-22 is \$1,030,000; (4) 2015-16 Program—\$3,828,000,000; 2014-15 Program—\$3,823,000,000; 2013-14 Program—\$3,995,000,000;

(7) MA—FFS; (2) Implementing Year 2016-17 is \$49,000; 1st Succeeding Year 2017-18 is \$119,000; 2nd Succeeding Year 2018-19 is \$121,000; 3rd Succeeding Year 2019-20 is \$123,000; 4th Succeeding Year 2020-21 is \$125,000; 5th Succeeding Year 2021-22 is \$125,000; (4) 2015-16 Program—\$392,918,000; 2014-15 Program—\$564,772,000; 2013-14 Program—\$428,041,000;

(8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 16-2052. Filed for public inspection November 23, 2016, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Public-Private Partnerships Board Meeting

The Public-Private Partnerships Board will hold a meeting on November 29, 2016, from 1 p.m. to 3 p.m. in PUC Hearing Room No. 1, Keystone Building, Harrisburg, PA. For more information contact Kathryn Tartaglia, (717) 214-7222, katartagli@pa.gov.

LESLIE S. RICHARDS,
Secretary

[Pa.B. Doc. No. 16-2053. Filed for public inspection November 23, 2016, 9:00 a.m.]

PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Environmental Assessment Approval for PENN- VEST Funding Consideration

Scope: Clean Water and Drinking Water State Revolving Fund projects for January 25, 2017, 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. 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.

To be considered, the Department must receive comments on this approval on or by December 26, 2016. Electronic comments should be submitted using the Department's eComment site at www.ahs.dep.pa.gov/eComment. Written comments can be submitted by e-mail to ecomment@pa.gov or by mail to the Policy Office, Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 2063, Harrisburg, PA 17105-2063. Use "PENNVEST SRF-Environmental Assessment" as the subject line in written communication.

For further information about the approval of the following Environmental Assessments or the Clean Water and Drinking Water State Revolving Loan Programs contact Richard Wright at riwright@pa.gov, 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/PointNonPointMgmt/InfrastructureFinance/>.

CWSRF Projects Being Considered

Applicant: Greene Township

County: Erie

Applicant Address: 9333 Tate Road, Erie, PA 16509

Project Description: This is the third phase of a five-phase project whereby the most densely populated areas of Greene Township are proposed to receive public wastewater service. This phase will serve 227 equivalent dwelling units (EDU) (216 residential, 4 commercial and 7 institutional). The residents reside along the following roads: Kuhl, Lake Pleasant, Lucille, Mark, Moonlite, Phyllis, Schlindwein, Schwab, Steger, Tate and Thelma, as well as a portion of State Route (SR) 8. A sanitary survey of this project area revealed a 42.5% 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 area's water quality.

Problem Description: The proposed project includes the construction of approximately 30,568 lineal feet of 8-inch through 10-inch diameter PVC gravity sewers, 102 manholes, 20,855 lineal feet of low pressure sewers, 1 pump station and 68 grinder pumps to provide wastewater service to the 227 EDUs. The wastewater will be collected from Greene Township and conveyed through the Millcreek Township Sewer Authority system into the City of Erie system for treatment.

Applicant: Norwich Township

County: McKean

Applicant Address: 3852 West Valley Road, Smethport, PA 16749

Project Description: The service area consists of the Village of Betula and surrounding parts of the Township including the SR 46 corridor, West Branch Road, Bailey Avenue, Frog Hollow Road, Brewer Run and Sackett Hollow Road. The project will serve an estimated 86 seasonal and 59 full-time residents. A sanitary survey of the sewage disposal needs within the proposed service area revealed a 71% onlot malfunction rate. The proposed project will eliminate the discharge of this raw sewage into the groundwater or waters of the Commonwealth which can create public health, safety and environmental issues.

Problem Description: The proposed solution includes 1 sewage pump station, over 43,000 lineal feet of various diameter pressure sewer, 164 grinder pumps and various miscellaneous components. There is sufficient capacity at the existing Norwich Township Wastewater Treatment Plant to accommodate the proposed service area's waste flow.

Applicant: New Castle Sanitation Authority

County: Lawrence

Applicant Address: 110 East Washington, P.O. Box 1404, New Castle, PA 16103

Project Description: The New Castle Sanitation Authority is proposing an expansion of its existing sanitary

sewer conveyance system to service areas of Shenango Township. A sanitary survey of the sewage disposal needs within the proposed service area revealed a 69% confirmed onlot malfunction rate. The proposed project will eliminate the discharge of this raw sewage into the groundwater or waters of the Commonwealth which can create potential health, safety and environmental issues.

Problem Description: The proposed solution includes a sewer system consisting of approximately 220,300 feet of low pressure sewers, force mains and gravity sewers. In addition, 2 new lift stations, upgrades to an existing lift station, replacement of pumps at an existing lift station and approximately 766 individual grinder pump units are proposed. This project will eliminate the Country Roads Mobile Home Park treatment plant discharge. The New Castle Sanitation Authority treatment plant will process the wastewater.

Applicant: Sewickley Township MA

County: Westmoreland

Applicant Address: 312 Sewickley Avenue, Herminie, PA 15637

Project Description: This project consists of installing 15,200 lineal feet of 8-inch gravity lines, 2,800 lineal feet of 6-inch laterals, 71 manholes, 154 wye connections, 80 lineal feet of 6-inch force main and a pump station. Project scope also includes constructing a new 44,000-gallon per day sewage treatment plant.

Problem Description: Existing dwellings are currently served either by individual onlot sewage disposal systems, wildcat sewers or direct discharges to the mine which discharge untreated sewage into the area waterways.

Applicant: City of Lower Burrell Municipal Authority

County: Westmoreland

Applicant Address: 2800 Bethel Street, Lower Burrell, PA 15068

Project Description: The proposed project includes construction of approximately 36,000 linear feet of 8-inch CIPP liner and rehabilitation of approximately 210 manholes to rehabilitation existing sanitary sewers to correct excess infiltration and reduce wet weather sanitary sewer overflows. Treatment provided at the existing New Kensington Sewage Treatment Plant.

Problem Description: The existing sanitary sewers are subject to excess infiltration during wet weather due to leaky joints, cracked pipes and brick manholes which cause downstream wet weather sanitary sewer overflows to the stream.

Applicant: Western Westmoreland Municipal Authority

County: Westmoreland

Applicant Address: 12441 Route 993, North Huntingdon, PA 15642

Project Description: The proposed project includes construction of approximately 20,500 linear feet of various diameter sanitary sewers and approximately 90 manholes to replace and increase the capacity of the existing sanitary sewer interceptor to correct wet weather sanitary sewer overflows to the stream.

Problem Description: The existing sanitary sewers are subject to excess flows during wet weather due to insufficient capacity of existing sewers which cause wet weather sanitary sewer overflows to the stream.

PATRICK McDONNELL,

Acting Secretary

Department of Environmental Protection

Acting Vice Chairperson

Pennsylvania Infrastructure Investment Authority

PAUL K. MARCHETTI,

Executive Director

Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 16-2054. Filed for public inspection November 23, 2016, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Electric Generation Supplier License Cancellations of Companies with an Expired Financial Security

Public Meeting held
November 9, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

*Electric Generation Supplier License Cancellations of
Companies with an Expired Financial Security;
M-2015-2490383*

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 31, 2016, 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>Exp. Date</i>
A-2013-2351150	CBRE, INC.	10/31/16
A-2015-2512351	ENERGY SPECTRUM, INC.	10/20/16

*Taking title to electricity

As part of its EGS license validation procedures, the Commission's Bureau of Technical Utility Services sent a 60-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 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. 16-2055. Filed for public inspection November 23, 2016, 9:00 a.m.]

FCC Lifeline Broadband Order: Carrier and Consumer Awareness; Eligible Telecommunications Carrier Transition to Streamlined Eligibility Criteria

Public Meeting held
November 9, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

FCC Lifeline Broadband Order: Carrier and Consumer Awareness; ETC Transition to Streamlined Eligibility Criteria; M-2016-2566383

Final Order

By the Commission:

By this Final Order, we adopt the streamlined eligibility criteria adopted by the Federal Communications Commission (FCC) in its Lifeline Modernization Order (ETC Order), WC Docket No. 11-42 and WC Docket 09-197 (Order Entered April 27, 2016).¹ Program changes take affect December 2, 2016. The FCC reasoned that eligibility changes were necessary to increase efficiency and improve the program for consumers. In the ETC Order, the FCC limited the eligibility for Lifeline support to the following programs: low income households that qualify for and receive Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), Federal Public Housing Assistance, or the Veterans Pension Benefit.² The FCC did not modify income-based eligibility (135% of the Federal Poverty guidelines) or the Tribal eligibility criteria. However, state-specific eligibility criteria are no longer eligible for federal Lifeline support. Therefore, Pennsylvania residents will no longer be able to receive federal Lifeline support by solely participating through the Low-Income Home Energy Assistance Program (LIHEAP), National School Lunch Program's free lunch program (NSLP), and/or Temporary Assistance for Needy Families (TANF).

Procedural History

In 1984, the FCC established a Lifeline program to promote universal telephone service by providing low-income consumers with discounts on the monthly cost of dial tone service. By 1987, the FCC implemented Link-Up America (Link-UP) to help low-income households pay phone connection charges. With the passage of the Telecommunications Act of 1996 (TA-96), the FCC expanded its rules³ so that Federal Lifeline service could be provided to low-income consumers in every state regardless of whether a state provided related support. Under the amended rules, telephone companies designated as eligible telecommunications carriers (ETCs) must provide Lifeline service to eligible consumers and received federal universal service funding support for doing so.

On April 29, 2004, the FCC released a Report and Order and Further Notice of Proposed Rulemaking in the Matter of Lifeline and Link-Up, at CC Docket No. 04-87, WC Docket Nol. 03-109. In this Order, the FCC modified its rules so as to increase the national telephone penetration rate above the current level of 94.7% and make

¹ See Lifeline and Link Up Reform and Modernization, et al, WC Docket No. 1-42 at al., Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Red 3962. On a case by case basis, this Commission has required parties seeking designation as ETCs to satisfy the FCC's standards for designation and has been formally applying the FCC's annual recertification and reporting requirements for ETCs.

² U.S. Department of Veterans Affairs, Veterans Benefits Administration, Pension.
³ Federal-State Board on Universal Service, (FCC May 8, 1997) CC Docket No. 96-45, FCC 97-157.

phone service affordable to more low-income households. That order expanded the federal default eligibility criteria so as to include an income-based criterion of 135% of the Federal Poverty Guidelines (FPG)⁴ and added the National School Lunch Program's free lunch program (NSLP) as a qualifying social program. By Order entered May 23, 2005 (PA Lifeline Order),⁵ the Commission adopted participation in these programs in an effort to reach more low-income consumers.

By Order entered August 2, 2010, the Commission entered a Final Policy Statement Order that put all ETC Petitioners on notice that each ETC Petition must specifically address each provision of 47 C.F.R. §§ 201–209, any other applicable federal standards and all Pennsylvania specific standards. In that Order, the Commission also directed that all future Commission review of petitions for ETC designation will be governed by 47 U.S.C. §§ 214(e),⁶ the FCC's discussion of ETC designations in the Universal Service Order,⁷ the additional standards for ETC designation set forth in the FCC's ETC Order of May 17, 2005, subsequent order on certification and reporting of February 2006, and the FCC's rules governing ETC designation and annual certification set forth at 47 C.F.R. § 54.101,⁸ §§ 54.201–203,⁹ and §§ 54.205–209,¹⁰ as well as any further amendment or criteria established by the FCC. In that Order, the Commission concluded that adopt the federal standards and applying them in Pennsylvania would further the FCC's goal as well as the Commission's goal of ensuring an effective ETC process in Pennsylvania.

Discussion

I. The FCC Order

In the ETC Order, the FCC outlined its Lifeline Program transition from primarily supporting voice services to targeting support for fixed and mobile broadband services, in an effort to help bridge the digital divide. The FCC Order focuses on eight issues:

- (1) Broadband as a Supported Service: Continued support for bundled voice and broadband services;
- (2) Support Levels and Minimum Service Standards for broadband and mobile voice services;
- (3) Establishing a National Verifier: Transfer of responsibility for Lifeline eligibility determinations in an effort to curb waste, fraud, and abuse;
- (4) Subscribers' Eligibility for Lifeline Support: Streamlining the criteria for program qualification;

⁴ At or below 135% of the FPG is \$24,840 for a family of four.

⁵ In Re: Lifeline and Link-up Programs, Docket No. M-0051871 (May 23, 2005) (PA Lifeline Order).

⁶ Section 214(e)(1) requires an ETC to offer the services supported by federal universal service mechanisms and advertise the availability of those services and the charges for them in media of general distribution. Section 214(e)(2) permits a state commission to designate a common carrier, either upon the state commission's motion or upon request, for rural areas and requires each designation for other areas so long as the carrier meets the criteria of Section 214(e)(1). Section 214(e)(3) authorizes the FCC to require a carrier to service underserved areas for interstate purposes and authorizes state commissions to designate a carrier for intrastate purposes for similar underserved areas. Section 214(e)(4) authorizes a carrier to relinquish its designation as a carrier in any area served by more than one eligible carrier. Section 214(e)(5) defines a service area as the geographic area established by the state commission for universal service purposes which, for rural areas, is coterminous with the study area unless determined otherwise by states and the FCC after consultation with the Federal-State Joint Board. Section 214(e)(6) directs the FCC to designate where carriers are not subject to the state's jurisdiction See, 47 U.S.C. § 214(e).

⁷ Universal Service Order, ¶¶127-199 in Section VI.

⁸ 47 C.F.R. § 54.101 lists the services an ETC must provide in order to receive federal universal service support. Section 101(e) lists the limited exceptions.

⁹ Section 201 concerns a carrier's eligibility to provide services through its own facilities or a combination of facilities. Additional requirements for ETC designation were codified at Section 202(a)(1)–(5). Section 203 authorizes the FCC or the Commission to designate carriers in unserved areas for interstate or intrastate purposes, respectively.

¹⁰ Section 207 defines a service area and establishes a process by which the FCC or Commission can propose alternative service areas.

(5) Lifeline Broadband Provider (LBP) ETCs: Encouraging entry of new Lifeline providers by instituting a streamlined federal designation process;

(6) Requiring Lifeline providers to make available Wi-Fi enabled devices and Lifeline providers of mobile broadband services to make available hotspot-enabled devices;

(7) Reforming the non-usage rules, making recertification a rolling process, and establishing a twelve-month benefit port freeze for broadband offerings; and,

(8) Establishing an annual budget of \$2.25 billion.

By this order, the Commission informs jurisdictional ETCs that the Commission retains authority to designate ETC providers that offer fixed and mobile voice service or voice and mobile services combined and will continue to do so until voice only Lifeline support has been phased out on December 1, 2021. This Order also informs jurisdictional ETCs and potential ETCs of Pennsylvania's revised policy on allowing subscribers to self-certify their eligibility for continued Lifeline support necessitated by FCC changes to the Lifeline program.

The process of phasing out support for voice-only services will begin on December 1, 2019, and end on December 1, 2021. During this time, the subsidy from the Universal Service Fund will incrementally decrease to zero. Once the phase-out has been completed, voice service must be bundled with an eligible broadband service in order to be supported. The lone exception that will allow voice-only service to receive Lifeline support after the phase-out period is where a Census block is served by only one Lifeline provider.

Pursuant to the FCC Order, the FCC alone will designate Lifeline Broadband Providers (LBPs) who must meet minimum service standards to qualify for Lifeline support. In the FCC Order, USAC was directed to create a National Lifeline Eligibility Verifier (National Verifier), to make eligibility determinations and to perform other functions necessary to enroll eligible subscribers into the Lifeline program. States will be added to the National Verifier in phases. Before the National Verifier is deployed in a state, providers are required to conduct an initial eligibility determination for each enrolling customer regardless of whether that customer previously received Lifeline-discounted services from another provider. This determination is intended to prevent the enrollment of ineligible customers. Once the National Verifier is deployed, eligibility records for a subscriber will allow the National Verifier to recertify their eligibility every 12 months on a rolling basis.

II. PUC Authority

In regard to a Pennsylvania customer's initial eligibility, our PA Lifeline Order specifically found that:

[T]he companies ought to use the DPW's¹¹ database first to establish if there is acceptable social assistance program participation. If the household¹² qualifies, then no further investigation or verification need be done. The household qualifies based on program participation¹³ or income verification. If the household does not appear to be enrolled in one of the approved social assistance programs, then 135% FPG

¹¹ The Department of Public Welfare's name has since been changed to the Department of Human Services (DHS).

¹² As the term "household" is now defined under FCC regulations at 47 C.F.R. § 54.400(h).

¹³ The FCC has specifically set forth a list of federally qualifying assistance programs at 47 C.F.R. § 54.400(j). We expressly adopt the expanded list of qualifying assistance programs.

[Federal Poverty Income Guidelines] income or less may be verified through either copies of written state or federal income tax returns for the prior year, or the carrier may contact [the Pennsylvania Department of Revenue (DOR)]. . .and pay the nominal fee to have the customer's household's income verified. We agree. . .that self-certification without some form of reasonable independent verification is suspect for fraudulent abuse and will not be acceptable in Pennsylvania as a means for qualifying for our Lifeline. . .programs.

PA Lifeline Order at p. 10.

In addition to Pennsylvania's initial certification requirements, our annual recertification requirements exceed those of the FCC regulations. Where the FCC allows for subscriber self-certification, Pennsylvania requirements had not allowed for self-certification by individual customers as part of the annual recertification process, and deemed the FCC's regulation at 47 C.F.R. § 410(f)(2)(iii) inapplicable in Pennsylvania.

The Commission directed carriers to the DHS' database, the Commonwealth of Pennsylvania Access to Social Services (COMPASS) Network, to verify or recertify an individual's Lifeline eligibility through the following programs: SNAP, Medical Assistance, Supplemental Security Income State Supplementary Payment (SSI SSP), LIHEAP and TANF.

Continued use of DHS' database, however, presents a problem with changes to the eligible programs and the timing of database upgrades. The COMPASS Network does not administer NSLP or Veterans' Pension Benefits because they are federal programs. Accordingly, Lifeline eligibility determinations for participation in these programs cannot be confirmed through the COMPASS Network. As stated earlier, NSLP will no longer be an eligible program for the federal Lifeline program after December 1, 2016. However, the Veterans' Pension Benefit will now become eligible on that same date.

Further, in November 2016, LIHEAP and TANF will be removed from the COMPASS Network in a database upgrade, even though the change in eligible programs will not occur until the following month. In the interim, between the time the COMPASS Network is updated in November and December 2, 2016, when the new program eligibility rules take effect, ETCs using the COMPASS Network to verify Lifeline applicants will receive incorrect results for some consumers.

During this brief period, for initial eligibility purposes, ETCs are directed to continue to use the COMPASS Network to verify consumer eligibility through the three programs administered by DHS: SNAP, Medical Assistance and SSI. For the remaining eligible federal programs not administered by DHS and therefore not a part of the COMPASS Network, Veterans' Pension and Survivors' Pension Benefits and Federal Housing, the Commission will require ETCs to seek documentation of subscribers' initial eligibility that independently verify that they are in fact receiving benefits from those programs. ETCs may also use a subscriber's federal and/or state tax returns to verify income eligibility if necessary.

For that period of time that COMPASS will be out of sync with state eligible programs (November until December 2, 2016), carriers may allow current subscribers to recertify through self-certification. We will permit self-certification as an interim measure for the few weeks the

database will not include all eligible programs in order to limit the risk of incorrectly identify subscribers as ineligible and improperly removing them from the Lifeline program.

By December 2, 2016, COMPASS will be able to track eligible state programs, but still will not have access to federal enrollments. Past Commission policy would have required additional documentation or federal verification that a subscriber is eligible through programs not in COMPASS. Movement toward a National Verifier is welcome, in that it will alleviate the concerns this Commission has with self-certification and it will streamline the verification process for carriers.

Recognizing the limitations of the COMPASS database and the forthcoming transition to a National Verifier, we will relax our policy against self-recertification to a degree. We still expect carriers to use COMPASS to recertify subscribers eligible through the state programs SNAP, Medical Assistance, and SSI. However, until the National Verifier is deployed in Pennsylvania, we will allow subscribers to self-certify according to the FCC rules that they remain eligible to receive the Lifeline subsidy under the following criteria: (1) Federal Public Housing Assistance; (2) Veterans Pension Benefits; (3) Income-based eligibility. We reiterate that in Pennsylvania, self-certification is not permitted to determine a subscriber's initial eligibility.

Conclusion

Based upon the foregoing, we issue this Final Order to inform jurisdictional ETCs and current and future ETC petitioners that we will continue to process ETC petitions for voice-only service offerings until the end of the phase-out period, December 1, 2021. We also notify jurisdictional ETCs that self-certification is not permitted to determine initial eligibility, but is allowed in some instances for recertification purposes until the National Verifier is deployed in Pennsylvania.

In addition, supplemental information on ETC designation, new program eligibility rules and annual certifications will be provided on our website for the general public and carriers seeking ETC designation and annual certification from the Commission. This Final Order shall be published in the *Pennsylvania Bulletin*. Therefore,

It Is Ordered That:

1. The streamlined program eligibility criteria set forth in the FCC's April 27, 2016 ETC Order is hereby adopted.
2. The list of federal programs eligible for the Lifeline subsidy as of December 2, 2016, are: the Supplemental Nutrition Assistance Program (SNAP), Medicaid, Supplemental Security Income (SSI), Federal Public Housing Assistance, and the Veterans Pension Benefit.
3. The programs no longer eligible for the federal Lifeline subsidy as of December 2, 2016, are: Low-Income Home Energy Assistance Program (LIHEAP), National School Lunch Program's free lunch program (NSLP) and Temporary Assistance for Needy Families (TANF).
4. Jurisdictional ETCs and all future ETC petitioners are directed to adhere to all applicable federal and Pennsylvania ETC rules, regulations and standards.
5. This Final Order be served on all jurisdictional ETCs.
6. The Secretary's Bureau is directed to link docket number M-2016-2566383 to previous ETC Orders at M-00051871 and M-2010-2164741.

7. The Secretary's Bureau will add a copy of this Final Order to docket numbers P-2010-2155915, P-2011-2226044, P-2011-2275748, P-2012-2287339, P-2011-2269524, P-2011-2245213, P-2011-2241542, P-2011-2275830, P-2012-2325045, P-2010-2154831, P-2011-2234287, P-2013-2378710, P-2013-2369557, and P-2013-2379431.

8. A copy of this Final Order be published in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2056. Filed for public inspection November 23, 2016, 9:00 a.m.]

Petition for Approval of Numbering Plan Area Relief Planning for the 215/267 NPA

Public Meeting held
November 9, 2016

Commissioners Present: Gladys M. Brown, Chairperson; Andrew G. Place, Vice Chairperson; John F. Coleman, Jr.; Robert F. Powelson; David W. Sweet

Petition for Approval of Numbering Plan Area Relief Planning for the 215/267 NPA;
Docket No. P-2016-2560129

Order

By the Commission:

On August 5, 2016, the North American Numbering Plan Administrator (NANPA),¹ NeuStar, Inc., in its role as the neutral third party NPA Relief Planner for Pennsylvania, acting on behalf of the Pennsylvania telecommunications industry (industry), filed a petition with the Commission requesting approval of its plan to alleviate numbering exhaust for the 215/267 Numbering Plan Area ("NPA" or "area code"). According to the petition, the industry reached a consensus² to implement an all services distributed overlay for the geographic area covered by the 215/267 NPA, which would create a new area code to service the area.

The Federal Communications Commission (FCC), which has plenary jurisdiction over numbering issues in the United States,³ mandates that states must implement timely area code relief, i.e., add a new area code, when the area codes within their boundaries are about to exhaust their supply of NXX codes.⁴ The Commission, therefore, is now faced with the decision of deciding when a new area code must be added and in what form that area code should be added. As stated earlier, the industry's Petition recommends an overlay as the necessary remedy to the 215/267 NPA exhaustion.

¹ The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that when an area code is nearing exhaust, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at Section 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. NPA Code Relief Planning & Notification Guidelines, INC97-0404-016, reissued Nov. 8, 1999, at Section 5.6.

² A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. CLC Principles and Procedures, May 1998, at Section 6.8.8.

³ 47 U.S.C. § 251(e)(1).

⁴ See In the Matter of Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration, 13 FCC Rcd 190029 (1998).

Discussion

I. FCC Requirements Regarding Area Code Relief

The proliferation of new area codes is not the result of the unavailability of numbers for end-users. When there are no more NXX codes available to assign to telephone companies, then new area codes need to be opened. Thus, new area codes are needed when existing area codes exhaust their supply of NXX codes.⁵ The system for allocating numbering resources was designed in 1947 to accommodate a monopoly system. In recent years, however, a combination of several factors has created an unprecedented demand for NXX codes leading to the exhaustion of existing area codes and the proliferation of new area codes to fill the void.

According to FCC regulations, new area codes can be introduced to relieve the shortage of NXX codes in an area code through the use of any of the following three methods:

1. A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
2. An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
3. An area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code.

See 47 C.F.R. § 52.19(c)(1)–(3).

Although the NANPA notifies the industry when an area code needs relief planning and conducts the relief planning meeting, it is a neutral third party that does not express an opinion on any proposed relief alternative. Additionally, the industry is encouraged to participate in the creation of the relief alternatives and is free to present any plans during the relief planning meeting.

II. NANPA's NPA Relief Planning for the 215/267 NPA

A. The Relief Planning Meeting for the 215/267 NPA

Between 1940 and 1990, Pennsylvania had a total of only four area codes (412, 814, 717 and 215). The 215 area code is one of Pennsylvania's original four area codes. In June 1999, the 267 overlay NPA was activated and placed into service to relieve the 215 NPA. Today, Pennsylvania has ten active area codes (215, 610,⁶ 267, 484,⁷ 717, 570,⁸ 412, 724,⁹ 878¹⁰ and 814).

⁵ Telephone numbers consist of 10 digits. The first three digits make up the area code, and the second three digits make up the NXX code. Each NXX code contains 10,000 numbers and each area code contains approximately 792 NXX codes.

⁶ In 1994, the original 215 NPA in southeastern Pennsylvania was geographically split and the 610 NPA was introduced.

⁷ By Order entered May 21, 1998 at Docket No. P-00961061, the Commission directed that the 215 and 610 NPAs, or area codes, in the southeastern portion of this Commonwealth receive individual overlay NPAs so as to address the prevailing NXX code shortage problem. The 215 NPA received the 267 overlay NPA and the 610 NPA received the 484 overlay NPA.

⁸ The 570 NPA was a geographic split of the 717 NPA and was activated on April 8, 1999. On July 15, 2010, the Commission approved an all services overlay at P-2009-2117193, as the relief method for the 570 NPA. The new 272 NPA served the same geographic area as the 570 NPA and was activated on October 21, 2013.

⁹ By Order entered July 15, 1997, at P-00961027, the Commission directed that the original 412 NPA in western Pennsylvania be geographically split with the new 724 NPA. The Pittsburgh metropolitan area would retain the 412 NPA with the surrounding communities transferring to the new 724 NPA. The new 724 NPA was activated on February 1, 1998.

¹⁰ The 412 NPA was declared to be in jeopardy on October of 1999, by the NANPA. On January 19, 2000, an industry consensus was reached to institute an all services multiple overlay. Therefore, on August 17, 2001, the 878 NPA was activated and overlays both the 412 and the 724 geographic areas.

The April 2016 NRUF (Number Resource Utilization Forecast) and NPA Exhaust Analysis (2016 NRUF Report) indicated that the 215/267 NPA will exhaust during the second quarter of 2019.¹¹ Based upon the projected exhaust date, NANPA notified the Commission and the Industry on May 26, 2016, that NPA relief needed to be addressed. The Industry met via conference call on June 28, 2016, to discuss various relief alternatives. Pursuant to the NPA Relief Planning Guidelines, NANPA distributed an Initial Planning Document (IPD) to the Industry prior to the relief planning meeting. The IPD contained a meeting aid, CO Code assignment information, thousand block pooling statistics and an illustrative map of the overlay.¹² A draft relief Petition was also included in the industry notice. NANPA cites to the NPA Relief Planning Guidelines to support its practice of requesting an overlay where an existing overlay is in place.

B. Industry’s Consensus to Recommend an Overlay

At the June 28th meeting, the participants discussed the attributes of the all services distributed overlay plan, as the preferred method of relief for the 215/267 NPA: a new NPA code should be assigned to the same geographic area as the existing 215/276 NPA and is projected to last approximately 24 years. All existing customers would retain their 215/267 area code and would not have to change their telephone numbers. CO codes in the new overlay NPA will be assigned upon request upon the effective date of the new NPA code. All local, calls within and between the 215/267 NPA and the new NPA would continue to be dialed using 10-digits.¹³ The current dialing plan would continue with the implementation of the new overlay relief plan. The following table illustrates the recommended dialing plan:

<i>Type of Call</i>	<i>Call Terminating to</i>	<i>Dialing Plan</i>
Local & Toll Calls	Within and between NPAs 215, 267 & new NPA	10 digits (NPA-NXX-XXXX)*
Local & Toll Calls	Originating in NPAs 215, 267 and new NPA and terminating in other NPAs	1+10 digits (1+NPA-NXX-XXXX)
Operator Services (Credit card, collect, third party)	HNPA or FNPA	0+10 digits (0+NPA-NXX-XXXX)

* 1+10 digit dialing for all HNPA and FNPA calls permissible at each service provider’s discretion.

When the 215/267 NPA exhausts, all Central Office (CO) code assignments will be made from the new overlay area code. Industry participants also reached consensus to recommend to the Commission a nine-month schedule for implementation of the overlay with relief in place six months prior to the forecasted exhaust.¹⁴ The recommended schedule is as follows:

Recommended Implementation Schedule for All Services Distributed Overlay

<i>Event</i>	<i>Timeframe</i>
Customer Education and Network Preparation Period*	9 months
Earliest Activation of CO codes in the new NPA	At the completion of customer education and network preparation period

* There is no requirement for a permissive dialing period because mandatory 10 or 1+10-digit dialing is already in place.

The Industry states that adhering to the proposed timeframe will avoid the denial or delay of service to telecommunications providers’ customers due to the unavailability of CO codes.

III. Discussion

The FCC has adamantly maintained that state commissions cannot engage in number conservation measures to the exclusion of, or as a substitute for, timely area code relief.¹⁵ Therefore, when Pennsylvania’s area codes are

about to exhaust their supply of NXX codes, the Commission must implement timely area code relief, i.e., add a new area code. When faced with the need to implement new area codes, the Commission must decide two very important issues. First, the Commission must decide how to implement the new area code (i.e., a geographic split or an overlay). Second, the Commission must determine when the new area code needs to be implemented. As discussed earlier, because of the existing overlay in the 215/267 area code, only one method of area code relief has been recommended as appropriate. That is the overlay.

Because an overlay is currently in existence in the 215/267 area code, we will not recommend public input hearings. The purpose of public input hearings is to get the public’s input to assist the Commission in making the decision on which area code relief to implement. Currently, customers residing in the 215/267 geographic region already use 10-digit dialing for local and long distance calls. Therefore, they are familiar with how it works. It would not be appropriate in this instance to introduce an area code split in this geographic region. Instead, the Commission directs the Bureau of Communications to work with the industry, media and Law Bureau to hold Consumer Education Forum(s) to be held closer to the roll out date of the new area code. At that time, customers will be able to ask questions that they have regarding the overlay of the new area code. The location(s) and time(s) for the Consumer Education Forum(s) will be established by the Office of Communications in conjunction with the Industry and the Law Bureau.

A. Form of Area Code Relief for the 215/267 NPA

According to the FCC, state commissions must add new area codes when the existing area codes exhaust or are about to exhaust all their NXX codes. Consequently, the critical element for deciding when to add new area codes is knowing when the area code will exhaust all of its NXX codes. State commissions have no involvement in predict-

¹¹ The 2016 NRUF Report can be accessed on the NANPA website at <https://www.nanpa.com>.
¹² Attached as Exhibit B to the Petition.
¹³ 47 C.F.R. § 52.19(c)(3)(ii).
¹⁴ The recommended relief should be in place six months prior to the forecasted exhaust. NPA Relief Planning Guidelines at Section 7.2.
¹⁵ In the Matter of Numbering Resource Optimization, CC Docket Nos. 99-200, 96-98, NSD File No. L-99-101 (2000).

ing or projecting the exhaust dates for area codes. The FCC has delegated this responsibility to the NANPA.

The NANPA projects exhaust dates for area codes by averaging the past rate of assignment of NXX codes and using that to estimate the future rate at which NXX codes will be assigned. Because these variables are so fluid, projecting accurate exhaust dates is difficult. Thus, with constantly changing information such as this, it is difficult to determine when Pennsylvania's area codes will exhaust and thereby require the addition of new area codes to ensure that all telecommunications carriers have numbering resources.

Once NANPA has determined that area code relief is necessary, state commissions are faced with the task of deciding what form that relief should take. As stated earlier, because of the current overlay in the 215/267 NPA, the Commission was only presented with the option of another overlay for area code relief. The Commission therefore will not seek comments on any alternatives to the recommended relief submitted by the NANPA.

Pennsylvania has experienced both area code splits and overlays. There have been a total of five overlays since 1999 (484, 267 and 878 have been implemented and 835 and 445 were activated but later rescinded). Prior to 1999, three geographic splits have been implemented (610, 570 and 724). There are benefits and disadvantages to either method.

With the imposition of an overlay, existing land-based telephone customers are not likely to have to change telephone numbers. Therefore, customers will not need to change their advertising and stationery. However, the FCC requires that ten digits be used to dial all numbers in the overlaid area when an overlay is implemented. Thus, seven-digit dialing is no longer permissible or valid. New NXX numbers from the new area code are assigned to carriers that do not have numbers available in a given rate center. Therefore, the first three digits of a ten-digit telephone number around the corner or down the block might be from the new area code. Eventually, a single customer might have two different area codes for telephone lines serving his or her home or place of business if the existing carrier has run out of numbers in an NXX assigned to the old area code. Local calling areas will not change regardless of the new area code.

Customers in the 215/267 NPA are familiar with the purpose and mechanics of an overlay, having experienced it before. Nonetheless, the Commission will direct the Office of Communications to hold public information session(s) in conjunction with the industry, Law Bureau and media to ensure that the public is aware that a new area code will be implemented in their calling area.

B. Implementation Schedule and Activation of the Relief Plan Chosen for the 215/267 NPA

While a state commission may not utilize numbering optimization measures in lieu of implementing timely area code relief, a state commission may minimize the consumer impact of traditional area code relief by not implementing new area codes sooner than necessary. Subsequent to filing the Petition, on September 9, 2016, NANPA notified the Commission of a revised projected exhaust date for the 215/267 NPA. NANPA estimates that the forecasted exhaust date has been modified and accelerated to the second quarter of 2018. NANPA states that this revised date reflects an increase in the actual and forecasted code demand.

The current overlay relief plan proposed by the industry allows nine months for full implementation of the new NPA. According to this timeline, nine months is an adequate amount of time for customer education and network preparation since mandatory 10 or 1+10-digit dialing is already in place in the 215/267 NPA. Moreover, the Commission's experience with area code overlays is that they can be fully implemented within six months. Consequently, the Commission agrees that the nine-month timeline is reasonable for implementation of an overlay for the 215/267 NPA.

As stated in the Petition, the CO codes in the new overlay NPA will be assigned upon request upon the effective date of the new NPA code. At exhaust of the 215/267 NPAs, all future code assignments will be made in the new overlay NPA code.

Conclusion

The policy of the Commission is to ensure that numbering resources are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is as minimal as possible. In this instance, the Commission notes that an overlay is the least disruptive method of resolving the 215/267 NPA exhaust issue. As mentioned earlier, we direct the Office of Communications to work in conjunction with the industry, media and Law Bureau in holding Consumer Education Forum(s) to ensure that the public is aware that a new area code will be implemented in their calling area. This will allow customers to get answers to any questions they may have; *Therefore,*

It Is Ordered That:

1. The Petition for Approval of Numbering Plan Area Relief Planning for the 215/267 NPA filed by the North American Numbering Plan Administrator is hereby granted.
2. The industry consensus recommendation set forth in the petition for an all services distributed overlay relief plan for the 215/267 NPA is hereby approved.
3. The Office of Communications is directed to educate the public about this change through public forums and other tools, at the appropriate time prior to the implementation of the area code.
4. The Office of Communications will handle the publishing of notices about the consumer education forums.
5. A copy of the press release regarding the Consumer Education Forum(s) shall be posted on the Commission's website at <http://www.puc.state.pa.us>.
6. A copy of this order shall be published both in the *Pennsylvania Bulletin* and on the Commission's website.
7. A copy of this Order shall be served on the Office of Consumer Advocate, the Office of Small Business Advocate and Wayne Milby and Kimberly Wheeler Miller of the North American Numbering Plan Administrator.
8. A copy of this order shall be served upon the Office of Communications.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2057. Filed for public inspection November 23, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 12, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2016-2574958. WeAllCare Home Health, LLC (1706 North 2nd Street, Philadelphia, Philadelphia County, PA 19122) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Allegheny, Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return.

A-2016-2575133. Tajoma, Inc. t/a Exclusive Destinations Services (1500 Hamilton Street No. 1H, Allentown, Lehigh County, PA 18102) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Carbon, Lehigh, Luzerne and Northampton, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Debra L. Roscioli, Esquire, Reger, Rizzo & Darnall, LLP, 700 East Gate Drive, Suite 101, Mount Laurel, NJ 08054.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2058. Filed for public inspection November 23, 2016, 9:00 a.m.]

Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 12, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. ANO Logistics, Inc.; Docket No. C-2016-2569525

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth

of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to ANO Logistics, Inc., (respondent) is under suspension effective September 21, 2016 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 169 W Thayer St, Philadelphia, PA 19140.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 28, 2015, at A-8918038.

4. That respondent has failed to maintain evidence of both Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918038 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/5/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility
 Services
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Skinners Legacy, LLC; Docket No. C-2016-2569545

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Skinner's Legacy, LLC, (respondent) is under suspension effective September 14, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2035 McKean Street, Philadelphia, PA 19145-2836.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 03, 2015, at A-8917910.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917910 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may

include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,
David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 10/12/2016

David W. Loucks, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P.O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 16-2059. Filed for public inspection November 23, 2016, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Proposals

Thaddeus Stevens College of Technology (College) will be issuing a request for proposal (RFP) (RFP 16-1798) from qualified marketing agencies for comprehensive brand strategy development. The services to be provided as a result of the RFP include research, strategy recommendations for brand positioning, and the like, and a corporate identity package for the College. The RFP can be obtained from Carrie Harmon, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, harmon@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 16-2060. Filed for public inspection November 23, 2016, 9:00 a.m.]

