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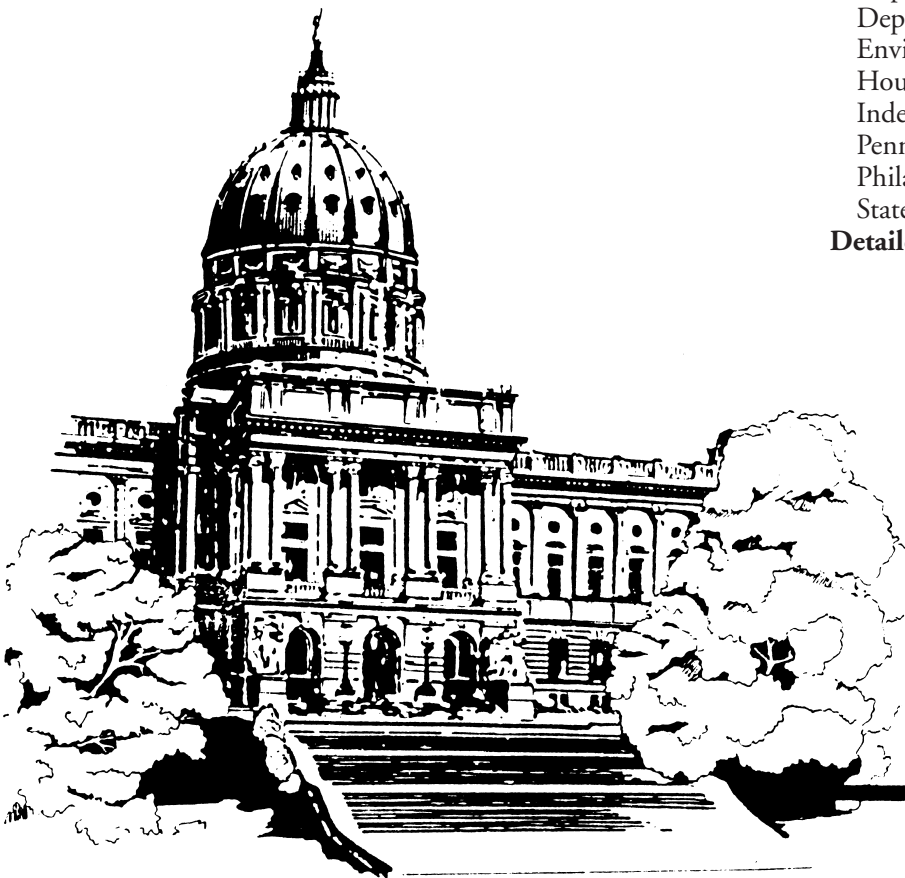
# PENNSYLVANIA BULLETIN

Volume 43  
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Number 48  
Pages 7001—7060

## Agencies in this issue

The General Assembly  
Department of Banking and Securities  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Environmental Quality Board  
Housing Finance Agency  
Independent Regulatory Review Commission  
Pennsylvania Public Utility Commission  
Philadelphia Parking Authority  
State Board of Pharmacy

Detailed list of contents appears inside.



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

**No. 468, November 2013**

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# CONTENTS

## THE GENERAL ASSEMBLY

Cost-of-living factor under the Public Official Compensation Law . . . . . 7010

## EXECUTIVE AGENCIES

### DEPARTMENT OF BANKING AND SECURITIES

#### Notices

Actions on applications . . . . . 7018

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notices

Applications, actions and special notices . . . . . 7019  
Oil and Gas Technical Advisory Board meeting  
cancellation . . . . . 7043

### DEPARTMENT OF HEALTH

#### Notices

Applications for exception:  
Chambersburg Hospital . . . . . 7044  
Geisinger Center for Aesthetics & Cosmetic Surgery—Woodbine . . . . . 7044  
Hospital of the University of Pennsylvania . . . . . 7044  
Mifflin County Community Surgery Center . . . . . 7045  
Ohio Valley General Hospital . . . . . 7045  
Waynesboro Hospital . . . . . 7045  
Long-term care nursing facilities; request for exception . . . . . 7045  
Recognized lifeguard certifying authorities for 2014 . 7046

### DEPARTMENT OF REVENUE

#### Notices

Pennsylvania Moola instant lottery game . . . . . 7046

### ENVIRONMENTAL QUALITY BOARD

#### Notices

Meeting cancellation . . . . . 7048

### HOUSING FINANCE AGENCY

#### Notices

Homeowner's Emergency Mortgage Assistance Program (HEMAP); interest rate for HEMAP loans closed in 2014 . . . . . 7048

### INDEPENDENT REGULATORY REVIEW COMMISSION

#### Notices

Notice of comments issued . . . . . 7048  
Notice of filing of final rulemakings . . . . . 7050

### PENNSYLVANIA PUBLIC UTILITY COMMISSION

#### Notices

Act 129 Energy Efficiency and Conservation Program; doc. no. M-2012-2289411 . . . . . 7050  
Certification of well plugging/reclassification; doc. no. M-2012-2288561 . . . . . 7051  
Delegation of additional authority regarding motor carrier abandonment and discontinuance of service applications . . . . . 7051  
Service of notice of motor carrier applications . . . . . 7052  
Service of notice of motor carrier formal complaints . 7053

### PHILADELPHIA PARKING AUTHORITY

#### Notices

Motor carrier medallion transfer application for service in the city of Philadelphia (6 documents) . . . . . 7058, 7059, 7060

### STATE BOARD OF PHARMACY

#### Rules and Regulations

Cancer Drug Repository Program . . . . . 7011

#### Notices

Cancer Drug Repository Program; income limits for eligibility . . . . . 7060

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

A chronological table of the history of *Pennsylvania Code* sections may be found at [www.legis.state.pa.us](http://www.legis.state.pa.us).

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred. The *Pennsylvania Bulletin* is available at [www.pabulletin.com](http://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 such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

<b>4 Pa. Code (Administration)</b>		288 .....	4858
<b>Proposed Rules</b>		299 .....	4858
405 .....	1850	806 .....	872
<b>Statements of Policy</b>		901 .....	4740, 5995
1 .....	6901	1021 .....	2591
9 .....	220, 875, 1084, 1283, 1863, 2610, 3113, 3510, 4101, 4601, 5599, 6006, 6512	<b>Statements of Policy</b>	
58 .....	1731	16 .....	4103
67a .....	877	<b>28 Pa. Code (Health)</b>	
<b>7 Pa. Code (Agriculture)</b>		<b>Adopted rules</b>	
<b>Adopted Rules</b>		1001 .....	6093
143 .....	216	1003 .....	6093
144 .....	216	1005 .....	6093
<b>Proposed Rules</b>		1007 .....	6093
107 .....	6366	1009 .....	6093
137b .....	4344	1011 .....	6093
<b>10 Pa. Code (Banking and Securities)</b>		1013 .....	6093
<b>Proposed Rules</b>		1015 .....	6093
5 .....	5455	1021 .....	6093
<b>12 Pa. Code (Commerce, Trade and Local Government)</b>		1023 .....	6093
<b>Proposed Rules</b>		1025 .....	6093
149 .....	3110	1027 .....	6093
<b>17 Pa. Code (Conservation and Natural Resources)</b>		1029 .....	6093
<b>Adopted Rules</b>		1031 .....	6093
45 .....	4077	1033 .....	6093
<b>Proposed Rules</b>		<b>31 Pa. Code (Insurance)</b>	
45 .....	1419	<b>Adopted Rules</b>	
<b>22 Pa. Code (Education)</b>		124 .....	6345
<b>Adopted Rules</b>		161 .....	2816
4 .....	4079	163 .....	2819
19 .....	3337	<b>Proposed Rules</b>	
31 .....	2436	25 .....	5996
<b>Proposed Rules</b>		124 .....	1269
121 .....	6368	<b>34 Pa. Code (Labor and Industry)</b>	
<b>25 Pa. Code (Environmental Protection)</b>		<b>Adopted Rules</b>	
<b>Adopted Rules</b>		63 .....	2438
78 .....	526	65 .....	4730
93 .....	4080	<b>37 Pa. Code (Law)</b>	
105 .....	967	<b>Proposed Rules</b>	
121 .....	806	79 .....	2589
123 .....	806, 2140	<b>40 Pa. Code (Liquor)</b>	
139 .....	806	<b>Adopted Rules</b>	
901 .....	830	5 .....	3946, 5817
<b>Proposed Rules</b>		15 .....	12
78 .....	5457	<b>Proposed Rules</b>	
127 .....	677	7 .....	5825
208 .....	2587, 5819	11 .....	2040, 5826
271 .....	4858	<b>49 Pa. Code (Professional and Vocational Standards)</b>	
272 .....	4858	<b>Adopted Rules</b>	
273 .....	4858	5 .....	4850
284 .....	4858	13 .....	2033
285 .....	4858	16 .....	2142, 3347, 4329
287 .....	4858	18 .....	2142, 2145, 4329
		25 .....	2147, 4336
		27 .....	7011
		36 .....	3098
		42 .....	2991, 3350



**Proposed Rules**

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

**Statements of Policy**

13	1422, 6515
33	6385

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

**Proposed Rules**

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

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

**Adopted Rules**

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

**Proposed Rules**

1	1273, 2602
3	2602, 6894
5	1273, 2602, 6894
23	2602, 6894
29	2602, 6203
31	6894
32	2602, 6894
41	6894
53	2602, 6503
54	2602
57	2602
59	2602
62	2602
65	870
121	6206
1001	6373
1011	1725, 6373
1013	6674
1015	1725
1017	1720, 1725, 6373
1019	6373
1021	1725, 6373
1027	1725
1051	1725
1053	1725
1055	1720
1057	1725
1059	1725

**Statements of Policy**

41	2852
69	6518

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

**Adopted Rules**

52	833
5230	2572

**Proposed Rules**

1187	4599, 4855, 5822
1189	4855, 5822

**Statements of Policy**

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

**58 Pa. Code (Recreation)**

**Adopted Rules**

29	2714
51	4214
65	3232, 5451, 5452
69	4214
75	5453
93	4214
113	4214
139	2999, 3006
141	3006
143	3007
147	2311
401a	660, 4096
403a	660
405a	660
407a	660
437a	4096
441a	4096
461a	660
471a	660
491a	660
493a	660
494a	660
495a	660
497a	660
499a	660
501a	660
511a	660
581	3495
583	3495
585	3495
587	4971
588	6883

**Proposed Rules**

51	5462
53	3238
61	3237
63	3235, 5466
65	2034, 2035
69	5467
75	15, 3233
93	5463
101	3238
105	3238
137	2039
139	1712, 1718, 2037
141	1710
143	2037, 4741
421a	2152, 6764
421b	2152
423a	6764
425a	6764



427a	6764
429a	6764
431a	6764
433a	6764
435a	6764
437a	6764
439a	2152
440a	6764
441a	6764
461a	834, 6764
465a	834, 2152, 2827, 6764
481a	2152
501a	2152
503a	2152
503b	2152
513a	2152
525	834
575	834
577	834
579	834
603a	834, 2152
605a	2312
609a	834, 6764
623a	834, 6764
627a	834
629a	834
631a	834
633a	834, 2152, 6764
635a	834
637a	834
639a	2312, 2827
641a	2312, 2827
643a	2312, 2827, 6764
645a	2827, 6764
647a	2312, 2827
649a	834, 2827
653a	2312, 2827
655a	2312, 2827
657a	2312, 2827
659a	834
661a	834
663a	834
665a	834

**Statements of Policy**

57	5469
439b	1733
461b	4744

**61 Pa. Code (Revenue)**

**Adopted Rules**

7	532
117	535
119	535
121	535
901	532

**67 Pa. Code (Transportation)**

**Adopted Rules**

23	6892
175	6349
231	6893

**Proposed Rules**

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

**101 Pa. Code (General Assembly)**

**Statements of Policy**

31	17
303	878

**201 Pa. Code (Rules of Judicial Administration)**

**Adopted Rules**

1	2988
7	3327
19	3223

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29	6489, 6490
71	2559
81	1173, 6641, 6762
83	1173
303	3655

**Proposed Rules**

71	1699
81	1997
83	4967
303	431

**207 Pa. Code (Judicial Conduct)**

**Proposed Rules**

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

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

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

**Proposed Rules**

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

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

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

**Proposed Rules**

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

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200	525, 6648
1000	1835
1300	2135

1900 ..... 3932  
 1910 ..... 801, 2272, 5701  
 1915 ..... 2559, 3936, 3937, 4702  
 1930 ..... 3329  
 3000 ..... 2136  
 Part II ..... 1836

**Proposed Rules**

1900 ..... 5448  
 1910 ..... 3932, 5449  
 Part II ..... 2010, 6321

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 652, 6649, 6654  
 2 ..... 652, 6649  
 4 ..... 654, 4323  
 5 ..... 2560, 2704, 3330, 4062, 4715  
 6 ..... 2704, 3330  
 7 ..... 1702  
 8 ..... 4715  
 10 ..... 2560, 2704, 4062, 6657

**Proposed Rules**

5 ..... 210, 4210  
 6 ..... 2304, 6490  
 8 ..... 801

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

**Adopted Rules**

1 ..... 3938, 3941  
 2 ..... 3938  
 6 ..... 1551, 3938  
 11 ..... 3941, 6658  
 12 ..... 6658  
 16 ..... 6658

**Proposed Rules**

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

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

**Adopted Rules**

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

**Proposed Rules**

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

**249 Pa. Code (Philadelphia Rules)**

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

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 2711, 3229, 5702

**255 Pa. Code (Local Court Rules)**

Unclassified ..... 9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726, 4839, 4845, 4848, 4970, 5395, 5450, 5590, 5703, 5797, 5798, 5799, 5804, 5991, 5993, 6201, 6344, 6666, 6667, 6673, 6762, 6882

# 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, 2013 through November 30, 2014, 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, 2012 through October 31, 2013.

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, 2012 through October 31, 2013 increased by 0.2511%. Therefore, the salary for legislators for the period beginning December 1, 2013 through November 30, 2014 and will be \$84,012.31.

Under section 4(d.1) of the Public Official Compensation Law (Act 72 of 2005), for the 12-month period beginning December 1, 2013 through November 30, 2014, 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, 2012, through October 31, 2013.

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	0.2511%	\$131,148.59
Majority Floor Leader	0.2511%	\$121,723.12
Minority Floor Leader	0.2511%	\$121,723.12
Majority Whip	0.2511%	\$112,631.91
Minority Whip	0.2511%	\$112,631.91
Majority Caucus Chairman	0.2511%	\$101,856.89
Minority Caucus Chairman	0.2511%	\$101,856.89
Appropriations Chairman	0.2511%	\$112,631.91
Minority Appropriations Chairman	0.2511%	\$112,631.91
Majority Caucus Secretary	0.2511%	\$95,797.28
Minority Caucus Secretary	0.2511%	\$95,797.28
Majority Caucus Policy Chairman	0.2511%	\$95,797.28
Minority Caucus Policy Chairman	0.2511%	\$95,797.28
Majority Caucus Administrator	0.2511%	\$95,797.28
Minority Caucus Administrator	0.2511%	\$95,797.28

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*Chief Clerk*  
*House of Representatives*

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# RULES AND REGULATIONS

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF PHARMACY

[ 49 PA. CODE CH. 27 ]

### Cancer Drug Repository Program

The State Board of Pharmacy (Board) adds §§ 27.501—27.506 (relating to Cancer Drug Repository Program) to read as set forth in Annex A.

#### *Effective Date*

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

#### *Statutory Authority*

This final-form rulemaking is authorized under section 6(k)(9) of the Pharmacy Act (act) (63 P. S. § 390-6(k)(9)) and sections 3 and 7 of the Cancer Drug Repository Program Act (CDRPA) (62 P. S. §§ 2923 and 2927).

#### *Background and Purpose*

The CDRPA created the Cancer Drug Repository Program (Program) to permit pharmacies to voluntarily accept donated cancer drugs and to dispense those drugs to indigent persons as provided in the CDRPA. It also requires the Board to promulgate regulations to implement the CDRPA.

#### *Summary of Comments and Responses to the Proposed Rulemaking*

The Board published notice of proposed rulemaking at 41 Pa.B. 1337 (March 12, 2011), followed by a 30-day public comment period. The Board received comments from The Pennsylvania Medical Society (PMS); the Pennsylvania Society of Oncology and Hematology (PSOH); the United States Department of Health and Human Services, Food and Drug Administration (FDA); and the Pennsylvania Pharmacists Association (PPA). The Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) as part of their review of proposed rulemaking under the Regulatory Review Act (71 P. S. §§ 745.1—745.12). The Board did not receive comments from the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC).

#### *General Comments*

The FDA commented generally that it is opposed to medication reuse and redispensing programs because of the risks to patient safety. The PPA also expressed concerns with the overall concept behind the law and the regulations. The Board acknowledges these concerns; however, promulgation of these regulations is mandated by the General Assembly under the CDRPA and the Board believes the final-form regulations make the Program as safe as possible within the statutory framework. The PSOH commented generally that it supported the proposed rulemaking and believes the necessary safeguards for quality assurance have been incorporated.

The HPLC commented that the proposed rulemaking was published approximately 2 years and 7 months past the deadline in the CDRPA—90 days from the effective

date of the CDRPA. The Board acknowledges that the rulemaking process has taken much longer to complete than anticipated by the General Assembly.

IRRC asked how the Board will make the availability of the Program known to the citizens of this Commonwealth, and whether the Board has considered listing the pharmacies that participate in the Program on its web site. The Board will add a notice to the public regarding the availability of the Program and, when available, a list of the pharmacies that participate in the Program on the Board's web site. Further, the Board believes that participating pharmacies also will advertise the availability of the Program at the pharmacies.

Further, IRRC noted that the Regulatory Analysis Form submitted with the proposed rulemaking stated there will not be costs or savings to the regulated community. A comment from IRRC further referenced the comments from the PPA, which indicated there would be costs to participating pharmacies to comply with the regulations associated with additional manpower, storage facilities and paperwork, as well as possibly additional liability insurance costs. The PMS expressed similar concerns about the potential increased risk of professional liability exposure to pharmacists. The existence of these costs, if any, would depend on several unknown and unknowable factors including how many pharmacies participate in the Program, how many cancer drugs are donated and whether participating pharmacies have existing space and manpower to run the Program. If there are relatively few drugs donated, the pharmacy may not have additional costs in the form of manpower or space. Further, the insurance market would determine whether additional liability insurance is required and, if so, how much. The increase in additional liability insurance may depend on how many cancer drugs are donated and dispensed, which translates into exposure risk. Additionally, given section 6 of the CDRPA (62 P. S. § 2926), regarding immunity, there may not be an increase in liability insurance premiums. In other words, whether there would be increased costs would be speculative at best, and the determination of those costs, if any, is impossible for the Board to estimate with meaningful figures.

IRRC also asked the Board to quantify the potential savings an eligible cancer patient could realize by obtaining medication through the Program. According to the American Cancer Society, the average cost of a 30-day cancer drug prescription was more than \$1,600 in 2006, and it is even higher today. Many cancer drugs cost more than drugs for other illnesses. Some of the newer cancer treatments can cost as much as \$10,000 for a month's supply. Estimating the potential savings to eligible cancer patients would also depend on several unknowable factors. Cost savings would depend on how many eligible cancer patients participate in the Program. Savings to a specific patient would depend on how much of a patient's prescribed medication is available through the Program. It seems unlikely that all of the patient's cancer drug regimen would be available. Also, the amount available may vary from month to month, and the patient's drug regimen may vary, depending upon the patient's therapeutic responses to previously prescribed medications and the advancement of the disease. Cancer drugs vary greatly in cost depending on the particular drug or combination of drugs involved.



For these reasons, the Board finds that it is unable to estimate the possible costs to participating pharmacies or the possible savings to eligible cancer patients with meaningful figures.

#### *Purpose*

In regard to § 27.501 (relating to purpose), the HPLC suggested that “Pennsylvania” be added before “residents who are indigent.” The Board agrees and made this amendment to be consistent with § 27.506(b) (relating to patient eligibility), specifically pertaining to financial eligibility for the Program, and in response to the HPLC recommendation.

#### *Definitions*

The Board received several comments regarding the proposed definition of “original sealed and tamper-evident unit dose packaging.” The HPLC recommended adding “unopened” before word “sealed” to align with statutory language. The Board made that amendment. IRRC noted that the definition implies that injectable, topical and aerosol medications would be considered oral medications and available as single unit doses. The HPLC, the PPA and the FDA provided similar comments. The Board amended the definition as suggested by the HPLC and the FDA to address these comments. In response to the concerns regarding whether injectables, topical and aerosols can be packaged in unit doses, the Board is aware that unit dose packaging of solid oral medications is the most common type of unit dose packaging and that there are existing unit dose packaging systems not only for oral solids, but also for liquids such as ampules, vials and prefilled syringes, and for topical ointments and creams. Although perhaps less common, companies are developing unit dose spray (aerosol) drug delivery systems.

Regarding the terminology “tamper-evident,” the PPA noted that the term is commonly used for over-the-counter drugs, not for prescription drugs which are the subject of the rulemaking. The PPA suggested that including the term in the final-form rulemaking may confuse practitioners. Further, as the FDA indicated, the tamper-evident feature may be added to the package after adulteration, and the receiving pharmacist would not be aware of it. The Board agrees with these concerns but declined to delete “tamper-evident” because it would be inconsistent with the terminology in section 4 of the CDRPA (62 P. S. § 2924). In addition, the FDA did not raise concerns about the use of the terminology “tamper-evident” as it applies to this final-form rulemaking, only that it would be difficult, if not impossible, for a pharmacist to ensure the safety of recycled drugs even if they were in “tamper-evident” packaging.

The HPLC and the FDA pointed out that the FDA “registers” repackagers, rather than “licensing” them. Accordingly, “licensed” was replaced with “registered” in the definition of “original unopened, sealed and tamper-evident unit dose packaging” as amended in the final-form rulemaking. The Board amended the definition because it essentially defined the term with the same term. That is, as defined in the proposed rulemaking “original unopened, sealed and tamper-evident unit dose packaging” must be in the manufacturer’s or repackager’s unopened original tamper-evident packaging. Instead, the final-form rulemaking has been amended to clarify that an “original unopened, sealed and tamper-evident unit dose packaging” is one that has been visually inspected by a licensed pharmacist to determine that the packaging appears to be unbreached and undamaged.

#### *Participation in the Program*

Section 27.503(b)(4) and (5) (relating to participation in the Cancer Drug Repository Program) has been reversed for clarity because the Board agreed that it simply makes more sense to first require the certification by a pharmacist and then require that pharmacist’s information. The HPLC recommended changing “certification of a pharmacist” to “certification by a pharmacist.” This recommendation also was accepted.

In subsection (c), “donated prescription drugs” was changed to “donated cancer drugs” to conform to the defined term “cancer drug” as recommended by the HPLC and IRRC.

The heading of subsection (d) has been changed from “donations of cancer drugs and supplies” to “donations of cancer drugs.” As IRRC and the HPLC noted, the CDRPA does not provide for the donation of supplies. Similar changes were made throughout subsection (d) and other sections of the final-form rulemaking. Other comments asking for clarification of what constituted eligible supplies have been made moot by this change.

Regarding subsection (d)(1), as IRRC noted, the CDRPA requires donations from a closed drug delivery system. The definition of “closed drug delivery system” in the CDRPA is limited to a “system in which the actual control of a unit dose medication is maintained by a health care facility, health clinic, hospital, pharmacy or physician’s office *rather than an individual patient.*” (Emphasis added.) Accordingly, “An individual who is 18 years old or older or a” has been deleted. This change is made throughout the final-form rulemaking and addresses some of the FDA’s and the PPA’s noted safety concerns about accepting donations from individuals.

IRRC also commented that the forms that will be used to implement the Program be amended to ensure consistency with the act and these regulations. The Board has updated the forms accordingly.

#### *Drugs*

IRRC asked how § 27.504(a)(2) (relating to drugs) comports with section 5(a)(9)(xi) of the act (63 P. S. § 390-5(a)(9)(xi)) which provides that “[t]he acceptance back and redistribution of any unused drug, or a part thereof, after it has left the premises of any pharmacy, whether issued by mistake or otherwise, unless it is in the original sealed container” is an act of “grossly unprofessional conduct of a pharmacist.” This is a common problem when a stand-alone act is enacted which appears to conflict with an existing statute, rather than amending the existing statute. In this instance, section 4(1) of the CDRPA allows the acceptance of donated cancer drugs in single-unit doses if the “outside packaging is opened but the single-unit-dose packaging is unopened.” Section 27.504(2) is in accord with the CDRPA. Principles of statutory construction require that the Board construe the two statutes (the act and the CDRPA) together, if possible, and when they cannot be reconciled the statute enacted later prevails. Therefore, the Board construes this provision as meaning that the “single-unit dose packaging” is considered the original sealed container as it pertains to drugs that are part of the Program for purposes of section 5(a)(9)(xi) of the act.

The FDA noted concerns that “even if packaged in a way mandated by § 27.504, the receiving pharmacist may not be able to tell if the product or package was further manipulated . . . .” Evident in the comments of the FDA are concerns about donated drugs coming from individuals outside the closed drug delivery system. Given that

subsection (a)(1) and (2) essentially tracks that of the CDRPA, and the final-form regulations allow donations only from closed drug delivery systems, the Board feels that the FDA's concerns largely are addressed.

#### *Repositories*

IRRC noted that § 27.505(b) (relating to repositories) contains language including only a portion of section 5 of the CDRPA (62 P. S. § 2925). Accordingly, the remaining language from section 5 of the CDRPA ("The cancer drugs may be distributed to another participating physician's office, pharmacy, hospital or health clinic for dispensing by a pharmacist as allowed by Federal or State law.") was added for consistency. In addition, the Board added "health care facility" to the list to be consistent with the definition of "closed drug delivery system."

Regarding subsection (b), the requirement that the participating pharmacy "inspect all cancer drugs prior to dispensing to determine if they are adulterated or misbranded" was changed to require the pharmacy to "visually" inspect the drugs "in a manner as to be able to reasonably determine" if they are adulterated or misbranded. The PPA noted concerns that a pharmacist could check for obvious signs of adulteration or misbranding, but that a pharmacist could not establish conclusively whether the drug is adulterated or misbranded. The FDA made similar comments that the receiving pharmacist may not be able to tell if the package was manipulated. The Board agrees, and adds that the drugs will remain in the closed drug delivery system, so the likelihood of intentional adulteration or misbranding is minimized, and the requirements for proper storage and destruction of drugs within 6 months prior to the expiration date will minimize inadvertent adulteration or misbranding. The visual inspection adds to the minimization of adulterated or misbranded drugs. The Board does not believe that the drafters of the legislation intended to require an absolute determination, which as the FDA points out, is nearly impossible and would require "complex laboratory analyses" of every donated cancer drug. A similar change was made to subsection (e)(4). Subsection (e)(4) and (5) serves to inform the patient that a visual inspection of the donated cancer drug has been conducted and that nobody can guarantee the safety of the drug.

The PPA recommended addition of "in a manner in compliance with all applicable Federal and State laws" to subsection (c) regarding destruction or disposition of donated cancer drugs that are not accepted into the Program for dispensing. The PPA recommended this to reflect that the National attention on proper disposal or destruction inevitably will result in forthcoming legislation. The Board finds this recommendation reasonable and amended the final-form rulemaking accordingly.

The HPLC requested an explanation as to how the Board will make certain repackaging fees (as addressed in subsection (g)) are reasonable. The Board believes that the limitation on the fee which is tied to the Department of Public Welfare's method of payment for pharmaceutical services in 55 Pa. Code § 1121.55 (relating to method of payment) sets a reasonable limit on what handling fees may be charged. The participating pharmacy certainly is permitted to charge less than the fee limit.

#### *Patient eligibility*

Section 27.506 contains conditions of medical, insurance and financial eligibility to receive donated cancer drugs under the Program. Proposed subsection (a) contained requirements that the patient is diagnosed with cancer,

does not possess adequate prescription drug coverage and is not eligible for State Medical Assistance prescription drug coverage.

The HPLC noted that several commentators asked what type of proof would be necessary to satisfy these criteria. The PPA and the PMS submitted questions such as whether the pharmacist will require documentation of the cancer diagnosis. After several discussions regarding this particular section, the Board determined that to require a pharmacy or pharmacist who volunteers to participate in the Program to research a patient's diagnosis to determine eligibility is well beyond what should be required. Several other states with similar eligibility requirements for similar programs require the patient to sign a certification that he meets each requirement. Consequently, the final-form rulemaking has been revised to require that the patient certify that he meets the eligibility requirements for participation in the Program, as it is done in many other states.

Subsection (b) establishes the criteria for financial eligibility. Subsection (b)(1) states that a Pennsylvania resident who meets the eligibility requirements is financially eligible as an "indigent patient" as long as he meets the income standards in subsection (b)(2).

Final-form subsection (b)(2) sets the income limits for eligibility and bases them upon the family income for the prior year not exceeding 350% of the prior year's United States Department of Health and Human Services Federal Poverty Income Guidelines for the appropriate family size. The Board originally proposed that current income be the guide. IRRC pointed out that it would be difficult to calculate a person's current year income before the end of the year. For ease of administration, the Board concluded that financial eligibility should be based on family income for the prior year, as compared to 350% of the prior year's Federal Poverty Income Guidelines. The proposed subsection noted that revisions to the income limits will be published as a notice in the *Pennsylvania Bulletin*. IRRC questioned whether the Board considered publishing the guidelines on an annual basis rather than only when the guidelines change. Alternatively, IRRC noted, the income guidelines could be posted on the Board's web site. The Board notes that the United States Department of Health and Human Services updates the income limits annually and publishes a notice of the revised limits in the *Federal Register* (see 78 FR 5182 (January 24, 2013)), so the Board had already anticipated that there would be an annual update. The Board has given consideration to IRRC's comments and agreed to adopt both suggestions. Accordingly, the final-form rulemaking was amended to make it clear that revisions to the income limits will be published as a notice in the *Pennsylvania Bulletin* and posted on the Board's web site at least once a year as the Federal guidelines change. In addition, proposed Appendix A has not been adopted.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose additional paperwork requirements upon the Board in the form of the processing of applications for participation in the Program. The final-form rulemaking also contains recordkeeping requirements for the regulated community. There may be costs to participating pharmacies associ-

ated with manpower, storage facilities for donated cancer drugs, paperwork requirements and increased liability insurance premiums. There may be substantial savings to indigent cancer patients who participate in the Program and will be able to obtain at least a portion of their cancer drugs at no cost.

#### *Disapproval by IRRC*

As stated in its disapproval order of June 14, 2013, IRRC disapproved the final rulemaking for two reasons. The first reason IRRC disapproved the final rulemaking was because it required a patient to certify that he meets the eligibility criteria of the Program and IRRC was concerned that the self-certification requirement, without any additional requirement for independent verification and review, could create a liability issue under section 1128b of the Social Security Act (42 U.S.C.A. § 1320a-7b), regarding criminal penalties for acts involving Federal health care programs, for pharmacies wishing to participate in the Program. The Board reviewed this concern, but did not amend the revised final-form rulemaking in response, noting that the Program does not meet the statutory definition of "Federal health care program" subject to the cited section and that self-certification of eligibility by the patient would make the patient liable for providing false information, not the pharmacy.

The second reason stated for disapproval was that IRRC concluded that § 27.506(b) lacked clarity with regard to the income limits. IRRC recommended the Board consider one of two alternatives. IRRC suggests that if Appendix A is retained, that changes be made by means of publication of a notice in the *Pennsylvania Bulletin* annually and whenever changes are made, and that the changes also be posted on the Board's web site. In the alternative, IRRC suggested that Appendix A be deleted and that the formula in § 27.506(b)(2) be relied upon. IRRC also noted a concern that Appendix A references current income levels instead of prior year income levels. This was a concern about administering this provision because it would be very difficult, if not impossible, to accurately calculate a current annual income prior to the end of that year. As a result, the Board determined it was reasonable to incorporate all of IRRC's suggestions and revised this section accordingly.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on March 2, 2011, the Board submitted a copy of the notice of proposed rulemaking, published at 41 Pa.B. 1337, to IRRC and the Chairpersons of the HPLC and the SCP/PLC for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board considered comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 24, 2013, the final-form rulemaking was approved by the HPLC. On May 15, 2013, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on May 16, 2013, and disapproved the final-form rulemaking. IRRC issued its disapproval order on June 14, 2013.

The Board delivered the revised final-form rulemaking, together with a copy of IRRC's disapproval order and the supporting report required under section 7(c) of the Regulatory Review Act (71 P. S. § 745.7(c)) to IRRC, the HPLC and the SCP/PLC on July 24, 2013. Under section 7(c.1) of the Regulatory Review Act, IRRC met on August 22, 2013, and approved the final-form rulemaking. Under section 7(d) of the Regulatory Review Act, the final-form rulemaking was deemed approved by the HPLC and by the SCP/PLC on September 5, 2013.

#### *Additional Information*

Persons who require additional information about the final-form rulemaking should submit inquiries to Kerry Maloney, Board Counsel, State Board of Pharmacy, P.O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7156, st-pharmacy@state.pa.us.

#### *Findings*

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) The amendments to this final-form rulemaking do not enlarge the scope of proposed rulemaking published at 41 Pa.B. 1337.

(4) The final-form rulemaking adopted by this order is necessary and appropriate for the administration of the CDRPA.

#### *Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 27, are amended by adding §§ 27.501—27.506 to read as set forth in Annex A.

*(Editor's Note:* Chapter 27, Appendix A included in the proposed rulemaking published at 41 Pa.B. 1337 has not been adopted.)

(b) The Board shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as required by law.

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

(d) The final-form rulemaking shall take effect upon publication in the *Pennsylvania Bulletin*.

EDWARD J. BECHTEL, RPh,  
*Chairperson*

*(Editor's Note:* See 43 Pa.B. 7060 (November 30, 2013) for a notice relating to this final-form rulemaking.)

*(Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 5435 (September 7, 2013).)

**Fiscal Note:** Fiscal Note 16A-5423 remains valid for the final adoption of the subject regulations.



Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 27. STATE BOARD OF PHARMACY

CANCER DRUG REPOSITORY PROGRAM

§ 27.501. Purpose.

This section and §§ 27.502—27.506 establish a Cancer Drug Repository Program under the Cancer Drug Repository Program Act (62 P. S. §§ 2921—2927) through which unused cancer drugs may be redispensed to cancer patients by pharmacies approved by the Board for the purpose of dispensing unused cancer drugs to Pennsylvania residents who are indigent.

§ 27.502. Definitions.

The following words and terms, when used in §§ 27.501 and 27.503—27.506, have the following meanings, unless the context clearly indicates otherwise:

*Cancer drug*—A prescription drug used to treat:

- (i) Cancer or its side effects.
- (ii) The side effects of a prescription drug used to treat cancer or its side effects.

*Original unopened, sealed and tamper-evident unit dose packaging*—Single unit dose packaging of a drug product from a manufacturer or a repackager registered with the Federal Food and Drug Administration, or from a licensed Pennsylvania pharmacy, that has been visually inspected by a licensed pharmacist employed by or under contract with the participating pharmacy who has determined that the packaging appears to be unbreached and undamaged, and includes oral medications, injectables, topicals and aerosols.

§ 27.503. Participation in the Cancer Drug Repository Program.

(a) *Participation.* A pharmacy holding a current unrestricted permit may apply for approval to participate in the Cancer Drug Repository Program as an approved cancer drug repository as provided in this chapter.

(b) *Application.* A pharmacy may apply for approval to participate in the Cancer Drug Repository Program by submitting the following information to the Board, on a form provided by the Board:

- (1) The name, street address and telephone number of the pharmacy.
- (2) Identification and background information of the pharmacy's ownership.
- (3) A description of all pharmacy services provided and the location and manner in which those services are provided.
- (4) A certification by a licensed pharmacist who is employed by or under contract with the pharmacy that the pharmacy meets the eligibility requirements for participation in the Cancer Drug Repository Program under subsection (c).

(5) The name and telephone number of the licensed pharmacist employed by or under contract with the pharmacy who made the certification required under paragraph (4).

(c) *Eligibility.* A pharmacy is eligible to participate in the Cancer Drug Repository Program if the pharmacy:

(1) Holds a current unrestricted permit in good standing to operate as a pharmacy in this Commonwealth.

(2) Delegates to a licensed pharmacist employed by or under contract with the pharmacy the responsibility to receive delivery of donated cancer drugs at the designated delivery area in the pharmacy.

(3) Agrees to participate in the Cancer Drug Repository Program in accordance with the act, this chapter and the Cancer Drug Repository Program Act (62 P. S. §§ 2921—2927).

(d) *Donations of cancer drugs.*

(1) A pharmacy, health care facility, drug manufacturer or wholesale drug distributor may donate legally obtained cancer drugs to an approved participating pharmacy if the drugs meet the eligibility requirements under § 27.504 (relating to drugs) as determined by a licensed pharmacist employed by or under contract with an approved participating pharmacy.

(2) To be considered for donation, a cancer drug must be accompanied by a cancer drug repository donor form on a form provided by the Board that:

(i) Is signed by the entity's authorized representative.

(ii) States that to the best of the donor's knowledge the donated drug has been properly stored and that the drug has never been opened, used, tampered with, adulterated or misbranded.

(e) *Changes in approval status.* The Board may refuse, revoke or suspend approval of a pharmacy's participation in the Cancer Drug Repository Program upon proof satisfactory to it that the pharmacy has violated the Cancer Drug Repository Program Act, the act, or any Federal or State law, rule or regulation.

§ 27.504. Drugs.

(a) *Eligible drugs.* Unless otherwise prohibited by Federal or State statute or regulation, a cancer drug may be accepted by a licensed pharmacist at an approved participating pharmacy for dispensing in a Cancer Drug Repository Program if the drug meets one of the following criteria:

(1) The drug is in its original unopened, sealed and tamper-evident unit dose packaging.

(2) The drug is packaged in single unit doses, when the outside original packaging is opened but the single-unit-dose packaging is unopened.

(b) *Ineligible drugs.* A cancer drug may not be accepted by a licensed pharmacist at an approved participating pharmacy for dispensing if the drug meets any one of the following criteria:

(1) The drug bears an expiration date that is earlier than 6 months after the date the drug will be restocked.

(2) The drug shows evidence of having been adulterated or misbranded.

(3) The drug is designated by the Drug Enforcement Agency as a controlled substance under 21 CFR Part 1308 (relating to schedules of controlled substances).

(4) The drug is subject to restricted distribution by the Food and Drug Administration under 21 CFR 314.520 or 314.610 (relating to approval with restrictions to assure safe use; and approval based on evidence of effectiveness from studies in animals).

(5) The drug requires refrigeration, freezing or other special temperature requirements beyond controlled room temperature.

(6) The drug has been previously compounded.

(c) *Drug categories.* Unless otherwise ineligible under this section, an approved participating pharmacy may accept a cancer drug in any of the categories of the American Hospital Formulary Service Pharmacologic-Therapeutic Classification.

(d) *Recalls.* An approved participating pharmacy shall handle a recall of any drug in its Cancer Drug Repository Program as if the drug had been delivered directly to the pharmacy by the manufacturer.

#### § 27.505. Repositories.

(a) *Donation site receipt.* An approved participating pharmacy shall designate an area within the pharmacy at which its licensed pharmacist shall personally receive delivery from the donor or its designee, and provide the donor or its designee with written acknowledgement of any donation of a cancer drug.

(b) *Donation site compliance.* An approved participating pharmacy that accepts donated cancer drugs under the Cancer Drug Repository Program shall comply with all applicable Federal and State laws relating to the storage, distribution, dispensing, disposal and destruction of cancer drugs and visually inspect all cancer drugs prior to dispensing in a manner as to be able to reasonably determine if they are adulterated or misbranded. The cancer drugs shall only be dispensed by a licensed pharmacist according to State law pursuant to a prescription issued by a prescribing practitioner. The cancer drugs may be distributed to another participating physician's office, pharmacy, hospital, health care facility or health clinic for dispensing by a pharmacist as allowed by Federal or State law.

(c) *Disposition.* The approved participating pharmacy repository shall destroy or dispose of donated drugs in a manner in compliance with applicable Federal and State laws if they are not accepted into the Cancer Drug Repository Program for the purpose of dispensing. A record of destruction or disposal of donated drugs that are not accepted or dispensed under the Cancer Drug Repository Program shall be maintained by the participating pharmacy for at least 2 years, and include the following:

- (1) The date of destruction.
- (2) The name, strength and quantity of the cancer drug destroyed.
- (3) The name of the person or firm that destroyed the drug.
- (4) The source of the drugs destroyed.

(d) *Storage.* Drugs received in the Cancer Drug Repository Program shall be stored separately from the rest of the approved participating pharmacy's stock.

(e) *Informed consent.* Prior to dispensing a cancer drug in its Cancer Drug Repository Program, an approved participating pharmacy shall inform the patient that the drug was previously dispensed but was unused and then donated to the approved participating pharmacy in the drug's original unopened, sealed and tamper-evident unit dose packaging to be restocked and redistributed. The approved participating pharmacy may not dispense the drug if the patient does not sign a cancer drug repository informed consent form as supplied by the Board. The

informed consent form shall be maintained for at least 2 years after the patient signs it. The form must include the following information:

(1) The drug being dispensed has been donated and may have been previously dispensed.

(2) The drug was unused, although previously dispensed.

(3) The drug was donated to the approved participating pharmacy in the drug's original unopened, sealed and tamper-evident packaging to be restocked and redistributed.

(4) A visual inspection has been conducted by the pharmacist in a manner as to be able to reasonably determine that the drug has not expired, has not been adulterated or misbranded, and is in its original unopened, sealed and tamper-evident packaging.

(5) The dispensing pharmacist, the prescribing or administering practitioner, the cancer drug repository, the Board and any other participant of the Cancer Drug Repository Program cannot guarantee the safety of the drug being dispensed or administered, and that the pharmacist has determined that the drug appears to be safe to dispense or administer based on the accuracy of the donor's form submitted with the donated drug and the visual inspection required to be performed by the pharmacist before dispensing or administering.

(f) *Recordkeeping.* Drugs used in the Cancer Drug Repository Program must be easily auditable and every dose accounted for by the approved participating pharmacy's maintenance of recordkeeping meeting the following requirements:

(1) The approved participating pharmacy must record receipt of the drug on a repository donor form as developed by the Board.

(2) The approved participating pharmacy must record dispensing the drug on a repository dispensing form as developed by the Board.

(3) The approved participating pharmacy shall record the following information for all cancer drugs received, dispensed and distributed or disposed of or destroyed in the Cancer Drug Repository Program:

- (i) Name and strength of the cancer drug.
- (ii) Quantity of the cancer drug.
- (iii) Expiration date of the cancer drug.
- (iv) Lot number of the cancer drug.
- (v) Name of pharmacy that originally dispensed the cancer drug.
- (vi) Name of the donor of the cancer drug.
- (vii) Name of the person to whom the cancer drug was originally prescribed.
- (viii) Name of the person to whom the cancer drug was dispensed.
- (ix) Date the cancer drug was dispensed.
- (x) Name of the prescribing practitioner who wrote the prescription for the cancer drug to be dispensed under the Cancer Drug Repository Program.
- (xi) Date the cancer drug was disposed of or destroyed.
- (xii) Whether a handling fee was charged and the amount of the fee.

(4) The approved participating pharmacy shall maintain records required under this section for at least 2 years.

(g) *Handling fee.* An approved participating pharmacy may charge a handling fee for distributing or dispensing cancer drugs under the Cancer Drug Repository Program, not to exceed 250% of the Medical Assistance dispensing fee more specifically set forth in the Method of Payment for Pharmaceutical Services provided in 55 Pa. Code Chapter 1121 (relating to pharmaceutical services). (See 55 Pa. Code § 1121.55 (relating to method of payment).) Cancer drugs donated under the Cancer Drug Repository Program may not be resold.

(h) *Theft and diversion.* An approved participating pharmacy shall develop, implement and enforce a policy to deter and minimize theft and diversion of cancer drugs it receives in the form of donations made under the Cancer Drug Repository Program.

**§ 27.506. Patient eligibility.**

(a) *Conditions of eligibility.* To be eligible for the Cancer Drug Repository Program, a patient shall certify that the patient meets the following criteria:

- (1) The patient is diagnosed with cancer.
- (2) The patient does not possess or has limited prescription drug coverage related to the treatment of the

patient's cancer so that the coverage limits prevent the patient from obtaining cancer drugs.

(3) The patient does not meet the eligibility requirements under the State Medical Assistance Program that provides prescription drug coverage related to the treatment of cancer.

(b) *Financial eligibility for the Cancer Drug Repository Program.*

(1) A Pennsylvania resident who meets the eligibility requirements in subsection (a) is financially eligible as an "indigent patient" for the Cancer Drug Repository Program if the resident meets the income standards in this subsection.

(2) The income limits for eligibility for the Cancer Drug Repository Program are based upon the prior year's family income not to exceed 350% of the prior year's Department of Health and Human Services Federal Poverty Income Guidelines for the appropriate family size. The income limits will be published as a notice in the *Pennsylvania Bulletin* and posted on the Board's web site at least once a year as the Federal Poverty Income Guidelines change.

(3) There are no resource limits for determining eligibility under the Cancer Drug Repository Program.

[Pa.B. Doc. No. 13-2219. Filed for public inspection November 27, 2013, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

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

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

#### BANKING INSTITUTIONS

##### Branch Applications

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-1-2013	Northwest Savings Bank Warren Warren County	301 Seneca Street Oil City Venango County	Closed

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-2-2013	Republic First Bank Philadelphia Philadelphia County	<i>To:</i> 448 East Baltimore Pike Media Delaware County  <i>From:</i> 436-438 East Baltimore Pike Media Delaware County	Effective
11-13-2013	Somerset Trust Company Somerset Somerset County	<i>To:</i> 210 Ohio Street Boswell Somerset County  <i>From:</i> 802 Atkinson Way Boswell Somerset County	Approved

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Change of Principal Place of Business

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Address</i>	<i>Action</i>
11-15-2013	Hazleton School Emp. Credit Union Hazle Township Luzerne County	<i>To:</i> 1049 Wilbur Court Hazle Township Luzerne County  <i>From:</i> 1049 Wilbur Court Hazleton Luzerne County	Effective

The Department's web site at [www.dobs.state.pa.us](http://www.dobs.state.pa.us) includes public notices for more recently filed applications.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2220. Filed for public inspection November 27, 2013, 9:00 a.m.]



# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*Northcentral Region: Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.0530.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0208639 (Sewage)	Hartleton Borough Sewer System STP Plant Access Drive Hartleton, PA 17829	Union County Hartleton Borough	Cold Run (6-A)	Y

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA15222-4745*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217476 Sewage	Fox Hollow Estates 106 Cherry Orchard Avenue Kittanning, PA 16201-3310	Armstrong County East Franklin Township	Unnamed Tributary of Glade Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0103870 (Sewage)	Greenville Mobile Home Park 347 Hadley Road, Greenville, PA 16125	Mercer County Hempfield Township	Unnamed Tributary of the Little Shenango River (20-A)	Y
PA0222488 (Sewage)	J. & R. Kabel SFTF 120 Winfield Road, Sarver, PA 16055	Butler County Jefferson Township	Sarver Run (18-F)	Y
PA0030341 (Sewage)	Plain Grove Apartments 1352 Golf Course Road, Volant, PA 16156	Lawrence County Plain Grove Township	Unnamed Tributary to Taylor Run (20-C)	Y

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

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

**PA0063711**, Sewage, SIC Code 4952, **Central Carbon Municipal Authority**, 1000 Lehigh Drive, Lehigh, PA 18235-2239. Facility Name: Central Carbon Municipal Authority. This existing facility is located in Mahoning Township, **Carbon County**.

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

The receiving stream(s), Lehigh River, is located in State Water Plan watershed 2-B and is classified for Cold Water Fishes, Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	334	534	XXX	25.0	40.0	50.0
BOD <sub>5</sub> Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	400	600	XXX	30.0	45.0	60.0
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Nitrate-Nitrite as N	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Total Copper	XXX	XXX	XXX	Report Annl Avg	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report Annl Avg	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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

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

**WQM Permit No. 2313403**, Sewage, **Delaware County Regional Water Quality Control Authority**, P. O. Box 999, Chester, PA 19016-0999.

This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Installation of a new sewage collection and conveyance facility.

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

**WQM Permit No. 2197408 Transfer**, Sewerage, **Jane M. Palmer**, 150 Pin Oak Drive, Carlisle, PA 17015.

This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer of ownership.

**IV. NPDES Applications for Stormwater Discharges from MS4**

**V. Applications for NPDES Waiver Stormwater Discharges from MS4**

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

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

*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
PAI023913013	Bruce Fosselman Lower Macungie Township 3400 Brookside Road Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)



<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913015R(5)	Brad Nesland Dorney Park & Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, X 3*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045913001	D & I Silica LLC 7022 Route 6 Sheffield PA 16347	Tioga	Delmar & Middlebury Townships	Baldwin Run Muck Run HQ-CWFs Norris Brook TSF

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## VII. List of NOIs for NPDES and/or Other General Permit Types

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PAG-12            CAFOs

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### CAFO Notices of Intent Received

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

**PAG123772, CAFO, Shady Brae Farms, Inc., Theodore L. Esbenschade, 29 Engle Road, Marietta, PA 17547.**

This proposed facility is located in Conoy, East Hempfield and Penn Townships, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Seeking permit approval for two existing layer facility complexes, Lancaster Junction & Marietta Junction.

The receiving stream, Chickies Creek, UNT Chickies Creek and Susquehanna River, is in watershed 7G, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

## STATE CONSERVATION COMMISSION

### PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**APPLICATIONS**  
**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Wen-Crest Farms 549 Schaeffer Road Lebanon, PA 17042	Lebanon	890	864.63	Broilers, Dairy Heifers and Beef	NA	Renewal
Furnace Hill Holsteins 480 Schaeffer Road Lebanon, PA 17042	Lebanon	129.7	383.38	Dairy	NA	New

**LAND RECYCLING AND  
ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the Department to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one or a combination of cleanup standards or receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Wade and Tammy Eckert Residence**, 786 Blooming Grove Road, Hanover, PA 17331, Penn Township, **York County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsylvania, PA 18073 on behalf of State Farm Insurance, PO Box 106110, Atlanta, GA 30348-6110, and Wade and Tammy Eckert, 786 Blooming Grove Road, Hanover, PA 17331, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to the Residential Statewide Health standard. The site remains residential. The Notice of Intent to Remediate was published in *The Evening Sun* on October 25, 2013.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT  
APPLICATIONS  
NEW SOURCES AND MODIFICATIONS**

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing

the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall include a concise statement of the objections to the issuance of the Plan Approval or Operating Permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**67-03052B: BIMAX, Inc.** (158 Industrial Road, Glen Rock, PA 17327) for installation of a natural gas fired RTO and a wet scrubber in Springfield Township, **York County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval No. 67-03052B is for the installation of the RTO and scrubber to upgrade the existing controls for their chemical reactors. The estimated facility's potential annual emissions from the sources affected by this Plan Approval are VOC 0.059 ton and HAPs 0.02 ton. The plan approval will contain emission standards, testing, monitoring, recordkeeping and reporting requirements 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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Gary Helsel, Acting Environmental Engineering Manager, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issues to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

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

*Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**30-00089C: Dominion Transmission, Inc.** (501 Martindale Street, 4th Floor, DL Clark Building, Pittsburgh, PA 15212). to issue a Plan Approval to authorize construction and temporary operation of the following proposed sources and controls at the Dominion Transmission ("Dominion") Crayne Compressor Station ("Crayne"), a natural gas transmission station in Franklin Township, **Greene County**: one (1) Solar Taurus 60 natural gas-fired compressor turbine rated at 7,700 hp (at ISO conditions) equipped with dry low-NO<sub>x</sub> combustion system and an oxidation catalyst; one (1) 5.2 MMBtu/hr natural gas fired boiler; and four (4) Capstone C200 microturbine gensets. Three (3) existing microturbine gensets will be removed from service as part of this project.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval PA-30-00089C to authorize construction and temporary operation of the following proposed sources and controls at the Dominion Transmission ("Dominion") Crayne Compressor Station ("Crayne"), a natural gas transmission station located in Franklin Township, Greene County: one (1) Solar Taurus 60 natural gas-fired compressor turbine rated at 7,700 hp (at ISO conditions) equipped with dry low-NO<sub>x</sub> combustion system and an oxidation catalyst; one (1) 5.2 MMBtu/hr natural gas fired boiler; and four (4) Capstone C200 microturbine gensets. Three (3) existing microturbine gensets will be removed from service as part of this project.

The installation of the proposed Solar Taurus 60 turbine, boiler, and replacement of the three (3) existing microturbine gensets with four (4) new microtrbine gensets will result in a potential to emit (PTE) increase of approximately 21 tons of nitrogen oxides (NO<sub>x</sub>), 9 tons of carbon monoxide (CO), 2 tons of volatile organic compounds (VOC), 2 tons of sulfur oxides (SO<sub>x</sub>), 3 tons of



total particulate matter (PM, PM<sub>10</sub>, and PM<sub>2.5</sub>), 0.1 ton of formaldehyde, 0.3 ton of total hazardous air pollutants (HAP), and 42,216 tons of carbon dioxide equivalents (CO<sub>2e</sub>) per year. Best available technology (BAT) for the proposed natural gas-fired turbine includes good combustion practices including dry low-NO<sub>x</sub> combustion; installation and operation of an oxidation catalyst; minimization of startup and shutdown events; and proper maintenance and operation. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, and 123.31; and Federal New Source Performance Standards (NSPS) including 40 CFR Part 60 Subpart KKKK for stationary combustion turbines. The Plan Approval has been conditioned to ensure compliance with all applicable rules and includes NO<sub>x</sub>, CO, VOC, PM<sub>10</sub>, PM<sub>2.5</sub>, and visible emission limits; limitation of fuel sulfur content; and testing, work practice, monitoring, recordkeeping, and reporting conditions. The proposed increase in facility-wide PTE at Crayne will not exceed any of the major source thresholds for criteria or hazardous air pollutants, but will exceed 100,000 tpy CO<sub>2e</sub>. Dominion has requested that a facility-wide limitation on annual CO<sub>2e</sub> emissions be included in the plan approval such that the facility remains below the 100,000-ton CO<sub>2e</sub> major source threshold.

A person may oppose the proposed plan approval by filing a written protest with the Department through Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-30-00089C) and concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

All comments must be received prior to the close of business 30 days after the date of this publication.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing in writing or by publication in the newspaper and the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

For additional information, you may contact Devin P. Tomko at 412-442-5231.

#### OPERATING PERMITS

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**36-05046: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue SE, Charleston, WV 25314) for operation of the Marietta natural gas compressor station in East Donegal Township, **Lancaster County**. This is a renewal of the Title V Operating Permit which was first issued on January 23, 2008 and later amended on January 27, 2012.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions in 2012 of 16.01 tpy of CO, 14.08 tpy NO<sub>x</sub>, 0.10 tpy PM<sub>10</sub>, 0.10 tpy PM<sub>2.5</sub>, 0.04 tpy SO<sub>x</sub>, and 0.55 tpy VOC. The operating permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines and 40 CFR 60, Subpart GG—Standards of Performance for Stationary Gas Turbines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

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

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05083: Williams Metal Finishing, Inc.** (870 Commerce Street, Sinking Spring, PA 19608) for their metal finishing facility in Sinking Spring Borough, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility had 2012 actual emissions of 5.1 tpy of VOCs and 2.6 tpy of PM<sub>10</sub>. 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.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

**36-05062A: Manheim Auto Auction** (1190 Lancaster Road, Manheim, PA 17545) for their automobile reconditioning operation in Penn Township, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the above-mentioned facility.

Facility emissions of VOCs are limited by the mobile equipment repair and refinishing regulations found in 25 Pa. Code § 129.75. The facility's actual VOC emissions are expected to be around 9.50 tpy. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the renewal application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments, protests or requests for a public hearing.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at (717) 705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests, or requests for a public hearing.

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

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

**18-00016: Pine Creek Veterinary Associates, PC** (HC 80 Box 41, Lock Haven, PA 17745-9509) to issue a renewal state only operating permit for their Susquehanna Valley Animal Hospital in the Pine Creek Township, **Clinton County**. The facility is currently operating under State Only Operating Permit 18-00016. The facility's only source is one (1) propane-fired crematory incinerator. The facility has potential emissions of 1.3 tons per year of carbon monoxide, 2.0 tons per year of nitrogen oxides, 0.4 ton per year of sulfur oxides, 0.9 ton per year of particulate matter, 0.2 ton per year of volatile organic compounds, 5.5 tons per year of total HAPs, and 2363 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the NMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments; Identification of the proposed permit (specify Permit No. 18-00016); Concise statements regarding the relevancy of the information or objections to 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 information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-3648.

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

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**24-00121: Industrial Timber & Lumber Ridgway Facility** (23925 Commerce Park Beachwood, OH 44122-5821) for renewal of the Natural Minor Operating Permit

for their sawmill operations in Ridgway Township, **Elk County**. The facility's primary emission sources include an 11.9 mmbtu/hr wood fired boiler controlled by a multiclone, three wood fired space heaters, miscellaneous woodworking operations controlled by a cyclone, and drying kilns. The wood fired boiler is subject to 40 CFR 63 Subpart JJJJJJ—NESHAPs for Industrial, Commercial, and Institutional Boilers at an Area Source of HAPs. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines. The facility is an Area Source for all pollutants including HAPs. The conditions of the previous operating permit, the previous plan approvals, and the new Federal requirements are incorporated into the renewal permit.

**COAL AND NONCOAL MINING  
ACTIVITY APPLICATIONS**

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification application may be submitted by any person or any officer or head of any Federal, state or local government agency or authority to the Department at the address of the district mining office indicated before each application within 30 days of this publication,

or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

When an NPDES number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

*Coal Applications Received*

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

**30130701 and NPDES No. PA0236268. Consol Pennsylvania Coal Company, LLC**, (1525 Pleasant Grove Road, PO Box J, Claysville, PA 15323). To operate the Bailey Central Mine Complex—Coal Refuse Disposal Areas No. 7 and No. 8 in Morris Township, **Greene County** and related NPDES for the Coal Refuse Disposal No. 8 Area for coarse and fines refuse disposal. Application also includes a request for a Section 401 Water Quality Certification. Coal Refuse Disposal Support Acres Proposed 277, Coal Refuse Disposal Acres Proposed 272. Receiving Stream: Booth Run, classified for the following use: WWF. The application was considered administratively complete on November 7, 2013. Application received September 6, 2013.

*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.

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

**06070301C and NPDES Permit No. PA0224588. Glen-Gery Corporation**, (1166, Spring Street, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County** affecting 184.2 acres, receiving stream: unnamed tributaries to Schuylkill River, classified for the following use: warm water fishes. Application received: October 16, 2013.



**7973SM3C and NPDES Permit No. PA0594369. Naceville Materials**, (6100 Easton Road, Pipersville, PA 18947), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County** affecting 60.0 acres, receiving stream: Mill Creek, classified for the following use: warm water fishes. Application received: October 16, 2013.

#### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

##### *Effluent Limits for Coal Mining Activities*

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

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (Total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (Total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\*The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

##### *Effluent Limits for Noncoal Mining Activities*

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity*			
pH*		greater than 6.0; less than 9.0	

\* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are incorporated into an NPDES permit when necessary for compliance with water quality standards and antidegradation requirements (in accordance with 25 Pa. Code Chapters 91—96).

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation-Memorandum of Understanding (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge



limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

#### *Noncoal NPDES Draft Permits*

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

**NPDES Permit No. PA0224600 on Surface Mining Permit No. 67070301. Glen-Gery Corporation**, (PO Box 7001, Wyomissing, PA 19610), renewal of an NPDES Permit for a large noncoal quarry operation in Dover Township, **York County**, affecting 70.6 acres. Receiving stream: unnamed tributary to Fox Run, classified for the following uses: trout stock and migratory fishes. Application received: July 26, 2012.

The outfall(s) listed below discharge to unnamed tributary to Fox Run.

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

**NPDES Permit No. PA0224651 on Surface Mining Permit No. 36080301. Pierson Rheems, LLC**, (PO Box 430, Woodstown, NJ 08098), renewal of an NPDES Permit for a limestone quarry operation in Mt. Joy and West Donegal Townships, **Lancaster County**, affecting 102.64 acres. Receiving stream: unnamed tributary to Donegal Creek, classified for the following use: cold water fishes (No TMDL). Application received: May 2, 2013.

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

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

**NPDES Permit No. PA0594334 on Surface Mining Permit No. 74740303. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of an NPDES Permit for a limestone quarry operation in Lower Mt. Bethel Township, **Northampton County**, affecting 358.1 acres. Receiving stream: Delaware River, classified for the following uses: warm water and migratory fishes. Application received: July 5, 2013.

The outfalls listed below discharge to Delaware River.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	O.D.
2	No	E&S

**NPDES Permit No. PA0595519 on Surface Mining Permit No. 8073SM2. Glasgow, Inc.**, (PO Box 1089, Glenside, PA 19038), renewal of an NPDES Permit for a dolomite quarry operation in Upper Merion Township, **Montgomery County**, affecting 191.7 acres. Receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: warm water and migratory fishes (TMDL for PCBs). Application received: July 18, 2013.

The outfalls listed below discharge to unnamed tributary to Schuylkill River.

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

**NPDES Permit No. PA0224316 on Surface Mining Permit No. 49030301. Meckley's Limestone Products, Inc.**, (RR 1 Box 1682, Herndon, PA 17830), renewal of an NPDES Permit for a limestone quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, affecting 178.3 acres. Receiving stream: Upper Fidlers Run, classified for the following use: warm water fishes. Application received: August 14, 2013.

The outfalls listed below discharge to Fidlers Run.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
E	No	E&S/O.D.
F	No	E&S
H	No	E&S
I	No	E&S/O.D.
J	No	E&S
K	No	E&S
L	No	E&S
M	No	E&S
N	No	O.D.
O	No	O.D.

**NPDES Permit No. PA0594199 on Surface Mining Permit No. 39880301. New Enterprise Stone & Lime Co., Inc. d/b/a Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of an NPDES Permit for a limestone quarry operation in North Whitehall Township, **Lehigh County**, affecting 131.75 acres. Receiving stream: Coplay Creek, classified for the following use: cold water fishes. Application received: September 12, 2013.

The outfalls listed below discharge to Coplay Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
1	No	O.D.

**NPDES Permit No. PA0594148 on Surface Mining Permit No. 8173SM1. Hanson Aggregates PA, LLC**, (7660 Imperial Way, Allentown, PA 18195), renewal of an NPDES Permit for a limestone quarry operation in East Caln and West Whiteland Townships, **Chester County**,

affecting 303.62 acres. Receiving stream: unnamed tributary to Valley Creek, classified for the following uses: cold water and migratory fishes (TMDL for PCBs). Application received: September 13, 2013.

The outfall(s) listed below discharge to unnamed tributary to Valley Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D.

**NPDES Permit No. PA0594474 on Surface Mining Permit No. 6376SM2. York Building Products, Inc.,** (PO Box 1708, York, PA 17405), renewal of an NPDES Permit for a large noncoal quarry operation in Jackson Township, **York County**, affecting 341.5 acres. Receiving stream: Little Conewago Creek, classified for the following use: trout stock fishes. Application received: September 23, 2013.

The outfalls listed below discharge to Little Conewago Creek.

<i>Outfall No.</i>	<i>New Outfall Y/N</i>	<i>Type</i>
001	No	O.D.
002	No	O.D.
003	No	O.D.

## 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

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

**E35-448. Ken Powell**, 1305 Justice Boulevard, Clarks Summit, PA 18411, in Archbald Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain fill and to construct the following water obstructions and encroachments in 1.55 acres of other wetlands as part of the Highlands at Archbald Residential Subdivision;

1. To temporarily impact 0.01 acre of wetland A for a 36 inch utility crossing,
2. To permanently impact 1.28 acres of wetlands B, C, D, 1, and 5 for the construction of road crossings and associated grading, and,
3. To permanently impact 0.26 acre of wetlands 2, 3, 4, 7, and 8 for grading impacts.

The project is located at the intersection of Eynon Jermyn Road and Columbus Drive Archbald Borough, Lackawanna County (Olyphant, PA Quadrangle, Latitude: 41°30'29.9"; Longitude: -75°33'42.4").

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

**E59-520. Upper Susquehanna River Mitigation Bank—Phase 2 (USRMB2)**, 380 Southpointe Blvd., Suite 405, Canonsburg, PA 15317-8550. First Pennsylvania Resources, LLC in Brookfield Township, **Tioga County**, ACOE Baltimore District (Potter Brook, PA Quadrangle Lat: 41° 56' 03"; Long: -77° 36' 21").

First Pennsylvania Resource and Resource Environmental Solutions propose to construct and maintain a Upper Susquehanna River Mitigation Bank—phase 2 (USRMB2). The 129.3 acre site is located approximately 5 miles northwest of Westfield in Brookfield Township—Tioga County, which is located over unnamed tributary to Cowanesque River. The site is primarily forested and agricultural land, bound on all sides by mid-successional forest. The project drains to the Cowanesque River.

The scope of work of the USRMB2 is to restore, augment and preserve self-sustaining, functional stream, wetland and riparian corridors functions and values, which have been degraded as a result of historical land use practices on the Site. The restoration of the Site will focus on dynamic improvement of the overall holistic functions of the onsite riparian corridor including stream, wetland and upland riparian areas.

The specific functional improvement goals include, but are not limited to:

1. Re-establish floodplain wetland presence and establish a high level of wetland functional diversity;
2. Increase onsite flood capacity, storage and attenuation;
3. Re-establish the hydraulic connectivity of onsite stream channels to their historical flood prone areas

(specifically providing for the re-establishment of the interaction of channel flow with the floodplain during bankfull flow and greater events);

4. Re-establish stream stability and appropriate channel geometry including dimension, pattern and profile characteristics;

5. Remove an in-line impoundment (pond) to re-establish upstream and downstream channel connectivity re-establishing the opportunity for aquatic organism movement within site streams;

6. Remove source causes and correct existing historical channel alterations, both direct and indirect, including berms, culverts, livestock degradation and agricultural impacts;

7. Reduce stream bank erosion and resulting sediment contributions to the stream system;

8. Re-establish a stable in-stream sediment transport regime;

9. Improve riparian nutrient and organic matter cycling;

10. Improve aquatic and riparian terrestrial habitat;

11. Re-establish a diverse forested riparian corridor composed of native species; and

12. Provide perpetual protection of the Site through appropriate legal protections to ensure the continuity of the functional improvement goals once established into perpetuity.

The jurisdictional impacts associated with the USRMB2 include 1.29 acres of total wetland impacts (combined temporary and permanent) and 3,718 linear feet (LF) of temporary stream impacts to unnamed tributary to Cowanesque River, which is classified with a designated use of Cold Water Fishery (CWF).

**E60-215. Silvermoon Development**, 145 Dustin Avenue, West Milton, PA 17886-8042. Silvermoon Fairfield Project, in Kelly Township, **Union County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40°59' 40.60"; W: -76°52'25.69").

To: 1) fill 0.135 acre of wetland in the Silvermoon Development located in the southwest corner of the Zeigler Road and SR 15 intersection; 2) construct and maintain replacement wetlands within the Silvermoon Development in order to create a suitable building site for a car dealership. This project proposes to permanently impact 0.135 acre of PEM wetlands in the drainage area of the West Branch Susquehanna River, which is classified as a warm water fishery.

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

**E26-368. PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15017; South Union Township, **Fayette County**; ACOE Pittsburgh District.

Applicant proposes to

1. Replace a 60 foot long section of a 185 foot long 48 inch diameter RCP culvert with a 140 foot long 54 inch RCP culvert extension on an unnamed tributary to Jennings Run (WWF) with a drainage area of 128 acres;

2. Replace a 62 foot long 15 inch diameter pipe with a 101 foot long 42 inch diameter pipe on an unnamed tributary to Coal Lick Run (WWF) with a drainage area less than 100 acres;

3. Replace a 104 foot long 60 inch diameter pipe and a 169 foot long 60 inch diameter pipe with 157 foot long and 181 foot long 60 inch diameter pipes, respectively, on another unnamed tributary to Coal Lick Run (WWF) with a drainage area less than 100 acres;

4. Construct and maintain associated stormwater outfalls on unnamed tributaries to Jennings Run (WWF) and Coal Lick Run (WWF);

5. Permanently maintain fill in 0.096 acre of PEM wetland and temporarily impact 0.338 acre of PEM wetland.

Wetland mitigation will be via debiting from the Jacobs Creek Advanced Wetland Compensation Site located 2 miles east of Mount Pleasant, PA; stream mitigation will be constructed on site. The project is located west of Uniontown Pa. (New Salem Quadrangle starting N 5.0 inches, W 0.7 inch, Latitude: 39° 54' 8", Longitude: 79° 45' 16"; and extending west N 4.5 inches, W 2.5 inches, Latitude: 39° 53' 58", Longitude: 79° 46' 03") in South Union Township, Fayette County.

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**E16-144, PA DOT District 10-0**, 2550 Oakland Ave., PO Box 429, Indiana, PA 15701. SR 0058 Segment 0190 Callensburg Bridge #1, in Licking Township, **Clarion County**, ACOE Pittsburgh District (Knox, PA Quadrangle N: 41°, 07', 45"; W: -79°, 33', 17").

To remove the existing three-span steel multi-girder bridge and to construct and maintain a three-span weathering steel multi-girder bridge with a normal clear span of 348 feet, an out-to-out width of 33.4 feet over Clarion River (WWF) on SR 0058 Segment 0190 Offset 1,135 approximately 1/2 mile north of Callensburg, PA. The project will utilize a temporary causeway for construction. In addition the project will relocate a small unnamed tributary to the Clarion River that flows along the roadway approach. The project will impact approximately 200 linear feet of the Clarion River and 128 linear feet of the UNT to Clarion River.

#### DAM SAFETY

*Southwest Region: Oil and Gas Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit # 95-7-37312-24. CNX Gas Company LLC**, 280 Indian Springs Rd Ste 333, Indiana, PA 15701, proposes a project to operate and maintain Hickman Centralized Impoundment as a centralized wastewater impoundment to store 56.16 ac-ft or 18.3 MG fracturing fluids for the following wells: Big Run 10A~10B Wells (Permit #065-27016 ~ 065-27017), Crawford W 5B~5G Wells (Permit #063-37009 ~ 063-37014), Gaut 4E~4G Wells (Permit #129-28809 ~ 129-28811), Mamont South 1A~1E Wells (Permit #129-28793 ~ 129-28797), Marchand 3H~3J Wells (Permit #063-37478 ~ 063-37480), Nardell Unit 1A~1C, 1E Wells (Permit #065-26907 ~ 065-26909, 065-26911), Shaw 1A~1C Wells (Permit #129-28821 ~ 129-28823), Sub Indiana 3A~3E Wells (Permit #063-37489 ~ 063-37493), Reiter Unit 1A~1D Wells (Permit #065-27018 ~ 065-27021), and future wells in the area (PA Quadrangle: Vandergrift; Latitude: N 40° 31' 10.44", Longitude: W 79° 32' 36.03"), Bell Township, **Westmoreland County**, Pittsburgh ACOE District, State Water Plan Subbasin 18-B, Kiskiminetas River Watershed (TSF).



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**ACTIONS**


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**THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT**
**FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS**

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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


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


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

**WQM Permit No. 0908201**, Sewage, Renewal, **Bucks County Department of Public Works**, 55 East Court Street, Doylestown, PA 18901.

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

Description of Action/Activity: Approval of renewal of continued operation of drip irrigation system.

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

**WQM Permit No. 1894601-A1**, Industrial Waste, SIC Code 1389, **Dominion Transmission Inc.**, 5000 Dominion Boulevard, Glen Allen, VA 23060-3308.

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

Description of Proposed Action/Activity: This is a permit amendment to replace the existing resin filters with an ion exchange system utilizing carbon absorption and deionization principles. Pre and Post filters will also be utilized. The amendment is proposed to improve the treatment efficiency of aluminum and copper at the facility.

**WQM Permit No. 5397401**, Sewage, SIC Code 4952, **Sondi P Kolb**, 660 Teed Hollow Road, Westfield, PA 16950.

This existing facility is located in Hector Township, **Potter County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant. The applicant is applying for a WQM Permit Transfer.

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

**WQM Permit No. 4213402**, Sewage, **Foster Township**, 1185 East Main Street, Bradford, PA 16701.

This proposed facility is located in Foster Township, **McKean County**.

Description of Proposed Action/Activity: Construction of 95,000 LF of 2, 3, 4 & 6-inch low pressure sewers and 2,100 LF of 8-inch gravity sewer to serve 363 properties in the Township. These sewers will add approximately 98,000 GPD, by the 2033 design year, to the Bradford WWTP. 348 properties will be served by individual grinder pumps. In addition, 15 gravity sewer connections will be made in the Corwin Lane Area. Two re-pump stations will also be constructed along Summit Road (Highway 646). Each pump station will employ (2) 7.5 HP submersible grinder pumps and will have a separate wet well and valve pit.

#### **IV. NPDES Stormwater Discharges from MS4 Permit Actions**

#### **V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050212005	Edward Stack 217 Spanish Tract Rd Sewickley, PA 15143 & Frontier Golf 3826 Route 31 East Box 84 Jones Mills, PA 15646	Allegheny	Edgeworth Borough	Little Sewickley Creek (HQ-TSF)

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

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

#### **List of NPDES and/or Other General Permit Types**

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

*General Permit Type—PAG-02**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Tunkhannock Borough Wyoming County	PAG02006613006	Sherwood Chevrolet, Inc. 153 E. Tioga Street Tunkhannock, PA 18657	Swale Brook (CWF, MF)	Wyoming County Conservation District 570-836-2589
Washington Township Wyoming County	PAG02006613005	D&C Fuel Sales, Inc. 158 Anderson Rd. Tunkhannock, PA 18657	UNT to Taques Creek (CWF, MF)	Wyoming County Conservation District 570-836-2589

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Spring Township Centre County	PAG02001413011	Rolling Ridge Partners 109 Miller Ln Harrisburg PA 17110	UNT to Logan Branch HQ-CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
South Centre Township Columbia County	PAG02001913007	Harry Mathias Central Columbia School Dist 4777 Old Berwick Rd Bloomsburg PA 17815	UNTs of Susquehanna River CWF, MF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Montoursville Borough Lycoming County	PAG02004113015	Alex Roy 1849 Meadow Ln Montoursville PA 17754	UNT to Loyalsock Creek TSF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
Montoursville Borough Lycoming County	PAG02004113016	Steve Kriner 247 Broad St Montoursville PA 17754	UNT to Loyalsock Creek TSF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003
City of Williamsport Lycoming County	PAG02004113017	J Michael Fisher SEDA-COG Housing Dev Corp 201 Furnace Rd Lewisburg PA 17837	WB Susquehanna River WWF	Lycoming County Conservation District 542 County Farm Rd Suite 202, Montoursville, PA 17754, (570) 433-3003

*Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Township Butler County	PAG02001013020	Prospect DPP VII LLC 9010 Overlook Blvd Brentwood TN 37027	Unt Semiconon Run CWF	Butler County Conservation District 724-284-5270
Slippery Rock Township Butler County	PAG02001013024	Oculus Capital Group LLC 1250 24th Street NW Washington DC 20037	Unt Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
South Shenango Crawford County	PAG02002012007	North and South Shenango Joint Municipal Authority 3397 Dam Road Jamestown PA 16134	Shenango River WWF	Crawford County Conservation District 814-763-5269
Millcreek Township Erie County	PAG02002509016R	Whispering Woods LP 4132 Stonecreek Drive Erie PA 16509	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403

NOTICES

7035

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Venango Township  
Erie County

PAG02002513016

Midwest XV, LLC  
Attn: Peter Oleszczuk &  
Westwind Construction &  
Development  
Attn: Greg Oleszczuk  
403 Oak Street  
Spring Lake MI 49456

W. Branch French  
Creek WWF

Erie County  
Conservation District  
814-825-6403

Wilmington  
Township  
Lawrence County

PAG02002513008

Dairy Farmers of America  
Attn: Mr. Keith Gomes  
925 State Route 18  
New Wilmington PA  
16142  
and  
RFW construction Group  
Attn: Mr. Larry Rogers  
1801 Highway 51 Bypass  
Dyersburg TN 38024

Unt Little  
Neshannock Creek  
TSF

Lawrence County  
Conservation District  
724-652-4512

*General Permit Type—PAG-3*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Cranberry  
Township  
Venango County

PAR348302

Schake Industries, Inc.  
P.O. Box 564  
Seneca, PA 16346-0564

Unnamed Tributary  
to Lower Twomile  
Run 16-G

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

Pymatuning  
Township  
Mercer County

PAR518301

Reed Oil Company  
511 Montgomery Avenue  
P.O. Box 2328  
New Castle, PA 16102

Unnamed Tributary  
to the Shenango  
River 20-A

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Hector Township  
Potter County

PAG044934 T-1

Sondi P Kolb  
660 Teed Hollow Road  
Westfield, PA 16950

Teed Hollow—4-A

DEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530

Paint Township  
Clarion County

PAG041118

Jiffy Mini Mart, Inc.  
17 Westminster Place,  
Grove City, PA 16127

Unnamed Tributary  
to the Clarion River  
17-B

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-6*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Swissvale Borough  
Allegheny County

PAG066128

Swissvale Borough  
7560 Roslyn Street  
Pittsburgh, PA 15218

Monongahela River

Southwest Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000



**STATE CONSERVATION COMMISSION**  
**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES**  
**PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**NUTRIENT MANAGEMENT PLAN**  
**PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Kenneth Martin 1397 Robert Fulton Hwy Quarryville, PA 17566	Lancaster	270	1678.04	Swine/ Dairy/Pullets	HQ	A
Ken Meck 1503 Beaver Valley Pike Willow Street, PA 17584	Lancaster	238	356.87	Pullet/Steer	NA	A
Alan Harnish 3421 Blue Rock Rd Lancaster, PA 17603	Lancaster	47	572.92	Swine	NA	A
James Charles 3241 Blue Rock Rd Lancaster, PA 17603	Lancaster	104.4	294.95	Swine/Layers	NA	A

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to

the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

**SAFE DRINKING WATER**

**Actions taken under the Pennsylvania Safe Drinking Water Act**

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operations Permit issued to: Borough of Royaltown, 7220040, Royaltown Borough, Dauphin County on 11/12/**

2013 for the operation of facilities approved under Construction Permit No. 2211505.

**Operations Permit** issued to: **Huntingdon Borough, 4310012**, Huntingdon Borough, **Huntingdon County** on 11/13/2013 for the operation of facilities approved under Construction Permit No. 3112502.

**Operations Permit** issued to: **Landmark Signature Homes, LLC, 4310298**, Porter Township, **Huntingdon County** on 11/12/2013 for the operation of facilities approved under Construction Permit No. 3113502 MA.

**Operations Permit** issued to: **Pillow Borrow Authority, 7220046**, Pillow Borough, **Dauphin County** on 11/12/2013 for the operation of facilities approved under Construction Permit No. 2213504 MA.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Lauden Farms**, 2248 Back Road, Halifax, PA 17032, Wayne Township, **Dauphin County**. Environmental Products and Services of Vermont, 5100 Paxton Street, Harrisburg, PA 17111, on behalf of Superior Plus Energy Services, 1870 South Winton Road, Rochester, NY 14618 and Karl W. and Nancy L. Laudenslager, 2469 Back Road, Halifax, PA 17032, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

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

**Williams Residence**, 2321 West Passyunk Avenue, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Rob Fowler, EMC Insurance Company, 1610 Medical Drive, Pottstown, PA 19464 on behalf of Tracy Williams, 2321 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF766150

**Sunoco Inc., (R&M) Philadelphia Refinery A01-4**, City of Philadelphia, **Philadelphia County**. Jim Openheim, Sunoco, (R&M), 10 Industrial Highway MS4, Lester, PA 19029, Kevin McKeever, Langan Engineering and Environmental Services, 30 South 17th Street, Suite 1500, Philadelphia, PA 19103 on behalf of Charles Barksdale, PES. 3144 Passyunk Avenue, Philadelphia, PA 19145 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with vocs, svocs, phas, and metals. The report is intended to document remediation of the site to meet the Site Specific Standards. PF770318

**Thalheimer Brothers Inc.**, 550 Whitaker Avenue, City of Philadelphia, **Philadelphia County**. Thomas Petrecz, Penn E&R, Inc., 2755 Bergey Road, Philadelphia, PA 19440 on behalf of John Thalheimer, Thalheimer Brothers, Inc., 5550 Whitaker Avenue, Philadelphia, PA 19124 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard and Site Specific Standard. PF752316

**Sun Pipeline Lima Release Site**, Route 452 and Route 1, Middletown Township, **Delaware County**. Stephanie Grillo, Groundwater & Environmental services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Gregory J. Rosenzweig, P.G., Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, Carl G. Borkland, Sunoco Logistics Partners, L.P., 4041 Market Street, Aston, PA 19014 on behalf of Nail 452, 1207 West Baltimore Pike, Media PA 19063 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon. The report is intended to document remediation of the site to meet the Site Specific Standard. PF6177929

**MNM Group Inc.**, 2421-A Wyandote Road, Upper Moreland Township, **Montgomery County**. Scott Smith, EnviroSure Inc., 103 South High Street, Suite 1, West Chester, PA 19382, Scott Smith, PE, EnviroSure, Inc., 103 South High Street, Suite 1, West Chester, PA 19382 on behalf of Greg Carson, MNM Group, Inc., 2421-A

Wyandotte Road, Willow Grove, PA 19090 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF769585

**Jarrett Dodge**, 335 South York Road, Borough of Hatboro, **Montgomery County**. Jeffrey Wynn, Patriot Environmental Management, LLC, PO Box 629, Douglasville, PA 19518 on behalf of Frank Jarrett, Jarrett Dodge, 335 South York Road, Hatboro, PA 19040 has submitted a Final Report concerning remediation of site soil contaminated with petroleum and motor oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF759684

**CVS Pharmacy**, 2132 South Street, City of Philadelphia, **Philadelphia County**. Justin Lauterbach, RT Environmental, Inc., 591 East Maiden Street, Washington, PA 15301 on behalf of John Cogan, Pennsylvania CVS Pharmacy, LLC, 201 South Maple Avenue, Ambler, PA 19002 has submitted a Final Report concerning remediation of site soil contaminated with petroleum. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF 770105

3100 West Thompson Street Site, 3100 West Thompson Street, City of Philadelphia, **Philadelphia County**. Lawrence McKnight, PE, Westrum BT3, L.P., 1300 Virginia Drive, Suite on behalf of John Mershon, Westrum BT3, L.P., 1300 Virginia Drive, Suite 215, Fort Washington, PA 19034 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF 742768

**Village at Valley Forge**, 401 North Gulph Road, Upper Merion Borough, **Montgomery County**. Alexander Ross, Maser Consulting, P.A. 553 Beckett Road, Suite 408, Logan Township, NJ 08085, Donald Bowman, Maser Consulting P.A. 190 Brodhead Road, Suite 210, Bethlehem, PA 18017 on behalf of Paul Fry, Realen Valley Forge Greens Associates, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312, Brian Bennett, Northwestern Mutual, 720 East Wisconsin Avenue, N16Sw, Milwaukee, WI 53202 has submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene and xylenes. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF766154

## 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 environ-

mental 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Jerome H. Rhoads, Inc.**, 221 East State Street, Quarryville, PA 17566, Quarryville Borough, **Lancaster County**. Gannett Fleming, Inc., 101 Millersville Road, Lancaster, PA 17603-4250, on behalf of Jerome H. Rhoads, Inc., 624 South Prince Street, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons and chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific standard, and was approved by the Department on November 12, 2013.

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

**3100 West Thompson Street**, 3100 West Thompson Street, City of Philadelphia, **Philadelphia County**. Angelo Waters, PE, Urban Engineers, Inc., 530 Walnut Street, 14th Floor, Philadelphia, PA 19106, Lawrence McKnight, PE, Westrum BT3 L.P., 370 Commerce Drive, Fort Washington, PA 19034 on behalf of John Mershon, Westrum BT3 L.P., 370 Commerce Drive, Fort Washing-



ton, PA 19034 has submitted a Remedial Investigation and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with vocs, svoc and metals. The Cleanup Plan and Remedial Investigation Report were disapproved by the Department on November 4, 2013. PF742768

**Village at Valley Forge**, 401 North Gulph Road, Upper Merion Borough, **Montgomery County**. Alexander Ross, Maser Consulting, P.A. 553 Beckett Road, Suite 408, Logan Township, NJ 08085, Donald Bowman, Maser Consulting P.A. 190 Brodhead Road, Suite 210, Bethlehem, PA 18017 on behalf of Paul Fry, Realen Valley Forge Greenes Associates, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312, Brian Bennett, Northwestern Mutual, 720 East Wisconsin Avenue, N16Sw, Milwaukee, WI 53202 has submitted a Final Report concerning the remediation of site soil contaminated with benzene, toluene, ethylbenzene and xylenes. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 5, 2013. PF766154

**122 Leon Avenue**, Norwood Borough, **Delaware County**. Richard S. Werner, P.G., Environmental Consulting, Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Johanna Johnson, 122 Leon Avenue, Norwood, PA 19074 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 4, 2013. PF738224

**Pavlica Residence**, 3061 Swamp Road, Buckingham Township **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Wafaa Romiah, State Farm Insurance Company, PO Box 10610 on behalf of John Pavlica, 103 Deep Run, Apt E4, Dublin, PA 18917 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 5, 2013. PF769221

**South End Water Storage Tank & Pump Station**, 791 West Bridge Street, Morrisville Borough **Bucks County**. William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of John Warena, Jr., The Municipal Authority of the Borough of Morrisville, 35 Union Street, Morrisville, PA 19067 has submitted a Final Report concerning the remediation of site soil contaminated with lead and chromium. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department on November 4, 2013. PF 769233

**McMillian Residence**, 33 Manor Lane, Lower Makefield Township **Bucks County**. Tom Hippensteal, P.G., Envirosearch Consulting, Inc., P.O. Box 940, Springhouse, PA 19477 on behalf of Samuel F. McMillian, Elizabeth McMillan Estate, 68 Carey Road, Succasunna, NJ 07876 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on November 5, 2013. PF759213

## OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits renewed 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**Permit No. 101471 Clifford Hill Sanitation Service, Inc.**, P.O. Box 265, Kutztown, PA 19530. The permit for the Clifford Hill Sanitation Service, Inc. Municipal Waste Transfer Station located in Maxatawny Township, **Berks County**, which expires January 10, 2014 was renewed until January 10, 2024. The permit renewal was issued on November 8, 2013. This permit is issued in accordance with Article V of the Solid Waste Management Act, 35 P. S. Sections 6018.101, et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

## AIR QUALITY

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) 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 Elmerton Avenue, Harrisburg, PA 17110*

*Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

**06-05077C: Can Corp. of America** (326 June Avenue, Blandon, PA 19510) on November 12, 2013, to replace the No. 4 Sheet Coater oven with a new oven, and installation of a new oxidizer to control the exhaust from the No. 4 Sheet Coater, at their can manufacturing facility in Maiden creek Township, **Berks County**.

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

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

**41-00019A: VT Hackney, Inc.** (914 Saegers Station Road, Montgomery, PA 17752-8501) on November 12, 2013, to construct and operate a spray booth equipped with an 11 million Btu per hour, natural gas-fired drying area (Source P321) at their Montgomery facility in Clinton Township, **Lycoming County**. The issued plan approval contains annual emission restrictions for the spray booth as well as monitoring, recordkeeping and work practice requirements to verify compliance with the annual emission restrictions.

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

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



Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2409

**40-00057: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17104-1645) on October 31, 2013, to issue a renewal State Only Operating Permit for their facility in Dorrance Township, **Luzerne County**.

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

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

**36-05152: Kellogg USA, Inc.** (2050 State Road, Caller Box 3006, Lancaster, PA 17604) on November 12, 2013, for their breakfast cereal manufacturing facility in East Hempfield Township, **Lancaster County**. The State-only permit was renewed.

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

Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636

**24-00131: SGL Carbon Corp.—St. Mary's Plant** (900 Theresia Street, P.O. Box 1030, St. Marys, PA 15857) on November 12, 2013, to issue a Natural Minor Operating Permit to this carbon and graphite manufacturing facility in St. Marys Borough, **Elk County**. The facility was previously a major source of VOC emissions but has since sold off several of the major VOC emitting sources. The

potential emissions from this facility are now below the major source thresholds with the following ton per year (TPY) totals.

PM<sub>10</sub> = 3.6 TPY, So<sub>x</sub> = 0.0 TPY, NO<sub>x</sub> = 2.4 TPY, VOCs = 6.1 TPY, CO = 2.0 TPY, TSP = 0.0 TPY, Cl = 0.2 TPY, and HCl = 0.2 TPY.

With the potential emissions well below major source thresholds, this facility now qualifies for and was issued a Natural Minor Operating Permit.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

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

**10-00333: Penn United Technologies** (P.O. Box 399, Saxonburg, PA 16056) for the Saxonburg Facility located at 799 North Pike Road, in Cabot, PA (16023), in Jefferson Township, **Butler County**. The de minimis emission increase is due to the installation of a waste water evaporator associated with source 103 (Electroplating Operation). The Department has started a list of de minimis increases as prescribed in 25 PA Code § 127.449(i).

Since the November 28, 2012, issuance date of State Only Operating Permit 10-00333, Penn United Technologies has notified the Department of the following de minimis emission increases at the Saxonburg Facility:

Date	Source	PM <sub>10</sub> (tons)	SO <sub>x</sub> (tons)	NO <sub>x</sub> (tons)	VOC (tons)	
CO (tons)						
11-15-13	Installation of a natural gas fueled evaporator.	0.04	0.004	0.64	0.04	0.54
Total Reported Increases		0.04	0.004	0.64	0.04	0.54
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

*Coal Permits Issued*

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

**30841307. Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Emerald Mine No. 1 in Franklin and Jefferson Townships, **Greene County** to install three boreholes. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of Sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 USCA § 1341) and will not violate Federal and State water quality standards. Surface Acres Proposed 2.09. No additional discharges. The application was considered administratively complete on March 30, 2012. Application received July 11, 2011. Permit issued November 8, 2013.

Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500

**02080102 and NPDES Permit No. PA0251500. Cherep's Excavating LLC** (9742 Saltsburg Road, Pitts-

burgh, PA 15239). Transfer permit from Mashuda Corp. issued for continued operation and reclamation of a bituminous surface mine, located in North Fayette and Collier Townships, **Allegheny County**, affecting 138.2 acres. Receiving streams: unnamed tributaries to Robinson Run and Pinkertons Run. Transfer application received: October 18, 2012. Permit issued: November 12, 2013.

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

**17080104 and NPDES PA0256846. P & N Coal Company, Inc.** (240 West Mahoning Street, P. O. Box 332, Punxsutawney, PA 15767). Revisions to an existing bituminous surface mine to add additional coal removal area and revise the Erosion and Sedimentation Plan located in Ferguson Township, **Clearfield County** affecting 233.6 acres. Receiving stream(s): Snyder Run, Tuckers Run, and Rattling Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 14, 2013. Permit issued: November 12, 2013.

*Noncoal Permits Issued*

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

**08970817. Perry L. Cooley** (RR 3 Box 202, Wyalusing, PA 18853). Final bond release for a small industrial minerals surface mine, located in Orwell Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): South Hill Creek. Application received: October 15, 2013. Final bond release approved: November 4, 2013

**55970803. Scott E. Garrison Excavating** (646 Back Mountain Road, Beavertown, PA 17813). Final bond release for a small industrial minerals surface mine, located in Spring Township, **Snyder County**. Restoration of 1.0 acre completed. Receiving stream(s): Unnamed Tributary to Middle Creek. Application received: October 7, 2013. Final bond release approved: November 1, 2013.

**08010811. Richard P. Ferguson** (207 Caterpillar Lane, Wyalusing, PA 18853). Final bond release for a small industrial minerals surface mine, located in Stevens Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Cold Creek. Application received: October 7, 2013. Final bond release approved: November 1, 2013

**08040802. Henry A. Mast, Jr.** (RR 1, Box 200Z, Rome, PA 18837). Final bond release for a small industrial minerals surface mine, located in Orwell Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving stream(s): Johnson Creek. Application received: October 31, 2013. Final bond release approved: November 4, 2013.

**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*

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

**42134004. Minard Run Oil Company** (609 South Avenue, P.O. Box 18, Bradford, PA 16701-3977) Blasting activity permit for well exploration in Corydon Township, **McKean County**. This blasting activity permit expires on July 1, 2014. Permit Issued: November 12, 2013.

**42134005. Minard Run Oil Company** (609 South Avenue, P.O. Box 18, Bradford, PA 16701-3977) Blasting activity permit for well exploration in Hamilton Township, **McKean County**. This blasting activity permit expires on July 1, 2014. Permit Issued: November 12, 2013.

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

**59134104. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241). Blasting for pipeline located in Sullivan Township, **Tioga County** with expiration date of November 5, 2014. Permit issued: November 8, 2013.

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

**36134159. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Riverview Estates in West Lampeter Township, **Lancaster County** with an expiration date of November 11, 2014. Permit issued: November 13, 2013.

**38134125. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for John Horning manure pit in South Annville Township, **Lebanon County** with an expiration date of January 30, 2014. Permit issued: November 13, 2013.

**58134167. M & J Explosives, Inc.**, (P.O. Box 608, Carlisle, PA 17013), construction blasting for Kupsczunk D Well Pad in Springville Township, **Susquehanna County** with an expiration date of November 4, 2014. Permit issued: November 13, 2013.

**58134168. M & J Explosives, Inc.**, (P.O. Box 608, Carlisle, PA 17013), construction blasting for Rodgers well pad in Lenox Township, **Susquehanna County** with an expiration date of November 4, 2014. Permit issued: November 13, 2013.

**58134169. M & J Explosives, Inc.**, (P.O. Box 608, Carlisle, PA 17013), construction blasting for Shea D well pad in Choconut Township, **Susquehanna County** with an expiration date of November 4, 2014. Permit issued: November 13, 2013.

**58134170. Meshoppen Blasting, Inc.**, (P.O. Box 127, Meshoppen, PA 18630), construction blasting for Southwestern Range 50 in Thompson Township, **Susquehanna County** with an expiration date of February 28, 2014. Permit issued: November 13, 2013.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A.

§§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Eastern Region: Oil and Gas Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701*

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

<i>ESCGP-2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
30118004-2	Equitrans, LP. 625 Liberty Ave Pittsburgh, PA 15222	Greene	Gilmore Township	Blockhouse Run (WWF)

*Northwest Region: Waterways and Wetlands Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

*Mercer County Conservation District, 24 Avalon Court, Suite 300, Mercer PA 16137*

<i>ESCGP -2 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
4313801	National Fuel Gas Distribution Corporation PO Box 2081 1100 State Street Erie PA 16501	Mercer	Jefferson Township	Unt Shenango River WWF

**E4129-074: Anadarko E&P Onshore LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Pine Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

- 1) two 6-inch gas pipelines, one 12-inch waterline, two 6-inch waterlines, one fiber optic/electric line and a timber mat bridge impacting 7984 square feet of palustrine emergent (PEM) wetland (English Center, PA Quadrangle 41°29'40"N 77°16'25"W).

The project will result in a total of 0.18 acre of temporary wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development.

**EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

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

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

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



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

ESCGP-1 #ESX13-019-0055—Ceaser to Plesniak Pipeline  
Applicant MarkWest Liberty Bluestone, LLC  
Contact Richard Lowry  
Address 4600 J. Barry Court, Suite 500  
City Canonsburg State PA Zip Code 15317  
County Butler Township(s) Lancaster & Muddy Creek(s)  
Receiving Stream(s) and Classification(s) UNT to Yellow Creek / Yellow Creek—CWF, Little Connoquenessing Creek

ESCGP-1 #ESX13-019-0057—Patton to Rutledge Gathering Pipeline  
Applicant Mountain Gathering, LLC  
Contact Mr. Dewey Chalos  
Address 810 Houston Street  
City Fort Worth State TX Zip Code 76102  
County Butler Township(s) Connoquenessing and Forward(s)  
Receiving Stream(s) and Classification(s) Connoquenessing Creek, Little Connoquenessing Creek/  
Connoquenessing Creek

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

ESCGP-1 # ESX13-115-0122  
Applicant Name Southwestern Energy Production Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 North  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Great Bend Twp  
Receiving Stream(s) and Classification(s) UNT  
Susquehanna River (CWF/MF), Highbridge Creek (CWF/MF);  
Secondary: Susquehanna River (WWF/MF)

ESCGP-1 # ESX13-115-0123  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Apolaccon Twp  
Receiving Stream(s) and Classification(s) UNT to Apalachin Creek (CWF/MF);  
Secondary: Apalachin Creek (CWF/MF)

ESCGP-1 # ESX13-115-0118  
Applicant Name Cabot Oil & Gas Corporation  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) Tunkhannock Creek (CWF)

ESCGP-1 # ESX13-115-0108  
Applicant Name Williams Field Services, LLC  
Contact Person Sandra Lojek  
Address 2000 Commerce Drive, Park Place Corp Center 2  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna County  
Township(s) Lathrop and Lenox Townships  
Receiving Stream(s) and Classification(s) Martin Creek and UNTs thereto (CWF/MF)

ESCGP-1 # ESX13-115-0125  
Applicant Name Appalachia Midstream Svc., LLC  
Contact Person Randy DeLaune

Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Auburn Twp  
Receiving Stream(s) and Classification(s) Little Meshoppen Creek, Nick Creek and Tribs thereto (All CWF);  
Secondary: Meshoppen Creek

ESCGP-1 # ESX13-115-0098  
Applicant Name Talisman Energy USA, Inc.  
Contact Person Lance Ridall  
Address 337 Daniel Zenker Drive  
City, State, Zip Horseheads, NY 14845  
County Susquehanna County  
Township(s) Choconut Twp.  
Receiving Stream(s) and Classification(s) Choconut Creek (CWF/MF)

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## SPECIAL NOTICES

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### **Notice of Extension of Public Comment Period on the Draft Plan Approval for the Proposed Delta Thermo Energy Facility in Allentown, Lehigh County**

Delta Thermo Energy A LLC (DTE), 1210 Northbrook Drive, Suite 100 Trevoise, PA 19053, has submitted a Plan Approval application to the Department for the construction and operation of a waste-to-energy production facility at 112 W Union Street, Allentown, PA 18102-4912.

On October 30, 2013, the Department held a public meeting at Louis E. Deiruff High School, 815 N. Irving Street, Allentown, PA 18109, in order to provide information to the public about the proposed project and to receive questions and comments from the public about the draft Air Quality Plan Approval (No. 39-00099A) and Waste Management General Permit (GP WMGM047). Based on comments received following the public meeting, the Department is extending the public comment period until December 16, 2013, which will give interested persons additional time to provide comments to the Department.

Copies of the draft Plan Approval are available for public review at the Department's Northeast Regional Office, located at 2 Public Square in Wilkes-Barre, by calling (570) 826-2519 for an appointment, and at the Department's Bethlehem District Office, located at 4530 Bath Pike in Bethlehem, by calling (610) 861-2070 for an appointment. Copies are also available at Allentown City Hall, located at 435 Hamilton Street, phone number 610-439-5999. The Department will make copies of a summary of the material conditions of the Plan Approval available in Spanish.

Written comments should be directed to Ray Kempa, Environmental Group Manager, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 until December 16, 2013.

[Pa.B. Doc. No. 13-2221. Filed for public inspection November 27, 2013, 9:00 a.m.]

### **Oil and Gas Technical Advisory Board Meeting Cancellation**

The December 4, 2013, meeting of the Oil and Gas Technical Advisory Board (Board) has been cancelled.



There will not be other Board meetings in 2013 and notice of the 2014 schedule will be published at a later date.

Questions concerning this cancellation can be directed to Kurt Klapkowski (717) 772-2199 or kklapkowsk@pa.gov. The agenda and meeting materials for the next meeting will be made available through the Public Participation Center on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-2222. Filed for public inspection November 27, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Chambersburg Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chambersburg Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2223. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Application of Geisinger Center for Aesthetics & Cosmetic Surgery—Woodbine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Center for Aesthetics & Cosmetic Surgery—Woodbine has requested an exception to the requirements of subparagraph (ii) of the definition of "classification levels" in 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2224. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Application of Hospital of the University of Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Hospital of the University of Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.4.2.2(4) (relating to a separate room with a tub and a shower).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, [ra-paexcept@pa.gov](mailto:ra-paexcept@pa.gov).

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2225. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Application of Mifflin County Community Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mifflin County Community Surgery Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2226. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Application of Ohio Valley General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Ohio Valley General Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2227. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Application of Waynesboro Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Waynesboro Hospital has requested an exception to the requirements of 28 Pa. Code § 107.62(a) and (b) (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984.

MICHAEL WOLF,  
*Secretary*

[Pa.B. Doc. No. 13-2228. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code §§ 201.18(e) and 205.6(a) (relating to management; and function of building):

The Summit Nursing & Rehabilitation Center at  
Palmerton Hospital  
135 Layette Avenue  
Palmerton, PA 18071  
FAC ID 24090201

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2229. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Recognized Lifeguard Certifying Authorities for 2014

The Department of Health has determined that the following lifeguard certifying authorities meet the requirements in 28 Pa. Code § 18.42 (relating to certified lifeguards) and are recognized as lifeguard certifying authorities for 2014: The American Red Cross, Jeff Ellis and Associates, YMCA, The Boy Scouts of America, Starfish Aquatics Institute and National Aquatic Safety Company.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact the Department of Health, Bureau of Community Health Systems, Room 628, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4366, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2230. Filed for public inspection November 27, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Moola Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Moola.

2. *Price:* The price of a Pennsylvania Moola instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Moola instant lottery game ticket will contain one play area. The play symbols and their captions, located in the play area are: Pig (PIGGY) symbol, CORN (CORN) symbol, Sheep (SHEEP) symbol, Tractor (TRCTR) symbol, Chick (CHIC)

symbol, Milk (MILK) symbol, Barn (BARN) symbol, Cowbell (CWBELL) symbol, and a MOO (MOO) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: FREE (TICKET), \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN) and \$5,000 (FIV THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$50, \$100, \$500 and \$5,000. The player can win up to 5 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 10,800,000 tickets will be printed for the Pennsylvania Moola instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$5,000 (FIV THO) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(b) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$500 (FIV HUN) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$500.

(c) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$100 (ONE HUN) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$50<sup>00</sup> (FIFTY) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$50.

(f) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$25<sup>00</sup> (TWY FIV) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$25.

(h) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$25.

(i) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$20<sup>00</sup> (TWENTY) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.



(k) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$10<sup>.00</sup> (TEN DOL) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$2<sup>.00</sup> (TWO DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$5<sup>.00</sup> (FIV DOL) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets with a MOO (MOO) symbol in the play area and a prize symbol of \$1<sup>.00</sup> (ONE DOL) appears in all five of the “prize” areas, on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$4<sup>.00</sup> (FOR DOL) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$2<sup>.00</sup> (TWO DOL) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of \$1<sup>.00</sup> (ONE DOL) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of \$1.

(r) Holders of tickets with a Cowbell (CWBELL) symbol in the play area and a prize symbol of FREE (TICKET) in the “prize” area under that Cowbell (CWBELL) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Moola instant game ticket or one Pennsylvania Lottery instant game ticket with a \$1 sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

Reveal A “CWBELL”  
(CWBELL) Symbol, Win Prize  
Shown Under It. Win With:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 10,800,000 Tickets
FREE	FREE \$1 TICKET	10	1,080,000
\$1	\$1	75	144,000
\$1 x 2	\$2	37.5	288,000
\$2	\$2	37.5	288,000
\$1 x 4	\$4	200	54,000
\$2 x 2	\$4	200	54,000
(\$1 x 2) + \$2	\$4	200	54,000
\$4	\$4	200	54,000
MOO w/ (\$1 x 5)	\$5	150	72,000
(\$2 x 2) + \$1	\$5	300	36,000
\$5	\$5	300	36,000
MOO w/ (\$2 x 5)	\$10	300	36,000
\$5 x 2	\$10	300	36,000
\$10	\$10	300	36,000
MOO w/ (\$4 x 5)	\$20	750	14,400
\$5 x 4	\$20	1,500	7,200
\$10 x 2	\$20	1,500	7,200
\$20	\$20	1,500	7,200
MOO w/ (\$5 x 5)	\$25	800	13,500
\$25	\$25	2,400	4,500
MOO w/ (\$10 x 5)	\$50	2,400	4,500
\$25 x 2	\$50	12,000	900
(\$20 x 2) + \$10	\$50	12,000	900
\$50	\$50	12,000	900
MOO w/ (\$20 x 5)	\$100	8,000	1,350
\$25 x 4	\$100	16,000	675
\$100	\$100	16,000	675
\$100 x 5	\$500	240,000	45
\$500	\$500	240,000	45
\$5,000	\$5,000	540,000	20

Reveal a “MOO” (MOO) symbol, win all 5 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Moola instant lottery game tickets. The

conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Moola, prize money from winning Pennsylvania Moola instant lottery



game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Moola instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law*: In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game*: The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Moola or through normal communications methods.

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-2231. Filed for public inspection November 27, 2013, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Meeting Cancellation

The December 17, 2013, meeting of the Environmental Quality Board (Board) is cancelled. The next regularly scheduled meeting of the Board will occur on Tuesday, January 21, 2014, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The agenda and meeting materials for the January 21, 2014, meeting will be available on the Department of Environmental Protection's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (Select "Public Participation"; "Public Participation Center").

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P.S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
3-51	Department of Banking and Securities Assessments 43 Pa.B. 5455 (September 14, 2013)	10/15/13	11/14/13
7-483	Environmental Quality Board Oil and Gas Well Fee Amendments 43 Pa.B. 5457 (September 14, 2013)	10/15/13	11/14/13

Questions concerning the Board's next scheduled meeting may be directed to Michele Tate at (717) 783-8727 or [mtate@pa.gov](mailto:mtate@pa.gov).

E. CHRISTOPHER ABRUZZO,  
*Acting Chairperson*

[Pa.B. Doc. No. 13-2232. Filed for public inspection November 27, 2013, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program (HEMAP); Interest Rate for HEMAP Loans Closed in 2014

Under section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c), the Housing Finance Agency (Agency) is to determine prior to the end of each calendar year the rate of interest for Homeowner's Emergency Mortgage Assistance Program (HEMAP) loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking and Securities under section 301 of the act of January 30, 1974 (P.L. 13, No. 6), referred to as the Loan Interest and Protection Law, and referred to commonly as the Usury Law.

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2014 shall be 4.75%.

This notice shall take effect immediately.

BRIAN A. HUDSON, Sr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2233. Filed for public inspection November 27, 2013, 9:00 a.m.]

## Department of Banking and Securities

### Regulation #3-51 (IRRC #3021)

#### Assessments

November 14, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the September 14, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Department of Banking and Securities (Department) to respond to all comments received from us or any other source.

#### 1. Need; Reasonableness; Fiscal impact.

According to the Department, this proposed rulemaking would establish an assessment schedule for State-chartered institutions (institutions) which would provide adequate and sustainable funding for the Department and streamline reporting and billing requirements for institutions. Information provided in the Regulatory Analysis Form (RAF) indicates that the rulemaking will increase costs to the institutions by \$3,550,000 in Fiscal Year (FY) 2014-2015; \$6,386,000 in FY 2015-2016; \$9,224,000 in FY 2016-2017 and \$9,739,000 in FY 2017-2018 over what would be collected in FY 2012-2013.

Figures provided in the RAF also indicate that the assessment schedule would produce surpluses of \$4,937,000 in FY 2014-2015; \$5,286,000 in FY 2015-2016 and \$7,621,000 in FY 2016-2017. Given the increased cost that this proposal will impose on the regulated community, we question how the Department determined that the projected surpluses are appropriate.

#### 2. Implementation procedures.

As noted above, this proposed rulemaking would establish an assessment schedule for institutions. It is our understanding that the Department currently assesses these institutions, but the current assessment system is not administered via any particular rule or regulation. As such, there is nothing in this proposal that deletes the current assessment system. We ask the Department to explain how it currently collects fees from institutions and how it will transition to the new assessment schedule. Will the Department discontinue its current assessment system? Assuming that this proposal is ultimately adopted as a formal regulation, how and when would the regulated community be notified of the change?

#### 3. Section 5.5. Adjustments to assessments; invoicing.—Implementation procedures; Reasonableness; Need; Fiscal impact.

##### *Subsection (a)*

This section sets forth the criteria for adjustments to assessments based upon an optional adjustment for inflation which would be applied to all institutions. It allows the Department to increase the amount of the assessment up to the increase in the Consumer Price Index or other similar index published by the United States Department of Labor Bureau of Labor Statistics, if the projected assessments are insufficient to provide for the Department's budget due to inflation.

We have several questions on how this provision will be implemented and why the Department believes this approach is reasonable.

- First, what safeguards are in place to ensure that the need for additional funding is based on inflation? Do the Pennsylvania General Assembly and the budgetary process have any input or oversight on whether an adjustment is needed?

- Second, will the Department notify the regulated community in advance about the imposition of the inflation adjustment? How and when would the regulated community be notified of the inflation adjustment?

- Third, how often are the cited inflation indices updated? Do the inflation indices correlate to the semiannual assessment notices of this rulemaking?

- Fourth, how did the Department determine that the cited inflation indices are most appropriate for all Pennsylvania State-chartered institutions?

- Finally, what criteria will the Department use when deciding which inflation index to use?

We ask the Department to respond to these questions and to adjust the final-form rulemaking as it deems appropriate to provide for fair and uniform administration of adjustments of assessments.

##### *Subsection (b)*

This subsection allows for an optional adjustment to be applied only to specific institutions based upon their Uniform Financial Institutions Rating System or Uniform Interagency Rating System composite rating. What is the need for this surcharge and why does the Department believe it is the most reasonable approach to assessing certain institutions? How did the Department determine that a 30 percent surcharge is appropriate for an institution with a composite rating of four and that a 50 percent surcharge is appropriate for an institution with a composite rating of five?

In addition, we note that this subsection provides the Department with discretion as to whether the surcharge will be imposed. What criteria will guide the Department in its determination that this surcharge is appropriate? Will the surcharge be imposed to close a budgetary gap or will it be imposed to encourage institutions to improve their composite ratings?

#### 4. Section 5.6. Implementation schedule.—Reasonableness; Fiscal impact.

This section provides for a phase-in of the new assessment schedule; however, the phase-in only applies to banks, bank and trust companies, saving banks, savings associations and trust companies. The Department notes that the phase-in will not apply to credit unions because the collective impact of the assessments on the budgets of credit unions would be modest. A commentator has asked the Department to consider the merits of imposing the new assessment schedule on an incremental basis for credit unions with larger assets. As the Department prepares the final-form rulemaking, we ask it to consider the recommendation of the commentator as a way to lessen the immediate fiscal impact it would have on larger credit unions.

### Environmental Quality Board

#### Regulation #7-483 (IRRC #3022)

#### Oil and Gas Well Fee Amendments

November 14, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the September 14, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regula-

tory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Section 78.1. Definitions.—Clarity and lack of ambiguity; Need.**

*Conventional well*

EQB proposes to define conventional well as “a bore hole drilled or being drilled for the purpose of or to be used for the production of oil or gas from a conventional formation.” Commentators question whether secondary and tertiary recovery or disposal injection wells would be considered conventional wells under this definition. The commentators further state that both the regulated community, as well as regulators, would benefit from a more detailed definition of a conventional well. Specifically, commentators suggest using the description of a conventional well in Section E of the Preamble as the basis for a more detailed definition of conventional well in the regulation.

We ask EQB to consider the commentators’ suggestion or ensure that the definition of a conventional well in the final-form regulation is clear and lacks ambiguity for the regulated community.

*Subsection (a)*

EQB proposes to delete the current subsection (a) which states that certain words and terms used in the chapter are defined by other statutes. EQB did not address this deletion in the Preamble. We ask EQB to explain the need for removing this subsection in the final-form regulation.

**2. Section 78.19. Permit application fee schedule.—Economic or fiscal impacts; Reasonableness.**

The Department’s Oil and Gas Program (Program) is funded primarily through the oil and gas well permit fee.

The Department of Environmental Protection (Department) is required to evaluate the oil and gas well permit fee every three years and recommend any changes to the fee necessary “to address any disparity between program income generated by the fees and the Department’s cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.” 25 Pa. Code § 78.19(f). However, the Oil and Gas Act (Act) requires the permit fee to bear a “reasonable relationship” to the cost of administering the Act. 58 P. S. § 601.201(d).

Based on the most recent evaluation, EQB proposes to change the current oil and gas well permit fee from a sliding fee schedule to a fixed fee for most wells. The change would result in a fixed \$5,000 fee for each nonvertical unconventional well (an increase of \$1,800 or 36 percent from the current average permit fee of \$3,200), and a fixed \$4,200 fee for each vertical unconventional well (an increase that is more than double the current average permit fee of \$2,000).

As noted above, permit fees must bear a “reasonable relationship” to the cost of the Program. In reviewing the Regulatory Analysis Form and Preamble, we do not see an explanation regarding how the proposed permit fees relate to the anticipated Program costs. Given that EQB proposes significant increases for unconventional well permits, we ask EQB to explain how it arrived at the anticipated Program costs to support the reasonableness of the increases. We will review EQB’s response to these concerns as part of our consideration of the final-form regulation.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2234. Filed for public inspection November 27, 2013, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
35-32	Constables’ Education and Training Board Constables’ Education and Training Board Amendments	11/14/13	1/16/14

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2235. Filed for public inspection November 27, 2013, 9:00 a.m.]

**PENNSYLVANIA PUBLIC  
UTILITY COMMISSION**

**Act 129 Energy Efficiency and Conservation Program; Doc. No. M-2012-2289411**

At its November 14, 2013, public meeting, the Pennsylvania Public Utility Commission (Commission) adopted and released for public comment a tentative order and an

amended Act 129 Demand Response Study that includes a Preliminary Wholesale Price Suppression and Prospective TRC Analysis for the Act 129 Energy Efficiency and Conservation (EE&C) Program. This tentative order also seeks comments on alternative peak demand reduction programs to be studied for inclusion in a subsequent phase of the EE&C Program. The tentative order is on the Commission’s web site at <http://www.puc.pa.gov/pcdocs/1256724.doc>. The amended Act 129 Demand Response Study is also on the Commission’s web site at <http://www.puc.pa.gov/pcdocs/1256728.docx>.



Interested parties are invited to file comments with the Commission on the tentative order, proposed alternative peak demand reduction programs and amended Act 129 Demand Response Study within 30 days of the publication of this notice, referencing Doc. No. M-2012-2289411. Reply comments are to be filed with the Commission within 45 days of the publication of this notice, also referencing Doc. No. M-2012-2289411. Questions regarding technical issues related to the tentative order are to be directed to Megan Good, Bureau of Technical Utility Services at (717) 425-7583 or megagood@pa.gov. Questions regarding legal and process issues related to the tentative order are to be directed to Kriss Brown, Law Bureau at (717) 787-4518 or kribrown@pa.gov.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2236. Filed for public inspection November 27, 2013, 9:00 a.m.]

### **Certification of Well Plugging/Reclassification; Doc. No. M-2012-2288561**

Under 58 Pa.C.S. §§ 2301—2318 (relating to unconventional gas well fee), known as Act 13, payment of the impact fee ceases upon certification (certification date) to the Department of Environmental Protection (Department) by a producer that the unconventional gas well has ceased production and has been plugged according to the Department regulations. See 58 Pa.C.S. § 2302(e) (relating to unconventional gas well fee). Consistent with Act 13, the certification date to the Department is the date an acceptable certificate of well plugging is filed with and time-stamped by the Department. The certification date is the date of the official Department time-stamp placed on the certificate of well plugging. Note that the date plugging was physically completed, as supplied by the producer on the certificate of well plugging, is not the certification date to the Department for purposes of 58 Pa.C.S. § 2302(e). The Pennsylvania Public Utility Commission (Commission) encourages producers to maintain time-stamped copies of all certificates of well plugging filed with the Department.

Regarding reclassified unconventional wells, the date an acceptable reclassification document<sup>1</sup> amending a well's classification is filed with and time-stamped by the Department is the reclassification date. The reclassification date is the date of the official Department time-stamp placed on that document. The Commission encourages producers to maintain time-stamped copies of all documents amending well classifications filed with the Department.

Direct questions to John Herzog, Assistant Counsel, Law Bureau at (717) 787-5000.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2237. Filed for public inspection November 27, 2013, 9:00 a.m.]

<sup>1</sup>A producer must file with the Department a Well Record to reclassify an unconventional well from horizontal to vertical or a Permit Application to Drill and Operate an Unconventional Well to reclassify an unconventional well from vertical to horizontal.

### **Delegation of Additional Authority Regarding Motor Carrier Abandonment and Discontinuance of Service Applications**

Public Meeting held  
November 14, 2013

*Commissioners Present:* Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; James H. Cawley; Pamela A. Witmer; Gladys M. Brown

*Delegation of Additional Authority  
Regarding Motor Carrier Abandonment  
and Discontinuance of Service Applications;  
Doc. No. M-2013-2389253*

### **Opinion and Order**

*By the Commission:*

In order to deal efficiently with the numerous routine and non-controversial matters that require agency approval, the Pennsylvania Public Utility Commission (Commission) has explicitly delegated its approval authority as to certain matters that are deemed to be routine, ministerial and non-policy making in nature to certain Bureau Directors. By this Order, the Commission is delegating additional authority to the Bureau of Technical Utility Services' Motor Carrier Compliance Office (Motor Carrier Compliance Office) to approve or disapprove applications to voluntarily abandon or discontinue motor carrier service. In lieu of action at public meeting, the approval or disapproval of these applications will be addressed by Secretarial Letter.

### *Discussion*

Consistent with the Commission's prior delegations of authority, items which are clearly policymaking, rule-making or adjudicative in nature are not appropriate for delegation to Commission staff and will, accordingly, be reviewed by the Commission and resolved at public meeting. Policymaking, rulemaking and adjudication decisions determine the direction of the agency on key issues and determine the rights and obligations of persons subject to the Commission's jurisdiction. These represent the core functions of the Commission as an administrative agency, and they should remain with the Commission.

On the other hand, items which are routine, ministerial and non-policymaking in nature are candidates for delegation to Commission staff. Pursuant to the Commission's regulations, motor carriers of passengers or household goods in use must file an application to abandon or discontinue service if such a motor carrier intends to voluntarily abandon or discontinue service in whole or in part. See 52 Pa. Code § 3.381. Currently, these applications to voluntarily abandon or discontinue service are reviewed by the Motor Carrier Compliance Office and approved or disapproved by the Commission at public meeting.

Because the approval or disapproval of these applications to voluntarily abandon or discontinue service is routine and ministerial in nature, the Commission desires to delegate authority to approve or disapprove such applications to the Motor Carrier Compliance Office. Therefore, by this Order, the Motor Carrier Compliance Office is hereby given authority to approve or disapprove applications of motor carriers, filed pursuant to 52 Pa. Code § 3.381, to voluntarily abandon or discontinue



service.<sup>1</sup> To carry out this authority, the Motor Carrier Compliance Office will prepare a Secretarial Letter determining whether a motor carrier's application to abandon or discontinue service has been approved. That Secretarial Letter will then be forwarded to the Commission's Secretary's Bureau for formal issuance in lieu of public meeting action.<sup>2</sup> The Secretarial letter will have the same authority as a Commission order. See *West Penn Power Co. v. Pa. P.U.C.*, 174 Pa.Super. 123, 100 A.2d 110 (1954).

Under this new procedure, due process controls will be maintained. An affected party may appeal the staff action (the approval or disapproval of the application) to the full Commission by filing a petition for appeal from actions of staff pursuant to 52 Pa. Code § 5.44 within 20 days after service of notice of the action. In addition, any action taken by staff under this delegated authority, including the issuance of the Secretarial Letter, shall provide notice of the parties' right to appeal the action, pursuant to 52 Pa. Code § 5.44(b). Furthermore, the Motor Carrier Compliance Office will continue to publish a notice of all applications to voluntarily abandon or discontinue service in the *Pennsylvania Bulletin* to allow interested parties to comment as necessary prior to staff action.

Furthermore, the Motor Carrier Compliance Office will continue to exercise discretion and good judgment in determining whether an application to voluntarily abandon or discontinue service should nevertheless be placed on the public meeting agenda. In certain situations, even a routine matter may be significant and require a Commissioner-level determination. When this occurs, the Bureau Director should place the item on the public meeting agenda for full Commission review. The calendar sheet of the public meeting agenda item will explain the circumstances regarding the application that is not "routine."

The Motor Carrier Compliance Office is encouraged to establish guidelines delineating the aforementioned situations when an otherwise routine application will be placed on the public meeting agenda. The Law Bureau will also update the Commission's Rules of Practice and Procedures Manual where necessary to reflect the delegation of authority set forth in this Order. Additionally, a copy of this Order will be published in the *Pennsylvania Bulletin* and posted on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov).

#### Conclusion

The delegation of authority to the Motor Carrier Compliance Office to approve or disapprove applications to voluntarily abandon or discontinue service will allow the Commission to efficiently deal with these numerous routine and non-controversial applications by reducing the number of these applications appearing on the public meeting agendas. Additionally, the procedures established in this Order will allow the Commission to maintain proper due process controls on the application approval process; *Therefore*,

#### *It Is Ordered That:*

1. The Motor Carrier Compliance Office is hereby given authority to approve or disapprove applications of motor

<sup>1</sup> We note that pursuant to Section 215(D)(4) of the Commission's Rules of Practice and Procedure, the Motor Carrier Compliance Office has previously been delegated authority to cancel certificates of public convenience for "non-voluntary" abandonment or discontinuance of service in matters where the carrier had failed to file an application to abandon or discontinue service and a complaint has been filed against the carrier alleging the same. See Procedures Manual at § 215(D)(4).

<sup>2</sup> This practice will reduce the number of these applications appearing on the public meeting agenda.

carriers, filed pursuant to 52 Pa. Code § 3.381, to voluntarily abandon or discontinue service without public meeting action.

2. The Motor Carrier Compliance Office shall prepare a Secretarial Letter determining whether a motor carrier's application to abandon or discontinuance service is approved.

3. Once the Motor Carrier Compliance Office has prepared a Secretarial Letter determining whether a motor carrier's application to abandon or discontinue service has been approved, that Office shall then forward that Secretarial Letter to the Commission's Secretary's Bureau for formal issuance.

4. The Motor Carrier Compliance Office shall publish a notice of all applications to voluntarily abandon or discontinue service in the *Pennsylvania Bulletin* to allow interested parties to comment as necessary prior to staff action.

5. The Law Bureau shall update the Commission's Rules of Practice and Procedures Manual where necessary to reflect the delegation of authority granted by this Order.

6. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov).

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2238. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 16, 2013. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Application of the following for approval to *begin operating as common carriers for transportation of persons as described under the application.***

**A-2013-2383098. Cloreatha Conway, t/a Are We There Yet Rides** (2359 Luce Street, Harrisburg, PA 17104) for the right to begin to transport as a common carrier, by motor vehicle, persons in group and party service in vehicles seating 11-15 passengers, including the driver, from points in the Counties of Dauphin, Lancaster and York to points in Pennsylvania, and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.**

**A-2013-2383095. Sirva Move Management, Inc.** (5001 U.S. Highway 30 West, Fort Wayne, IN 46818) for a brokerage license evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of household goods in use between points in Pennsylvania.

**Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods as described under the application.**

**A-2013-2386563. Sterner's Moving and Transporting, Inc.** (10 Valley Road, Jacobus, PA 17407) for amendment to his common carrier certificate which grants the right to transport, as a common carrier, household goods in use from points in York County to points in Pennsylvania, subject to the following conditions and limitations: no right, power or privilege is sought or shall be granted to provide any service to or from points in the County of Centre, or to or from points in the City of Altoona, Blair County and within an airline distance of 25 statute miles of the limits of said city, or to or from points in the City of Allentown, Lehigh County and within 15 miles by the usual traveled highways of the limits of said city, or to or from the City of Easton, Northampton County; *So As To Permit:* to transport as a common carrier, household goods in use from points in Adams, Cumberland, Dauphin, Lancaster, Lebanon and Perry Counties to points in Pennsylvania. This is not a vice versa right and is subject to the following conditions and limitations: no right, power or privilege is sought or shall be granted to provide any service to or from points in the County of Centre or to or from points in the City of Altoona, Blair County and within an airline distance of 25 statute miles of the said City of Allentown, Lehigh County and within 15 miles by the usual traveled highways of the limits of said city, or to or from the city of Easton, Northampton County.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2239. Filed for public inspection November 27, 2013, 9:00 a.m.]

**Service of Notice of Motor Carrier Formal Complaints**

Formal complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due December 16, 2013, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Pinnacle Transportation Systems Inc t/a Pinnacle; Doc. No. C-2013-2380856*

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 del-

egated 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 Pinnacle Transportation Systems, Inc., t/a Pinnacle, (respondent) is under suspension effective August 02, 2013 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2206 Toledo Road, Elkhart, IN 46516.
3. That respondent was issued a Certificate of Public Convenience by this Commission on January 19, 2007, at A-00121884.
4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore,* unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-00121884 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 8/29/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the

mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
 Pennsylvania Public Utility Commission  
 Bureau of Investigation and Enforcement  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto: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. Acord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

Rosemary Chiavetta, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which 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.

—  
*Pennsylvania Public Utility Commission, Bureau of  
 Investigation and Enforcement v. Ikale Nine, Inc.;*  
*Doc. No. C-2013-2381968*

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Ikale Nine, Inc., Respondent, maintains its principal place of business at 410 East Hinckley Avenue, Ridley Park, Pa 19078.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 18, 1997 at Application Docket No. A-00113415.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202491, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on August 11, 2011 at C-2010-2135169, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on May 24, 2012 at C-2011-2255566, Respondent was directed to pay a civil penalty one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That by Secretarial Letter issued on June 6, 2012 at C-2011-2270322, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

7. That Respondent failed to pay fines totaling one thousand seven hundred fifty dollars (\$1,750.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 24, 2011 at C-2010-2202491, August 11, 2011 at C-2010-2135169, May 24, 2012 at C-2011-2255566, and June 6, 2012 at C-2011-2270322.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).



Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00113415.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/5/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. J&H Cab Co.;  
Doc. No. C-2013-2382073*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That J&H Cab Co., Respondent, maintains its principal place of business at 325 Brigade Court, Wayne, PA 19087.

2. That Respondent was issued Certificates of Public Convenience by this Commission on January 12, 1993 at Application Docket No. A-00110142 F. 1, 2, 3, 4, and 5, and on October 4, 2000 at A-00110142 F. 6.

3. That by Secretarial Letter issued on July 8, 2011 at C-2010-2131185, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 13, 2012 at C-2011-2255335, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

5. That Respondent failed to pay fines totaling one thousand two hundred fifty dollars (\$1,250.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on July 8, 2011 at C-2010-2131185, and July 13, 2012 at C-2011-2255335.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commis-



sion issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-000110142 Fs. 1, 2, 3, 4, 5 and 6.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. New Generation Taxi, Co.; Doc. No. C-2013-2382396*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. New Generation Taxi, Co., Respondent, maintains its principal place of business at 2 Penn Center, Suite 200, Philadelphia, PA 19102.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 16, 2004 at Application Docket No. A-00120151.

3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2208335, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on August 22, 2011 at C-2010-2131229, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on July 16, 2012 at C-2011-2255918, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 29, 2011 at C-2010-2208335, August 22, 2011 at C-2010-2131229, and July 16, 2012 at C-2011-2255918.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to

revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificates of Public Convenience held by Respondent at A-00120151.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of  
Investigation and Enforcement v. Satti Cab Corp.;*  
*Doc. No. C-2013-2382617*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement Prosecutory Staff hereby represents as follows:

1. That Satti Cab Corp., Respondent, maintains its principal place of business at 7122 Pennsylvania Avenue, Upper Darby, PA 19082.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on December 11, 2001 at Application Docket No. A-00118357.

3. That by Secretarial Letter issued on March 29, 2011 at C-2010-2206512, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

4. That by Secretarial Letter issued on July 11, 2011, at C-2010-2135182, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

5. That by Secretarial Letter issued on July 16, 2012 at C-2011-2255897, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with Secretarial Letters issued on March 29, 2011 at C-2010-2206512, July 11, 2011 at C-2010-2135182, and July 16, 2012 at C-2011-2255897.

A Certificate holder has an obligation to comply with the Commission's rules and regulations. A Certificate of Public Convenience is neither a contract nor a property; it is a privilege. Where that privilege is violated, the Commission may, for due cause, exercise its power to revoke a carrier's privilege to operate. *Paradise v. Pennsylvania Public Utility Commission*, 132 A.2d 754, 184 Pa. Superior Court 8 (1957).

Wherefore, the Bureau of Investigation and Enforcement Prosecutory Staff hereby requests that the Commission issue an Order which revokes the Certificate of Public Convenience held by Respondent at A-00118357.

Respectfully submitted,

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 9/10/2013

David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, you may eFile your Answer using the Commission's website at [www.puc.pa.gov](http://www.puc.pa.gov). The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: [RA-PCCmplntResp@pa.gov](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request

that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 13-2240. Filed for public inspection November 27, 2013, 9:00 a.m.]

## PHILADELPHIA PARKING AUTHORITY

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-02. The company has applied to transfer the rights held by Jay S. Cab Co. (CPC No. 1024823-01, Medallion P-0087) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Toru, Inc.**, 1614 Porter Street, Philadelphia, PA 19145, registered with the Commonwealth on January 14, 2008.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the



business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2241. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-06. The company has applied to transfer the rights held by Lamis Cab Co. (CPC No. 1014724-01, Medallion P-0346) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Mashal, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on October 4, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2242. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-04. The company has applied to transfer the rights held by PK Taxi, Inc. (CPC No. 1029128-01, Medallion P-0750) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Paramjit Trans, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on October 7, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the

business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2243. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-03. The company has applied to transfer the rights held by United Trans. Services, Inc. (CPC No. 1026091-01, Medallion P-0398 and P-1074) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Bajaj Traders, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on October 7, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 13-2244. Filed for public inspection November 27, 2013, 9:00 a.m.]

### Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-07. The company has applied to transfer the rights held by United Trans Services, Inc. (CPC No. 1026091-01, Medallion P-1232) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Pooni Cab Co.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on July 18, 1994.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the



business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
Executive Director

[Pa.B. Doc. No. 13-2245. Filed for public inspection November 27, 2013, 9:00 a.m.]

**Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia**

Permanent authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) by the following named applicant at Docket A-13-11-05. The company has applied to transfer the rights held by Vegma, Inc. (CPC No. 1000108-01, Medallion P-0072) to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

**Balaji Consultants, Inc.**, 2301 Church Street, Philadelphia, PA 19124, registered with the Commonwealth on September 8, 2008.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148 by December 16, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,  
Executive Director

[Pa.B. Doc. No. 13-2246. Filed for public inspection November 27, 2013, 9:00 a.m.]

**STATE BOARD OF PHARMACY**

**Cancer Drug Repository Program; Income Limits for Eligibility**

Under 49 Pa. Code § 27.506(b)(2) (relating to patient eligibility), the State Board of Pharmacy (Board) is required to publish a notice setting forth the income limits for eligibility for the Cancer Drug Repository Program (CDRP) at least once a year. The income limits are based upon the patient's family income for the prior

year, not to exceed 350% of the United States Department of Health and Human Services' Federal Poverty Income Guidelines for the 48 Contiguous States and the District of Columbia as published annually in the *Federal Register*.

Effective upon publication, the income eligibility limits for participation in the CDRP for the remainder of 2013 are as follows:

	<i>The Patient is eligible to participate in the CDRP throughout 2013 if the Patient's 2012 family/household income is no more than:</i>
<i>If the size of the Patient's family/household is:</i>	
1	\$ 39,095
2	\$ 52,955
3	\$ 66,815
4	\$ 80,675
5	\$ 94,535
6	\$108,395
7	\$122,255
8	\$136,115

For families/households with more than eight persons, add \$13,860 for each additional person.

Effective January 1, 2014, the income eligibility limits for participation in the CDRP for 2014 are as follows:

	<i>The Patient is eligible to participate in the CDRP throughout 2014 if the Patient's 2013 family/household income is no more than:</i>
<i>If the size of the Patient's family/household is:</i>	
1	\$ 40,215
2	\$ 54,285
3	\$ 68,355
4	\$ 82,425
5	\$ 96,495
6	\$110,565
7	\$124,635
8	\$138,705

For families/households with more than eight persons, add \$14,070 for each additional person.

EDWARD J. BECHTEL, R.Ph.,  
Chairperson

(Editor's Note: See 43 Pa.B. 7011 (November 30, 2013) for a final-form rulemaking relating to this notice.)

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