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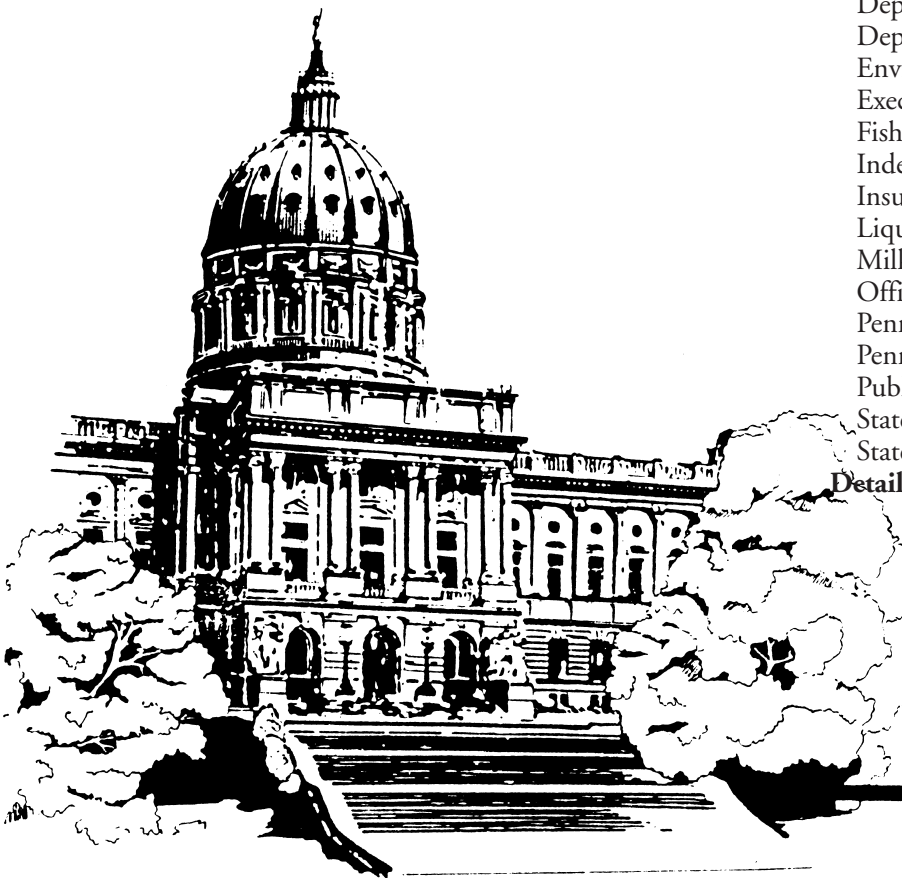
PENNSYLVANIA BULLETIN

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Public School Employees' Retirement Board
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State Conservation Commission

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

No. 469, December 2013

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Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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

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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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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW [204 PA. CODE CH. 71]

Order Amending Rule 205 of the Pennsylvania Bar Admission Rules; No. 617 Supreme Court Rules Doc.

Order

Per Curiam

And Now, this 20th day of November, 2013, upon the recommendation of the Board of Law Examiners, the proposal having been published before adoption at 43 Pa.B. 1699 (March 30, 2013):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 205 of the Pennsylvania Bar Admission Rules is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments shall be effective 30 days from the date of this Order.

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART IV. ADMISSION TO PRACTICE LAW

CHAPTER 71. PENNSYLVANIA BAR ADMISSION RULES

Subchapter B. ADMISSION TO THE BAR GENERALLY IN GENERAL

Rule 205. Admission of foreign attorneys and graduates of foreign institutions.

(a) *General rule.* The Board, under such standards, rules and procedures as it may prescribe, may extend the provisions of Rule 203 (relating to the admission of graduates of accredited and unaccredited institutions) to any applicant who has completed the study of law in a law school which at the time of such completion was not located within the geographical area encompassed by the accreditation activities of the American Bar Association and [;]:

(1) who has been admitted to practice law in and is in good standing at the bar of a foreign country **or another state**, as evidenced by a certificate from the highest court or agency of such foreign country **or state** having jurisdiction over admission to the bar and the practice of law and

(2) who has for a period of five years of the last eight years immediately preceding the date of filing of the application for admission to the bar of this Commonwealth engaged in the practice of law in such foreign country **or another state**. For purposes of this paragraph, the phrase “engaged in the practice of law” is defined as “devoting a major portion of one’s time and energy to the rendering of legal services.” **The practice**

of law must be performed in a foreign country or state in which the applicant was admitted to practice law or in a foreign country or state that affirmatively permitted such activity by a lawyer not admitted in that jurisdiction. The term “practice of law” shall not include providing legal services when such services as undertaken constituted the unauthorized practice of law in the foreign country or state in which the legal services were performed or in the foreign country or state in which the clients receiving the unauthorized services were located.

(b) *Law study required.* Unless otherwise provided by the Board, applicants who meet the provisions of subparagraph (a) of this [**Rule**] rule may apply to sit for the Pennsylvania Bar Examination provided they have successfully completed [**30**] **24** credit hours in an accredited American [**Law**] law school in the following subjects: Conflict of Laws; Constitutional Law; Contracts; Corporations; Criminal Law; Decedents’ Estates; Evidence; Family Law; Federal and/or Pennsylvania Civil Procedure; Federal Income Taxes (personal only); Professional Responsibility; Real Property; Torts; Uniform Commercial Code, Art. II—Sales; [**Uniform Commercial Code, Art. III—Commercial Paper; Uniform Commercial Code, Art. IX—Secured Transactions**] **Legal Research and Writing; and Employment Discrimination.** No more than 4 credit hours in any one subject shall be counted toward this requirement. In fulfilling this requirement, applicants must successfully complete up to 4 credits in each of the following subjects: Constitutional Law; [**Contracts; Criminal Law; Decedents’ Estates; Evidence;**] Federal and/or Pennsylvania Civil Procedure; Professional Responsibility; [**Real Property; and Torts**] and **Legal Research and Writing.** All coursework for the required credit hours shall be completed at the campus of an accredited law school in the United States. No credit shall be allowed for correspondence courses, on-line courses, courses offered on any other media, or other distance learning courses.

[Pa.B. Doc. No. 13-2248. Filed for public inspection December 6, 2013, 9:00 a.m.]

Title 210—APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE [210 PA. CODE CHS. 19 AND 40]

Order Adopting New Rules 4001—4007 and Amending Rule 1925 of the Rules of Appellate Procedure; No. 237 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 15th day of November, 2013, upon the recommendation of the Appellate Court Procedural Rules

Committee; the proposal having been published before adoption at 43 Pa.B. 1700 (March 30, 2013):

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

(1) new Pennsylvania Rules of Appellate Procedure 4001 through 4007 are adopted; and

(2) Pennsylvania Rule of Appellate Procedure 1925 is amended,

all in the following form. This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective in 30 days.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

CHAPTER 19. PREPARATION AND TRANSMISSION OF RECORD AND RELATED MATTERS

RECORD ON APPEAL FROM LOWER COURT

Rule 1925. Opinion in Support of Order.

(a) *Opinion in support of order.*

* * * * *

(2) *Children’s fast track appeals.*—In a children’s fast track appeal:

(i) The concise statement of errors complained of on appeal shall be filed and served with the notice of appeal required by Rule 905. *See* Pa.R.A.P. 905(a)(2).

(ii) Upon receipt of the notice of appeal and the concise statement of errors complained of on appeal required by Rule 905(a)(2), the judge who entered the order giving rise to the notice of appeal, if the reasons for the order do not already appear of record, shall within 30 days file of record at least a brief opinion of the reasons for the order, or for the rulings or other errors complained of, which may, but need not, refer to the transcript of the proceedings.

(3) *Appeals arising under the Pennsylvania Code of Military Justice.*—In an appeal arising under the Pennsylvania Code of Military Justice, the concise statement of errors complained of on appeal shall be filed and served with the notice of appeal. *See* Pa.R.A.P. 4004(b).

(b) *Direction to file statement of errors complained of on appeal; instructions to the appellant and the trial court.*—If the judge entering the order giving rise to the notice of appeal (“judge”) desires clarification of the errors complained of on appeal, the judge may enter an order directing the appellant to file of record in the trial court and serve on the judge a concise statement of the errors complained of on appeal (“Statement”).

* * * * *

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

ARTICLE III. MISCELLANEOUS PROVISIONS

CHAPTER 40. APPEALS ARISING UNDER THE PENNSYLVANIA CODE OF MILITARY JUSTICE

Rule	
4001.	Scope of Chapter.
4002.	Manner of Taking Appeal.
4003.	Time for Appeal.
4004.	Content and Service of Notice of Appeal.

4005.	Filing of Notice of Appeal.
4006.	Opinion in Support of Order or Ruling.
4007.	Record on Appeal.

Rule 4001. Scope of Chapter.

This Chapter shall apply to all appeals from a court-martial as permitted by the Pennsylvania Code of Military Justice, 51 Pa.C.S. § 5100 *et seq.* The other chapters of the Pennsylvania Rules of Appellate Procedure shall also be applicable, provided such application is not inconsistent with the Pennsylvania Code of Military Justice or preempted by the rules contained in this Chapter.

Official Note: The Pennsylvania Code of Military Justice (“Code”), 51 Pa.C.S. § 5100 *et seq.*, provides for a right of appeal to the Superior Court from certain final judgments of courts-martial and specific interlocutory orders or rulings. This right of appeal under the Code is applicable only to proceedings involving “state military forces” or members of the Pennsylvania National Guard not in a status subjecting them to the exclusive jurisdiction of the United States.

Rule 4002. Manner of Taking Appeal.

An appeal shall be taken by filing, in person or by first class, express, or priority United States Postal Service mail, a notice of appeal with the State Judge Advocate for the respective branch of service in which the court-martial has been convened.

If the notice of appeal is filed by first class, express, or priority United States Postal Service mail, the notice shall be deemed received by the State Judge Advocate for the purposes of filing on the date deposited in the United States mail, shown on a United States Postal Service Form 3817, Certificate of Mailing, or other similar United States Postal Service form from which the date of deposit can be verified. The certificate of mailing or other similar Postal Service form from which the date of deposit can be verified shall be cancelled by the Postal Service and shall show the docket number of the matter in the government unit, and shall be either enclosed with the petition or separately mailed to the State Judge Advocate.

Rule 4003. Time for Appeal.

The notice of appeal required by Pa.R.A.P. 4002 shall be filed within the following time periods:

(a) A notice of appeal of a judgment of court-martial shall be filed within 30 days upon finality of judgment and issuance to the accused of a written advisement of the right to appeal the judgment to the Superior Court.

(b) A notice of interlocutory appeal shall be filed within three days of the date of the order or ruling being appealed.

Official Note: The judgment of court-martial in paragraph (a) becomes final upon the exhaustion or waiver of the administrative review process provided in Chapter 59 of the Code.

Rule 4004. Content and Service of Notice of Appeal.

(a) *Form.* The notice of appeal shall be substantially in the following form:

PENNSYLVANIA NATIONAL GUARD COURT-MARTIAL
Commonwealth

v. Docket No. _____

Jonathon Doe, [rank], Defendant

NOTICE OF APPEAL

Notice is hereby given that [party name] appeals to the Superior Court of Pennsylvania from the final judgment of court-martial/interlocutory order or ruling in this matter, dated _____, 20__ and rendered by _____.

The State Judge Advocate in this matter is _____, having an address of _____.

/s/ _____

(b) *Statement of errors complained of on appeal.* A concise statement of errors complained of on appeal in conformance with the following requirements shall be appended to the notice of appeal:

(1) The statement shall set forth only those orders, rulings, and errors that the appellant intends to challenge.

(2) The statement shall concisely identify each order, ruling, or error that the appellant intends to challenge in sufficient detail to identify all pertinent issues for the authority that rendered those orders or rulings.

(3) Issues not included in the statement are waived.

(c) *Additional content for notice of interlocutory appeal.*

(1) The notice of interlocutory appeal shall be accompanied by a request for transcript when the relevant proceedings have not been otherwise transcribed. The State Judge Advocate shall arrange for the necessary transcription and inclusion into the record.

(2) When the Commonwealth appeals from an interlocutory order or ruling, the notice of appeal shall include a statement that the appeal is not taken for the purpose of delay and, if the order or ruling appealed is one which excludes evidence, that the evidence excluded is substantial proof of a fact material in the proceeding.

(d) *Service.* A copy of the notice of appeal shall be served on all parties and the convening authority. If the appeal is from an interlocutory order or ruling, then a copy of the notice of appeal shall also be served on the presiding military judge.

Official Note: The requirements of subparagraph (c)(2) are set forth in 51 Pa.C.S. § 5919(c). Pursuant to 51 Pa.C.S. § 5719(c), a copy of the record of proceedings, including a verbatim transcript of proceedings and testimony, of any general or special court-martial resulting in conviction shall be given to the accused as soon as it is authenticated. This requirement obviates the need to include a request for transcript with a notice of appeal of a final judgment of conviction. However, this statutory provision does not extend to interlocutory matters. Therefore, a notice of appeal of an interlocutory order or ruling must include a request for transcript, as required by Pa.R.A.P. 4004(c)(1).

Rule 4005. Filing of Notice of Appeal.

Three copies of the notice of appeal shall be filed with the State Judge Advocate, who immediately shall:

(a) stamp it with the date of receipt. That date, or the date of earlier deposit in the United States mail as prescribed by Pa.R.A.P. 4002, shall constitute the date of filing of the appeal;

(b) transmit a copy of the notice of appeal and the filing fee to the Prothonotary of the Superior Court; and

(c) transmit a copy of the notice of appeal to the authority responsible for rendering the complained of error.

Rule 4006. Opinion in Support of Order or Ruling.

The authority that entered the order or made the ruling giving rise to the notice of appeal shall file of record with the State Judge Advocate either:

(a) a brief opinion of the reasons for the order or ruling or other errors complained of; or

(b) specify in writing the place in the record where such reasons may be found.

If the case appealed involves an order or ruling issued by an authority who was not the authority entering the order or making the ruling giving rise to the notice of appeal, the authority entering the order or making the ruling giving rise to the notice of appeal may request that the authority who entered the earlier order or made the earlier ruling provide an opinion to be filed to explain the reasons for that order or ruling.

Rule 4007. Record on Appeal.

(a) *Responsible office.* The State Judge Advocate shall be responsible for the assembly and transmission of the record on appeal.

(b) *Composition of the record.* The record shall consist of:

(1) The authenticated record of the court-martial, including a verbatim transcript of the proceeding and testimony, the pleadings, and evidence.

(2) The order or ruling of the authority to be reviewed.

(3) The findings or report on which such order or ruling is based.

(4) Submissions, recommendations, reviews, and orders or rulings arising from post-trial administrative review and action.

(5) A copy of the written advisement of right to appeal.

(6) Any opinion of the reasons for the order or for the rulings or other errors complained of.

(c) *Certification and organization of record.* The State Judge Advocate shall certify the contents of the record, which shall be organized with the documents arranged in chronological order, numbered, and affixed to the right or bottom edge of the first page of each document a tab showing the number of that document. Thereafter, the entirety shall be bound and shall contain a table of contents identifying each document in the record.

(d) *Time and notice.* The State Judge Advocate shall file the record with the Prothonotary of the Superior Court within 60 days after the filing date of the notice of appeal. The Superior Court may shorten or extend the time prescribed in this paragraph. Upon filing, the State Judge Advocate shall mail a copy of the list of record documents to all counsel and to any unrepresented party.

(e) *Omissions from or misstatements of the record below.* If anything material to any party is omitted from the record or is misstated therein, the parties may at any time supply the omission or correct the misstatement by stipulation, or the Superior Court may at any time direct

that the omission or misstatement be corrected and, if necessary, that a supplemental record be prepared and filed.

[Pa.B. Doc. No. 13-2249. Filed for public inspection December 6, 2013, 9:00 a.m.]

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PART I. RULES OF APPELLATE PROCEDURE
[210 PA. CODE CH. 19]

Order Amending Rule 1973 of the Rules of Appellate Procedure; No. 238 Appellate Procedural Rules Doc.

Order

Per Curiam

And Now, this 19th day of November, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration:

It Is Ordered, pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 1973 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 20, 2013.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART I. RULES OF APPELLATE PROCEDURE

ARTICLE II. APPELLATE PROCEDURE

**CHAPTER 19. PREPARATION AND
TRANSMISSION OF RECORD AND RELATED
MATTERS**

DISPOSITION WITHOUT REACHING THE MERITS

Rule 1973. Discontinuance.

(a) *General rule.*—An appellant may discontinue an appeal or other matter as to all appellees as a matter of course [**at any time prior to argument**] until 14 days after the date on which the appellee's principal brief is due, or thereafter by leave of court upon application. A discontinuance may not be entered by appellant as to less than all appellees except by stipulation for discontinuance signed by all the parties, or by leave of court upon application. Discontinuance by one appellant shall not affect the right of any other appellant to continue the appeal.

(b) *Filing of discontinuance.*—If an appeal has not been docketed, the appeal may be discontinued in the lower court. Otherwise all papers relating to the discontinuance shall be filed in the appellate court and the appellate prothonotary shall give written notice of the discontinuance in person or by first class mail to the prothonotary or clerk of the lower court or to the clerk of the government unit, to the persons named in the proof of service accompanying the appeal or other matter and to the Administrative Office. If an appeal has been docketed in the appellate court, the prothonotary or clerk of the lower court or the clerk of the government unit shall not accept a *praecipe* to discontinue the action until it has received notice from the appellate court prothonotary or

certification of counsel that all pending appeals in the action have been discontinued.

Official Note: [Based on former Supreme Court Rule 20A; former Superior Court Rule 10A, and former Commonwealth Court Rule 28 (except last sentence).] When leave of court is required for discontinuance, the appellant must file an application for relief pursuant to Pa.R.A.P. 123. Prompt discontinuance of an appeal once there is a reason to do so promotes efficient use of judicial resources.

[Pa.B. Doc. No. 13-2250. Filed for public inspection December 6, 2013, 9:00 a.m.]

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PART II. INTERNAL OPERATING PROCEDURES
[210 PA. CODE CH. 69]

Revised Internal Operating Procedures of the Commonwealth Court

The Commonwealth Court has approved changes to its Internal Operating Procedures § 69.112, § 69.256, § 69.258, § 69.301, § 69.312, § 69.412, § 69.414, § 69.416 and § 69.502 found in 210 Pa. Code Chapter 69. As revised, these sections now read as follows. The amendments are effective immediately, November 21, 2013.

Annex A

TITLE 210. APPELLATE PROCEDURE

PART II. INTERNAL OPERATING PROCEDURES

**CHAPTER 69. INTERNAL OPERATING
PROCEDURES OF THE COMMONWEALTH COURT
OF PENNSYLVANIA**

ORGANIZATION AND ASSIGNMENT OF JUDGES

§ 69.112. Courts En Banc and Panels; Composition.

(a) The president judge shall structure the judicial membership of en banc courts and panels to provide for rotation of judges. Before the day of argument, court personnel shall not identify the judicial membership of en banc courts and of panels to any other persons.

(b) The president judge may designate judges to serve on a special court en banc or panel to hear election law matters, appellate or original jurisdiction, on an expedited basis.

APPELLATE JURISDICTION

§ 69.256. Decisions; Effect of Disagreements.

(a) If a draft opinion in circulation in any case produces any combination of four or more proposed dissents, objections, or concurring opinions, the opinion-writing judge shall not file the opinion but shall notify the president judge to list the case for consideration at the next judicial conference. For purposes of this subsection the notation "concur in result only" shall not be considered in the foregoing combination. If, pursuant to vote after judicial conference consideration, a majority of all of the judges, as well as a majority of the judges who heard the case or to whom it was submitted on briefs, favor the result reached in the circulated draft opinion, that opinion, together with any concurring or dissenting opinions and notations of concurrences or dissents, shall be filed. Otherwise, if judicial conference consideration and vote does not warrant reassignment in accordance with

§ 69.254, the president judge shall list the case for reargument before the court en banc.

(b) When there exists a vacancy or a recusal among the commissioned judges that results in an even number of commissioned judges voting on a circulating panel opinion or en banc opinion, and when the vote of all participating commissioned judges results in a tie, the opinion shall be filed as circulated. The opinion shall contain a footnote on the first page indicating that the opinion is filed pursuant to this paragraph. Unless there is a majority vote of the participating commissioned judges to report, the opinion shall not be reported.

§ 69.258. Decisions; Election Law Appeals.

The procedures of §§ 69.252—69.257 shall not apply to election law appeals heard by a special court en banc or panel. The members of a special court en banc or panel, under the supervision of the president judge or presiding judge, shall reach and file their decision, together with concurrences and dissents, if any, as soon as possible, without circulation to, or participation by, the judges not sitting on the respective special court en banc or panel.

ORIGINAL JURISDICTION

§ 69.301. General; Applicability of Appellate Jurisdiction Procedures.

Sections 69.221 through 69.262, inclusive, of these Internal Operating Procedures under Appellate Jurisdiction, shall govern proceedings in original jurisdiction matters when those proceedings are before courts en banc and panels. Election law matters assigned to a special court en banc or panel shall be subject to § 69.258.

§ 69.312. Pretrial Matters; Subpoenas.

Subpoenas of the court may issue from the principal office of the prothonotary in Harrisburg.

DECISIONS

§ 69.412. Reporting of Opinions; Determination as to Reporting.

(a) Each judge who is the author of an opinion of a panel or the court en banc shall indicate, in circulating the opinion to the other members of the court, the authoring judge’s recommendation as to whether the opinion shall be reported. A decision generally should be reported when it:

- (1) establishes a new rule of law;
- (2) applies an existing rule of law to facts significantly different than those stated in prior decisions;
- (3) modifies or criticizes an existing rule of law;
- (4) resolves an apparent conflict of authority;
- (5) involves a legal issue of continuing public interest; or
- (6) constitutes a significant, non-duplicative contribution to law because it contains:
 - (i) an historical review of the law,
 - (ii) a review of legislative history,
 - (iii) a review of conflicting decisions among the courts of other jurisdictions.

The recommendation shall govern the determination as to reporting, unless a majority of the commissioned members of the court disagrees with it.

(b) Except as provided in subsection (c) (relating to single judge opinions in election law matters), opinions of a single judge shall be filed but not reported unless, because of the unique character of the case, the prothonotary or the authoring judge shall recommend that the opinion be reported and a two-thirds majority of the commissioned members of the court shall concur with the recommendation.

(c) Opinions of a single judge or a special court en banc or panel in election law matters, original and appellate jurisdiction, shall be filed but not reported. Thereafter, the prothonotary or authoring judge may recommend that the opinion be reported. The recommendation shall be transmitted to the court, together with a copy of the unreported opinion and order, requesting the judges to indicate (1) their agreement or disagreement with the opinion and order, and (2) any disagreement as to the writer’s recommendation concerning reporting. If a two-thirds majority of the commissioned members of the court agrees with the opinion and order and the recommendation concerning reporting, the unreported opinion and order shall be reported.

§ 69.414. Citing Judicial Opinions.

(a) An unreported opinion of this court may be cited and relied upon when it is relevant under the doctrine of law of the case, res judicata or collateral estoppel. Parties may also cite an unreported panel decision of this court issued after January 15, 2008, for its persuasive value, but not as binding precedent.

(b) Except as provided in subsection (d) (relating to single judge opinions in election law matters), a single-judge opinion of this court, even if reported, shall be cited only for its persuasive value and not as a binding precedent.

(c) A reported opinion of the Court en banc or panel may be cited as binding precedent.

(d) A reported opinion of a single judge filed after October 1, 2013, in an election law matter may be cited as binding precedent in an election law matter only.

§ 69.416. Reporting of Unreported Opinions.

After an opinion has been filed as unreported, the court, at any time on its own motion or on the motion of any person, may order the opinion to be reported. Motions to report unreported opinions shall be filed within 30 days after the filing of the opinion, and, except as otherwise provided in § 69.412(c), may be granted by majority vote of the commissioned judges.

MISCELLANEOUS

§ 69.502. Pennsylvania Cable Network (PCN) Guidelines

(a) *General Provisions*

* * * * *

(7) All coverage must be gavel-to-gavel, including any rebroadcasts, with the exceptions of (a)(3) and (a)(4).

* * * * *

[Pa.B. Doc. No. 13-2251. Filed for public inspection December 6, 2013, 9:00 a.m.]

Title 234—RULES OF CRIMINAL PROCEDURE

[234 PA. CODE CHS. 1 AND 2]

[Correction]

Order Amending Rules 203, 209 and 212 and Revision of the Comments to Rules 113, 205 and 210 of the Rules of Criminal Procedure; No. 438 Criminal Procedural Rules Doc.

An error occurred at 43 Pa.B. 6649, 6650 (November 9, 2013). Existing text in the Comment to Rule 205 was not indicated by ellipses. The correct version of Rule 205 follows. The remainder of the document was accurate as printed.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 2. INVESTIGATIONS

PART A. Search Warrant

Rule 205. Contents of Search Warrant.

Each search warrant shall be signed by the issuing authority and shall:

* * * * *

(5) direct that the warrant be served in the daytime unless otherwise authorized on the warrant, *provided that*, for purposes of the rules of Chapter 200[.], Part A, the term “daytime” shall be used to mean the hours of 6 a.m. to 10 p.m.;

* * * * *

Comment

* * * * *

Paragraph (5) supplements the requirement of Rule 203(C) that special reasonable cause must be shown to justify a nighttime search. A warrant allowing a nighttime search may also be served in the daytime.

[Paragraph (6) is intended to prevent delays that might otherwise occur if the particular issuing authority who issued the warrant is not on duty at the time a return thereon is ready. Thus, the warrant may be returned to the issuing authority who succeeded the first on duty.]

Paragraph (6) anticipates that the warrant will list the correct judicial officer to whom the warrant should be returned. There may be some instances in which the judicial officer who issues the warrant may not be the one to whom the warrant will be returned. For example, it is a common practice in many judicial districts to have an “on-call” magisterial district judge. This “on-call” judge would have the authority to issue search warrants anywhere in the judicial district but may not be assigned to the area in which the search warrant would be executed. There may be cases when the warrant is incorrectly returned to the judge who originally issued the warrant. In such cases, the issuing judge should forward the returned search warrant to the correct judicial officer. Thereafter, that judicial officer should administer the search warrant and supporting documents as provided for in these

rules, including the Rule 210 requirement to file the search warrant and supporting documents with the clerk of courts.

Paragraph (8) implements the notice requirement in Rule 211(C). When the affidavit(s) is sealed pursuant to Rule 211, the justice or judge issuing the warrant must certify on the face of the warrant that there is good cause shown for sealing the affidavit(s) and must also state how long the affidavit will be sealed.

Official Note: Rule 2005 adopted October 17, 1973, effective 60 days hence; amended November 9, 1984, effective January 2, 1985; amended September 3, 1993, effective January 1, 1994; renumbered Rule 205 and amended March 1, 2000, effective April 1, 2001; amended October 19, 2005, effective February 1, 2006; **Comment revised October 22, 2013, effective January 1, 2014.**

Committee Explanatory Reports:

* * * * *

Final Report explaining the October 22, 2013 revisions to the Comment regarding the return of the search warrant published at 43 Pa.B. 6652 (November 9, 2013).

[Pa.B. Doc. No. 13-2252. Filed for public inspection December 6, 2013, 9:00 a.m.]

[234 PA. CODE CH. 6]

Order Approving the Amendment to Rule 645 of the Rules of Criminal Procedure; No. 441 Criminal Procedural Rules Doc.

Order

Per Curiam

And Now, this 19th day of November, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 43 Pa.B. 2304 (April 27, 2013), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), and a Final Report to be published with this *Order*:

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment to Pennsylvania Rule of Criminal Procedure 645 is adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2014.

Annex A

TITLE 234. RULES OF CRIMINAL PROCEDURE

CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

PART C(2). Conduct of Jury Trial

Rule 645. Seating and [Discharge] Retention of Alternate Jurors.

(A) Alternate jurors, in the order in which they are called, shall replace principal jurors who[, prior to the time the jury retires to consider its verdict,] become unable or disqualified to perform their duties.

(B) [An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict.] Alternate jurors

shall be retained after the jury retires to consider its verdict. The trial judge shall instruct the retained alternate jurors to continue to observe the admonitions to jurors until they are informed that a verdict has been returned or the jury has been discharged. A retained alternate juror shall not be permitted to be present in the jury room during deliberations unless he or she replaces a principal juror as provided in paragraph (C).

(C) After the jury has retired to consider its verdict, a principal juror who becomes unable to perform his or her duties or is disqualified may be replaced with a retained alternate juror only if the trial judge is satisfied that the proper jury function is not harmed by the replacement. To ensure this, the trial judge shall:

(1) colloquy the alternate juror on the record that the alternate juror has not been exposed to any improper influences; and

(2) once the jury is reconstituted following the replacement of the principal juror by the alternate juror, colloquy and instruct the reconstituted jury on the record that:

(a) the jurors understand that the reason the discharged juror was being replaced has nothing to do with the discharged juror's views on the case; and

(b) the reconstituted jury understands that they must set aside and disregard all past deliberations and begin deliberations anew so as to eliminate the influence of the excused juror and so that the reconstituted jury will consider the evidence in the context of full and complete deliberations with the new juror.

Comment

This rule is derived from the last two sentences of former Rule 1108(a). *See* Rule 633 for the procedures for the examination and challenges of alternate trial jurors.

This rule was amended in 2013 to require that alternate jurors be retained after the jury retires to consider its verdict and to permit the trial judge to seat an alternate juror when a principal juror is unable to perform his or her duties or is disqualified, and requires replacement. The amendment recognizes that, in cases in which a principal juror becomes unable to serve after deliberations have begun, substitution of a retained alternate juror will be an appropriate alternative to the remedy of a mistrial so long as appropriate steps are taken to ensure that the jury function is not compromised. Paragraph (C) provides the required colloquies and instructions that must be placed on the record when a principal juror is replaced by an alternate juror after the jury has retired to consider its verdict. *See also Commonwealth v. Saunders*, 686 A.2d 25 (Pa. Super. 1996) (replacement of a principal by an alternate juror is proper if steps have been taken to ensure that the jury function remains protected).

The rule does not require that all retained alternate jurors be sequestered. Rather, it is within the discretion of the trial judge to determine what restrictions are placed upon the retained alternate jurors to ensure that the alternate jurors are available and eligible for substitution should that be

necessary. Whatever level of sequestration is applied to the principal jurors should also be applied to the alternate jurors.

Retained alternate jurors remain in jury service, subject to all conditions thereof, until all jurors have been discharged. *See, e.g.*, 42 Pa.C.S. § 4561.

When an alternate is seated pursuant to paragraph (C), the trial judge has the discretion in re-instructing the reconstituted jury with the original charge in whole or in part.

Nothing in the rule was intended to preclude an agreement among the parties to be tried by less than 12 jurors as provided in Rule 641.

Official Note: New Rule 645 adopted March 1, 2000, effective April 1, 2001; amended November 19, 2013, effective January 1, 2014.

Committee Explanatory Reports:

Final Report explaining the reorganization and renumbering of the rules and the provisions of Rule 645 published with the Court's Order at 30 Pa.B. [1477] 1478 (March 18, 2000).

Final Report explaining the November 19, 2013 amendment requiring the retention and permitting the substitution of alternate jurors after deliberations have begun published with the Court's Order at 43 Pa.B. 7077 (December 7, 2013).

FINAL REPORT¹

Amendment to Pa.R.Crim.P. 645

Retention and Seating of Alternate Jurors after Deliberations Have Begun

On November 19, 2013, effective January 1, 2014, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendment of Rule 645 (Seating and Discharge of Alternate Jurors) to require that alternate jurors be retained after the jury has retired to consider its verdict, and to provide procedures for a retained alternate juror to replace a principal juror who becomes unable to perform his or her duties or is disqualified.

As directed by the Court, the Committee examined the efficacy of the current requirement, under Rule 645, of discharging alternate jurors before the jury retires for deliberations and whether it might be more effective to provide for the retention of alternate jurors to be available to replace an incapacitated principal juror.

Prior to this amendment, Rule 645(B) provided that "An alternate juror who does not replace a principal juror shall be discharged before the jury retires to consider its verdict." Rule 645 developed out of two sentences in original Rule 1108(a). Then-Rule 1108 contained the provision regarding discharge of alternates prior to deliberation at least since 1975 and most likely reflected the view of post-submission substitution common at that time. Given the difficulty and expense in re-trying large and complex cases, the provision has come into question, most recently in the case of *Commonwealth v. Jones*, 986 A.2d 1257 (Pa. Super. 2009), *appeal granted* 2 A.3d 467 (Pa. 2010), *appeal dismissed as improvidently granted* 55 A.3d 1044 (Pa. 2012).

As an initial step, the Committee examined whether there are any constitutional prohibitions against substi-

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

tuting an alternate juror after deliberations have begun. Claims that such substitutions violate the U.S. Constitution's double jeopardy provision have generally been rejected, as well as claims that the substitution violated the right to jury trial. See *Claudio v. Snyder*, 68 F.3d 1573 (3rd Cir. 1995), *cert denied*, 517 U.S. 1109 (1996); *United States v. Hillard*, 701 F.2d 1052 (2nd Cir. 1983), *cert denied*, 461 U.S. 958 (1983). Rather, in those jurisdictions where the practice has been prohibited, the prohibition is contained in a rule or statute. The main concern expressed in the case is to balance society's interest in efficient judicial proceedings while protecting the defendant's trial right to a proper jury. This is done by taking steps to ensure that the integrity of the jury process is undiminished by the replacement. See e.g. *Commonwealth v. Haywood*, 377 Mass. 755, 388 N.E.2d 648 (1979).

Some of the members noted that several jurisdictions allow for the retention of alternate jurors to be available for substitution after deliberations have begun, most notably in the federal system. It was suggested that federal practice might be the best model upon which to base this change. The Committee therefore examined Federal Rule of Criminal Procedure 24 that provides that alternate jurors may be retained after the jury retires to deliberate but the trial court must ensure that the alternate does not discuss the case with anyone. Under the federal rule, if the alternate replaces a principal juror, the court must instruct the jury to begin its deliberations anew.

Furthermore, when Rule 645 was last reviewed, in *Commonwealth v. Saunders*, 686 A.2d 25 (Pa. Super. 1996), the Superior Court declined to interpret Rule 645 as a bright-line restriction. In acknowledging the requirement to release alternates at the start of deliberations, the Superior Court held that a violation of the rule raised a presumption of prejudice toward the defendant that should mandate a new trial. However, the Superior Court held that the presumption could "be rebutted by evidence which establishes that sufficient protective measures were taken to insure the integrity of the jury function." *Id.* at 27. Those procedures were (1) ensuring that the "alternate has not been exposed to any improper outside influences;" (2) directing the recomposed jury to "begin deliberations anew," so to eliminate "the influence of the excused juror" and allow the regular jurors "to consider the evidence in the context of full and complete deliberations with the new juror;" and (3) instructing the recomposed jury that the removal of the original juror had nothing to do with his or her views on the case or relationship with the fellow jurors to eliminate any impression that the remaining jurors risk removal for having similar beliefs. *Id.* at 29.²

In view of these considerations, the Committee concluded that Rule 645 should be amended to permit the retention of an alternate juror for replacing a principal juror who is unable to perform his or her duties or is disqualified even after deliberations have begun. One member suggested that the "default" for the rule should be that the alternates would be retained and the court would have the discretion to release the alternate. This led to an examination of exactly what it would mean to "retain" the alternate jurors.

The Committee considered the fact that sitting juries are rarely sequestered in current practice and jurors are often permitted to return to their homes at the end of the

² Ultimately, a new trial was ordered in *Saunders* due to the failure of the trial court to instruct the original jurors to disregard their prior deliberations. In fact, the jurors were directed to disclose to the alternate juror what had transpired during prior deliberations.

day during deliberations. Proper instructions given in these situations are sufficient to ensure an untainted jury. The Committee concluded that the same procedure could be applied to alternate jurors and agreed that the rule should provide that alternate jurors be retained in every case. Such a provision is not unprecedented. See Arizona Rule of Criminal Procedure 18.5(h).

It is within the trial judge's discretion whether the alternates would be sequestered, ordered to remain in the courthouse or could be released to their homes with instructions to remain available for recall if needed. However, it is clear that alternate jurors are not permitted to be present in the jury room during deliberations unless they have replaced an excused principal juror. See *Commonwealth v. Coleman*, 119 A.2d 261 (Pa. 1956). The alternates would be treated the same as any other juror while retained on jury service.

The amendments delete current paragraph (B) of Rule 645 that contains the requirement that the alternates be discharged prior to deliberations. New paragraph (B) contains the requirement that the alternates be retained on jury service while language added to the Comment explains that the restrictions to be placed on such retained jurors are within the discretion of the trial judge. Paragraph (B) also contains the procedures designed to ensure that the alternates would not be tainted once deliberations were undertaken.

New paragraph (C) provides the procedures to be followed for replacing a juror post-submission, incorporating the required steps described in *Saunders*. These requirements are subdivided to describe the provisions related to (1) the colloquy of and instructions to the alternate juror before that alternate is placed on the jury and (2) the instructions to be given to the reconstituted jury once that alternate has been seated.

The Comment also provides that, once the jury is reconstituted, the trial judge has the discretion to re-instruct the reconstituted jury with the original charge. Finally, language has been added to the Comment to ensure that nothing in the rule was construed as intending to preclude an agreement among the parties to be tried by less than 12 jurors as provided in Rule 641. Finally, language has been added to the Comment to clarify that the same level of sequestration that the trial judge determines is appropriate for principal jurors should be applied to alternate jurors.

[Pa.B. Doc. No. 13-2253. Filed for public inspection December 6, 2013, 9:00 a.m.]

Title 25—LOCAL COURT RULES

LACKAWANNA COUNTY Administrative Order; 13MD592

Administrative Order

And Now, this 21st day of November 2013, pursuant to Rule 105 of the Pennsylvania Rules of Criminal Procedure, *It Is Hereby Ordered* that Lackawanna County Rule of Criminal Procedure 1600 is *Hereby Rescinded and the Following Rule 122 is Adopted to Read as Follows*:

LACKA. CO. R. CRIM. P. 122.

(a) The Lackawanna County Public Defender's Office shall provide an attorney to represent any adult charged

with a crime who properly completes a timely application (at least Forty-Eight (48) hours before the first Court proceeding) and is determined to be eligible for free legal services.

(b) An applicant is eligible for a public defender if, and only if, after reviewing all relevant factors, including but not limited to available sources of income, assets and the seriousness of the charges, the Chief Public Defender determines the eligibility of the applicant.

The Clerk of Judicial Records is directed as follows:

1. File one (1) certified copy of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies, one (1) CD and the written notification received from the Criminal Rules Committee with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish a copy of the Administrative Order on the UJS Portal at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>.

4. Forward one (1) copy for publication in the *Lackawanna County Jurist*.

5. Forward one (1) copy to the Lackawanna County Law Library.

6. Keep continuously available for public inspection copies of this Administrative Order in the Clerk of Judicial Records, Criminal Division Courts Office.

The adoption of the Administrative Order shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin* and on the UJS Portal.

By the Court

THOMAS J. MUNLEY,
President Judge

[Pa.B. Doc. No. 13-2254. Filed for public inspection December 6, 2013, 9:00 a.m.]

MONTGOMERY COUNTY

Adoption of Revised Orphans' Court Local Rule 3.7A—Electronic Filing of Legal Papers

Administrative Order

And Now, this 22nd day of November, 2013, the Court hereby adopts Montgomery County Orphans' Court Rule 3.7A, which provides for Electronic Filing of Legal Papers in the Clerk of the Orphans' Court of Montgomery County, Electronic Filing System. This Rule shall become effective on January 6, 2014, and shall be posted on the Montgomery County website, as an Orphans' Court Local Rule.

The Clerk of the Orphans' Court is directed to publish this Order once in the *Montgomery County Law Reporter* and once in the *Legal Intelligencer*. In conformity with Pa. Rule of Judicial Administration 103(c), one (1) certified copy shall be filed with the Clerk of the Orphans' Court and the Clerk of the Orphans' Court shall forward ten (10) certified copies of this Order and the Rule to the Administrative Office of Pennsylvania Courts, which shall be distributed in accordance with Rule of Judicial Administration 103(c)(2). In addition, the Clerk of the Orphans' Court shall deliver one (1) copy to the Court Administrator of Montgomery County, one (1) copy to the Law

Library of Montgomery County and one (1) copy to each Judge of the Orphans' Court Division of this Court.

By the Court

WILLIAM J. FURBER, Jr.,
President Judge

Montgomery County Orphans' Court

Local Rule 3.7A. Electronic Filing of Legal Papers.

a) *Authorization for Electronic Filing*. Effective January 6, 2014, the Clerk of the Orphans' Court of Montgomery County shall accept all legal papers and exhibits either by paper filing or by electronic filing through the Clerk of the Orphans' Court of Montgomery County Electronic Filing System ("Electronic Filing System").

b) *Electronic Filing of Legal Paper*.

1) *Format of Legal Papers*. Legal papers and exhibits to be filed by electronic filing shall be filed in portable document format (.pdf or "PDF"). Any legal paper submitted to the Clerk of the Orphans' Court as a paper filing shall be converted to PDF and the Clerk of the Orphans' Court shall maintain the legal paper in PDF format.

2) *Original Legal Papers*. The Clerk of the Orphans' Court may return the original legal paper to the filing party, for retention by the filing party as required by Pennsylvania Supreme Court Orphans' Court Rule 3.7(c)(3), provided that the Clerk of the Orphans' Court shall maintain a complete and accurate paper copy of every legal paper filed in the Clerk of the Orphans' Court file.

3) *Exhibits*. Each exhibit to a legal paper shall be filed as a separate PDF document but as part of the same docket entry. If filed electronically, each exhibit shall be uploaded by the filing party as a separate PDF document, associated with the same filing as the legal paper. If a paper filing, each exhibit shall be entered on the docket by the Clerk of the Orphans' Court as a separate PDF document as part of the same docket entry as the legal paper.

4) *Subsequent filing*. A party filing a legal paper that is responsive to or related to an earlier filed legal paper in the same matter shall specify the 'Suffix number' (which can be found in the third column on the electronic docket), date and title of the prior legal paper at the time of filing the subsequent legal paper; the suffix number shall be provided either on the Orphans' Court Cover Sheet or in the Electronic Filing System.

c) *Signature, Verification and Retention of Legal Paper*.

1) The original signature page or pages of any document filed electronically shall be retained by the filing party as required by Supreme Court Rule 3.7(c) and shall be produced upon request of the Court.

2) The electronic filing of any legal paper that is required to be verified or signed (including, but not limited to a consent, waiver, joinder, settlement agreement or stipulation), acts as certification by the filing party that a paper copy of the filing was properly signed by attorneys and parties, in all places necessary, and where applicable, that the legal paper has been verified, and that the filing party has retained the signed original.

d) *Website, Access to Website and Filing Date*.

1) *Website*. All legal papers to be filed electronically shall be filed through the Clerk of the Orphans' Court Electronic Filing System which shall be accessible through the website of Montgomery County Courts,

www.courts.montcopa.org/courts or at such other website as may be designated from time to time.

2) *Access to Website.* To obtain access to the Electronic Filing System, counsel and any unrepresented party must register with a User Name and Password and must provide a valid e-mail address to which official notices will be sent, and must expressly consent to the receipt of official notices, orders and decrees from the Clerk of the Orphans' Court at the e-mail address or addresses provided.

3) *Access available at all times.* As required by the Supreme Court Orphans' Court Rule 3.7(d)(2), the Clerk of the Orphans' Court shall provide electronic filing access at all times.

4) *Acknowledgement of Receipt of E-filing.* Upon receipt of a legal paper through the Electronic Filing System, the Clerk of the Orphans' Court shall provide the filing party with an electronic acknowledgement that includes the date and time that the legal paper was received by the Electronic Filing System. This receipt does not constitute acceptance (see paragraph 5, below).

5) *Notification of Acceptance or Rejection of Filing.* Upon review, the Clerk of the Orphans' Court will promptly notify the filing party either that the legal paper was accepted for filing or that the legal paper was rejected and the reason for rejection.

e) Intentionally omitted.

f) *Fees.* The Clerk of the Orphans' Court will accept for payment of all filing fees the following credit and debit cards: American Express, Discover, MasterCard and Visa.

g) *Required redaction.* Unless required by an applicable law, rule or order of court, any party or non-party filing a legal paper, as defined in Supreme Court Orphans' Court Rule 2.3, with the Clerk of the Orphans' Court must redact identifying information appearing in the legal paper filed, including in any attachments or exhibits thereto, as follows:

1) An individual's social security number or taxpayer identification number (other than the social security number of a deceased individual);

2) An individual's date of birth, provided that the filing may include the year of an individual's birth;

3) With respect to any financial account number, including but not limited to any bank account, investment account, or credit card account, the account number must be redacted, as well as any PIN, password or other number used to secure such account, provided that the filing may include the last four digits of the account number;

4) The Court may, for good cause shown in a specific case, order that additional information must be redacted from any filing, including but not limited to the home street address or driver's license number of a specified individual or the names of minor children;

5) The Court may order the person making a redacted filing to file, in addition, an unredacted copy under seal; and

6) Where the Court has permitted a filing to be made under seal, the court may later unseal the filing and may order the filing party to redact the filing at that time.

7) The responsibility for redacting the identifying information rests with the party or non-party making the filing and his or her counsel and the party or non-party will be responsible for certifying to the Clerk of the Orphans' Court that this Rule has been complied with. Documents will not be reviewed by the Clerk of the Orphans' Court for compliance with this Rule.

8) This rule shall not prevent a filer from providing information to the Clerk of the Orphans' Court required by the Electronic Filing System, including, for example, the social security number of a Decedent or Personal Representative, provided that the information shall be redacted from all attached PDF documents.

9) Any information required to be redacted under this rule, or by Court order, shall not be entered in the "Docket Text" field by the filing party during electronic filing.

h) Intentionally omitted.

i) Intentionally omitted.

[Pa.B. Doc. No. 13-2255. Filed for public inspection December 6, 2013, 9:00 a.m.]

SOMERSET COUNTY

Administrative Order 3-2013; Designation of Clerk of the Orphans' Court to Serve as Clerk of Orphans' Court and Juvenile Dependency Court for All Juvenile Dependency Matters Pursuant to Pa.R.C.P. 1120 and as Designee to Receive Reports Pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S.A. 6336.1(b); No. 26 Misc. 2013

Adopting Order

Now, this 19th day of November, 2013, it is hereby Ordered:

The following Administrative Order 3-2013, *Re: Designation of Somerset County Clerk of the Orphans' Court to Serve as Clerk of Orphans' Court and Juvenile Dependency Court for All Juvenile Dependency Matters Pursuant to Pa.R.C.P. 1120 and as Designee to Receive Reports Pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S.A. 6336.1(b)*, which follows, is hereby adopted as an Administrative Order effective thirty (30) days after publication in *The Pennsylvania Bulletin* and on the Unified Judicial System Portal.

2. The Somerset County Court Administrator is directed to:

A. File one (1) certified copy of this Order and the attached local Rule with the Administrative Office of Pennsylvania Courts.

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

C. File one (1) certified copy of this Order with the Pennsylvania Juvenile Court Procedural Rules Committee.

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

Order

And Now, this 19th day of November, 2013, the Clerk of the Orphans Court of Somerset County, Pennsylvania is hereby designated Clerk of Orphans' Court and Juvenile Dependency Court for all juvenile dependency proceedings and Designee to receive reports pursuant to Pa.R.J.C.P. 1604(B) and 42 Pa.C.S.A. § 6336.1(b), effective January 1, 2014.

By the Court

JOHN M. CASCIO,
President Judge

[Pa.B. Doc. No. 13-2256. Filed for public inspection December 6, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 40—LIQUOR

LIQUOR CONTROL BOARD

[40 PA. CODE CH. 5]

Restrictions and Exceptions

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), amends § 5.32 (relating to restrictions/exceptions).

Summary

The final-omitted rulemaking amends § 5.32 by rescinding subsection (a), which is superseded by the act of December 22, 2011 (P. L. 530, No. 113) (Act 113) and the act of July 5, 2012 (P. L. 1007, No. 116), and rescinding subsection (b), which judicial rulings have struck down as unconstitutional.

With regard to subsection (a), Act 113 added section 493(34) of the Liquor Code (47 P. S. § 4-493(34)), regarding noise. Under section 493(34) of the Liquor Code, a licensee may not use, or permit to be used, inside or outside of the licensed premises, a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line. As is also made clear, section 493(34) of the Liquor Code supersedes subsection (a). This created the need to rescind subsection (a).

On August 15, 2006, the Third Circuit Court of Appeals struck down section 493(10) of the Liquor Code and § 5.32(b) as facially unconstitutional insofar as they prohibited "lewd" entertainment in an establishment holding a liquor license. *Conchatta Inc. v. Miller*, 458 F.3d 258 (3rd Cir. 2006). In conjunction with a 2005 District Court decision that struck down section 493(10) of the Liquor Code and § 5.32(b) as facially unconstitutional insofar as they prohibited "immoral or improper" entertainment in an establishment holding a liquor license, § 5.32(b) is unconstitutional and unenforceable, and therefore should be rescinded.

Consistent with section 493(34) of the Liquor Code and section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), these amendments may be submitted as a final-omitted rulemaking because the amendment is necessary as a result of a self-executed statute and judicial rulings on the regulation's constitutionality.

Affected Parties

Individuals affected by this final-omitted rulemaking include retail and other licensees who must comply with the Liquor Code and the Board's regulations. Enforcement is the province of the Pennsylvania State Police, Bureau of Liquor Control Enforcement. As the amendment to section 493(34) of the Liquor Code supersedes § 5.32(a) and judicial rulings have struck down § 5.32(b) as unconstitutional, the amendments affirm the statutory change and judicial rulings, respectively.

Paperwork Requirements

The Board does not anticipate that this final-omitted rulemaking will affect the amount of paperwork or administrative costs of the regulated community.

Fiscal Impact

This final-omitted rulemaking is not expected to have fiscal impact since the amendments affirm section 493(34) of the Liquor Code, which explicitly supersedes the Board's noise regulation, and judicial rulings as to the regulation's constitutionality.

Effective Date

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

Contact Person

Further information is available by contacting Justin Blake, Assistant Counsel, or Rodrigo Diaz, Executive Deputy Chief Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on September 11, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Liquor Control Committee and the Senate Law and Justice Committee. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on November 6, 2013, the final-omitted rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-omitted rulemaking.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 40 Pa. Code Chapter 5, are amended by amending § 5.32 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

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

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

JOSEPH E. BRION,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 6988 (November 23, 2013).)

Fiscal Note: 54-77. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 40. LIQUOR
PART I. LIQUOR CONTROL BOARD
CHAPTER 5. DUTIES AND RIGHTS OF
LICENSEES
Subchapter C. AMUSEMENT AND
ENTERTAINMENT

§ 5.32. Restrictions/exceptions.

- (a) (Reserved).
- (b) (Reserved).

* * * * *

[Pa.B. Doc. No. 13-2257. Filed for public inspection December 6, 2013, 9:00 a.m.]

Title 58—RECREATION

FISH AND BOAT COMMISSION
[58 PA. CODE CHS. 53, 101 AND 105]
General Provisions and Boating

The Fish and Boat Commission (Commission) amends Chapters 53, 101 and 105 (relating to Commission property; boating accidents; and operational conditions). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). The amendments modify and update the Commission’s property and boating regulations.

A. Effective Date

The final-form rulemaking will go into effect on January 1, 2014.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission’s web site at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 53.8 (relating to boats) is published under the statutory authority of section 741 of the code (relating to control of property). The amendments to §§ 101.6 and 105.3 (relating to investigation reports by Commission officers; and unacceptable boating practices) and the rescission of § 101.8 are published under the statutory authority of section 5123 of the code (relating to general boating regulations).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission’s property and boating regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of changes.

E. Summary of Changes

(1) Effective January 1, 2007, the Commission established a Regional Opening Day of Trout Season Program which allows the Executive Director, with approval of the Commission, to designate waters in certain regions of this Commonwealth to open for trout fishing beginning the first Saturday after March 28. In 2013, the regional opening day for trout season was March 30 for designated

waters in the 18-county southeastern region while the rest of this Commonwealth opened April 13. Recently, the Commission eliminated its Early Season Trout Stocked Waters Program and moved waters in that program to the Approved Trout Waters Open to Year-Round Fishing Program to allow angling to occur from March 1 through the opening day of trout season and increase recreational angling opportunities on these waters.

Section 53.8 permits the overnight mooring of boats at designated mooring areas from April 1 to November 30. This regulation prohibits trout anglers and others using boats from mooring their boats on Commission property for the early regional opening day of trout season or to take advantage of the year-round fishing designation during winter and early spring.

The Commission amends § 53.8 to allow for mooring of boats on Commission property at the beginning of March to increase fishing and boating opportunities and encourage greater participation in the two regulatory fishing programs. The Commission amends § 53.8 to read as set forth in the proposed rulemaking published at 43 Pa.B. 3238 (June 15, 2013).

(2) In accordance with § 101.6(a), Commission officers conduct an investigation when a recreational boating accident occurs involving loss of life, disappearance, medical treatment given beyond first aid or in other circumstances the Commission deems appropriate. A boating accident investigation report is completed for each boating accident investigated and is submitted by the Bureau of Law Enforcement to the Boating Accident Review Officer within the Bureau of Boating and Outreach.

Written reports are required to be submitted by operators or owners involved in recreational boating accidents when one or more of the following conditions exist: a person dies; a person is injured and requires medical treatment beyond first aid; damage to the vessels and other property totals \$2,000 or more or there is complete loss of a vessel; or a person disappears from the boat under circumstances that indicate death or injury is likely. Owner/operator-submitted accident reports are submitted on Form PFBC 260 directly to the Boating Accident Review Officer and are for statistical purposes only. These reports are for the information of the Commission, maintained as confidential and not releasable to the public.

Section 101.6(b) currently states that Commission personnel will complete a boating accident investigation report without referring to the boating accident report (PFBC 260) submitted by the owner or operator of the boat. However, there are limited occasions when an investigating officer may need to reference information in the operator-submitted form (PFBC 260). These limited references by the officer are meant to assist with the completion of the investigation, not to supplant a step in the investigation process or supplement information gained in the investigative process. The Commission therefore deletes § 101.6(b) to read as set forth in the proposed rulemaking.

(3) The act of November 1, 2012 (P. L. 1716, No. 211) (Act 211) updated the code. In particular, section 5507 of the code (relating to duties of operators involved in boating accidents) was added to be consistent with requirements and penalties for operators involved in motor vehicle accidents in 75 Pa.C.S. (relating to Vehicle Code).

Section 101.8 detailed the duties of operators involved in boating accidents. A violation of this section is a summary of the second degree. Act 211 increased the

grading of the violation to a misdemeanor of the first degree and if a victim of an accident dies the violator commits a felony of the third degree. Since the duties detailed in § 101.8 are now law, and to bring the penalties in the Commission's regulations into conformance, the Commission rescinds § 101.8.

(4) In 2009, the Commission amended its regulations to prohibit passengers from riding outside the normal passenger carrying area of pontoon boats when the boat is travelling at any speed. Tragic boat accidents proved that riding outside of the passenger carrying area on a pontoon boat at any speed was an unsafe practice because the passenger can very easily fall overboard and will most likely be struck by the boat's propeller.

Waterways conservation officers encounter as many, if not more, boats travelling at high speeds with persons, most frequently children, riding on closed bow decking with ornamental railings or railings intended for use during docking, mooring or rafting. These railings are not intended to protect a passenger from falling overboard; however, there were not regulations to prohibit passengers from riding in this area of the boat at high speeds. Although, fortunately, the Commission has not had to investigate accidents of this nature, the Commission intends to take a proactive approach to prohibiting this activity before a tragedy occurs. In an effort to simplify and clarify unacceptable boating practices, the Commission amends § 105.3 to prohibit persons from riding outside the passenger carrying area of motorboats and to define this area for motorboats and pontoon boats. The Commission amends this section to read as set forth in the proposed rulemaking.

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose new costs on the private sector or the general public.

H. Public Involvement

The proposed rulemaking was published at 43 Pa.B. 3238. The Commission did not receive public comments.

Findings

The Commission finds that:

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

(2) A public comment period was provided and public comments were not received.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapters 53, 101 and 105, are amended by deleting § 101.8 and by amending §§ 53.8, 101.6 and 105.3 to read as set forth at 43 Pa. B. 3238.

(b) The Executive Director will submit this order and 43 Pa.B. 3238 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 43 Pa.B. 3238 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2014.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-242 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 13-2258. Filed for public inspection December 6, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Seasons, Sizes and Creel Limits

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code). This final-form rulemaking modifies and updates the Commission's fishing regulations.

A. Effective Date

This final-form rulemaking will go into effect on January 1, 2014.

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendment to § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary) is published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. Purpose and Background

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the final-form rulemaking is described in more detail under the summary of change.

E. Summary of Change

In 2007, the Atlantic States Marine Fisheries Commission's Shad and River Herring Technical Committee and American Shad Stock Assessment Subcommittee developed a coastwide stock assessment that indicated that adult American shad stocks in the Delaware River have been declining since 1994. In response, in January 2010, the Commission reduced the daily creel limit of American shad from six to three fish in cooperation and coordination with the other boundary states (New Jersey, New York and Delaware).

The freshwater and marine bureaus of the New Jersey Division of Fish and Wildlife have jurisdiction over different parts of the river. The Bureau of Freshwater Fisheries has jurisdiction over the waters of the Delaware River upstream of the Commodore Barry Bridge. The Bureau of Marine Fisheries has jurisdiction over waters

downstream of this bridge. The Bureau of Freshwater Fisheries adopted the three fish limit in 2010. Although the Bureau of Marine Fisheries also had been working on a three fish creel limit for 2010, marine regulations in New Jersey are approved by both the New Jersey Marine Council and the New Jersey Department of Environmental Protection. This prolongs the process for regulatory changes in the marine waters of New Jersey.

To be consistent with New Jersey, the Commission adopted the three fish limit for the Delaware River from the New York/Pennsylvania state line downstream to the Commodore Barry Bridge in 2010. The creel limit remained at six fish in the 2.9-mile section of the river between the bridge and the Pennsylvania/Delaware state line. When the three fish limit was approved by the Commission, the Commission acknowledged that the daily limit would remain at six fish in this section until the New Jersey Marine Council effectuated a change to three fish. The Commission indicated that it would then seek public comment on an amendment that would reduce the creel limit of the lower section to three fish.

In December 2012, the New Jersey Marine Council and the New Jersey Department of Environmental Protection acted to reduce the creel limit of American shad in the marine waters of New Jersey (including the portion of the Delaware River downstream of the Commodore Barry Bridge) from six to three fish. To coordinate the Commonwealth's regulation with New Jersey, the Commission has extended the three fish limit to the entire river, including the 2.9-mile section from the Commodore Barry Bridge downstream to the Pennsylvania/Delaware state line. The Commission has amended § 61.2 to read as set forth in the proposed rulemaking published at 43 Pa.B. 3237 (June 15, 2013).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

The proposed rulemaking was published at 43 Pa.B. 3237. The Commission received one public comment supporting the change. Copies of the public comments were provided to the Commissioners.

Findings

The Commission finds that:

- (1) Public notice of intention to adopt the amendment adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided, and all public comments received were considered.
- (3) The adoption of the amendment of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending § 61.2 to read as set forth at 43 Pa.B. 3237.

(b) The Executive Director will submit this order and 43 Pa.B. 3237 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 43 Pa.B. 3237 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2014.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-243 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-2259. Filed for public inspection December 6, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION
[58 PA. CODE CH. 75]
Fishing; Endangered Species

The Fish and Boat Commission (Commission) amends Chapter 75 (relating to endangered species). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

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

B. Contact Person

For further information on the final-form rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

The amendments to §§ 75.1 and 75.2 (relating to endangered species; and threatened species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

D. Purpose and Background

The specific purpose and background of the final-form rulemaking is described in more detail under the summary of changes.

E. Summary of Changes

The Eastern Spadefoot (*Scaphiopus holbrookii*) is a small to medium-sized stout-bodied toad (1.7 to 2.2 inches). It is mostly a fossorial (burrowing) creature that comes to the surface to feed during warm, humid conditions. It is known as a sporadic breeder and breeds during major rain storms associated with steep barometric drops. It typically inhabits loose, friable soils where it can use its hind feet for burrowing. In the northeast, Eastern Spadefoot tend to be associated with sandy or loamy soils along the floodplains of streams and rivers and in depressions in agricultural fields (Hulse et al., 2001). These depressions, sometimes quite shallow, may be temporary or permanent and often form ephemeral pools following rains.

The species range from southern New England to the Florida Keys and west to eastern Louisiana, but this Commonwealth forms a break between the New England populations and Maryland (NatureServe, 2010). In this Commonwealth, populations are in the Susquehanna, Delaware and Cumberland Valleys, including occurrences in Adams, Berks, Bucks, Centre, Chester, Clinton, Cumberland, Franklin, Lehigh, Lycoming, Montgomery, Northampton, Northumberland, Union and York Counties.

The Eastern Spadefoot is listed as endangered in Ohio, Connecticut and Rhode Island, threatened in Massachusetts and Species of Concern in Illinois, Indiana and Missouri (Nanjappa and Conrad, 2011). Additionally, NatureServe state rankings list the Eastern Spadefoot as considered "critically imperiled" in Connecticut, Ohio, Rhode Island and West Virginia and "imperiled" in Indiana, Missouri, New York and Massachusetts.

The Eastern Spadefoot was historically distributed in disjunct populations in southcentral and central Pennsylvania. Counties of historical occurrence in this Commonwealth include the following (with collection dates): Cumberland (1954); Franklin (1933 and 1937); Northumberland (1938, 1943 and 1985); and Union (1941). The records considered historical were initially documented prior to 1988. Historically documented sites were not considered extirpated until indicated by evidence. Anecdotal observations for the Eastern Spadefoot were re-

corded in the Delaware Valley from the Philadelphia region north to Monroe County.

More recently, the Eastern Spadefoot was collected in York County in 1989, Berks County in 2003 and Lehigh County in 2003. The Eastern Spadefoot was listed as endangered by the Commission in 2005 due to the absence of observations during the first Pennsylvania Herp Atlas (1995–2001) and only two known breeding areas occur in this Commonwealth. In an attempt to understand the species, a major study investigating the distribution of the Eastern Spadefoot was conducted by East Stroudsburg University and funded by the Commission from 2008–2011. The Eastern Spadefoot was recorded in a total of 15 counties by the study in highly fragmented population centers. The following recent occurrence summary is derived from this work. It is important to note that these sites have been inhabited by the Eastern Spadefoot for an unknown period of time and do not constitute an active expansion of the range of this species but rather an expansion of the knowledge of the distribution. The current distribution of the Eastern Spadefoot in this Commonwealth is likely a relic of what was formerly a much wider range in this Commonwealth evidenced by the highly fragmented manner in which clusters or known sites occur. The following table relates the estimated area of occupancy (actual occupied habitats) in the 15-county Pennsylvania range.

<i>County</i>	<i>Number of Breeding Sites</i>	<i>Estimated Area of Occupancy (ac)</i>	<i>Estimated Area of Occupancy (mi²)</i>
Adams	5	172.00	0.27
Berks	8	275.20	0.43
Bucks	4	137.60	0.22
Centre	3	103.20	0.16
Chester	2	68.80	0.11
Clinton	4	137.60	0.22
Cumberland	61	2,098.40	3.28
Franklin	29	997.60	1.56
Lehigh	2	68.80	0.11
Lycoming	3	103.20	0.16
Montgomery	4	137.60	0.22
Northampton	4	137.60	0.22
Northumberland	14	481.60	0.75
York	3	103.20	0.16
Union	2	68.80	0.11
<i>Total</i>	148	5,091.20	7.96

The Eastern Spadefoot occurs in broad valleys and the Atlantic Coastal Plain and is threatened by habitat destruction from residential and industrial development. Many known locations exist in areas that receive substantial pressure from these development practices. Habitat alteration and changes in water chemistry from agricultural practices can also impact breeding habitat (Jansen et al., 2001; Wildlife in Connecticut, 1999). The water in which they breed can be temporary pools, which are not necessarily delineated wetlands; thus, wetland regulations cannot be relied upon to provide sufficient protection for the breeding habitat of this species. The level of fragmentation of Eastern Spadefoot habitats is significant

both on an individual population level and on a metapopulation level.

Only 12 known breeding sites (8% of 148) have some level of protection: Centre County, 2; Cumberland County, 4; Franklin County, 4; and Berks County, 2. It is important to note that only 2 of 12 (+17%) of protected sites have adequate upland buffers receiving protection. Only 1% of Eastern Spadefoot sites in this Commonwealth can be considered secure from a direct development threat, though other threats (such as drought, disease, poaching or isolation due to fragmentation) may leave these sites vulnerable. Pennsylvania Eastern Spadefoot occur in landscapes heavily disturbed by either urbanization or

some types of intensive agriculture (row crops are seemingly compatible as long as breeding pools are not drained). Unfortunately, agricultural easements, a potentially important tool in Eastern Spadefoot conservation, do not factor biological resources.

The Amphibian and Reptile Technical Committee of the Pennsylvania Biological Survey (PABS) reviewed the Heritage rank of the Eastern Spadefoot and recommended it be changed from “critically imperiled” (S1) to “imperiled” (S2) status, rare in this Commonwealth. (State Rank Definitions, 1996). The PABS committee additionally recommended changing the Pennsylvania status to “threatened” based on the supporting data and conclusions of the recent status assessment of the species in this Commonwealth. The PABS definition of a threatened species is a species which was once listed but now cited for delisting (Pennsylvania Biological Survey Suggested Status Definitions, 2005).

After a thorough status assessment was conducted from 2008 to 2011, this species was run through the Commission’s amphibian and reptile species documentation and objective listing/delisting criteria and met Threatened Criteria B.1 (Extent of Occurrence is less than 2,000 square miles) and B.2 (Area of Occupancy is less than 200 square miles) and three subcriteria under B.2: a) severely fragmented; b) continued decline; and c) extreme in fluctuations.

Enough information is available to make the determination that the Eastern Spadefoot no longer meets Endangered criteria; however, it clearly meets two Threatened species criteria. The Eastern Spadefoot faces considerable threats and is relatively rare in this Commonwealth; therefore, it continues to warrant protection. As two Threatened species criteria have been met, the Commission believes that this justifies removing the Eastern Spadefoot from the Commonwealth’s list of Endangered species and adding the Eastern Spadefoot to the list of Threatened species. The Commission therefore amends §§ 75.1 and 75.2 to read as set forth in the proposed rulemaking published at 43 Pa.B. 3233 (June 15, 2013).

F. Paperwork

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The final-form rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

The proposed rulemaking was published at 43 Pa.B. 3233. The Commission received two public comments concerning the proposed rulemaking. Copies of the public comments were provided to the Commissioners.

Findings

The Commission finds that:

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

(2) A public comment period was provided, and all public comments received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 75, are amended by amending §§ 75.1 and 75.2 to read as set forth at 43 Pa.B. 3233.

(b) The Executive Director will submit this order and 43 Pa.B. 3233 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order and 43 Pa.B. 3233 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOHN A. ARWAY,
Executive Director

Fiscal Note: Fiscal Note 48A-245 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 13-2260. Filed for public inspection December 6, 2013, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CH. 589]

Lunar Poker; Temporary Regulations

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 13A03(b) (relating to temporary table game regulations) and the specific authority in 4 Pa.C.S. § 13A02(1) and (2) (relating to regulatory authority), adds Chapter 589 (relating to Lunar Poker) to read as set forth in Annex A.

Explanation of Chapter 589

Section 589.1 (relating to definitions) contains the definitions for terms used in Lunar Poker. Section 589.2 (relating to Lunar Poker table physical characteristics) contains the requirements pertaining to the table layouts and other equipment used in the play of the game.

Section 589.3 (relating to cards; number of decks) addresses the number of decks that are used in Lunar Poker and the frequency with which the decks are to be changed. Sections 589.4 and 589.5 (relating to opening of the table for gaming; and shuffle and cut of the cards) set forth the procedures for the inspection, shuffling and cutting of the cards before they are dealt.

Sections 589.6 and 589.7 (relating to Lunar Poker rankings; and wagers) set forth the rank of the cards for the purpose of determining a winning hand and specify which wagers are authorized for use at the game and when those wagers are to be placed.

Sections 589.8—589.10 (relating to procedure for dealing the cards from a manual shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) specify the procedures for the dealing of the cards to each patron and the dealer. Section 589.11 (relating to procedures for completion of each round of play) addresses how the dealer is to evaluate whether a patron’s hand is a winning hand. This

section also addresses the procedures for collecting cards, collecting losing wagers and paying out winning wagers.

Section 589.12 (relating to payout odds) addresses the payout odds for all permissible wagers and § 589.13 (relating to irregularities) specifies how irregularities in the play of the game are to be handled.

Affected Parties

This temporary rulemaking allows certificate holders additional options on how to conduct table games at their licensed facilities.

Fiscal Impact

Commonwealth. The Board does not expect that this temporary rulemaking will have fiscal impact on the Board or other Commonwealth agencies. Internal control procedures submitted by certificate holders related to table games Rules Submissions will be reviewed by existing Board staff.

Political subdivisions. This temporary rulemaking will not have direct fiscal impact on political subdivisions of this Commonwealth. Host municipalities and counties benefit from the local share funding that is mandated by the act of January 7, 2010 (P. L. 1, No. 1).

Private sector. This temporary rulemaking will give certificate holders some additional flexibility as to how they conduct table games. It is anticipated that this temporary rulemaking will have an impact only on certificate holders, which are not small businesses.

General public. This temporary rulemaking will not have direct fiscal impact on the general public.

Paperwork Requirements

If a certificate holder elects to offer new games for play at the licensed facility, the certificate holder will be required to submit an updated Rules Submission reflecting the changes.

Effective Date

This temporary rulemaking will become effective upon publication in the *Pennsylvania Bulletin*.

Public Comments

While this temporary rulemaking will be effective upon publication, the Board is seeking comments from the public and affected parties as to how the temporary regulations might be improved. Interested persons are invited to submit written comments, suggestions or objections regarding this temporary rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-179.

Contact Person

The contact person for questions about this temporary rulemaking is Susan A. Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under 4 Pa.C.S. § 13A03(b), the Board's authority to adopt temporary regulations governing the rules of new table games does not expire. Additionally, temporary regulations adopted by the Board are not subject to sections 201—205 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201—1205), known as the Commonwealth Documents Law (CDL), the Regulatory Review Act (71 P. S. §§ 745.1—745.12) and sections 204(b)

and 301(10) of the Commonwealth Attorneys Act (71 P. S. §§ 732-204(b) and 732-301(10)). These temporary regulations expire 2 years after publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

(1) Under 4 Pa.C.S. § 13A03(b), the temporary regulations are exempt from the requirements of the Regulatory Review Act, sections 201—205 of the Commonwealth Documents Law and sections 204(b) and 301(10) of the Commonwealth Attorneys Act.

(2) The adoption of the temporary regulations is necessary and appropriate for the administration and enforcement of 4 Pa.C.S. Part II (relating to gaming).

Order

The Board, acting under 4 Pa.C.S. Part II, orders that:

(1) The regulations of the Board, 58 Pa. Code, are amended by adding §§ 589.1—589.13 to read as set forth in Annex A.

(2) The temporary regulations are effective December 7, 2013.

(3) The temporary regulations will be posted on the Board's web site and published in the *Pennsylvania Bulletin*.

(4) The temporary regulations are subject to amendment as deemed necessary by the Board.

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

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-179. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart K. TABLE GAMES

CHAPTER 589. LUNAR POKER

Sec.	
589.1.	Definitions.
589.2.	Lunar Poker table physical characteristics.
589.3.	Cards; number of decks.
589.4.	Opening of the table for gaming.
589.5.	Shuffle and cut of the cards.
589.6.	Lunar Poker rankings.
589.7.	Wagers.
589.8.	Procedure for dealing the cards from a manual dealing shoe.
589.9.	Procedure for dealing the cards from the hand.
589.10.	Procedures for dealing the cards from an automated dealing shoe.
589.11.	Procedures for completion of each round of play.
589.12.	Payout odds.
589.13.	Irregularities.

§ 589.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Bet Wager—An additional wager that a player shall make if the player opts to remain in competition against the dealer after the player reviews his hand.

Draw—When a player exchanges between two and five of the cards held in his hand for an equal number of new cards from the deck or buys a sixth card.

Fold—The withdraw of a player from a round of play by refusing to make a Bet Wager.

Options fee—An additional payment made by a player to draw an additional card or cards or to force the dealer to try to qualify.

Super Wager—An optional wager that a player shall make to play against a posted payable.

§ 589.2. Lunar Poker table physical characteristics.

(a) Lunar Poker shall be played at a table having betting positions for no more than five players on one side of the table and a place for the dealer on the opposite side of the table.

(b) The layout for a Lunar Poker table shall be submitted to the Bureau of Gaming Operations and approved in accordance with § 601a.10(a) (relating to approval of table game layouts, signage and equipment) and contain, at a minimum:

- (1) The name or logo of the certificate holder.
- (2) Two separate betting areas designated for the placement of the Ante and Bet Wagers for each player.
- (3) A separate area designated for the placement of the player's Options fees for each player. The Options area must be inscribed with the following:

- (i) Exchange 2-5 cards.
- (ii) Buy a 6th Card.
- (iii) Force the Dealer.

(4) If the certificate holder offers the optional Super Wager authorized under § 589.7(c)(2) (relating to wagers), a separate area designated for the placement of the Super Wager for each player.

(5) Inscriptions that advise patrons of the payout odds or amounts for all permissible wagers offered by the certificate holder. If payout odds or amounts are not inscribed on the layout, a sign identifying the payout odds or amounts for all permissible wagers shall be posted at each Lunar Poker table.

(6) Inscriptions that advise patrons of the following:

- (i) Dealer qualifies with an ace-king or better.
- (ii) Instant payout for a royal flush or straight flush on the first five cards dealt to the player.

(7) If the information in paragraph (6) is not on the layout, a sign which sets forth the required information shall be posted at each Lunar Poker table.

(c) Each Lunar Poker table must have a drop box and a tip box attached on the same side of the gaming table as, but on opposite sides of, the dealer, as approved by the Bureau of Casino Compliance in accordance with § 601a.10(g). The Bureau of Casino Compliance may approve an alternative location for the tip box when a card shuffling device or other table game equipment prevents the placement of the drop box and tip box on the same side of the gaming table as, but on opposite sides of, the dealer.

(d) Each Lunar Poker table must have a discard rack securely attached to the top of the dealer's side of the table.

§ 589.3. Cards; number of decks.

(a) Except as provided in subsection (b), Lunar Poker shall be played with one deck of cards that are identical in appearance and one cover card.

(b) If an automated card shuffling device is utilized, Lunar Poker may be played with two decks of cards in accordance with the following requirements:

(1) The cards in each deck must be of the same design. The backs of the cards in one deck must be of a different color than the cards included in the other deck.

(2) One deck of cards shall be shuffled and stored in the automated card shuffling device while the other deck is being used to play the game.

(3) Both decks are continuously alternated in and out of play, with each deck being used for every other round of play.

(4) The cards from only one deck are placed in the discard rack at any given time.

(c) The decks of cards used in Lunar Poker shall be changed at least every:

- (1) Four hours if the cards are dealt by hand.
- (2) Eight hours if the cards are dealt from a manual or automated dealing shoe.

§ 589.4. Opening of the table for gaming.

(a) After receiving one or more decks of cards at the table, the dealer shall inspect the cards for any defects. The floorperson assigned to the table shall verify the inspection.

(b) After the cards are inspected, the cards shall be spread out face up on the table for visual inspection by the first player to arrive at the table. The cards shall be spread in horizontal fan shaped columns by deck according to suit and in sequence.

(c) After the first player arriving at the table has been afforded an opportunity to visually inspect the cards, the cards shall be turned face down on the table, mixed thoroughly by a washing of the cards and stacked. Once the cards have been stacked, the cards shall be shuffled in accordance with § 589.5 (relating to shuffle and cut of the cards).

(d) If an automated card shuffling device is utilized and two decks of cards are received at the table, each deck of cards shall be spread for inspection, mixed, stacked and shuffled in accordance with subsections (a)—(c).

(e) If the decks of cards received at the table are reinspected and reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), subsections (a)—(d) do not apply.

§ 589.5. Shuffle and cut of the cards.

(a) Immediately prior to commencement of play, unless the cards were reshuffled in accordance with § 603a.16(u) or (v) (relating to cards; receipt, storage, inspection and removal from use), after each round of play has been completed or when directed by a floorperson or above, the dealer shall shuffle the cards, either manually or by use of an automated card shuffling device, so that the cards are randomly intermixed. Upon completion of the shuffle, the dealer or automated shuffling device shall place the deck of cards in a single stack. The certificate holder may use an automated card shuffling device which, upon completion of the shuffling of the cards, inserts the stack of cards directly into a dealing shoe.

(b) If an automated card shuffling device is being used, which counts the number of cards in the deck after the

completion of each shuffle and indicates whether 52 cards are present, and the device reveals that an incorrect number of cards are present, the deck shall be removed from the table.

(c) After the cards have been shuffled and stacked, the dealer shall:

(1) If the cards were shuffled using an automated card shuffling device, deal the cards in accordance with § 589.8, § 589.9 or § 589.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe).

(2) If the cards were shuffled manually or were reshuffled, cut the cards in accordance with the procedures in subsection (d).

(d) If a cut of the cards is required, the dealer shall place the cover card in the stack at least ten cards in from the top of the stack. Once the cover card has been inserted, the dealer shall take all cards above the cover card and the cover card and place them on the bottom of the stack. The stack of cards shall then be inserted into the dealing shoe for commencement of play.

(e) After the cards have been cut and before any cards have been dealt, a floorperson or above may require the cards to be recut if the floorperson determines that the cut was performed improperly or in any way that might affect the integrity or fairness of the game.

(f) If there is no gaming activity at a Lunar Poker table which is open for gaming, the cards shall be removed from the dealing shoe and discard rack and spread out on the table face down unless a player requests that the cards be spread face up on the table. After the first player arriving at the table is afforded an opportunity to visually inspect the cards, the procedures in § 589.4(c) (relating to opening of the table for gaming) and this section shall be completed.

(g) A certificate holder may utilize a dealing shoe or other device that automatically reshuffles and counts the cards provided that the device is submitted and approved in accordance with § 461a.4 (relating to submission for testing and approval) prior to its use in the licensed facility. If a certificate holder is utilizing the approved device, subsections (d)—(f) do not apply.

§ 589.6. Lunar Poker rankings.

(a) The rank of the cards used in Lunar Poker, in order of highest to lowest rank, shall be: ace, king, queen, jack, 10, 9, 8, 7, 6, 5, 4, 3 and 2. Notwithstanding the foregoing, an ace may be used to complete a straight flush or a straight with a 2, 3 and 4 but may not be combined with any other sequence of cards (for example: king, ace, 2 and 3). All suits shall be equal in rank.

(b) The permissible Poker hands in the game of Lunar Poker, in order of highest to lowest rank, shall be:

(1) A royal flush, which is a hand consisting of an ace, king, queen, jack and 10 of the same suit.

(2) A straight flush, which is a hand, other than a royal flush, consisting of five cards of the same suit in consecutive ranking, with king, queen, jack, 10 and 9 being the highest ranking straight flush and ace, 2, 3, 4 and 5 being the lowest ranking straight flush.

(3) A four-of-a-kind, which is a hand consisting of four cards of the same rank, with four aces being the highest ranking four-of-a-kind and four 2s being the lowest ranking four-of-a-kind.

(4) A full house, which is a hand consisting of a three-of-a-kind and a pair, with three aces and two kings being the highest ranking full house and three 2s and two 3s being the lowest ranking full house.

(5) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order, with ace, king, queen, jack and 9 being the highest ranking flush and 2, 3, 4, 5 and 7 being the lowest ranking flush.

(6) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank, with an ace, king, queen, jack and 10 being the highest ranking straight and an ace, 2, 3, 4 and 5 being the lowest ranking straight.

(7) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(8) Two pairs, which is a hand consisting of two pairs, with two aces and two kings being the highest ranking two pair and two 3s and two 2s being the lowest ranking two pair.

(9) A pair, which is a hand consisting of two cards of the same rank, with two aces being the highest ranking pair and two 2s being the lowest ranking pair.

(10) An ace-king, which is a hand consisting of an ace and king in any suit.

(c) When comparing two Poker hands that are of identical rank under subsection (b), or that contain none of the hands listed in subsection (b), the hand that contains the highest ranking card under subsection (a), which is not in the other hand, shall be considered the higher ranking hand. If the hands are of equal rank after the application of this section, the hands shall be considered a tie.

(d) If the certificate holder is offering the optional Super Wager authorized under § 589.7(c)(2) (relating to wagers) the five-card Poker hands eligible for a payout are:

(1) A four-of-a-kind, which is a hand consisting of four cards of the same rank.

(2) A same-colored straight, which is a hand consisting of five cards of more than one suit and of consecutive rank and color.

(3) A full house, which is a hand consisting of a three-of-a-kind and a pair.

(4) A flush, which is a hand consisting of five cards of the same suit, not in consecutive order.

(5) A straight, which is a hand consisting of five cards of more than one suit and of consecutive rank.

(6) A three-of-a-kind, which is a hand consisting of three cards of the same rank, with three aces being the highest ranking three-of-a-kind and three 2s being the lowest ranking three-of-a-kind.

(7) An ace-king, which is a hand consisting of an ace and king in any suit.

(8) Same colored five, which is a hand consisting of five cards of the same color.

§ 589.7. Wagers.

(a) Wagers at Lunar Poker shall be made by placing value chips, plaques or other Board-approved wagering instruments on the appropriate areas of the table layout. Verbal wagers accompanied by cash may not be accepted.

(b) Only players who are seated at a Lunar Poker table may wager at the game. Once a player has placed a wager and received cards, that player shall remain seated until the completion of the round of play. If a player leaves the table during a round of play, any wagers made by the player may be considered abandoned and may be treated as losing wagers.

(c) The following wagers may be placed in the game of Lunar Poker:

(1) A player shall compete against the dealer's five-card Poker hand by placing both an Ante Wager, then a Bet Wager in accordance with § 589.11(b) or (d) (relating to procedures for completion of each round of play).

(2) In addition to the Ante and Bet Wagers, a player may compete against a posted payable by placing an optional Super Wager.

(d) The Ante and Super Wagers shall be placed prior to the dealer announcing "no more bets" in accordance with the dealing procedures in § 589.8, § 589.9 or § 589.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe). Except as provided in § 589.11(b) and (d), a wager may not be made, increased or withdrawn after the dealer has announced "no more bets."

(e) A player may not wager on more than one player position at a Lunar Poker table.

§ 589.8. Procedure for dealing the cards from a manual dealing shoe.

(a) If a manual dealing shoe is used, the dealing shoe must be located on the table in a location approved by the Bureau of Casino Compliance in accordance with § 601a.10(g) (relating to approval of table game layouts, signage and equipment). Once the procedures required under § 589.5 (relating to shuffle and cut of the cards) have been completed, the stacked deck of cards shall be placed in the dealing shoe by the dealer or by the automated card shuffling device.

(b) The dealer shall announce "no more bets" and begin dealing the cards. Each card shall be removed from the dealing shoe with the hand of the dealer that is closest to the dealing shoe and placed face down on the appropriate area of the layout with the opposite hand.

(c) Starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, the dealer shall deal one card at a time to each player who placed an Ante Wager and to the dealer until each player and the dealer have five cards. The last card of the dealer shall be turned face up on the layout.

§ 589.9. Procedure for dealing the cards from the hand.

(a) If the cards are dealt from the dealer's hand, the following requirements shall be observed:

(1) An automated shuffling device shall be used to shuffle the cards.

(2) After the procedures required under § 589.5 (relating to shuffle and cut of the cards) have been completed, the dealer shall place the stacked deck of cards in either hand. After the dealer has chosen the hand in which to hold the cards, the dealer shall continue to use that hand whenever holding the cards during that round of play. The cards held by the dealer shall be kept over the table inventory container and in front of the dealer at all times.

(3) Prior to dealing any cards, the dealer shall announce "no more bets."

(b) The dealer shall deal each card by holding the deck of cards in the chosen hand and use the other hand to remove the top card of the deck and place it face down on the appropriate area of the layout. The dealer shall, starting with the player farthest to the dealer's left and continuing around the table in a clockwise manner, deal one card at a time to each player who placed an Ante Wager and to the dealer until each player and the dealer have five cards. The last card of the dealer shall be turned face up on the layout.

§ 589.10. Procedures for dealing the cards from an automated dealing shoe.

(a) If the cards are dealt from an automated dealing shoe, the following requirements shall be observed:

(1) After the procedures required under § 589.5 (relating to shuffle and cut of the cards) have been completed, the cards shall be placed in the automated dealing shoe.

(2) Prior to the shoe dispensing any stacks of cards, the dealer shall announce "no more bets."

(b) The dealer shall deliver the first stack of cards dispensed by the automated dealing shoe face down to the player farthest to the dealer's left who has placed an Ante Wager. As the remaining stacks are dispensed to the dealer by the automated dealing shoe, the dealer shall, moving clockwise around the table, deliver a stack face down to each of the other players who has placed an Ante Wager. The dealer shall then deliver a stack of five cards face down to the dealer. The last card of the dealer shall be turned face up on the layout.

§ 589.11. Procedures for completion of each round of play.

(a) After the dealing procedures required under § 589.8, § 589.9 or § 589.10 (relating to procedure for dealing the cards from a manual dealing shoe; procedure for dealing the cards from the hand; and procedures for dealing the cards from an automated dealing shoe) have been completed, each player shall examine his cards, subject to the following limitations:

(1) Each player who wagers at Lunar Poker shall be responsible for his own hand and no person other than the dealer and the player to whom the cards were dealt may touch the cards of that player.

(2) Each player shall keep his five cards in full view of the dealer at all times.

(3) After the dealer announces "all decisions are locked in," a player may not amend his decision to fold or increase, decrease or place any Bet Wager or Options fee except as provided in subsection (d).

(b) After five cards have been dealt to each player, the player shall examine his cards. Each player shall then elect to:

(1) Fold.

(2) Place a Bet Wager equal to twice the amount of the player's Ante Wager provided that if any player's hand contains a royal flush or a straight flush the player shall not place a Bet Wager but shall declare the hand and reveal his cards by placing them face up on the layout. A player with a royal flush or straight flush shall be paid an instant payout as provided in subsection (c).

(3) Place an Options fee, equal to the player's Ante Wager, to buy a sixth card or draw and exchange between two and five of the player's cards.

(c) After all players have either folded, placed a Bet Wager or Options fee, the dealer shall announce "all decisions are locked in." Beginning with the player to the dealer's left and moving clockwise around the table, the dealer shall then settle any instant payout for a royal flush or straight flush and each player's Super Wager, if applicable, as follows:

(1) If a player's hand contains a royal flush or a straight flush in the first five cards dealt:

(i) The dealer shall pay an instant payout on the player's Ante Wager in accordance with § 589.12(a) (relating to payout odds) provided that if a player does not declare and reveal a winning hand before any other cards are dealt, the player will not be eligible for the instant payout.

(ii) And the player:

(A) Did not place a Super Wager, after paying the instant payout, the dealer shall immediately collect the player's cards and place them in the discard rack.

(B) Placed a Super Wager, the wager shall be settled in accordance with paragraph (2)(ii).

(2) If a player placed a Super Wager:

(i) And the player's five-card hand does not contain a same colored five or better, as described in § 589.6(d) (relating to Lunar Poker rankings), or the player does not declare and reveal a winning hand, the dealer shall collect the player's Super Wager and the player shall continue play in accordance with subsection (d).

(ii) And the player's five-card hand contains a same colored five or better, as described in § 589.6(d), the player shall declare the hand and place his cards face up on the layout. If a player's hand contains a royal flush or a straight flush, the winning hand shall be considered a same-colored straight. The dealer shall payout out the winning Super Wager for the highest ranking hand in accordance with § 589.12(b). If a player's hand:

(A) Was eligible for both the instant payout, in accordance with paragraph (1), and the Super Wager payout, after paying the player's instant and Super Wager payouts, the dealer shall immediately collect the player's cards and place them in the discard rack.

(B) Was not otherwise eligible for the instant payout in accordance with paragraph (1), the player shall continue play in accordance with subsection (d).

(d) After settling the instant payouts and Super Wagers, if applicable, beginning with the player to the dealer's left and moving clockwise around the table:

(1) For any player who did not make a Bet Wager and folded, the dealer shall collect the player's Ante Wager and place the player's cards in the discard rack.

(2) For any player who placed an Options fee equal to the player's Ante Wager:

(i) The dealer shall collect the Options fee and:

(A) If the player elects to buy the sixth card, the dealer shall deal one additional card.

(B) If the player elects to exchange cards, the player shall discard between two and five cards, which will thereafter be replaced by dealer with the same number of cards from the deck.

(ii) After dealing the additional cards, the player shall create the best possible five-card Poker hand.

(iii) The dealer shall then ask the player if the player would like to fold and forfeit the player's Ante Wager or place a Bet Wager equal to twice the amount of the player's Ante Wager.

(iv) If the player does not make a Bet Wager and forfeits his Ante Wager, the dealer shall collect the Ante Wager and place the player's cards in the discard rack.

(e) After all players have either folded or placed a Bet Wager, the dealer shall reveal the dealer's cards and form the highest ranking five-card Poker hand. If the dealer's hand:

(1) Qualifies with an ace-king or better, as provided in § 589.6(b), starting with the player farthest to the dealer's right and continuing around the table in a counter-clockwise direction, the dealer shall turn the cards of each player who placed a Bet Wager face up on the layout, if applicable, and form the highest ranking five-card Poker hand. If the dealer's highest ranking five-card Poker hand is:

(i) Higher in rank than the player's five-card Poker hand, as provided in § 589.6(b), the dealer shall collect the player's Ante and Bet Wagers and place the player's cards in the discard rack.

(ii) Lower in rank than the player's five-card Poker hand, as provided in § 589.6(b), the dealer shall return the player's Ante Wager and pay the winning Bet Wager in accordance with § 589.12(c). If a player's winning hand also contains a second Poker combination where at least one card in the second combination was not included in the winning combination, the dealer shall pay the winning Bet Wager in accordance with § 589.12(c) for the second Poker combination. For example, if a player's winning hand contained two aces, a king, 8 and 9, the player would be paid out for the pair of aces that beat the dealer's hand but would also be paid out for the ace-king. If a player purchased a sixth card, all six cards may be considered for purposes of the second payout.

(iii) Equal in rank with the dealer's hand, as provided in § 589.6(b), the dealer shall return the player's Ante and Bet Wagers.

(2) Does not qualify with an ace-king or better, as provided in § 589.6(b), each player shall have the option to force the dealer to try to qualify. If any player:

(i) Does not elect to force the dealer to try to qualify by placing an Options fee, the dealer shall return the player's Bet Wager, pay the player's Ante Wager in accordance with § 589.12(d) and place the player's cards in the discard rack.

(ii) Elects to force the dealer to try to qualify, the player shall place an Options fee equal to the player's Ante Wager on the layout. After settling the Ante and Bet Wagers for any players who did not force the dealer to try to qualify as provided in subparagraph (i), the dealer shall collect any Options fees placed, discard the highest ranking card from the dealer's hand and replace it with a card from the deck. The dealer shall form the highest ranking five-card Poker hand. If the dealer's hand:

(A) Does not qualify with an ace-king or better, as provided in § 589.6(b), the dealer shall return each player's Ante and Bet Wagers and place the player's cards in the discard rack.

(B) Qualifies with an ace-king or better, as provided in § 589.6(b), starting with the player farthest to the dealer's right and continuing around the table in a counter-clockwise direction, the dealer shall turn the cards of

each player who placed a Bet Wager face up on the layout, if applicable, and form the highest ranking five-card Poker hand. If the dealer's highest ranking five-card hand is:

(I) Higher in rank than the player's five-card Poker hand, as provided in § 589.6(b), the dealer shall collect the player's Ante and Bet Wagers and place the player's cards in the discard rack.

(II) Lower in rank than the player's five-card Poker hand, as provided in § 589.6(b), the dealer shall return the player's Ante Wager and pay the winning Bet Wager in accordance with § 589.12(c). If a player's winning hand also contains a second Poker combination where at least one card in the second combination was not included in the winning combination, the dealer shall pay the winning Bet Wager in accordance with § 589.12(c) for the second Poker combination. For example, if a player's winning hand contained two aces, a king, 8 and 9, the player would be paid out for the pair of aces that beat the dealer's hand but would also be paid out for the ace-king. If a player purchased a sixth card, all six cards may be considered for purposes of the second payout.

(III) Equal in rank with the dealer's hand, the dealer shall return the player's Ante and Bet Wagers.

(f) After all wagers have been settled, the dealer shall remove any remaining cards from the table and place them in the discard rack in a manner that permits the reconstruction of each hand in the event of a question or dispute.

(g) If an automated card shuffling device, which counts the number of cards in the deck after the completion of each shuffle and indicates whether 52 cards are present, is not being used, the dealer shall count the cards at least once after every 5 rounds of play to determine if the correct number of cards is still present in the deck. The dealer shall determine the number of cards by counting the cards face down on the layout. If the count indicates:

(1) That 52 cards are in the deck, the dealer shall place the cards in the discard rack.

(2) That 52 cards are not in the deck, the entire deck of cards shall be removed from the table.

§ 589.12. Payout odds.

(a) The certificate holder shall pay an instant payout on a player's Ante Wager in accordance with one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2 (relating to table games Rules Submissions):

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>	<i>Paytable D</i>
Royal flush	1,500 to 1	1,500 to 1	1,500 to 1	1,200 to 1
Straight flush	500 to 1	400 to 1	300 to 1	400 to 1

<i>Hand</i>	<i>Paytable E</i>	<i>Paytable F</i>	<i>Paytable G</i>	<i>Paytable H</i>
Royal flush	1,200 to 1	1,000 to 1	800 to 1	600 to 1
Straight flush	300 to 1	300 to 1	300 to 1	300 to 1

(b) A certificate holder shall pay the player's winning Super Wager at the odds in one of the following paytables, selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

<i>Hand</i>	<i>Paytable A</i>	<i>Paytable B</i>	<i>Paytable C</i>
Four-of-a-kind	250 to 1	250 to 1	250 to 1
Same-colored straight	150 to 1	150 to 1	150 to 1
Full house	100 to 1	100 to 1	100 to 1
Flush	60 to 1	60 to 1	60 to 1
Straight	30 to 1	30 to 1	30 to 1
Three-of-a-kind	8 to 1	8 to 1	7 to 1
Ace-king	6 to 1	5 to 1	6 to 1
Same colored five	2 to 1	2 to 1	2 to 1

(c) A player placing a Bet Wager shall be paid at the following odds:

<i>Hand</i>	<i>Payout</i>
Royal flush	100 to 1
Straight flush	50 to 1
Four-of-a-kind	20 to 1
Full house	7 to 1
Flush	5 to 1
Straight	4 to 1
Three-of-a-kind	3 to 1
Two pair	2 to 1
One pair	1 to 1
Ace-king	1 to 1

(d) A certificate holder shall pay each winning Ante Wager at odds of 1 to 1.

§ 589.13. Irregularities.

(a) A card that is found face up in the shoe or the deck while the cards are being dealt may not be used in that round of play and shall be placed in the discard rack. If

more than one card is found face up in the shoe or the deck during the dealing of the cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(b) A card drawn in error without its face being exposed shall be used as though it were the next card from the shoe or the deck.

(c) If any player or the dealer is dealt an incorrect number of cards, all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(d) If any of the dealer's cards that are dealt face down on the layout are inadvertently exposed prior to each player having either folded or placed a Bet Wager as provided under § 589.11 (relating to procedures for completion of each round of play), all hands shall be void, all wagers shall be returned to the players and the cards shall be reshuffled.

(e) If an automated card shuffling device is being used and the device jams, stops shuffling during a shuffle or fails to complete a shuffle cycle, the cards shall be reshuffled.

(f) If an automated dealing shoe is being used and the device jams, stops dealing cards or fails to deal cards during a round of play, the round of play shall be void, all wagers shall be returned to the players and the cards shall be removed from the device and reshuffled with any cards already dealt.

(g) If an automated card shuffling device or automated dealing shoe malfunctions and cannot be used, the automated card shuffling device or automated dealing shoe shall be covered or have a sign indicating that the automated card shuffling device or automated dealing shoe is out of order placed on the device before any other method of shuffling or dealing may be utilized at that table.

[Pa.B. Doc. No. 13-2261. Filed for public inspection December 6, 2013, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

Acceptance of Rulemaking Petition for Study

On November 19, 2013, the Environmental Quality Board (Board) accepted a rulemaking petition for study under 25 Pa. Code Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy).

The petition, submitted by Kenneth T. Kristl, Esq. on behalf of *Ashley Funk and Kids vs. Global Warming*, requests the Board promulgate a rulemaking to limit and regulate fossil fuel carbon dioxide emissions and to establish an effective emissions reduction strategy that will achieve safe atmospheric concentrations of carbon dioxide by 2100.

Under the Board's acceptance of the petition, the Department of Environmental Protection (Department) will prepare a report evaluating the petition. This report, which must be completed within 60 days from the date the petition was accepted by the Board, will include a recommendation on whether the Board should approve the action requested in the petition. If the recommendation is to change a regulation, the report will also specify the anticipated date that the Board will consider a proposed rulemaking.

The previously-referenced petition is available to the public for review by contacting the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, and is accessible on the Department's web site at http://www.portal.state.pa.us/portal/server.pt/community/Environmental_Quality_Board/21511/EQB_Meeting_Schedule_2013/1615627 (see November 19, 2013, meeting).

E. CHRISTOPHER ABRUZZO,
Acting Chairperson

[Pa.B. Doc. No. 13-2262. Filed for public inspection December 6, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION

[58 PA. CODE CHS. 61 AND 69]

Fishing; American Eel

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 69 (relating to seasons, sizes and creel limits; and fishing in Lake Erie and boundary lakes). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to §§ 61.1, 61.2, 61.4 and 69.12 are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

In May 2012, the Atlantic States Marine Fisheries Commission (ASMFC) approved a coastwide stock assessment of American eel that concluded that the American eel population is depleted in United States waters. The stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. An independent panel of scientists that reviewed the stock assessment urged the ASMFC Board to examine alternative reference points to provide more protection to the spawning stock biomass.

In response to these findings, the ASMFC Board tasked the ASMFC American Eel Technical Committee with developing potential management actions which would reduce mortality on all life stages of American eel. A range of options was developed by the ASMFC American Eel Technical Committee and subsequent action was taken by the ASMFC Board to release certain management options for public comment. These comments were considered by the ASMFC Board when, on August 8, 2013, it approved Amendment III to the ASMFC American Eel Fisheries Management Plan. Among the requirements of this amendment is a reduction in recreational harvest of eels by way of a coastwide establishment of a creel limit of 25 fish and a size limit of 9 inches. Currently, the Commonwealth has a 50 fish creel limit for American eel coupled with an 8-inch size limit for recreational harvested eels and a 6- to 8-inch slot limit for eels harvested for bait.

The ASMFC-directed regulatory change is to be implemented by January 1, 2014. Although final adoption of the amendment by the Commission by January 1, 2014, will not be possible, the Commission's Executive Director will exercise his authority under § 65.25 (relating to temporary changes to fishing regulations) to make a temporary modification.

To address the coastwide regulation directed by ASMFC, the Commission proposes to amend §§ 61.1, 61.2, 61.4 and 69.12 to read as set forth in Annex A.

F. *Paperwork*

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

(*Editor's Note:* See 43 Pa.B. 7194 (December 7, 2013) for a notice relating to this proposed rulemaking.)

Fiscal Note: 48A-254. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. **Commonwealth inland waters.**

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
AMERICAN EEL	Open year-round	[8] 9 inches	[50] 25
* * * * *			
[AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50]
BAIT FISH FISH BAIT except American eel , mud bugs and mussels/clams	Open year-round	No minimum	50 (combined species)
* * * * *			

§ 61.2. **Delaware River, West Branch Delaware River and River Estuary.**

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
* * * * *			
AMERICAN EEL	Open year-round	[8] 9 inches	[50] 25
[AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50]
* * * * *			
BAIT FISH FISH BAIT, except American eel and mussels/clams	Open year-round	No minimum	50 (combined species)
* * * * *			

§ 61.4. Conowingo Reservoir.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
[EELS] AMERICAN EEL	Open year-round	[6] 9 inches	25
	* * * * *		
BAIT FISH FISH BAIT, except American eel	Open year-round	No minimum	35
	* * * * *		

CHAPTER 69. FISHING IN LAKE ERIE AND BOUNDARY LAKES

Subchapter B. SPORT FISHING AND ANGLING

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

* * * * *

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
	* * * * *		
AMERICAN EEL	Open year-round	9 inches	25
BAIT FISH FISH BAIT, except American eel and mussels/clams	Open year-round	None	50 (combined species)
	* * * * *		

[Pa.B. Doc. No. 13-2263. Filed for public inspection December 6, 2013, 9:00 a.m.]

[58 PA. CODE CHS. 61 AND 65]

Fishing; Seasons, Sizes and Creel Limits; Special Fishing Regulations

The Fish and Boat Commission (Commission) proposes to amend Chapters 61 and 65 (relating to seasons, sizes and creel limits; and special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed rulemaking, if approved on final-form rulemaking, will go into effect on January 1, 2015.

B. *Contact Person*

For further information on the proposed rulemaking, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed amendments to § 61.1 (relating to Commonwealth inland waters) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations). The proposed amendments to

§ 65.12 (relating to the Regional Opening Day of Trout Season Program) are published under the statutory authority of section 2102(a) of the code.

D. *Purpose and Background*

The specific purpose and background of the proposed rulemaking is described in more detail under the summary of proposal.

E. *Summary of Proposal*

Under a proposed statement of policy, the Commission proposes to amend § 57.8a (relating to Class A wild trout streams). Specifically, the Commission proposes the stocking of a limited number of Class A designated streams under certain conditions. Along with this proposed change, the Commission proposes that any Class A streams that are stocked be treated the same as other wild trout streams with respect to harvest during the extended season. Specifically, wild trout streams are closed to harvest beginning 12:01 a.m. the day after Labor Day to midnight the last day of February of the following year. Under §§ 61.1 and 65.12, approved trout waters and all waters downstream of approved trout waters are open to harvest with a three fish limit. There are currently at least 22 streams comprising 29 stream

sections designated as Class A and that occur downstream of an approved trout water section. The proposed amendments will result in all Class A streams being regulated the same relative to harvest and consistent with other wild trout streams that are not approved trout waters. This additional level of protection is consistent with treating our best wild trout waters with a greater level of protection than streams whose trout fisheries are partially or totally provided by stocking, where put-and-take is the preferred management approach.

The Commission therefore proposes to amend §§ 61.1 and 65.12 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 90 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

(Editor's Note: See 43 Pa.B. 7107 (December 7, 2013) for a proposed statement of policy relating to this proposed rulemaking.)

Fiscal Note: 48A-253. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART II. FISH AND BOAT COMMISSION
Subpart B. FISHING
CHAPTER 61. SEASONS, SIZES AND CREEL LIMITS

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
ALL SPECIES OF TROUT AND SALMON (except landlocked Atlantic salmon)	Regular Season: 8 a.m. first Saturday after April 11 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))
	Extended Season: Approved trout waters and all waters downstream of approved trout waters	7 inches	3 (combined species), except Class A wild trout streams, where the daily limit is 0, and areas with special regulations (see Chapter 65)
	12:01 a.m. day after Labor Day to midnight last day of February of the following year		
* * * * *			

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.12. Regional Opening Day of Trout Season Program.

* * * * *

(b) It is unlawful to fish in waters designated as part of the Regional Opening Day of Trout Season Program except in compliance with the following seasons, sizes and creel limits:

<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
Regular Season: 8 a.m. first Saturday after March 28 to midnight Labor Day	7 inches	5 (combined species) except areas with special regulations (see Chapter 65 (relating to special fishing regulations))

SEASONS	MINIMUM SIZE	DAILY LIMIT
Extended Season: Approved trout waters and all waters downstream of approved trout waters 12:01 a.m. day after Labor Day to midnight last day of February of the following year	7 inches	3 (combined species) except Class A wild trout streams where the daily limit is 0, and areas with special regulations (see Chapter 65)

* * * * *

[Pa.B. Doc. No. 13-2264. Filed for public inspection December 6, 2013, 9:00 a.m.]

[58 PA. CODE CH. 65]

Special Fishing Regulations; Mentored Youth Fishing Day Program

The Fish and Boat Commission (Commission) proposes to amend Chapter 65 (relating to special fishing regulations). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. Contact Person

For further information on the proposed rulemaking, contact Laurie E. Shepler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at www.fish.state.pa.us.

C. Statutory Authority

Proposed § 65.20 (relating to Mentored Youth Fishing Day Program) is published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. Purpose and Background

Most often, parents or guardians are the source of both instruction and serve as mentors to young anglers and hunters. The role of a mentor is that of long-term development and socialization. An instructor can teach someone to fish, while a mentor helps them become an angler (Duda M.D., 2010). That is, while proper instruction is important, it alone does not guarantee adoption. This is especially true if a mentor or other social support is absent.

Benefits of mentored experiences also extend to the parents or mentors. A 2007 survey of trout anglers in this Commonwealth showed that 98% of those surveyed would go trout fishing more if asked by a child (Responsive Management, 2008). Of that number, 84% indicated that being asked by a child to take them fishing was a strong encouragement to go trout fishing more in this Commonwealth.

Mentored opportunities differ from educational programs significantly in that mentored experiences extend beyond the instructional period. Mentors plan and discuss the trip with the apprentice before, during and after. An instructor only has contact with the young angler during the presentation. It is this premise on which youth hunts and mentored hunting programs are based (DJ Case & Associates, 2007) (Responsive Management, 2011) (Responsive Management and Southwick Associates, 2012).

This premise is the supporting rationale behind the Commission's Mentored Youth Fishing Day Program.

On March 23, 2013, the Commission piloted a Mentored Youth Trout Fishing Day on 12 waters in the regional opening day zone, covering 18 southcentral and southeast counties. This day was accomplished by the Commission's Executive Director acting under the authority of § 65.25 (relating to temporary changes to fishing regulations). The temporary change was published at 43 Pa.B. 114 (January 5, 2013).

To participate, anglers 16 years of age or older (adult anglers) were required to possess a valid Pennsylvania fishing license and current trout/salmon permit and be accompanied by a youth (less than 16 years of age) who registered with the Commission. Youth anglers must have been registered with the Commission and accompanied by an adult angler to participate. During the Mentored Youth Trout Fishing Day, the minimum size limit for trout was 7 inches and the creel limit was two trout per day (combined species). Other Commonwealth inland regulations applied. It was unlawful for adult anglers to fish in waters designated under the Mentored Youth Trout Fishing Day Program without a valid fishing license and trout permit and without being accompanied by a registered youth.

A total of 5,110 youth registered to participate in the Mentored Youth Trout Fishing Day pilot, accompanied by 3,846 adult mentors. A survey of mentors conducted by the Commission showed that 90% of the registered youth participated, resulting in an estimated 7,300 youth and their mentors taking part. These anglers fished an estimated 22,000 hours and released nearly 15,000 trout while harvesting slightly more than 6,000. Public, partner and staff feedback received before, during and immediately after the pilot day was predominantly positive. The results of the 2013 pilot program support expansion of the program to create additional opportunities for parents and mentors to take the children in their lives fishing as a way to reactivate anglers of all ages.

E. Summary of Proposal

Under this proposed rulemaking, the Executive Director may annually designate Mentored Youth Fishing Days and, when doing so, he will identify the species, waters, dates, creel and minimum size limits and other limitations that will apply. The specific details of these mentored youth fishing opportunities will be published in the *Pennsylvania Bulletin*. Staff will also post the Mentored Youth Fishing Day Program guidelines to the Commission's web site and promote it through various media outlets.

To participate, an angler 16 years of age or older must be accompanied by a youth (less than 16 years of age) who is registered with the Commission. Youth anglers must be registered with the Commission and be accompa-

nied by an angler 16 years of age or older. Youth anglers will be able to register at no cost through the Commission's existing Pennsylvania Automated Licensing Service.

The Commission proposes to add § 65.20 to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will not impose new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 30 days after publication of this proposed rulemaking in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

Fiscal Note: 48A-252. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.20. Mentored Youth Fishing Day Program.

(a) The Executive Director may annually designate Mentored Youth Fishing Days. As part of the designation, the Executive Director will identify the species, waters, dates, creel and minimum size limits and other applicable limitations. The designation will be effective upon publication of a notice in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated as part of the Mentored Youth Fishing Day Program except in compliance with the following requirements:

(1) Anglers shall adhere to the limitations as established by the Executive Director by notice in the *Pennsylvania Bulletin*.

(2) An angler 16 years of age or older shall be accompanied by a youth (less than 16 years of age) who is registered with the Commission.

(3) A youth angler shall be registered with the Commission and be accompanied by an angler 16 years of age or older.

(c) Notwithstanding the requirements of this section, an angler in a boat may possess fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the water designated as part of the Mentored Youth Fishing Day Program without stopping or engaging in the act of fishing or the boat angler takes out his boat at an access point within the water designated as part of the Mentored Youth Fishing Day Program.

[Pa.B. Doc. No. 13-2265. Filed for public inspection December 6, 2013, 9:00 a.m.]

STATEMENTS OF POLICY

Title 4—ADMINISTRATION

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Agriculture

The Executive Board approved a reorganization of the Department of Agriculture effective November 20, 2013.

The organization chart at 43 Pa.B. 7102 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 13-2266. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Conservation and Natural Resources

The Executive Board approved a reorganization of the Department of Conservation and Natural Resources effective November 20, 2013.

The organization chart at 43 Pa.B. 7103 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 13-2267. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Department of Transportation

The Executive Board approved a reorganization of the Department of Transportation effective November 20, 2013.

The organization chart at 43 Pa.B. 7104 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 13-2268. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of Administration

The Executive Board approved a reorganization of the Governor's Office of Administration effective November 20, 2013.

The organization chart at 43 Pa.B. 7105 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

[Pa.B. Doc. No. 13-2269. Filed for public inspection December 6, 2013, 9:00 a.m.]

PART II. EXECUTIVE BOARD

[4 PA. CODE CH. 9]

Reorganization of the Governor's Office of the Budget

The Executive Board approved a reorganization of the Governor's Office of the Budget effective November 20, 2013.

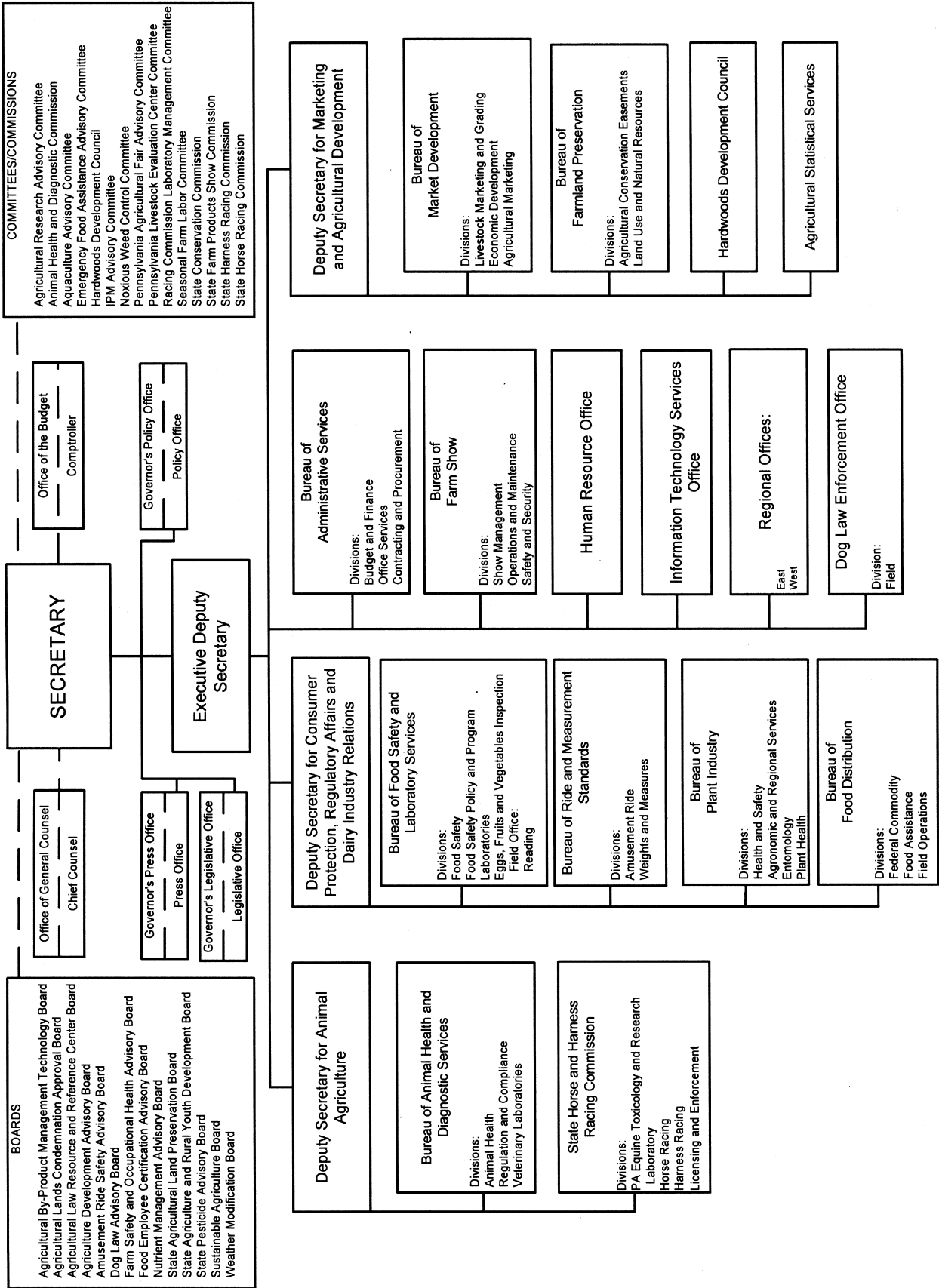
The organization chart at 43 Pa.B. 7106 (December 7, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

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

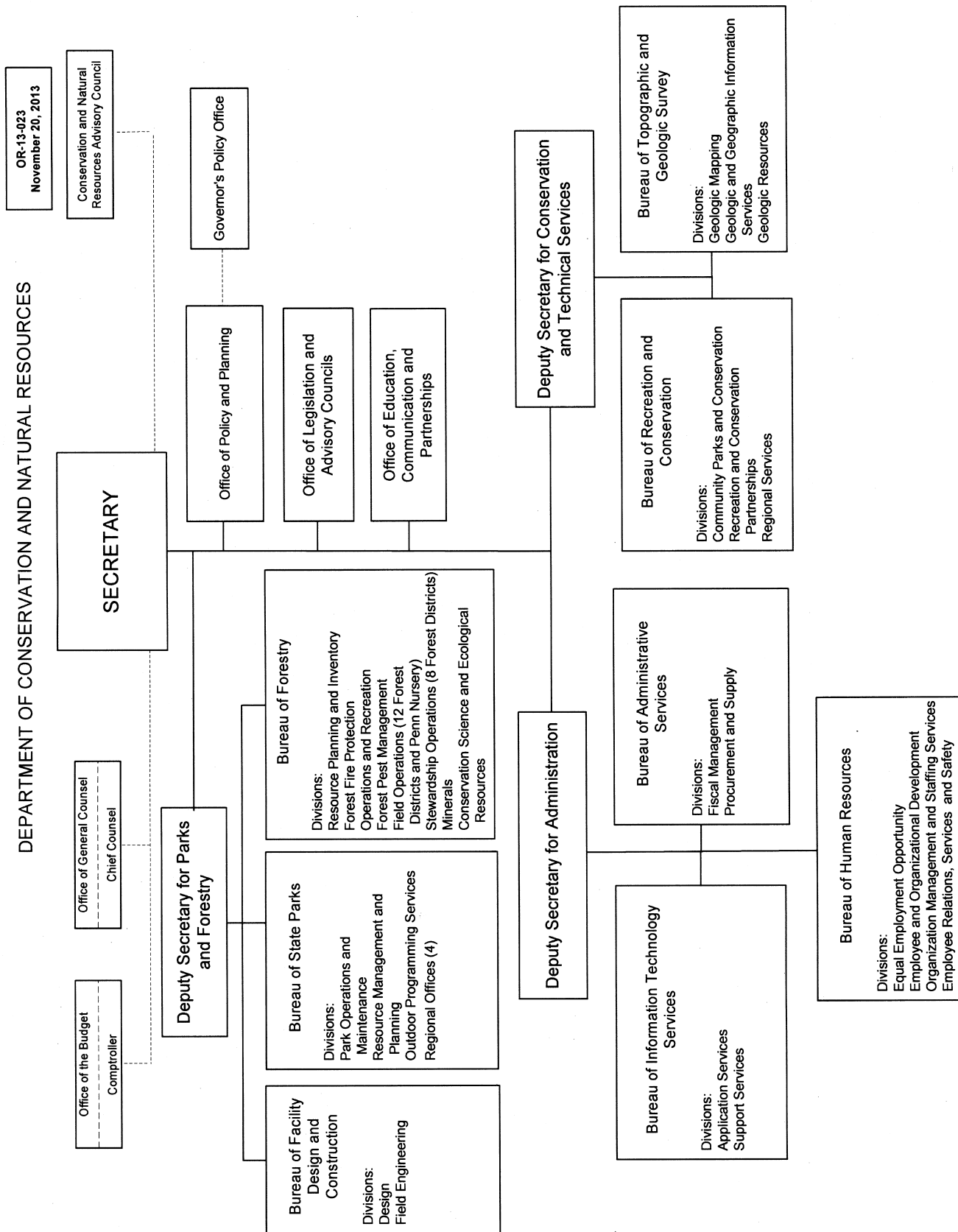
[Pa.B. Doc. No. 13-2270. Filed for public inspection December 6, 2013, 9:00 a.m.]

OR-13-025
November 20, 2013

DEPARTMENT OF AGRICULTURE

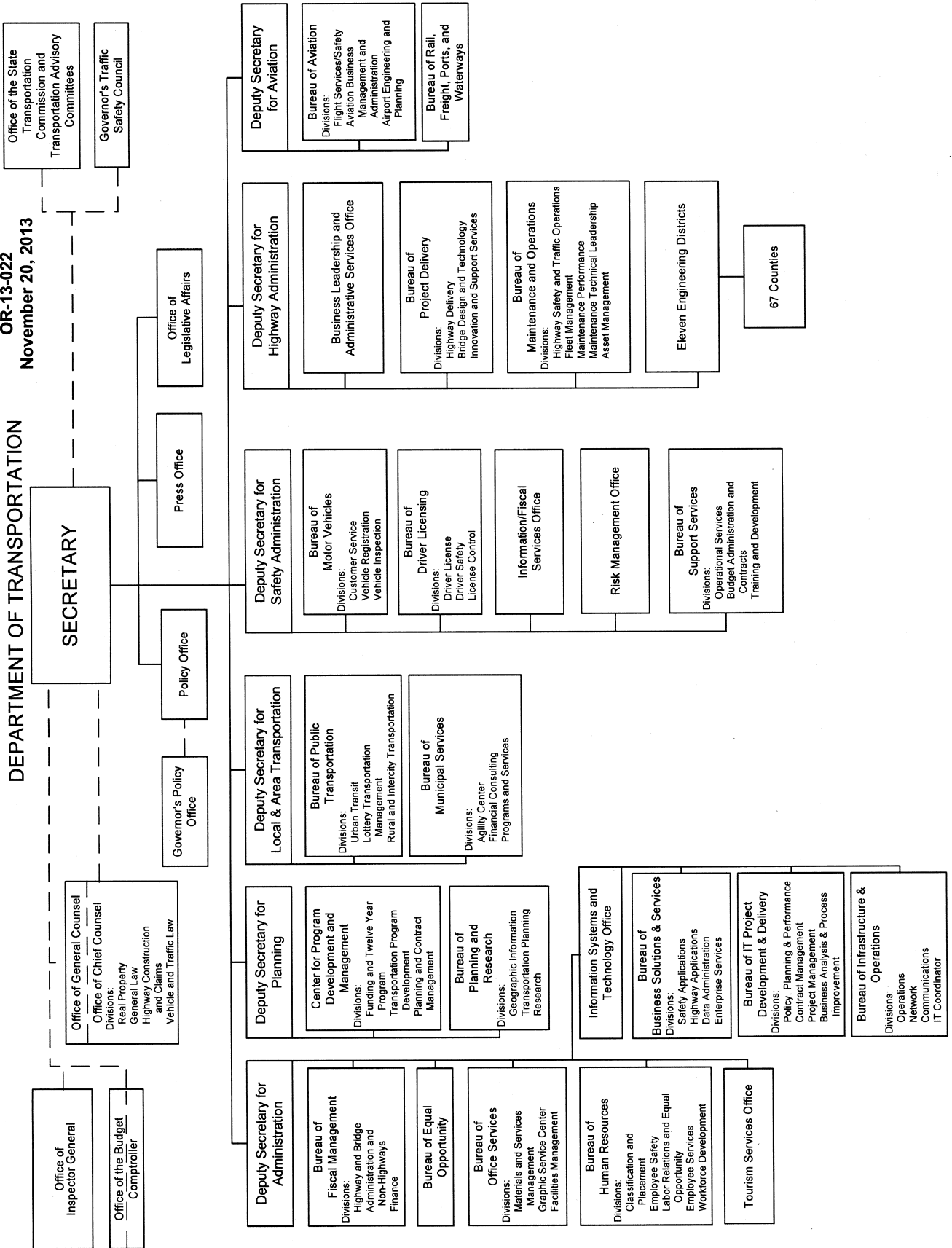


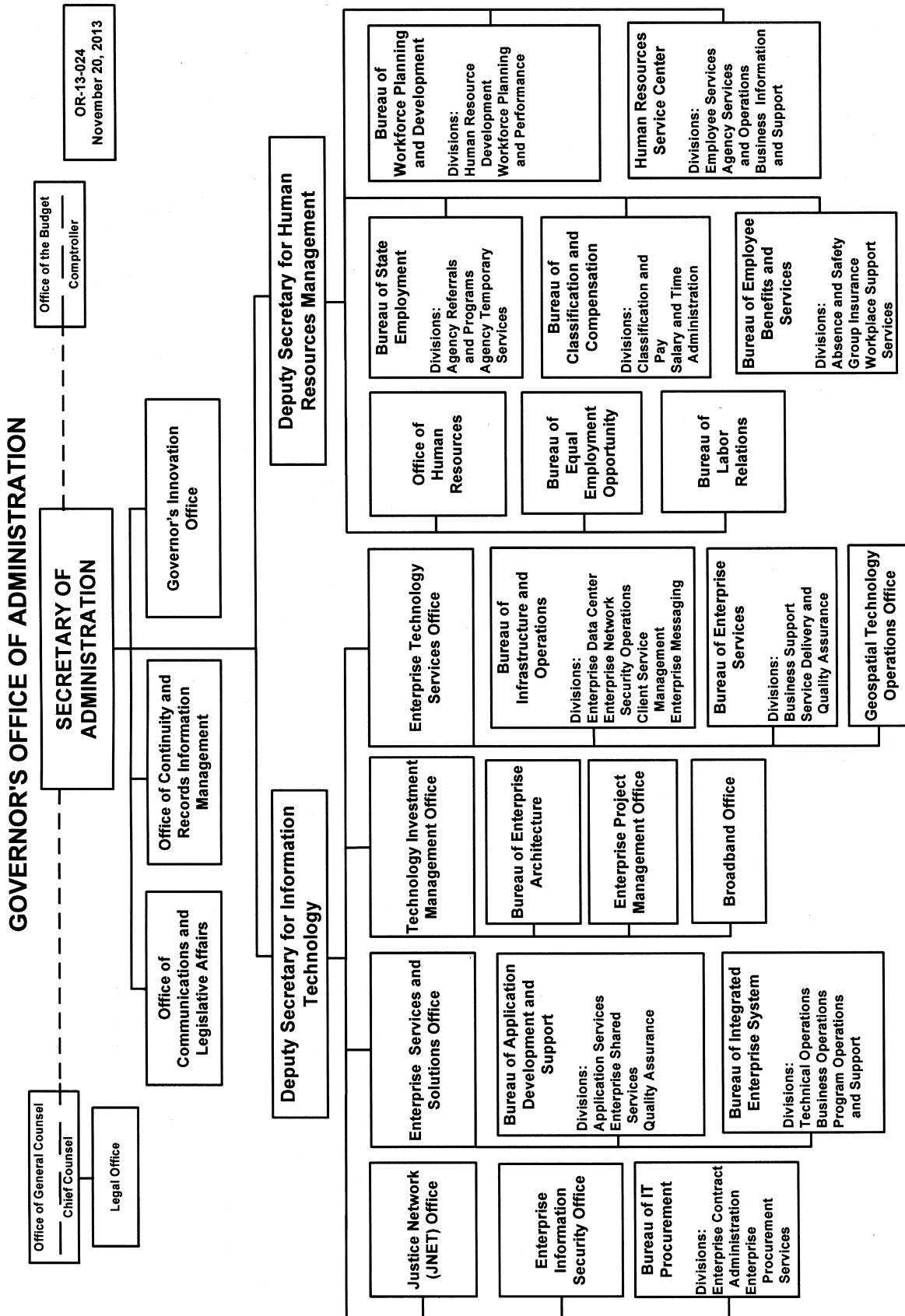
DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



OR-13-022
November 20, 2013

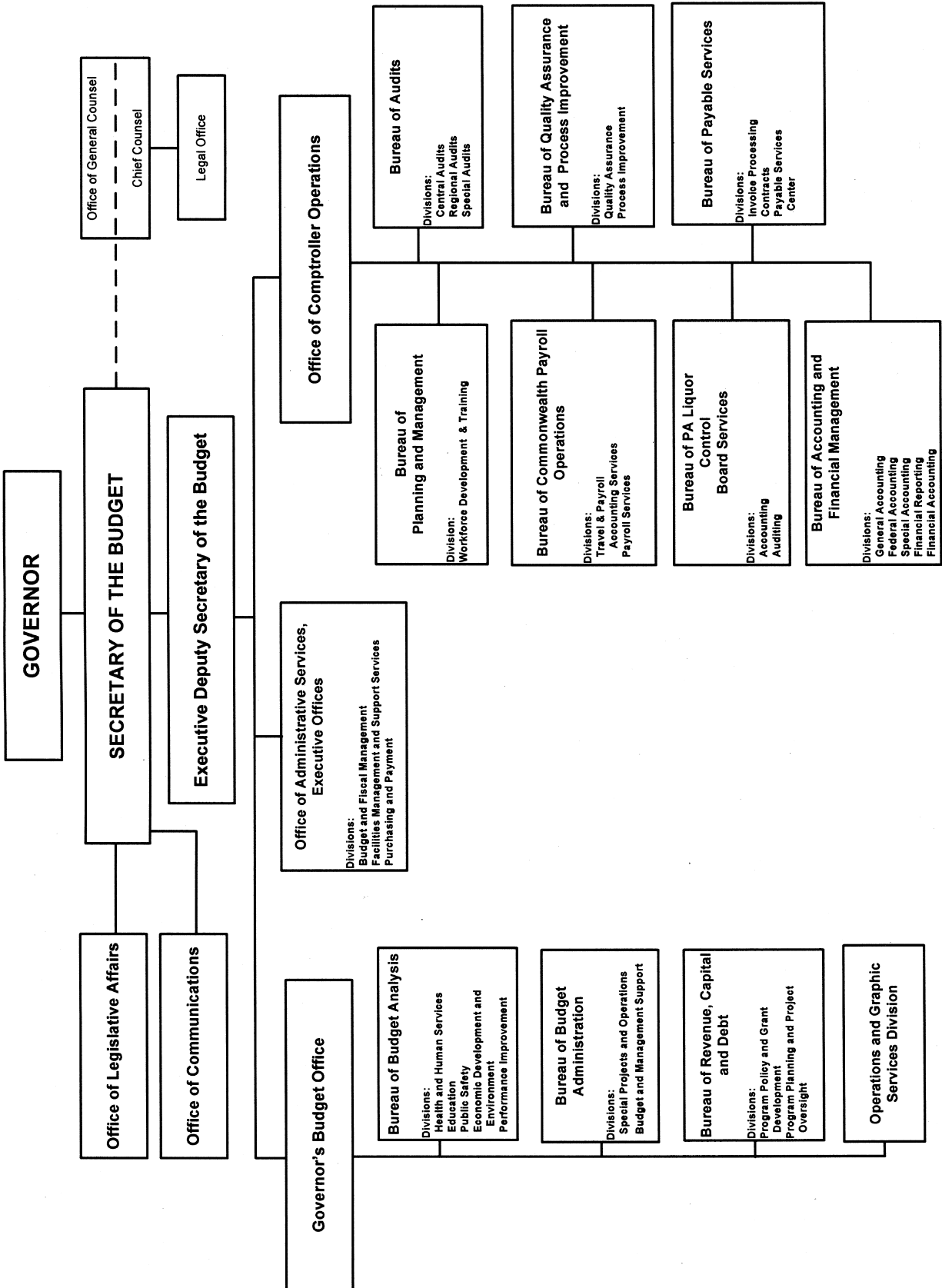
DEPARTMENT OF TRANSPORTATION





OR-13-021
November 20, 2013

GOVERNOR'S OFFICE OF THE BUDGET



FISH AND BOAT COMMISSION

[58 PA. CODE CH. 57]

Class A Wild Trout Streams

The Fish and Boat Commission (Commission) proposes to amend § 57.8a (relating to Class A wild trout streams). Although not required to publish a proposed statement of policy, the Commission is publishing the proposed amendments to § 57.8a and seeking public comments because of the heightened public interest in this issue. The Commission is publishing this proposed statement of policy under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

A. *Effective Date*

The proposed statement of policy, if approved, will go into effect upon publication of the final-form statement of policy in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information on the proposed statement of policy, contact Wayne Melnick, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposal is available on the Commission's web site at www.fish.state.pa.us.

C. *Statutory Authority*

The proposed statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of the Commonwealth regarding the protection, propagation and distribution of fish.

D. *Purpose and Background*

In October 2009, the Commission approved the Strategic Plan for Management of Trout Fisheries in Pennsylvania 2010-2014 (plan). The plan was developed based on input provided by a work group that consisted of Commission staff, anglers affiliated with a variety of sportsmen's organizations and independent trout anglers that are not affiliated with an organized group. This plan has guided the direction of trout management for the Commission since that time.

The plan identifies opportunities for improvement of trout management in this Commonwealth, issues that affected those improvements and strategies for addressing those issues. One of the key issues addressed in the plan was the protection of Class A wild trout waters. Issue 2 of the plan states "There are a number of streams that may hold Class A biomass trout populations that have not been officially designated as Class A streams by the [Commission]. This leads to inadequate water quality protection for these waters and inconsistent application of fisheries management strategies." The identified strategy to address this specific issue is "By 2014, sample waters identified by PFBC staff as likely to support a Class A wild trout biomass and designate appropriately." It should be noted that this issue is separate from the identification of unassessed Class A waters, which the Commission has been addressing since adoption of the plan. The waters to which Issue 2 of the plan refers are waters in which historical data was present but which have not been officially designated as Class A.

To date, the Commission has identified ten potential high biomass waters per Issue 2 of the plan. The

Commission completed new inventories on these waters and each has been sampled once since 2010. A second survey is planned this year. Those that are confirmed to support Class A populations will be proposed for designation as Class A wild trout streams consistent with the plan.

Currently, each of these waters is stocked. Most of them support heavy angler use for the stocked trout component of the fishery. A recent analysis of all stocked trout waters in this Commonwealth resulted in the development of three stocked trout "efficiency classes." These classes of streams were differentiated statistically relative to the angler use resulting from the numbers of trout stocked (efficiency). High human population density or high accessibility (number of parking places per mile of stream), or both, were two of the variables that resulted in waters being classified into the highest efficiency classes. Others with high use were "so called" destination waters, which may have been more rural in nature but which traditionally have supported high angler use. The lowest efficiency class (Class 3) was primarily comprised of rural waters; there are statistical outliers in this class that also have high angler use. Of the ten stream sections identified, nine fall into the top 75th percentile of angler use for all the stocked stream sections that have been evaluated by the Commission.

E. *Summary of Proposed Revisions*

To address the high angler use levels for stocked trout on these waters, the Commission proposes amendments to its Class A policy. These amendments will permit stocking to continue on Class A waters that meet certain conditions. These exceptions will be limited to those waters that had been stocked the year preceding the Class A designation and where angler use is greater than or equal to the 75th percentile of angler use (number of anglers/mile on Opening Day) for stocked trout waters in this Commonwealth. Waters designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking. Prior to implementing a decision to stock a Class A water, the Executive Director will obtain the approval of the Commission's Board.

The Commission proposes to amend § 57.8a to read as set forth in Annex A.

F. *Paperwork*

The proposed amendments to § 57.8a will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The proposed statement of policy will not have adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed statement of policy will not impose new costs on the private sector or the general public.

H. *Public Comments*

Interested persons are invited to submit written comments, objections or suggestions about the proposed statement of policy to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000 within 90 days after publication of this proposed statement of policy in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working

days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

JOHN A. ARWAY,
Executive Director

(Editor's Note: See 43 Pa.B. 7097 (December 7, 2013) for a proposed rulemaking relating to this proposed statement of policy.)

Fiscal Note: 48A-255. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart A. GENERAL PROVISIONS

CHAPTER 57. STATEMENTS OF POLICY

Subchapter A. FISHERIES POLICIES

§ 57.8a. Class A wild trout streams.

It is the policy of the Commission to manage self-sustaining Class A wild trout populations as a renewable natural resource to conserve that resource and the angling it provides. Class A wild trout populations represent the best of this Commonwealth's naturally reproducing trout fisheries. **[These] With rare exceptions, these** stream sections are managed solely for the perpetuation of the wild trout fishery with no stocking.

* * * * *

(3) For a water to be removed from the Class A Wild Trout Streams designation, total trout biomass shall be documented below the set criteria for two consecutive stream examinations.

(4) Stream sections that the Commission designates as Class A wild trout streams after December 31, 2013, may remain eligible for fingerling stocking of trout or preseason-only stocking of adult trout by the Commission or Commission-approved preseason-only stocking of adult trout by Commission cooperative nurseries to provide additional early season angling opportunities provided the following conditions are met:

(i) The stream section was stocked with adult trout during the year immediately prior to its designation as a Class A wild trout stream.

(ii) Angler use (anglers/mile of stream) in the stream section equals or exceeds the 75th percentile, Statewide, of angler use for the opening weekend of trout season as documented by Commission staff.

(iii) The trout species to be stocked are not the same species as the primary component of the wild trout population.

(5) A stream section designated as a Class A wild brook trout, Class A mixed wild brook and brown trout or Class A mixed wild brook and rainbow trout stream will not be considered for stocking.

(6) Prior to implementing a decision to stock a Class A wild trout stream, the Executive Director will obtain the approval of the Board.

[Pa.B. Doc. No. 13-2271. Filed for public inspection December 6, 2013, 9:00 a.m.]

NOTICES

BOARD OF COAL MINE SAFETY

Meeting Cancellation

The December 10, 2013, meeting of the Board of Coal Mine Safety (Board) is cancelled. The next meeting date of the Board will be announced in a future notice in the *Pennsylvania Bulletin*.

Questions concerning the Board may be directed to Allison D. Gaida, Department of Environmental Protection, Bureau of Mine Safety, (724) 439-7289, agaida@pa.gov.

E. CHRISTOPHER ABRUZZO,
Chairperson

[Pa.B. Doc. No. 13-2272. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Fiscal Year 2013-2014 Annual Plan for Awarding Grants under the Pennsylvania Agricultural Fair Act

The Department of Agriculture (Department), under section 8(a) of the Pennsylvania Agricultural Fair Act (act) (3 P. S. § 1508(a)), announces that the Secretary of Agriculture (Secretary), with the advice and assistance of the Agricultural Fair Advisory Committee (Committee) at its meeting of November 18, 2013, adopted the Fiscal Year (FY) 2013-2014 Annual Plan on the awarding of grants to eligible organizations under the act.

The act authorizes the Department to make grants to organizations conducting eligible agricultural fairs, Statewide agricultural organizations which contribute to the development of agriculture and agribusiness and to eligible agricultural youth groups for support of their programs. The Secretary, with the advice and assistance of the Committee created by the act, is to adopt an Annual Plan for awarding of grants subject to the limitations specified in section 5 of the act (3 P. S. § 1505).

The Annual Plan, as adopted by the Secretary, provides for the award of grants to each eligible organization subject to the availability of funds on the following basis:

1. For operating expenses, the maximum payment allowed for each Class Fair under section 5(1)(i)(A) of the act will be paid.
2. For premium reimbursement, the maximum payment allowed under section 5(1)(i)(B) of the act will be paid.
3. For reimbursement to each eligible organization conducting harness horse racing at its annual fair, other than races for colts and fillies 2 and 3 years of age, the maximum amount of reimbursement allowed under section 5(1)(iii) of the act will be paid.

4. For reimbursement to each eligible organization conducting races for colts and fillies 2 and 3 years of age at its annual fair, the maximum amount of reimbursement allowed under section 5(1)(iv) of the act will be paid.

5. For reimbursement of operating costs and premiums, a maximum amount of \$2,000 and in addition a maximum amount of \$10,000 based on a sum equal to 50% of the amount spent by the eligible Statewide agricultural organizations for premiums that are not in the \$2,000 payment as provided under section 5(2) of the act. The total maximum payment hereunder will not exceed \$12,000.

6. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by 4-H Youth groups, a payment which will be calculated according to the following formula:

Tier 1: \$2,000 for total enrollment of up to 1,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 2: \$2,500 for total enrollment of 1,001 to 2,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 3: \$3,000 for total enrollment of 2,001 to 3,000 members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member.

Tier 4: \$3,500 for total enrollment of 3,001+ members plus \$1 for each traditional member and \$0.50 for each school enrichment/special interest member, a maximum reimbursement of \$9,000.

7. For actual expenses incurred for activities which contribute to the advancement of agriculture or agribusiness by Future Farmers of America (FFA) youth groups, a payment which will be calculated according to the following formula:

Tier I: County FFA organizations with 100 members or less will receive base funding of \$1,000 with an additional \$2 per member.

Tier II: County FFA organizations with 101 to 210 members inclusive will receive a \$2,000 base funding with no additional moneys on a per member basis.

Tier III: County FFA organizations with 211 members or more will receive funding of \$2,000 with an additional \$2 per member for every member over 210.

8. Any funds remaining after the previously listed grants have been awarded shall be utilized for capital improvement as provided in section 5(1)(ii) of the act.

9. The Secretary will endeavor to disburse the previously listed payments in accordance with the following schedule:

(a) By February 1, 2014, for payment under paragraphs 1—7.

(b) By April 1, 2014, for payment approved and authorized in FY 2013-2014 under paragraph 8.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 13-2273. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 26, 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

Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-19-2013	Quaint Oak Bancorp, Inc. Employee Stock Ownership Plan and Trustee John J. Augustine and Diane J. Colyer Application for approval to acquire up to 24.9% of the common stock of Quaint Oak Bancorp, Inc. Southampton, the parent bank holding company of Quaint Oak Bank, Southampton.	Approved
11-22-2013	Robert T. Strong and Kathleen M. Strong Application for approval to acquire up to 24.9% of the common stock of Quaint Oak Bancorp, Inc. Southampton.	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-13-2013	Mifflin County Savings Bank Lewistown Mifflin County	108 East Main Street Allensville Mifflin County	Opened

Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-22-2013	Royal Bank America Narberth Montgomery County	<i>To:</i> 795 East Lancaster Avenue Villanova Delaware County <i>From:</i> 801 East Lancaster Avenue Villanova Delaware County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-15-2013	Butler Armco Employees Credit Union Butler Butler County Application for approval to merge Penn Drake Credit Union, Karns City, with and into Butler Armco Employees Credit Union, Butler.	Filed

Community Charter Conversions

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-15-2013	Boeing Helicopters Credit Union Ridley Park Delaware County	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to provide the following field of membership: "Persons who live, worship, work (or regularly conduct business in), or attend school in Chester and Delaware Counties, Pennsylvania."

Branch Applications**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-31-2013	Superior Credit Union Collegeville Montgomery County	<i>To:</i> 799 Main Street Montgomery County Royersford <i>From:</i> 434 Main Street Royersford Montgomery County	Effective

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-2274. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION**Applications, Actions and Special Notices****APPLICATIONS**

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

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

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0063819 (Industrial Waste)	Lafayette College College Avenue Easton, PA 18042	Northampton County Easton City	Bushkill Creek (1-F)	Y
PA0052426 (Sewage)	Schnecksville North STP Schneck Rd. & Spruce St. Schnecksville, PA 18078	Lehigh County North Whitehall Township	Unnamed Tributary to Coplay Creek (2-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0087025 (Sew)	Dave & Jane's Crab House 2989 Tract Road Fairfield, PA 17320	Adams County / Liberty Township	Flat Run / 13-D	Y
PA0247502 (Sew)	John & Kathleen Kauffman 312 Steelstown Road Newville, PA 17241-9699	Cumberland County / North Newton Township	UNT to Conodoguinet Creek / 7-B	Y
PA0085782 (Sew)	Ruscombmanor Township 204 Oak Lane Fleetwood, PA 19522	Berks County / Ruscombmanor Township	Furnace Creek / 3-D	Y
PA0081141 (Sew)	Merle Z. Eberly Locustwood Mobile Home Park Box 251 Morgantown, PA 19543	Lancaster County / East Cocalico Township	UNT to Little Cocalico Creek / 7-J	Y
PA0008435 (IW)	PPL Holtwood, LLC 2 North Ninth Street Allentown, PA 18101-1179	Lancaster County / Martic Township	Susquehanna River / 7-K	Y
PA0007536 (IW)	Cargill Cocoa & Chocolate 48 North Broad Street Lititz, PA 17543-1005	Lancaster County / Lititz Borough	Lititz Run / 7-J	Y
PA0082741 (IW)	Elizabethtown Area Water Authority 211 W. Hummelstown Street Elizabethtown, PA 17022	Lancaster County / Mount Joy Township	UNT Chickies Creek / 7-G	Y
PA0261238 (Sew)	Michael D. Civils 369 Trouts Lane Duncansville, PA 16635	Blair County Allegheny Township	Sugar Run / 11-A	

Northcentral Regional Office: 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 & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0035599 (Sewage)	PA DOT Site 35 I 80 East Rest Area I-80 East Montoursville, PA 17554	Montour County Liberty Township	UNT to Beaver Run (10-D)	N
PA0113948 (Sewage)	State Correctional Institution Quehanna Motivational Boot Camp 4395 Quehanna Highway Karthus, PA 16845	Clearfield County Karthaus Township	Marks Run (8-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0218049 (Sewage)	Midway Sewerage Authority WWTP 8211 Noblestown Road McDonald, PA 15057	Washington County McDonald Borough	Robinson Run (20-F)	Y
PA0094102 (Sewage)	Airways MHP STP Moore Road Washington, PA 15301	Washington County South Franklin Township	Unnamed Tributary to Chartiers Creek (20-F)	Y
PA0216071 (Sewage)	Univar USA Inc. 328 Bunola River Road Bunola, PA 15020	Allegheny County Forward Township	Monongahela River (19-C)	Y
PA0025810 Amendment No. 1 (Sewage)	Shade Central City Joint Authority SR 0160 Central City, PA 15926	Somerset County Shade Township	Dark Shade Creek (18-E)	N
PA0094706 (Sewage)	Tri County Soccer & Sports Center 1220 Freedom Crider Road Freedom, PA 15042	Beaver County New Sewickley Township	Unnamed Tributary of North Fork Big Sewickley Creek (20-G)	Y
PA0097098 Sewage	South Fayette Township School District STP 2250 Old Oakdale Road McDonald, PA 15057	Allegheny County South Fayette Township	Unnamed Tributary of Millers Run (20-F)	Y
PA0095362 A-1 (Sewage)	Laurelville Mennonite Church 941 Laurelville Lane Mt Pleasant, PA 15666	Westmoreland County Mount Pleasant Township	Jacobs Creek (19-D)	Y

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

PA0053651 A-1, SIC Code 3341, **Johnson Matthey Inc.**, 1401 King Road, West Chester, PA 19380-1467. Facility Name: Johnson Matthey GWCU. This existing facility is located in West Whiteland Township, **Chester County**.

Description of Existing Activity: The application is for an NPDES permit amendment for an existing discharge of treated groundwater and storm water.

The receiving stream(s), Valley Creek, is located in State Water Plan watershed 3-H and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.036 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Minimum</i>	<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	9.0
Dissolved Oxygen	XXX	XXX	Report	XXX	XXX
CBOD ₅	XXX	XXX	XXX	Report	XXX

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Instant. Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Instant. Maximum</i>		<i>Daily Maximum</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Fecal Coliform	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Trichloroethylene Influent	XXX	XXX	XXX	Report Avg Mo	XXX	XXX
Trichloroethylene	XXX	XXX	XXX	0.01 Avg Mo	0.02	0.025

The proposed effluent limits for Outfall 002 are based on an average storm water flow.

<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>Instant. Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 003 are based on an average storm water flow.

<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>Instant. Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on an average storm water flow.

<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>Instant. Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 005 are based on an average storm water flow.

<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>Instant. Maximum</i>		<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- A. Acquire Necessary Property Rights
- B. Proper Sludge Disposal
- C. WQM Permit Condition
- D. BAT/ELG Reopener
- E. Small Stream Discharge
- F. Test Methods
- G. TMDL/WLA Analysis
- H. Groundwater Monitoring
- I. No Stripper Tower Cleaning Water Discharge
- J. Stormwater Condition

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

PA0026786 A-1, Sewage, SIC Code 4952, **Pottstown Borough Authority**, 100 East High Street, Pottstown, PA 19464. Facility Name: Pottstown Borough STP. This existing facility is located in Pottstown Borough, **Montgomery County**.

Description of Existing Activity: The application is for an amendment of NPDES permit for an existing discharge of treated sewage. The amendment is for revision of limits for the parameter Total Dissolved Solids.

The receiving stream, Schuylkill River, is located in State Water Plan watershed 3-D and is classified for Warm Water Fishes, 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 an average annual design flow of 12.85 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Instant. Maximum</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	Report	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
May 1 - Oct 31	2,143	3,215	XXX	20	30	40
Nov 1 - Apr 30	2,679	4,287	XXX	25	40	50
BOD ₅						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	3,215	4,823	XXX	30	45	60
Total Dissolved Solids						
(Avg. Mo. Flow <=8.935 MGD)	Report	200,290 Daily Max	XXX	Report	3,000 Daily Max	Report
Total Dissolved Solids						
(Avg. Mo. Flow > 8.935 MGD)	Report	240,000 Daily Max	XXX	Report	2,238 Daily Max	Report
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Total Nitrogen	Report	XXX	XXX	Report	XXX	Report
Ammonia-Nitrogen						
May 1 - Oct 31	857	XXX	XXX	8.0	XXX	16.0
Nov 1 - Apr 30	1,714	XXX	XXX	16.0	XXX	32.0
Total Phosphorus	Report	XXX	XXX	Report	XXX	Report
Total Aluminum	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	XXX	XXX	XXX	0.040	XXX	0.074
Total Mercury (ng/L)	XXX	XXX	XXX	Report	XXX	XXX
Total Zinc	XXX	XXX	XXX	Report	XXX	XXX
Benzidine	XXX	XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
pH (S.U.)	XXX	XXX	XXX	XXX	Report	XXX
CBOD ₅	XXX	XXX	XXX	XXX	Report	XXX
Chemical Oxygen Demand	XXX	XXX	XXX	XXX	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	XXX	Report	XXX
Oil and Grease	XXX	XXX	XXX	XXX	Report	XXX
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	XXX	Report	XXX
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Dissolved Iron	XXX	XXX	XXX	XXX	Report	XXX

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

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Chlorine minimization
- Notification of designation of responsible operator
- Fecal coliform reporting
- Definition of average weekly
- Remedial measures if public nuisance
- Change of ownership
- Specification of test methods
- TMDL/WLA data
- WETT with renewal
- Operator training
- Instantaneous maximum limitations
- Laboratory certification
- Total dissolved solids requirements
- No discharge of PCBs
- Operation and maintenance plan
- Pretreatment program implementation
- Stormwater requirements
- PCB monitoring
- Requirement to use eDMR

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

PA0031178, Sewage, SIC Code 6515, **Melody Lakes Management LLC**, 1045 North West End Boulevard, Quakertown, PA 18951. Facility Name: Melody Lakes Properties. This existing facility is located in Richland Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Tohickon Creek, is located in State Water Plan watershed 2-D and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.072 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>		<i>Instant. Minimum</i>	<i>Average Monthly</i>		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.03	XXX	0.1

Parameters	Mass (lb/day)		Instant. Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly		
CBOD ₅						
May 1 - Oct 31	6.0	XXX	XXX	10	XXX	20
Nov 1 - Apr 30	12.0	XXX	XXX	20	XXX	40
Total Suspended Solids	18.0	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Ammonia-Nitrogen						
May 1 - Oct 31	1.2	XXX	XXX	2.0	XXX	4.0
Nov 1 - Apr 30	3.6	XXX	XXX	6.0	XXX	12.0
Total Phosphorus	0.3	XXX	XXX	0.5	XXX	1.0

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

- Designation of Responsible Operator
- No Stormwater
- Change in Ownership
- TRC Minimization
- Sludge Disposal
- Special Protection Waters

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0244414, SIC Code 5499, **Jaster Associates LLC**, 437 King Road, Doylestown, PA 18901. Facility Name: Jaster Assoc LLC. This existing facility is located in Bedminster Township, **Bucks County**.

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

The receiving stream(s), Unnamed Tributary to Cabin Run, is located in State Water Plan watershed 2-D and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00081 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly		
Flow (GPD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
			Inst Min			
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
CBOD ₅	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean 20	XXX	40

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

- Abandon STP when Municipal sewers available
- Remedial Measures
- No Stormwater
- Necessary Property Rights
- Change of Ownership
- Sewage Sludge Disposal

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0058602, Storm Water, SIC Code 3272, **Delaware Valley Concrete Co. Inc.**, 248 East County Line Road, Hatboro, PA 19040. Facility Name: Delaware Valley Concrete Hatboro Plant. This existing facility is located in Hatboro Borough, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for the discharge of stormwater from a Ready-Mix Concrete Batch Plant property.

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

The proposed effluent limits for Outfall 001 are based on a storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.) *	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids *	XXX	XXX	XXX	50	100	100
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report

The proposed effluent limits for Outfall 002 are based on storm event.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.) *	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids *	XXX	XXX	XXX	50	100	100

- These limits are exempt during storm period exceeding 10-year, 24-hour event.

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

- Adopt Remedial Measures
- Change of Ownership
- Proper Disposal of Solids
- Definition 10-Year, 24-Hour Rainfall Event
- Requirements Applicable to Stormwater

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0050474, Sewage, SIC Code 8999, **Warwick Drainage Company**, c/o Piazza Management Company, Norristown, PA 19403. Facility Name: St. Peter's Village STP. This existing facility is located in Warwick Township, **Chester 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), French Creek, is located in State Water Plan watershed 3-D and is classified for Exceptional Value Waters and Migratory Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0135 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Average Monthly</i>		<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	3.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	<0.02	XXX	<0.02
CBOD ₅	2.2	XXX	XXX	20	XXX	40
Total Suspended Solids	2.8	XXX	XXX	25	XXX	50
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1000
Ammonia-Nitrogen	2.2	XXX	XXX	Geo Mean 20	XXX	40

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

- No Stormwater
- Acquire Necessary Property Rights
- Proper Sludge Disposal
- Abandon STP When Municipal Sewers Available
- Chlorine Minimization
- Operator Notification
- Cancel Permit when Spray Irrigation Operational

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

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

PA0065510, Storm Water, NAICS Code 484110, **Central Transport LLC**, 12225 Stephens Road, Warren, MI 48089. Facility Name: Central Transport #181. This existing facility is located in East Allen Township, **Northampton County**.

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

The receiving stream, East Branch Monocacy Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes, Migratory Fishes, and, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 (stormwater) are:

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

Outfall 001 is considered to be representative of Outfall 002.

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

- Requirements applicable to stormwater outfalls.

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 in effect.

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

PA0086444, Sewage, SIC Code 7997, **Blue Ridge Sportsmen's Association Inc.**, 3009 Waynesboro Pike, Fairfield, PA 17320-9721. Facility Name: Blue Ridge Sportsmen's Association STP. This proposed facility is located in Liberty Township, **Adams County**.

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

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

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0015 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.50	XXX	1.6
CBOD ₅	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Geo Mean				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	50	XXX	100
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	Report

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

The EPA Waiver is in effect.

PA0051560, SIC Code 4941, **Western Berks Water Authority**, 91 Water Road, Sinking Spring, PA 19608-9632. Facility Name: Western Berks Water System. This existing facility is located in Lower Heidelberg Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated wastewater from a water filtration plant.

The receiving stream(s), Tulpehocken Creek, is located in State Water Plan watershed 3-C and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. An existing use exists of Trout Stocking. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.259 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Aluminum	Report	Report	XXX	4.0	8.0	10
Total Iron	Report	Report	XXX	2.0	4.0	5.0
Total Manganese	Report	Report	XXX	1.0	2.0	2.5

The proposed effluent limits for Outfall 002 are based on a design flow of 0.028 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.6
Total Suspended Solids	Report	Report	XXX	30	60	75
Total Phosphorus	XXX	Report	XXX	XXX	Report	XXX

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

The EPA Waiver is not in effect: EPA will be copied on draft permit due to a Pending Total Maximum Daily Load (TMDL) for nutrients in Tulpehocken Creek.

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

PA0020273 A-1, Sewage, SIC Code 4952, **Milton Region Sewer Authority Northumberland County**, 5585 State Route 405, Milton, PA 17847. Facility Name: Milton Municipal Authority Sanitary Sewer STP. This existing facility is located in West Chillisquaque Township, **Northumberland County**.

Description of Existing Activity: The application is for amendment to an NPDES permit for an existing discharge of treated Sewage. This amendment is for changes associated with the Wastewater to Energy (Ww2E) upgrades and nutrient load additions for the Northern Neighbors Project.

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

The proposed final effluent limits for Outfall 001 are based on a design flow of 4.25 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen (Final)	XXX	XXX	Report	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.5	XXX	3.0
CBOD ₅ (Final)	886	1417	XXX	25	40	50
BOD ₅ (Interim)	3166	4734	XXX	111	166	222
BOD ₅						
Raw Sewage Influent (Final)	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids (Interim)	2852	4278	XXX	100	150	200
Total Suspended Solids						
Raw Sewage Influent (Final)	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids (Final)	1063	1595	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2000	XXX	10000
				Geo Mean		
UV Transmittance (%) (Final)	XXX	XXX	Report	XXX	XXX	XXX

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	89792			
Net Total Phosphorus	Report	10049			

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Chapter 96 regulations. The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

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

The EPA Waiver is not in effect.

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

NPDES Permit No. PA0026891. Sewage, SIC Code 4952, **Authority of the Borough of Charleroi**, 3 McKean Avenue, Charleroi, PA 15022.

This existing facility is located in Charleroi Borough, **Washington County**.

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

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

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

WQM Permit No. 3913402, Sewage, **Upper Saucon Township Municipal Authority Lehigh County**, 5500 Camp Meeting Road, Center Valley, PA 19034-8401.

This proposed facility is located in the Brinley Court residential subdivision of Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: This project is for the construction of a 354,247 gallon wastewater off line flow equalization facility, a facility control building, a 232 gpm surge pump station, and 485 linear feet of 6" ductile iron force main.

WQM Permit No. 3913404, Sewage, **Slatington Borough Authority Lehigh County**, 125 S. Walnut St, Slatington, PA 18080-2099.

This proposed facility is located in Slatington Borough, **Lehigh County**.

Description of Proposed Action/Activity: Replacement of trickling filter media for one filter at the wastewater treatment plant.

WQM Permit No. 6613401, Sewage, **Tunkhannock Hospital Co. LLC**, 880 S.R. 6 W, Tunkhannock, PA 18657-6149.

This proposed facility is located in Tunkhannock Township, **Wyoming County**.

Description of Proposed Action/Activity: This project is for the upgrade of a 0.0244 MGD wastewater treatment plant, including the addition of a back-up aeration tank.

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

WQM Permit No. 2813403, Sewerage, **Cumberland-Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Franklin County**.

Description of Proposed Action/Activity: Upgrade of sewer lines to meet existing and near-future flows.

IV. NPDES Applications for Stormwater Discharges from MS4

Northeast Regional Office: Regional Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone: 570.826.2511.

PAI132201, MS4, **Macungie Borough Lehigh County**, 21 Locust Street, Macungie, PA 18062-1105. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Macungie Borough, **Lehigh County**. The receiving stream,

Unnamed Tributary to Swabia Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

PAI132231, MS4, **Alburtis Borough Lehigh County**, 260 Franklin Street, Alburtis, PA 18011. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Alburtis Borough, **Lehigh County**. The receiving stream, Swabia Creek, is located in State Water Plan watershed 2-C and is classified for High Quality Waters—Cold Water Fishes and, aquatic life, water supply and recreation.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

PAI132209, MS4, **Salisbury Township**, 2900 S Pike Avenue, Allentown, PA 18103-7611. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Salisbury Township, **Lehigh County**. The receiving streams, Little Lehigh Creek, Black River, and Trout Creek are located in State Water Plan watershed 2C and are classified for High Quality Waters—Cold Water Fishes and Migratory Fishes.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

PAI132222, MS4, **Lower Macungie Township Lehigh County**, 3400 Brookside Road, Macungie, PA 18062. The application is for a renewal of an individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Lower Macungie Township, **Lehigh County**. The receiving streams, Little Lehigh Creek and Swabia Creek, are located in State Water Plan watershed 2-C and are classified for High Quality Waters—Cold Water Fishes and Migratory Fish.

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

PAI132254, MS4, **Lower Milford Township**, 7607 Chestnut Hill Church Road, Coopersburg, PA 18036. The application is for a new individual NPDES permit for the discharge of stormwater from a regulated municipal separate storm sewer system (MS4) to waters of the Commonwealth in Lower Milford Township, **Lehigh County**. The receiving streams, Saucon Creek and two unnamed tributaries to Saucon Creek, are located in State Water Plan watershed 2C and are classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. Saucon Creek has a High Quality—Cold Water Fishes “existing use.”

The Department has made a tentative determination to issue the NPDES permit. Written comments on the application and draft permit will be accepted for 30 days following publication of this notice. The period for comment may be extended at the discretion of DEP for one additional 15-day period. You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA waiver is not in effect.

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513023	Phoenix Village PA, L.P. 100 Front Street, Suite 945 West Conshohocken, PA 19428	Chester	Phoenixville Borough	French Creek TSF-MF

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

Carbon County Conservation District, 5664 Interchange Road, Lehighton, PA 18235-5114

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021313004	Jim Thorpe Dollar General 361 Summit Blvd. Suite 110 Birmingham, AL 35243	Carbon	Penn Forest Township	UNT to Bear Creek (EV)

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913014	Nathan Chaney PP&L Electric Utilities Corporation 2 North Ninth Street Allentown, PA 18101	Lehigh	Borough of Emmaus and Upper Milford Township	Unnamed Tributary to Saucon Creek (CWF, MF) and Unnamed Tributary to Leibert Creek (HQ-CWF, MF)

Luzerne Conservation District, 325 Smiths Pond Road, Shavertown PA 18708

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024013001	Geisinger Clinic 100 North Academy Avenue Danville, PA 17822	Luzerne	Fairview Township	Big Wapwallopen Creek (HQ-CWF, MF)

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg PA 18360-0917

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024513010	Saylorsburg DG, LLC 361 Summit Blvd. Suite 110 Birmingham, AL 35243	Monroe	Ross Township	UNT Lake Creek (HQ-CWF, MF)

Northampton County Conservation District, 14 Gracedale Avenue Greystone Bldg., Nazareth PA 18064-9211

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813010	Premier Land Development, LP 4511 Falmer Drive Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Monocacy Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036713002	Dale Pritz Pritz Auto Body 1243 Roosevelt Avenue York, PA 17404	York	Springfield and Shrewsbury Townships	UNT to Seaks Run (HQ/CWF)
PAI033613013	Amos & Esther Stoltzfus 6099 Wanner Road Narvon, PA 17555	Lancaster	Salisbury Township	UNT to Pequea Creek (HQ-CWF)
PAI032113003	Rostan Associates Robert V. Gothier, Jr. 415 Fallowfield Rd Camp Hill, PA 17011	Cumberland	Middlesex Township	Wetlands (Exceptional Value), Letort Spring Run (HQ-CWF)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

<i>Permit No.</i>	<i>Applicant & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAI052613002	PA DCNR—Bureau of State Parks 400 Market Street 8th Floor Harrisburg, PA 17101	Fayette	Ohiopyle Borough	Youghiogheny River (HQ-CWF)

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

PAG-12

CAFOs

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

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

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

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

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

APPLICATIONS

NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Unites</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Flintrock Farms Daniel Heller 16 East Brubaker Valley Road Lititz, PA 17543	Lancaster	95.5	791.63	Broilers	NA	Renewal
Mark Bricker Acorn Farm 14627 Lurgan Road Orrstown, PA 17244	Franklin	0.0 acres available for manure	1,340.13	Swine	NA	Renewal
Wen-Crest Farms 549 Schaeffer Road Lebanon, PA 17042	Lebanon	890	864.63	Broilers, Dairy Heifers and Beef	Furnace Run	Renewal

**PUBLIC WATER SUPPLY (PWS)
PERMITS**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 5713501—Construction Public Water Supply.

Applicant **Red Rock Job Corps**
 [Township or Borough] Colley Township
 County **Sullivan**
 Responsible Official John R. Fite, Plant Operator
 Red Rock Job Corps
 P.O. Box 218
 Lopez, PA 18628
 Type of Facility Public Water Supply
 Consulting Engineer Ashok Bhatia, P.E.
 BBIX, LLC
 67 Public Square, Suite 1000
 Wilkes-Barre, PA 15701
 Application Received 11/15/13
 Description of Action New water well. Well No. 5.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790

Application No. 3913505

Applicant **Bethlehem Authority**
 [Township or Borough] Salisbury Township
Lehigh County
 Responsible Official Stephen Repasch,
 Executive Director
 Bethlehem Authority
 10 East Church Street
 Bethlehem, PA 18018-6025
 Type of Facility Community Water System
 Consulting Engineer Steven G. Lowry, PE
 Steven G. Lowry &
 Associates, Inc.
 10 East Church Street
 Bethlehem, PA 18018-6025
 610-865-7076
 Application Received Date November 7, 2013
 Description of Action Application provides for
 construction of a booster pump
 station to serve high elevation
 customers in the Weil Street
 area.

Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Application No. 1113518MA, Minor Amendment.

Applicant **Highland Sewer & Water Authority**
 120 Tank Drive
 Johnstown, PA 15904

[Township or Borough] Washington Township
 Responsible Official Edward Englehart, Manager
 Highland Sewer & Water
 Authority
 120 Tank Drive
 Johnstown, PA 15904
 Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501
 Application Received Date November 8, 2013
 Description of Action Painting and rehabilitation of
 the Bear Rock water storage
 tank.

Application No. 1113519MA, Minor Amendment.

Applicant **Highland Sewer & Water Authority**
 120 Tank Drive
 Johnstown, PA 15904
 [Township or Borough] Richland Township
 Responsible Official Edward Englehart, Manager
 Highland Sewer & Water
 Authority
 120 Tank Drive
 Johnstown, PA 15904
 Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501
 Application Received Date November 8, 2013
 Description of Action Painting and rehabilitation of
 the Rachel Hill #4 Tank.

Application No. 1113520MA, Minor Amendment.

Applicant **Highland Sewer & Water Authority**
 120 Tank Drive
 Johnstown, PA 15904
 [Township or Borough] Richland Township
 Responsible Official Edward Englehart, Manager
 Highland Sewer & Water
 Authority
 120 Tank Drive
 Johnstown, PA 15904
 Type of Facility Water system
 Consulting Engineer The EADS Group, Inc.
 450 Aberdeen Drive
 Somerset, PA 15501
 Application Received Date November 8, 2013
 Description of Action Painting and rehabilitation of
 the Rachel Hill #5 Tank.

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

Application No. 3788503-C-MA3, Minor Amendment.

Applicant **Villa Maria Community Center**

Township or Borough	Pulaski Township
Responsible Official	Warren Chapella
Type of Facility	Public Water Supply
Consulting Engineer	Thomas Thompson, P.E. Gannet Fleming, Inc. 554 South Erie Street Mercer, PA 16137
Application Received Date	November 1, 2013
Description of Action	Change in the type of corrosion control treatment chemical used.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Slate Belt YMCA, aka Scotty's Fashions Facility, 315 W Pennsylvania Ave, Pen Argyl, **Northampton County**, Vincent Carbone, HDR Engineering, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Frank Frey, YMCA of Nazareth, 33 S Main Street, Nazareth, PA 18064, concerning the remediation of soil impacted from benzo(a)pyrene, arsenic, lead and thallium due to prior railroad maintenance operations. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil and Site Specific Standard for soil. The intended future use of the site is non-residential. A summary of the Notice of Intent to remediate was published in *The Express Times* on October 19, 2013.

Greater Nanticoke Area Recreation Park, aka, Nanticoke Soccer Field, Lower Broadway Street, City of Nanticoke, **Luzerne County**, Lori Girvan, Barry Isett & Associates, has submitted a Notice of Intent to Remediate on behalf of her client, Pamela Heard, City Manager, City of Nanticoke, 15 East Ridge Street, Nanticoke, PA 18634, concerning the remediation of soil contaminated from metals, PAHs, and PCBs due to historical operations on an automotive junkyard and landfill/scrap yard. The applicant proposes to remediate the site to meet the Site Specific Standard for soil. The intended future of the site is recreation fields. A summary of Notice of Intent to remediate was published in *The Citizens Voice* on October 30, 2013.

Turkey Hill Minit Market #140, 1370 Wyoming Avenue, Borough of Forty Fort, **Luzerne County**, Doug McKee, McKee Environmental, Inc., has submitted a Notice of Intent to Remediate and a Final Report on behalf of his client, Mike Cukauskas, Director of Petroleum, Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, concerning the remediation of soil due to a small volume of gasoline released from a parked vehicle in the Turkey Hill parking lot which was washed off the lot to a grassy area due to a rain storm. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The intended future of the site will remain commercial. A summary of Notice of Intent to remediate was published in *The Citizens Voice* on September 28, 2013.

Former Allentown Metal Works, 606 South Tenth Street, City of Allentown, **Lehigh County**, Scott Campbell, EarthRes Group, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, R. Scott Unger, Allentown Commercial & Industrial Development Authority, 905 Harrison Street, Allentown, PA 18103, concerning the contamination of soil from petroleum hydrocarbons, inorganic and organic contaminants due to historical operations of industrial purposes. The applicant proposes to remediate the site to meet the Special Industrial Area for soil.

The intended future of the site will non-residential. A summary of the Notice of Intent to remediate was published in *The Morning Call* on September 16, 2013.

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

Dawn Moyer Residence, 96 Diamond Drive, Lebanon, PA, South Annville Township, **Lebanon County**. ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Lauren, NJ 08054, on behalf of J & J Environmental, Inc., PO Box 370, Blue Bell, PA 19422, and Dawn Moyer, 96 Diamond Drive, Lebanon, PA 17042, 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 and remain residential. The Notice of Intent to Remediate was published in the *Lebanon Daily News* on October 11, 2013.

C & D Technologies Leola Facility, 82 East Main Street, Leola, PA 17540, Upper Leacock Township, **Lancaster County**. URS Corporation, 1125 Mill Mar Road, Lancaster, PA 17601, on behalf of C & D Technologies, Inc., 1400 Union Meeting Road, Blue Bell, PA 19422, submitted a Notice of Intent to remediate groundwater contaminated with lead as a result of historical operation as a battery manufacturing facility. The site will be remediated to the Site Specific standard and remain nonresidential. The Notice of Intent to Remediate was published in the *Intelligencer Journal-New Era* on October 25, 2013.

RESIDUAL WASTE GENERAL PERMITS

Application Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR088. Commonwealth Disposal, Inc., 2340 Paxton Church Road, Harrisburg, PA 17110, **Dauphin County**. Amendments to the general permit were requested by the permittee to conform to several requirements in WMGR017. These amendments include changes to loading limit requirements, storage times, records requirements, application rates, and application requirements. A copy of the proposed amendments is available upon request.

Written comments concerning the proposed amendments to WMGR088 should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Comments may also be submitted via email at ra-epbenuseall@pa.gov. When submitting comment via email, place "Comments on WMGR088" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Application(s) for Determination of Applicability Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGR098D007. Kurtz Bros., Inc., 6415 Granger Road, Independence, OH 44131. Site: 366 Sandy Point Road, Emlenton, PA 16373. The Department of Environmental Protection, Bureau of Waste Management has received an application for renewal for determination of applicability under General Permit WMGR098. General permit WMGR098 is for beneficial use of waste foundry system sand and sand system dusts generated by ferrous metal foundries and steel foundries for use as a construction material, or as a soil additive or soil amendment. The determination of applicability application was determined administratively complete on October 24, 2013.

Written comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on WMGR098D007" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

General Permit Application No. WMGR011R009, Solvents & Petroleum Service, Inc., 1405 Breerton Road Syracuse, NY 13208. The application is for the processing and storage of spent glycol base antifreeze to be beneficially used as reconditioned antifreeze. The approved processing is limited to precipitation, pH adjustment, solids removal (including filtration or reverse osmosis), and the addition of chemical additives. The storage facility is located in Ashville, **Cambria County**. The Department has deemed the application to be administratively complete on November 18, 2013.

Written comments concerning the renewal application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at ra-epbenuseall@pa.gov. When submitting comment via e-mail, place "Comments on General Permit Number WMGR011R009" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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 and 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.

PLAN APPROVALS

Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.

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

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

10-388A: Peaceful Pastures, LLC (2 Spring Drive, Cranberry, PA 16066) for installation of: one (1) propane fired large animal crematory rated 400 lbs/hr at their proposed facility in Muddy Creek Township (Portersville), **Butler County**.

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

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

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

46-0031D: GlaxoSmithKline, (1250 South Collegeville Road, Collegeville, PA 19420) submitted to the Department a Plan Approval application to address the Boiler MACT under 40 C.F.R. 63 Subpart DDDDD. GlaxoSmithKline is a Title V Facility. The Plan Approval will contain monitoring, recordkeeping and operating restrictions only applying to Subpart DDDDD designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

23-0119A: Sunoco Partners, Marketing & Terminals, L.P. (100 Green Street, Marcus Hook, PA 19061) for the installation of a 4-bay natural gasoline loading/unloading rack with vapor balance. The following deactivated sources will be reactivated for this project: 15-2B T05 fractionation tower and associated piping and equipment; three (3) existing spheres for storage for the pentane; four (4) existing internal floating roof tanks for storage of light naphtha; four (4) existing internal floating roof tanks for the storage of natural gasoline; and off-loading of the light naphtha through either an existing marine vessel loading dock, or via rail. The air emissions from the project will be fugitive and will not exceed 2.4 tons of VOC increase over their previous operation. All other Air emissions (NO_x, CO, SO_x, PM, and GHG) will decrease over previous years. This project does trigger applicability to PADEP's NSR regulations and 34.65 tons of VOC ERCs will be required for this project. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

54-00082A Future Power PA Inc. (72 Glenmaura National Blvd., Moosic, PA 18507) for construction and operation of a new NGCC plant at their facility to be located in Porter and Frailey Twps., **Schuylkill County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue a plan approval to Future Power PA Inc. (72 Glenmaura National Blvd., Moosic, PA 18507) for the construction and operation of a new NGCC plant at their facility to be located in Porter and Frailey Twps., Schuylkill County. Plan approval 54-00082A will subsequently be incorporated into a Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval 54-00082A is for the construction and operation of a Natural Gas Combined Cycle (NGCC) facility. The facility will use a Siemens 5000 F Class turbine with duct burner which will be controlled by the use of SCR and a catalytic oxidizer. Total facility emissions from respective sources including emissions during start-ups and shutdowns shall not exceed the following limits during any consecutive a 12-month rolling period in tons per year: NO_x 99.9, CO 99.9, VOC 49.9, PM₁₀/PM_{2.5} 99.9, and SO₂ 99.9. Total HAP emissions from the facility will be under 25 TPY, 12-month rolling sum. Single HAP emissions will be under 10 TPY, 12-month rolling sum. The company shall be subject to and comply with 25 Pa. Code 123.31 for malodorous emissions. The company shall be subject to and comply with 25 Pa. Code 123.41 for Visible emissions.

This facility is subject to 40 CFR Part 60 Subparts KKKK, IIII and proposed TTTT (as of April 13, 2012) of the Standards of Performance for New Stationary Sources and shall comply with all applicable requirements of these Subparts. Future Power is subject to PSD for CO₂e emissions.

Future Power is a major facility subject to Title V permitting requirements and is located in Porter and Frailey Twps., Schuylkill County. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the equipment operating within all applicable air quality requirements. The following conditions will be contained in the Plan Approval:

Plan approval terms and conditions.

Source ID: 201 Source Name: COMBINED CYCLE UNIT

I RESTRICTIONS

001

(a) The Permittee shall select and install the permitted turbine (or a newer version of this turbine if the Department determines that such newer version achieves equivalent or better emissions rates and exhaust parameters). Siemens 5000 (5ee) (Siemens F)

(b) No person may permit the emission from the CCU into the outdoor atmosphere of the following in a manner that exceeds the following:

Siemens F

(a) Nitrogen Oxides (NO_x):

(i) Normal operation with or without duct burner: 2.0 ppmvd at 15% oxygen

(ii) Normal operation with duct burner: 19.6 #/hr

(iii) Normal operation without duct burner: 18.7 #/hr

(iv) Total normal operation: 78.7 tpy based on a 12-month rolling total

(v) Total including startup and shutdown: 79.9 tpy based on a 12-month rolling total

(b) Carbon Monoxide (CO):

(i) Normal operation with or without duct burner: 3.0 ppmvd at 15% oxygen

(ii) Normal operation with duct burner: 17.9 #/hr

(iii) Normal operation without duct burner: 17.1 #/hr

(iv) Total normal operation: 71.9 tpy based on a 12-month rolling total

(v) Total including startup and shutdown: 84.8 tpy based on a 12-month rolling total

(c) Volatile Organic Compounds (VOC):

(i) Normal operation with or without duct burner: 2.0 ppmvd at 15% oxygen

(ii) Normal operation with duct burner: 7.4 #/hr

(iii) Normal operation without duct burner: 6.5 #/hr

(iv) Total normal operation: 27.8 tpy based on a 12-month rolling total

(v) Total including startup and shutdown: 34.1 tpy based on a 12-month rolling total

(d) Sulfur Oxides (SO_x):

(i) Normal operation with duct burner: 5.2 #/hr

(ii) Normal operation without duct burner: 4.9 #/hr

(iii) Total normal operation: 20.7 tpy based on a 12-month rolling total

(iv) Total including startup and shutdown: 20.8 tpy based on a 12-month rolling total

(e) Sulfuric Acid (H₂SO₄):

(i) Normal operation with duct burner: 3.4 #/hr

(ii) Normal operation without duct burner: 3.4 #/hr

(iii) Total normal operation: 14.3 tpy based on a 12-month rolling total

(iv) Total including startup and shutdown: 14.3 tpy based on a 12-month rolling total

(f) Particulate Matter (PM)/Particulate Matter 10 (PM₁₀)/Particulate Matter 2.5 (PM_{2.5}):

(i) Normal operation with duct burner: 15.6 #/hr

(ii) Normal operation without duct burner: 13.6 #/hr

(iii) Total normal operation: 58.4 tpy based on a 12-month rolling total

(iv) Total including startup and shutdown: 58.7 tpy based on a 12-month rolling total

(g) Ammonia Slip (NH₃):

(i) Total normal operation: 72.5 tpy based on a 12-month rolling total

(c) The emission limitations for NO_x and CO are 3-hour rolling averages calculated once per hour and verified by CEMS. The emission limitations for VOC, SO_x, H₂SO₄, and PM/PM₁₀/PM_{2.5} are 1-hour based on the average of three stack test runs.

(d) No person may permit the emission into the outdoor atmosphere of the following in a manner that exceeds the following:

1. Ammonia Slip (NH₃ Slip)—5 ppmv, on a dry basis corrected at 15% oxygen, 3-hour rolling averages calculated once per hour and verified by CEMS or as determined by USEPA Conditional Test Method (CTM-027), 'Procedure for Collection and Analysis of Ammonia in Stationary Sources' or other procedure approved by the Department.

2. A person may not permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

(a) Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.

(b) Equal to or greater than 10% for a period or periods aggregating more than 6 minutes during startup and shutdown.

002

The following conditions are related to the GHG Tailoring Rule (40 CFR 51 and 52)

No person may permit the emission into the outdoor atmosphere of the following in a manner that exceeds the following:

1. CO₂ emission rate of 1,000# / MW-hr (gross) on a 12-operating month annual average basis.

2. CO₂(e) emission rate of 1,018,681 tpy based on a 12-month rolling total for the turbine, including duct burning.

003

Pursuant to 40 CFR 60 Subpart KKKK, the company must comply with all applicable Emission Limit requirements of 60.4315—60.4330.

004

Pursuant to the Best Available Technology (BAT) provisions of 25 Pa. Code § 127.1, the source shall fire only natural gas that has a sulfur content not to exceed 0.8 gr / 100 scf natural gas.

005

(a) Startup is defined as the period beginning with ignition in the combustion turbine and lasting until either:

1. The combustion process, air pollution control equipment, and associated control systems have attained normal operating conditions for two consecutive 15-minute averaging periods, or

2. 105 minutes after ignition, whichever occurs first.

(b) Startup shall be limited to 42 total hours in any consecutive 12-month period.

(c) Shutdown is defined as the period beginning with the lowering of unit load below 60% with the intent of ceasing operation of the unit and concluding with the cessation of combustion in the turbine, limited to a maximum of 31 minutes in duration.

(d) Shutdown shall be limited to 12.4 total hours in any consecutive 12-month period.

(e) Malfunction is defined as any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner that may result in an increase in the emissions of air contaminants.

II Testing Requirements

006

Pursuant to 40 CFR 60 Subpart KKKK, the company must comply with all applicable Performance Test requirements of 60.4400—60.4415.

007

1. Within 180 days of initial start-up, a stack test shall be performed in accordance with the provision of Chapter 139 of the Rules and Regulations of the Department of Environmental Protection to demonstrate the compliance with the emission limitations in this section for the turbine. The stack tests shall be performed while the aforementioned sources are operating at the maximum rated capacity on each fuel as stated on the application. If testing is performed at a rate of less than full production,

operation is restricted to the process-input rate of testing at such level until a subsequent compliance test is performed at a full production.

2. At least two-week prior to the test, the Regional Air Quality Program Manager shall be informed of the date and time of the test.

3. At least sixty (60) days prior to the test, a pre-test protocol shall be submitted to the Department for review.

4. Within sixty (60) days of the completion of the test, two copies of the complete test report, including all operating conditions, shall be submitted to the Regional Air Quality Program Manager.

5. If at any time the Department has cause to believe that air contaminant emissions from the aforementioned source(s) may be in excess of the limitations specified in, or established pursuant to, any applicable rule or regulation contained in Article III of the Rules and Regulations of the Department of Environmental Protection, the company shall be required to conduct whatever tests are deemed necessary by the Department to determine the actual emission rate(s). Such testing shall be conducted in accordance with the revisions of Chapter 139 of the Rules and Regulations Environmental Protection, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

008

(a) Initial Application (Phase I): Proposal[s] containing information as listed in the Phase I section of the Department's Continuous Source Monitoring Manual for the CEMS[s] must be submitted at least 180 days prior to the planned initial source startup date.

(b) Performance Testing (Phase II): Testing as listed in the Phase II section of the Department's Continuous Source Monitoring Manual must be completed for the CEMS[s] no later than 180 days after initial source startup date and no later than 60 days after source achieves normal process capacity.

(c) Final Approval (Phase III): The final report of testing as listed in the Phase III section of the Department's Continuous Source Monitoring Manual must be submitted to the Bureau no later than 60 days after completion of testing.

(d) The owner or operator of the source shall not be issued an operating permit until the CEMS has received Phase III approval, in writing from the Department, when installation of a CEMS is made a condition of the plan approval. Until Phase III Department approval is obtained, operation shall be covered solely under condition of a plan approval.

III Monitoring Requirements

009

a) The permittee shall install, operate and maintain continuous nitrogen oxides monitoring systems and other monitoring systems to convert data to required units in compliance with 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for continuous in-stack monitoring for stationary sources). Results of the opacity monitoring shall be submitted to the Department on a regular basis in compliance with Chapter 139 Subchapter C.

b) The permittee shall submit results on a regular schedule and in a format acceptable to the Department and in compliance with 25 Pa. Code Chapter 139, Subchapter C.

c) Continuous nitrogen oxides monitoring systems installed under the requirements of the section shall meet the minimum data availability requirements in Chapter 139, Subchapter C.

010

Pursuant to 40 CFR 60 Subpart KKKK, the company must comply with all applicable Monitoring requirements of sections 60.4335—60.4370.

011

(a) The following continuous emission monitoring system[s] (CEMS[s]) must be installed, approved by the Department, operated and maintained in accordance with the requirements of 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), and the 'Submittal and Approval', 'Record Keeping and Reporting', and 'Quality Assurance' requirements of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

1. CEMS #1

(a) Source Combination to be Monitored: Combined Cycle Unit

(b) Parameter to be Reported: CO

(c) Units of Measurement to be Reported: ppmvd

(d) Moisture Basis of Measurement to be Reported: dry

(e) Correction basis of Measurements to be Reported: 15% O₂

(f) Data Substitution Required: No

(g) Emission Standards

(1) Emission Standard # 1:

(a) Emission Standard Averaging Period Description: 3-hour rolling average, calculated once per hour

(b) Emission Standard Value: 3.0 ppmvd corrected to 15% O₂

(c) Emission Standard Direction: Violation if greater than emission standard value

(d) Variable Emission Standard: No

2. CEMS #2

(a) Source Combination to be Monitored: Combined Cycle Unit

(b) Parameter to be Reported: NO_x

(c) Units of Measurement to be Reported: ppmvd

(d) Moisture Basis of Measurement to be Reported: dry

(e) Correction basis of Measurements to be Reported: 15% O₂

(f) Data Substitution Required: No

(g) Emission Standards

(1) Emission Standard # 1

(a) Emission Standard Averaging Period Description: 3-hour rolling average, calculated once per hour

(b) Emission Standard Value: 2.0 ppmvd corrected to 15% O₂

(c) Emission Standard Direction: Violation if greater than emission standard value

(d) Variable Emission Standard: No

3. CEMS #3 [This will consist of continuous measurement of CO₂ in the exhaust of the CCU and calculation of combined mass emission rate from CCU; continuous

measurement of gross electrical output of the facility; and calculation of pounds of CO₂ per gross MW-hour on a 12-month rolling average, calculated monthly]

(a) Source Combination to be Monitored: Combined Cycle Unit

(b) Parameter to be Reported: CO₂

(c) Units of Measurement to be Reported: lbs/hr

(d) Moisture Basis of Measurement to be Reported: NA

(e) Correction basis of Measurements to be Reported: None

(f) Data Substitution Required: Yes

(g) Emission Standards

(1) Emission Standard # 1

(a) Emission Standard Averaging Period Description: 12-month sums

(b) Emission Standard Value: NA

(c) Emission Standard Direction: NA

(d) Variable Emission Standard: No

(b) Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.

(c) The facility shall monitor Gross Electrical Output (MW-hr) in order to comply with the CO₂ emission standard.

012

This section applies to monitoring systems as defined in the manual referenced at § 139.102(3) (relating to references), installations required or approved under Chapters 122, 124, 127 and 129 or in an order issued under section 4 of the act (35 P. S. § 4004).

(1) The submittal procedures specified in the publication entitled "Continuous Source Monitoring Manual," available from the Department shall be utilized to obtain Department approval. This publication includes:

(i) Installation requirements.

(ii) Performance specifications.

(iii) Test procedures.

(iv) Reporting requirements.

(v) Quality assurance requirements.

(vi) Administrative procedures for obtaining Department approval.

(2) The monitoring system installation, certification and operation shall be conducted under the direct supervision of persons qualified by training and experience.

(3) The monitoring systems may be designed to monitor source emissions or stack emissions if the representativeness of emissions can be verified. The method of conversion of monitoring results to source or stack emissions shall be approved by the Department.

(4) The location of monitoring devices shall be approved by the Department prior to installation. The selection of the monitoring location shall utilize applicable criteria in the manual referenced in § 139.102(3). The Department has the authority to determine which of the criteria are applicable. The representativeness of the measurements at the chosen monitoring location shall be verified.

(5) The owner of a monitored source shall maintain records containing monitoring information and report

data to the Department as specified in the manual referenced in § 139.102(3). The records shall be maintained for 5 years and be available for inspection by Department personnel.

(6) The owner of a monitored source shall provide permanent sampling facilities as specified in § 139.1 (relating to sampling facilities) to permit verification testing by the Department. For extractive monitors, calibration gas inlets shall be available as near as possible to the monitor probe inlet to permit the Department to verify calibration of the monitoring system. Facilities shall be approved by the Department prior to construction.

(7) Verification testing for monitoring systems shall be in accordance with Subchapter B (relating to monitoring duties of certain sources), and of the manual referenced in § 139.102(3).

(8) A quality assurance program shall be established and maintained by the owner of the monitored source. This program shall be in accordance with the criteria in the sources listed in § 139.102.

(9) The Department's approval will be based on the criteria specified in the manual referenced in § 139.102(3). Failure to utilize the specified procedures or to conduct the quality assurance program could result in denying or rescinding the Department's approval.

(10) The owner of a monitored source shall notify the Department when the monitoring system is inoperative for more than 1 hour during an air pollution episode as specified in Chapter 137 (relating to air pollution episodes). The notice shall be given within 2 hours of the malfunction.

(11) Manual sampling conducted under Subchapter B may be required if the Department determines that the monitoring system data is not accurate or that the owner of the monitored source does not conduct the quality assurance program specified in the manual referenced in § 139.102(3).

(12) Required monitoring shall meet at least one of the following minimum data availability requirements unless other data availability requirements are stipulated elsewhere in this title, in a plan approval or permit condition under Chapter 127 (relating to construction, modification, reactivation and operation of sources), or in an order issued under section 4 of the act. For purposes of calculating data availability, "process down" time, as specified in the manual referenced in § 139.102(3), shall be considered valid time.

(i) In each calendar month, at least 90% of the time periods for which an emission standard or an operational parameter applies shall be valid as set forth in the quality assurance section of the manual referenced in § 139.102(3).

(ii) In each calendar quarter, at least 95% of the hours during which the monitored source is operating shall be valid as set forth in the quality assurance section of the manual referenced in § 139.102(3).

(13) The monitor results shall be expressed in terms of the applicable standard or criteria required. The method used to convert monitor data shall be approved by the Department.

(14) Monitoring systems shall comply with the applicable performance specifications section of the manual referenced in § 139.102(3). The Department has the authority to determine which of the performance specifications are applicable.

(15) Verification of calibration standards shall be conducted in accordance with the applicable sampling methods in the Department's "Source Testing Manual" or as otherwise approved by the Department. The "Source Testing Manual" may be obtained from the Department.

(16) The requirements of this section apply to monitoring to demonstrate compliance with emissions standards and process operational parameter criteria.

IV Recordkeeping Requirements

013

(a) All recordkeeping shall commence upon commencement of operation of the source and shall be kept for a period of 5 years and made available to the Department upon request.

(b) The permittee shall submit the turbine option chosen to the Department, if different than proposed, with emission values if newer models are chosen, for final approval prior to construction.

(c) The company shall maintain a log of all preventative maintenance inspections of the source and control device(s). The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

(d) The company shall maintain a log of the following, at a minimum, from the operational inspections:

1. Visible emission of the stack—daily defined as at least once per calendar day, while the plant is operating or as approved by the Department in the work practice inspection protocol.

(e) The company shall keep records (12-month rolling totals) of the following:

1. Fuel usage (natural gas)

014

[Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(5) and 139.101(12), 139.103, 139.108 or 139.111]

(a) The permittee shall comply with the recordkeeping requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), (and) the 'Record Keeping and Reporting' requirements in the Department's Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) Records shall be retained for at least 5 years and shall be made available to the Department upon request.

(c) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

015

The following conditions are related to the GHG Tailoring Rule (40 CFR 51 and 52)

(a) The facility shall maintain sufficient records to adequately demonstrate compliance with the emission limitations associated with the GHG rule.

(b) The facility shall keep accurate and comprehensive records of:

1. The amount of SF6 dielectric fluid added to each circuit breaker unit each month.

2. The date and time that each alarm associated with the circuit breaker is activated, the corrective action taken to remedy the problem associated with each alarm, and the date corrective action remedied the problem.

016

The Owner or Operator shall record each start-up and shutdown, including date and times of each event, for the combustion turbine.

V REPORTING REQUIREMENTS

017

Pursuant to 40 CFR 60 Subpart KKKK, the company must comply with all applicable Reporting requirements of sections 60.4375—60.4395.

018

[Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(1)(iv), 139.101(10) and 139.101(12), 139.103, 139.108 or 139.111]

(a) The permittee shall submit quarterly reports of continuous emission monitoring to the Department in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources), (and) the “Record Keeping and Reporting” requirements as established in the Department’s Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) The permittee shall report emissions for all periods of unit operation, including startup, shutdown and malfunction.

(c) Initial quarterly reports following system certification shall be submitted to the Department within 35 days following the date upon which the Department notifies the owner or operator, in writing, of the approval of the continuous source monitoring system for use in determining compliance with applicable emission standards.

(d) Subsequent quarterly reports shall be submitted to the Department within 30 days after the end of each calendar quarter.

(e) Failure to submit required reports of continuous emission monitoring within the time periods specified in this Condition, shall constitute violations of this Permit, unless approved in advance by the Department in writing.

(f) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

019

The facility shall submit semi-annual reports no later than March 1 for the January 1 thru December 31 of the previous year period and by September 1 for the July 1 of the previous year thru June 30 of the concurrent year period. The report shall include:

1. The greenhouse gas and SF6 emissions including emission calculations from all air-contaminant sources, on a monthly basis, in order to demonstrate compliance with the emission limitations for all sources at the facility.

2. The amount of SF6 dielectric fluid added to each circuit breaker unit each month.

3. The date and time that each alarm associated with the circuit breaker is activated, the corrective action taken to remedy the problem associated with each alarm, and the date corrective action remedied the problem.

VI WORK PRACTICE REQUIREMENTS

020

(a) The permittee shall perform a daily operational inspection of the source until such time as the Department approves a work practice inspection protocol submitted by the permittee. After Departmental approval, the permittee shall perform periodic inspections of the significant source equipment and emission controls in accordance with the approved work practice inspection protocol.

(b) All gauges employed by the permittee to monitor the required control device operating parameters shall have a scale such that the expected normal reading shall be no less than twenty percent (20%) of full scale and be accurate within plus or minus two percent (+/- 2%) of full scale reading.

(c) The permittee shall operate the control device(s) at all times this source is in operation once operating parameters (temperature, flow, etc.) are sufficient for proper control device operation.

(d) The permittee shall maintain and operate this source and the control device(s) in accordance with the manufacturer’s specifications, the manufacturer’s preventative maintenance schedule, and good air pollution control practices. The facility shall maintain a copy of the manufacturer’s preventative maintenance schedule on-site.

(e) The SCR system shall be designed so it will not inject ammonia into the system when the inlet temperature to the catalyst is less than the minimum catalyst temperature to be established as part of the O&M plan.

(f) Prior to commencement of operations, the permittee shall develop and submit to the Department for approval a Risk Management Plan (RMP) meeting the requirements of Clean Air Act Section 112(r) and 40 CFR 68 Subpart G, with respect to the storage of aqueous ammonia if the permittee intends to store aqueous ammonia with a concentration of 20% or greater such that the quantity of ammonia present at the facility at any time exceeds 20,000 pounds, and the permittee shall implement the Department approved RMP.

021

[Additional authority for this permit condition is derived from 25 Pa. Code §§ 139.101(1)(iv), 139.101(2), 139.101(3), 139.101(4), 139.101(6), 139.101(7), 139.101(8), 139.101(12), 139.101(14) and 139.101(15)]

(a) Continuous Emission Monitoring Systems and components must be operated and maintained in accordance with the requirements established in 25 Pa. Code Chapter 139, Subchapter C (relating to requirements for source monitoring for stationary sources) and the “Quality Assurance” requirements in the Department’s Continuous Source Monitoring Manual, Revision No. 8, 274-0300-001.

(b) Compliance with any subsequently issued revision to the Continuous Source Monitoring Manual will constitute compliance with this permit condition.

(c) Data Availability Standards: Continuous emission monitoring shall meet the following minimum data availability requirements:

1. In accordance with 25 Pa. Code § 139.101(12), required monitoring shall, at a minimum, meet one of the following data availability requirements unless otherwise stipulated in this permit, a plan approval, Title 25 or an order issued under Section 4 of the Air Pollution Control Act:

(a) In each calendar month, at least 90% of the time periods for which an emission standard or an operational parameter applies, shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001; or

(b) In each calendar quarter, at least 95% of the hours shall be valid as set forth in the Quality Assurance section of Revision No. 8 of the Department's Continuous Source Monitoring Manual, 274-0300-001.

2. Compliance with any subsequently issued revisions to the Continuous Source Monitoring Manual will constitute compliance with the regulations.

3. Emission Standard(s) To Which Data Availability Standard applies:

- (a) CO (ppmvd)
- (b) NO_x (ppmvd)
- (c) CO₂ (lbs per MW-hr gross)
- (d) Ammonia (ppmvd), if ammonia CEMS is installed

022
The following conditions are related to the GHG Tailoring Rule (40 CFR 51 and 52)

(a) The permittee shall incorporate instrumentation and control systems that will allow plant efficiency to be optimized to the maximum extent practicable. To maintain efficient operating characteristics, these systems shall be periodically maintained in accordance with the permittee's Preventative maintenance Program.

(b) Facility shall implement a sulfur hexafluoride (SF6) leak detection program to minimize SF6 leaks as follows. Circuit breakers are to be state-of-the-art sealed enclosed-pressure circuit breakers equipped with low-pressure alarms that are triggered when 10% of the SF6 by weight has escaped. When alarms are triggered, the facility will take corrective action as soon as practicable to fix the circuit breaker units to a like-new state to prevent the emission of SF6 to the maximum extent practicable.

(c) Facility shall develop a site Preventative Maintenance Program to maintain plant operating efficiency.

023

1. The aforementioned source(s) may only be operated as long as the associated air pollution control devices are operated and maintained in accordance with the specifications set forth in the respective plan approval(s), and the application(s) submitted for said plan approval(s) (as approved by the Department), and in accordance with any conditions set forth herein.

2. The sources shall be operated and maintained in accordance with the manufacturers specification and with good air pollution control practices.

3. The company shall maintain and operate the air pollution control equipment and sources in accordance with good engineering practice.

VII ADDITIONAL REQUIREMENTS

024

Pursuant to 40 CFR 60 Subpart KKKK, the company must comply with all applicable General Compliance requirements of 60.4333.

025

(a) The source is subject to the following:

1. 40 CFR 60 Subpart KKKK—Standards of Performance for Stationary Combustion Turbines
2. Acid Rain Regulations (40 CFR 72—78) (Applicable)
3. CAIR (40 CFR 96) (Applicable—was replaced by CSAPR but CSAPR was stayed)
4. Cross State Air Pollution Rule (CSAPR) (40 CFR 97) (Not applicable—stayed 8-21-12)
5. Risk Management Program (40 CFR 68) (Applicable if greater than 20,000 lbs of aqueous ammonia at concentrations of 20% or greater is stored at facility)

(b) Any information required to be submitted as part of the above conditions should be submitted to the Air Quality Program Manager, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

(c) In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both EPA and the Department at the following addresses unless otherwise noted: Air Quality Program Manager, PA DEP, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915; and EPA Region III, Associate Director, Office of Air Enforcement and Compliance Assistance, 1650 Arch Street, Philadelphia, PA 19103.

(d) Issuance of an operating permit is contingent upon satisfactory compliance with conditions numbered above, upon the source being constructed and operated as stated in the application, and upon the satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules & Regulations of the Department of Environmental Protection.

026

1. The permittee shall perform the emissions monitoring analysis procedures or test methods required under an applicable requirement including procedures and methods under Sections 114(a)(3) (42 U.S.C.A. §§ 7414 (a)(3)) or 504(b) (42 U.S.C.A. §§ 7661c(b)) of the Clean Air Act.

2. Unless otherwise required by this permit, the permittee shall comply with applicable monitoring, quality assurance, recordkeeping and reporting requirements of the Air Pollution Control Act, 25 Pa. Code, Subpart C, Article III (relating to air resources), including Chapter 139 (relating to sampling and testing). The permittee shall also comply with applicable requirements related to monitoring, quality assurance, reporting and recordkeeping required by the Clean Air Act including §§ 114(a)(3) and 504(b) and regulations adopted thereunder, unless otherwise required by this permit.

Source ID: 202 Source Name: EMERGENCY GENERATOR

I RESTRICTIONS

001

a. Emissions from the emergency generator shall not exceed the following:

1. PM/PM₁₀/PM_{2.5}: 0.05 #/hr (0.003 tpy) based on a 12-month rolling total
2. NO_x: 5.2 #/hr (0.3 tpy) based on a 12-month rolling total

3. CO: 0.52 #/hr (0.03 tpy) based on a 12-month rolling total

4. VOC: 0.06 #/hr (0.003 tpy) based on a 12-month rolling total

5. SO_x: 0.01 #/hr (0.00034) based on a 12-month rolling total

b. The permittee may not allow the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

1. Equal to or greater than 15% for a period or periods aggregating more than three (3) minutes in any hour.

2. Equal to or greater than 50% at any time.

c. No person may permit the emission into the outdoor atmosphere of the following in a manner that exceeds the following:

1. CO₂(e): 36.6 tpy based on a 12-month rolling basis
002

The permittee shall only fire ultralow sulfur diesel fuel as a fuel for the emergency generator. The sulfur content of the diesel fuel fired shall not, at any time, exceed 0.0015% (by weight).

003

The emergency generator shall be operated less than 500 hours in any 12 consecutive month period.

004

The emergency generator shall be tested less than 100 hours in any 12 consecutive month period.

III MONITORING REQUIREMENTS

005

The emergency generator shall be equipped with a non-resettable meter for hours of operation prior to startup and the meter shall be operated at all times the fire pump is in operation.

IV RECORDKEEPING REQUIREMENTS

006

The permittee shall keep records of the number of hours that emergency generator operates on a monthly basis to verify compliance with the operation hours restriction in any 12 consecutive month period.

007

(a) All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.

(b) The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

(c) The company shall maintain a log of the following, at a minimum, from the operational inspections:

1. Completion of inspection—daily defined as at least once per calendar day, while the source is operating or as approved by the Department in the work practice inspection protocol.

(d) The permittee shall keep records of the fuel certification reports for each delivery of diesel fuel to verify compliance with the fuel restriction requirements.

(e) The facility shall maintain sufficient records to adequately demonstrate compliance with the emission limitations associated with the GHG rule.

VI WORK PRACTICE REQUIREMENTS

008

(a) The permittee shall perform a daily operational inspection of the source until such time as the Department approves a work practice inspection protocol submitted by the permittee. After Departmental approval, the permittee shall perform periodic inspections of the significant source equipment and emission controls in accordance with the approved work practice inspection protocol.

(b) The permittee shall maintain and operate the source in accordance with the manufacturer's specifications, the manufacturer's preventative maintenance schedule, and good air pollution control practices. The facility shall maintain a copy of the manufacturer's preventative maintenance schedule on-site.

VII ADDITIONAL REQUIREMENTS

009

The emergency generator is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart IIII and shall comply with all applicable requirements as specified in 40 CFR 60.4200—60.4219.

010

(a) The source is subject to 40 CFR 60 Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

(b) Any information required to be submitted as part of this plan approval should be submitted to the attention of Air Quality Program Manager, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

(c) In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both EPA and the Department at the following addresses unless otherwise noted: Air Quality Program Manager, Pa DEP, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915; and EPA Region III, Associate Director, Office of Air Enforcement and Compliance Assistance, 1650 Arch Street, Philadelphia, PA 19103.

(d) Issuance of an Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the control device being installed, tested, and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

Source ID: 203 Source Name: EMERGENCY FIRE PUMP

I RESTRICTIONS

001

a. Emissions from the fire pump shall not exceed the following:

1. PM/PM₁₀/PM_{2.5}: 0.11 #/hr (0.01 tpy) based on a 12-month rolling total

2. NO_x: 2.22 #/hr (0.11 tpy) based on a 12-month rolling total

3. CO: 1.92 #/hr (0.1 tpy) based on a 12-month rolling total

4. VOC: 0.74 #/hr (0.04 tpy) based on a 12-month rolling total

5. SO_x: 0.0055 #/hr (0.0003) based on a 12-month rolling total

b. The permittee may not allow the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is either of the following:

1. Equal to or greater than 15% for a period or periods aggregating more than three (3) minutes in any hour.

2. Equal to or greater than 50% at any time.

c. No person may permit the emission into the outdoor atmosphere of the following in a manner that exceeds the following:

1. CO₂(e): 24.1 tpy based on a 12-month rolling basis
002

The permittee shall only fire ultralow sulfur diesel fuel as a fuel for fire pump. The sulfur content of the diesel fuel fired shall not, at any time, exceed 0.0015% (by weight).

003

(a) The annual operation during testing shall not exceed 100 hours per year.

(b) The emergency firewater pump shall not be tested other than between 11 a.m and noon.

III MONITORING REQUIREMENTS

004

The Fire pump shall be equipped with a non-resettable meter for hours of operation prior to startup and the meter shall be operated at all times the fire pump is in operation.

IV RECORDKEEPING REQUIREMENTS

005

(a) All recordkeeping shall commence upon startup of the source and shall be kept for a period of 5 years and made available to the Department upon request.

(b) The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

(c) The company shall maintain a log of the following, at a minimum, from the operational inspections:

1. Completion of inspection—daily defined as at least once per calendar day, while the source is operating or as approved by the Department in the work practice inspection protocol.

(d) The permittee shall keep records of the fuel certification reports for each delivery of diesel fuel to verify compliance with the fuel restriction requirements.

(e) The facility shall maintain sufficient records to adequately demonstrate compliance with the emission limitations associated with the GHG rule.

VI WORK PRACTICE REQUIREMENTS

006

(a) The permittee shall perform a daily operational inspection of the source until such time as the Department approves a work practice inspection protocol submitted by the permittee. After Departmental approval, the permittee shall perform periodic inspections of the significant source equipment and emission controls in accordance with the approved work practice inspection protocol.

(b) The permittee shall maintain and operate the source in accordance with the manufacturer's specifications, the manufacturer's preventative maintenance schedule, and good air pollution control practices. The facility shall maintain a copy of the manufacturer's preventative maintenance schedule on-site. The Fire pump is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart IIII and shall comply with all applicable requirements as specified in 40 CFR 60.4200—60.4219.

VII ADDITIONAL REQUIREMENTS

007

The Fire pump is subject to the New Source Performance Standards, 40 CFR Part 60, Subpart IIII and shall comply with all applicable requirements as specified in 40 CFR 60.4200—60.4219.

008

(a) The source is subject to 40 CFR 60 Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

(b) Any information required to be submitted as part of this plan approval should be submitted to the attention of Air Quality Program Manager, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915.

(c) In accordance with 40 CFR 60.4 copies of all requests, reports, applications submittals and other communications shall be forwarded to both EPA and the Department at the following addresses unless otherwise noted: Air Quality Program Manager, Pa DEP, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915; and EPA Region III, Associate Director, Office of Air Enforcement and Compliance Assistance, 1650 Arch Street, Philadelphia, PA 19103.

(d) Issuance of an Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the control device being installed, tested, and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

Source ID: 204 Source Name: COOLING TOWER

I RESTRICTIONS

001

(a) The PM emissions shall not exceed 0.2 #/hr (0.9 tpy) based on a 12-month rolling basis.

(b) The PM₁₀ emissions shall not exceed 0.2 #/hr (0.9 tpy) based on a 12-month rolling basis.

(c) The PM_{2.5} emissions shall not exceed 0.2 #/hr (0.9 tpy) based on a 12-month rolling basis.

(d) The total dissolved solids (TDS) of the cooling tower water shall not exceed 1,500 ppmw.

III MONITORING REQUIREMENTS

002

The permittee shall, at a minimum of once per quarter, sample and analyze the cooling tower water for total dissolved solids (TDS) at a point which is representative of the water being evaporated to the atmosphere.

IV RECORDKEEPING REQUIREMENTS

003

(a) All recordkeeping shall commence upon commencement of operation of the source and shall be kept for a period of 5 years and made available to the Department upon request.

(b) The company shall maintain a log of all preventative maintenance inspections of the source. The inspection logs, at a minimum, shall contain the dates of the inspections, the name of the person performing the inspection, any mechanical repairs and/or adjustments, any potential problems or defects that were encountered, and the steps taken to correct them.

(c) The company shall maintain a log of the following, at a minimum, from the operational inspections:

1. Completion of inspection—daily defined as at least once per calendar day, while the source is operating or as approved by the Department in the work practice inspection protocol.

(d) The company shall maintain a daily log of the following:

1. Water circulation and makeup rates

(e) The company shall maintain records of the water sample TDS analysis.

VI WORK PRACTICE REQUIREMENTS

004

(a) The permittee shall perform a daily operational inspection of the source until such time as the Department approves a work practice inspection protocol submitted by the permittee. After Departmental approval, the permittee shall perform periodic inspections of the significant source equipment and emission controls in accordance with the approved work practice inspection protocol.

(b) The permittee shall maintain and operate the source in accordance with the manufacturer's specifications, the manufacturer's preventative maintenance schedule, and good air pollution control practices. The facility shall maintain a copy of the manufacturer's preventative maintenance schedule on-site.

VII ADDITIONAL REQUIREMENTS

005

(a) Any information required to be submitted as part of this plan approval should be submitted to the attention of Air Quality Program Manager, Air Quality Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, Pa 18701-1915.

(b) Issuance of an Operating Permit is contingent upon satisfactory compliance with the plan approval conditions, upon the control device being installed, tested, and operated as stated within the application, and upon satisfactory demonstration that the emissions from the source will not be in violation of applicable Rules and Regulations of the Department.

Copies of the applications, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711.

Any person(s) wishing to provide DEP with additional information they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. The submittal of written comment must contain the name, address and telephone number of the commentator; identification of the proposed Permit No. 54-00082A; and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

26-00601: Fenner Dunlop Americas, Inc. (120 Mine Street, Allison, PA 15413) for manufacture of fabricated metal products at the Allison Custom Fabrication Facility in Luzerne Township, **Fayette County**. This is a minor facility Plan Approval application submittal.

30-00195A: Equitrans, LP (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222). Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval PA-30-00195A to authorize construction and temporary operation of the following proposed sources and controls at the Equitrans, LP Jefferson Compressor Station ("Jefferson"), a natural gas transmission station located in Jefferson Township, **Greene County**: one (1) Solar Mars 100-16000S natural gas-fired combustion turbine to drive a centrifugal natural gas compressor. The proposed combustion turbine is rated at 16,301-hp and will be equipped with dry low-NO_x (Solar SoLoNO_x) combustion system and an oxidation catalyst. An existing 10,000-gallon pipeline liquids storage tank at the facility will experience an increase in throughput as a result of the additional gas compression capacity.

The installation of the proposed Solar Mars 100-16000S turbine will result in a potential to emit (PTE) increase of approximately 33 tons of nitrogen oxides (NO_x), 5 tons of carbon monoxide (CO), 3 tons of volatile organic compounds (VOC), 2 tons of sulfur oxides (SO_x), 11 tons of total particulate matter (PM, PM₁₀, and PM_{2.5}), 2 tons of formaldehyde, 2 tons of total hazardous air pollutants (HAP), and 68,400 tons of carbon dioxide equivalents (CO_{2e}) per year. Best available technology (BAT) for the proposed natural gas-fired turbine includes good combustion practices including dry low-NO_x 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_x, CO, VOC, PM₁₀, PM_{2.5}, and visible emission limits; a fuel sulfur content limitation; and testing, work practice, monitoring, recordkeeping, and reporting requirements. After the emissions increases associated with the proposed sources, the facility-wide PTE at Jefferson will remain below the major source thresholds for HAPs and all criteria pollutants except for NO_x, and will exceed 100,000 tpy CO₂e. As a major source of NO_x and CO₂e, EQT will be required to obtain a Title V Operating Permit following construction and commencement of operation of the proposed sources.

A public hearing, in accordance with the provisions of 25 Pa. Code § 127.49, will be held to accept testimony concerning this proposed action. The Department concurrently published a separate notice which identifies the date, time, location, and procedure for registering to provide testimony at the hearing.

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-30-00195A) 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. For additional information you may contact Devin P. Tomko at 412-442-5231.

PLAN APPROVAL

PUBLIC HEARINGS

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

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

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, Trevese, 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.

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

30-00195A: Equitrans, LP (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222)

Notice is hereby given in accordance with 25 Pa. Code § 127.48 that the Pennsylvania Department of Environmental Protection ("Department") will hold a public hearing on Tuesday, January 21, 2014, from 6:00 PM to 8:00 PM in the Social Hall of the Jefferson Township Volunteer Fire Department located at 1483 Jefferson Road, Jefferson, PA 15344.

The public hearing will be held to accept testimony concerning the Department's intent to issue an Air Quality Plan Approval to allow the construction and temporary operation of a natural gas-fired combustion turbine at the Equitrans, LP Jefferson Compressor Station, an existing natural gas transmission station located in Jefferson Township, Greene County. The Department concurrently published a separate notice of intent to issue plan approval in the *Pennsylvania Bulletin* to allow for public comment on the proposed action.

Those wishing to provide testimony at the hearing should register by contacting DEP Community Relations Coordinator, John Poister at (412) 442-4203 before 3:00 PM on January 21, 2014.

Persons unable to attend the public hearing may submit three copies of a written statement to the Department within 10 days after the hearing is held (by January 31, 2014). Statements should be sent to Devin P. Tomko, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Those wishing to obtain additional information may contact Mark Gorog-Environmental Engineer Manager at 412-442-4150.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how DEP may accommodate your needs.

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.

05-05006: Columbia Gas Transmission, LLC (1700 MacCorkle Avenue, S.E., Charleston, WV 25314) for its Artemas Compressor Station located in Mann Township, **Bedford County**.

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

The subject facility had the following actual air emissions in 2012: 54.1 tons CO; 40.1 tons NO_x; 27.7 tons VOC; 2.0 tons PM₁₀; 2.0 tons PM_{2.5}; 0.9 ton SO_x; 2.7 tons formaldehyde; 0.5 ton toluene; 0.4 ton benzene; 0.3 ton xylenes; 0.3 ton ethylbenzene; 0.1 ton hexane; 4.2 tons aggregate HAPs; 6,349.0 tons CO₂; 70.0 tons CH₄; 2.2 tons N₂O; and 8,501.0 tons CO₂e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations. Source IDs 031 and 032 are subject to the requirements of 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. Source IDs 033 and 034 are subject to the requirements of 40 CFR Part 60, Subpart GG—Standards of Performance for Stationary Gas Turbines. Source IDs HTR7 and HTR8 are subject to the requirements of 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units. Source ID G02 is subject to the requirements of 40 CFR Part 60, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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

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

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

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00016: Keystone Powdered Metal Co. (251 State Street, St. Marys, PA 15857) the Department intends to re-issue a Title V Operating Permit to operate a Fabricated Metal Products facility, located in the City of St. Marys, **Elk County**.

Depending on the date of manufacture the Emergency Power Generators at this facility are now subject to either 40 CFR 63—Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines or 40 CFR 60—Subpart JJJJ, Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

The potential emissions from this facility are as follows. All values are in tons/year. PM₁₀—9.4, PM_{2.5}—1.8, NH₃—0.2, SO_x—0.0, NO_x—5.9, VOC—58.2, CO—4.9, CO₂—7020.3, Pb—0.0, N₂O—0.5, Methane—5.0

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

46-00052: Pottstown Hospital Co., LLC (1600 E. High St., Pottstown, PA 19464) for renewal of a State-Only Operating Permit to operate boilers and emergency engines in Pottstown Borough, **Montgomery County**. This Operating Permit contains all applicable state and federal regulations applicable to the facility including emission limitations, operating restrictions, work practice, monitoring, and recordkeeping requirements designed to keep the facility operating within all applicable air quality requirements.

23-00077: County of Delaware—Fair Acres Complex (340 North Middletown Road, Lima, PA 19037) for operation of boilers and emergency generators on its grounds at Middletown Township, **Delaware County**. This action is a renewal of a State Only Operating Permit (Synthetic Minor), which was originally issued on November 06, 2003. The permittee elects natural gas as the primary fuel for dual-fired boilers to escape the applicable requirements of 40 CFR Part 63 Subpart JJJJJJ. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00061: Phoenixville Hospital Company, LLC (140 Nutt Road, Phoenixville, PA 19460) for operation of boilers and generators at the hospital located in Phoenixville Borough, **Chester County**. The permit is for a non-Title V (State-only) facility. The facility caps nitrogen oxide (NO_x) and sulfur oxide (SO_x) emissions to Minor Source threshold levels; the facility is a Synthetic Minor. This action is a renewal of the State-only Operating Permit. The following have been removed from the facility-wide permit: two (2) ethylene oxide sterilizers (Source ID 105), two (2) boilers (Source ID 031 and 033), and two (2) emergency generators (Source ID 101 and 103). Source ID 038 (12.247 MMBtu/hr Cleaver Brooks Boiler) has been added to the facility-wide permit under administrative amendment (AUTH ID 992486). Terms and conditions of Plan Approval No. 15-0061B are incorporated into the facility-wide permit for Source ID 106 (1250-kW Emergency Generator) and Control Device ID C01 (Catalytic Converter). The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

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

58-00001: Tennessee Gas Pipeline Co.—321 Clifford (1211 Greenville Mercer Road, Mercer, PA 16137-1819) for natural gas transmission in Clifford Township, **Susquehanna County**. The primary sources consist of natural gas solar turbines, natural gas fired boilers, heating furnaces, space heaters, and an emergency generator. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is an initial State-Only Synthetic Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

40-00084: Lacey Memorial, Inc. (1000 S. Church Street Rear, Hazleton, PA 18201-7667) to operate an animal crematory facility in City of Hazleton, **Luzerne County**. The primary source consists of an animal crematory incinerator. The source is considered a minor emission source of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

52-00002: Eureka Stone Quarry, Inc. (PO Box 249, Chalfont, PA 18914-0249) The Department intends to issue a renewal state only (Synthetic Minor) operating permit for a stone quarry / asphalt plant facility located in the Milford Borough, **Pike County**. The facility is taking a site level emission limit for PM, CO, SO₂, and NO_x along with a production limit of asphalt to maintain Synthetic Minor status. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

40-00001: Fairchild Semiconductor Corp. (125 Crestwood Road, Mountaintop, PA 18707-2189) for semiconductor manufacturing processes, boilers and associated air pollution control devices in Fairview Township, **Luzerne County**. This is a renewal of a State-only Operating Permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

39-00092: Hale Trailer Brake and Wheel (PO Box 3305, Allentown, PA 18106-0305) The Department intends to issue a renewal state only (Synthetic Minor) operating permit for a truck trailer and repair facility located in the Upper Macungie Township, **Lehigh County**. The facility's main source is an automotive paint spray booth. The facility is taking site level emission limits on Volatile Organic Compounds (VOCs) and Hazardous Air Pollutants (HAPs) to maintain Synthetic Minor status. The proposed State Only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

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

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

06-03004: Metropolitan Edison Co. (2800 Pottsville Pike, Reading, PA 19612) for operation of an office complex with five (5) diesel fired emergency generators in Muhlenberg Township, **Berks County**.

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

The estimated potential emissions from the proposed sources will be 1.7 tons per year of PM, 1.6 tons per year of SO_x, 5.2 tons per year of CO, 24.1 tons per year of NO_x, less than 2.0 tons per year of Total HAPs, and 1.9 tons per year of 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.

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 PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

29-03004: Mellott Co. (100 Mellott Drive STE 100, Warfordsburg, PA 17267) for quarry equipment facility in Bethel Township, **Fulton County**.

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

The annual emissions in year 2012 were 19.5 tons of VOC. The surface coating is subject to 25 Pa. Code § 129.52. The parts washers are subject to 25 Pa. Code § 129.63. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are

available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

36-05007: Johnson & Johnson Healthcare Products (400 W Lincoln Avenue, Lititz, PA 17543) for operation of a pharmaceutical manufacturing facility in Lititz Borough, **Lancaster County**.

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

The 2012 actual emissions were 5.5 tons of CO, 6.8 tons of NO_x, 0.5 ton of PM-10, 0.04 ton of SO_x, 5.6 ton of VOCs and 0.3 ton of Total HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines; and 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

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

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

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

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

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

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

41-00006 High Steel Structures, Inc. (1853 William Penn Way, Lancaster, PA 17605-0008) for the Williamsport facility located in Williamsport, **Lycoming County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the following potential emissions: 15.45 TPY of CO; 12.86 TPY of NO_x; 0.09 TPY of SO_x; 4.74 TPY of PM/PM₁₀; less than 50 TPY of VOC and 14,644 TPY of CO_{2e}. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Part 63 Subpart ZZZZ, 63.6580—63.6675; National Emission Standards for Hazardous Air Pollutants for Area Source Standards for Nine Metal Fabrication and Finishing Sources Categories, 40 CFR Part Subpart XXXXXX, 63.11514—63.11523 and the Federal New Source Performance Standards for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Part 60 Subpart JJJJ, 60.4230—60.4248. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

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 Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, PA 17701, by calling 570-327-0550 to schedule a file review.

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; 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. David Shimmel, P.E., Chief, New Source Review, may be contacted at 570-327-3568, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

63-00525: Washington Cemetery, Inc. (498 Park Avenue, Washington, PA 15301) for funeral services and crematories at the Washington Cemetery Crematory in North Franklin Township, **Washington County**. This is a State Only Operating Permit renewal application submittal.

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

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

20-00296: HomerWood Premium Hardwood (1026 Industrial Drive, Titusville, PA 16354) to renew a State Only Operating Permit for the wood flooring manufacturing facility located in Titusville, **Crawford County**. The primary sources at the facility include 7 natural gas fueled heaters and a natural gas furnace, wood sanding operations, coating operations, wood sawing operations, a natural gas fueled drying oven, and a parts washer. Potential Emissions for the site are less than the Title V thresholds. The facility is a Natural Minor. The permit contains emission restrictions, recordkeeping, and work practice requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

PLAN APPROVALS

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

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

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

45-00033A: Bolock Funeral Home and Crematory, Inc. (6148 Paradise Valley Road, Cresco, PA 18326) for installation and operation of an incinerator in Paradise Township, **Monroe County**. The plan approval will contain operating restrictions, testing, monitoring, reporting, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. This Plan Approval will be incorporated into a State-only Natural Minor operating permit at a later date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department. A copy of the application is available for inspection at the district

mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

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

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

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

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

Coal Applications Received

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

30831303 and NPDES No. PA0013511. Cumberland Coal Resources, LP, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** and related NPDES permit to install a new slope and access road. Surface Acres Proposed 28.82. No additional discharges. The application was considered administratively complete on November 19, 2013. Application received October 16, 2013.

56841328. Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642). To revise the permit for Mine 78 in Adams Township, **Cambria County** to install a sludge disposal pipeline and two sludge disposal boreholes for the St. Michael Treatment Plant. Surface Acres Proposed 3.0. No additional discharges. The application was considered administratively complete on November 21, 2013. Application received September 30, 2013.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 56930107 and NPDES No. PA 0212466, Rosebud Mining Co., 1117 Shaw Mines Road, Meyersdale, PA 15552, renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 70.3 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 4, 2013.

Permit No. 32070103 and NPDES No. PA0263401, RES Coal, LLC, 224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920, renewal for the continued operation and restoration of a bituminous surface and auger permit East Mahoning Township, **Indiana County**, affecting 201.4 acres. Receiving stream: Little Mahoning Creek classified for the following use: High Quality Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 24, 2013.

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

33-13-18 and NPDES Permit No. PA0259471. P. and N. Coal Company, Inc. (P.O. Box 332, Punxsutawney, PA 15767) Proposal to enter into a Government Financed Reclamation Contract on a 19.0 acre site in Winslow Township, **Jefferson County**. This proposal includes total reclamation of 9.7 acres of abandoned mine lands. Receiving streams: Unnamed tributary to Fehley Run and Fehley Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: October 31, 2013.

33990102 and NPDES Permit No. PA0227978. McKay Coal Company, Inc. (P.O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine and associated NPDES permit in Perry Township, **Jefferson County** affecting 81.7 acres. Receiving streams: Two unnamed tributaries to Foundry Run and Foundry Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 15, 2013.

33070104 and NPDES Permit No. PA0258351. Cookport Coal Company, Inc. (425 Market Street, Kittanning, PA 16201) Revision to an existing bituminous surface mine to add 5.9 acres in Young & McCalmont Townships, **Jefferson County** affecting a total of 25.6 acres. Receiving streams: Unnamed tributary to Elk Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 18, 2013. Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200.

17813093 and NPDES PA0609609. AMFIRE Mining Company LLC (One Energy Place Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface mine, auger, refuse disposal, noncoal (shale) mining, preparation plant, and GP-12 in Lawrence Township, **Clearfield County** affecting 112.5 acres. Receiving stream(s): Wolf Run classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2013.

17100106 and NPDES PA0257346. RES Coal LLC (8912 Clearfield-Curwensville Highway, Clearfield, PA 16830). Transfer of an existing bituminous surface mine and noncoal (sandstone removal) mining located in Bigler Township, **Clearfield County** affecting 68.4 acres. Receiving stream(s): Clearfield Creek classified for Warm Water Fishes and an Unnamed Tributary to Clearfield Creek classified for Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 19, 2013.

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

54900103C2. EOJ, Inc., (2401 Summer Valley Road, New Ringgold, PA 17960), correction to an existing anthracite surface mine operation to add 6.9 acres for a total of 200.1 permitted acres and update the post-mining land use from forestland to unmanaged natural habitat in East Norwegian Township and Palo Alto Borough, **Schuylkill County**, receiving stream: unnamed tributary to Schuylkill River, classified for the following uses: cold water fishes and migratory fishes. Application received: October 21, 2013.

54663021T. Newcastle Anthracite Company, (PO Box 39, Hazleton, PA 18201), transfer of an existing anthracite surface mine and coal refuse reprocessing in New Castle Township, **Schuylkill County** affecting 693.0 acres, receiving stream: West Branch Schuylkill River, classified for the following use: cold water fishes. Application received: October 22, 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.

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 21020301 and NPDES No. PA10224251, Pennsy Supply, Inc., P.O. Box 3331, Harrisburg, PA 17105, renewal of NPDES Permit, Penn Township, **Cumberland County**. Receiving streams: Unnamed intermittent tributary to Mt. Rock Spring Creek to Conodoguinet Creek to Susquehanna River classified for the following uses: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 26, 2013.

Permit No. 28010301 and NPDES No. PA0123811, R.A. Hill, Inc., General Contractors, 1364 Lincoln Way East, Chambersburg, PA 17202, renewal of NPDES Permit, Hamilton Township, **Franklin County**. Receiving streams

unnamed tributaries to Conococheague Creek classified for the following use: warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: September 30, 2013.

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

7774SM3A1C9 and NPDES Permit No. PA0224499. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), correction to an existing quarry operation to merger SMP No. 06050301 into this permit for a total of 267.39 acres in Maxatawny Township and Kutztown Borough, **Berks County**, receiving stream: Sacony Creek, classified for the following use: cold water fishes. Application received: October 21, 2013.

7774SM3A1C10 and NPDES Permit No. PA0224499. Eastern Industries, Inc., (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), depth correction of an existing quarry operation in Maxatawny Township and Kutztown Borough, **Berks County** affecting 267.39 acres, receiving stream: Sacony Creek, classified for the following use: cold water fishes. Application received: October 21, 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*		greater than 6.0; less than 9.0	
pH*			

* The parameter is applicable at all times.

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

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

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

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

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

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

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

Coal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0597341 (Mining permit no. 11850107), AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, renewal of an NPDES permit for mining Portage Township, **Cambria County**, affecting 85.7 acres. Receiving streams: unnamed tributaries to/and Spring Run and unnamed tributaries to/and Trout Run, classified for the following uses: cold water fisheries. This receiving stream is included in the Kiski-Conemaugh TMDL. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received: August 20, 2013.

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

The outfalls listed below discharge to unnamed tributaries to/and Spring Run and unnamed tributaries to/and Trout Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001—Treatment Pond	N
002—Sediment Pond 1	N
003—Sediment Pond 2	N
004—Sediment Pond 4	N
005—Sediment Pond 3	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 001, 002, 003, 004, and 005</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0269191 (Mining permit no. 56120118), Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552-7228, new NPDES permit for surface coal and auger mine in Brothersvalley Township, **Somerset County**, affecting 36.1 acres. Receiving streams: unnamed tributaries to Blue Lick Creek, classified for the following uses: Cold Water Fishery. This receiving stream is included in the Casselman River TMDL. Application received: November 7, 2012.

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

The outfall(s) listed below discharge to Unnamed Tributaries to Blue Lick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	Y
002	Y
003	Y
004	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001 & 002 (Treatment Ponds)</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 003 & 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Sediment Ponds, Dry Weather</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
<i>Parameter</i>			
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

<i>Outfalls: 003 & 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Sediment Ponds, < 10-yr 24-hr precipitation event</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
<i>Parameter</i>			
Iron (mg/l)			7.0
Total Settleable Solids (ml/l)			0.5
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0605697 (Mining permit no. 56813005), Rosebud Mining Company, 1117 Shaw Mines Road, Meyersdale, PA 15552 renewal of an NPDES permit for surface mining activities in Southampton Township, **Somerset County**, affecting 121.9 acres. Receiving stream: unnamed tributary to North Branch of Jennings Creek, classified for the following use: cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: June 21, 2013.

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

The mine drainage outfall(s) listed below discharge to unnamed tributary to North Branch of Jennings Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 004</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to unnamed tributary to North Branch of Jennings Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
012	N
013	N
014	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 012, 013, and 014</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids (mg/l)			0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0598283 (Mining permit no. 56880109), PBS Coals, Inc., P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, renewal of an NPDES permit for surface mining activities in Brothersvalley Township, **Somerset County**, affecting 97.1 acres. Receiving streams: unnamed tributaries to/and Blue Lick Creek, classified for the following use: cold water fishery. Application received: September 27, 2013.

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

The stormwater outfall listed below discharges to an unnamed tributary to Blue Lick Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
006	N

The proposed effluent limits for the above listed outfall are as follows:

<i>Outfalls:</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)			7.0
Total Settleable Solids			0.5 ml/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

NPDES No. PA0125466 (Mining permit no. 56813006), PBS Coals, Inc., P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, renewal of an NPDES permit for surface mining activities in Stonycreek Township, **Somerset County**, affecting 285.9 acres. Receiving streams: unnamed tributaries to/and Clear Run and to Boone Run, classified for the following use: cold water fishery. Application received: October 2, 2013.

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

The outfalls listed below discharge to unnamed tributaries to/and Clear Run and Boone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N
006	N
008	N
009	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 002, 006, 008, & 009</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfalls listed below discharge to unnamed tributaries to/and Clear Run and Boone Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
003	N
004	N
005	N
010	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: 003, 004, 005, & 010</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
<i>Parameter</i>	<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	2.0	4.0	5.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be not less than 6.0 standard units nor greater than 10.5 standard units at all times			
Alkalinity must exceed acidity at all times			

The outfall listed below discharges to Clear Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfall: 001 Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	5.0
Aluminum (mg/l)	1.0	2.0	3.0
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

NPDES No. PA0259438 (Permit No. 37130101). Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) New NPDES permit for a bituminous surface mine in Wayne Township, **Lawrence County**, affecting 82.9 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: September 19, 2013. Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TP1	Y
TP2	Y

The outfall(s) listed below discharge to unnamed tributary No. 2 to Slippery Rock Creek:

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

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5

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

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

Noncoal NPDES Draft Permits

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

NPDES No. PA0224251 (Mining permit no. 21020301), Pennsy Supply, Inc., 1001 Paxton Street, Harrisburg, PA 17104, renewal of an NPDES permit for noncoal surface mine in Penn Township, **Cumberland County**, affecting 229 acres. Receiving stream: unnamed tributary to Mt. Rock Spring Creek, classified for the following use: warm water fishery. This receiving stream is included in the Conodoguinet Creek TMDL. Application received: September 26, 2013.

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

The outfall(s) listed below discharge to unnamed tributary to Mt. Rock Spring Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Suspended Solids (mg/l)	XX	XX	90.0
Oil and Grease	Monitor Only		
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

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

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
002	N

NPDES No. PA0269255 (Mining permit no. 11130301), Laurel Sand & Inc., 210 E. Main Street, P. O. Box 556, Ligonier, PA 15658, new NPDES permit for a non-coal surface mine in Jackson Township, **Cambria County**, affecting 57.0 acres. Receiving stream(s): unnamed tributaries to Bracken Run, classified for the following use(s): cold water fishery. Application received: September 24, 2013.

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

The outfall(s) listed below discharge to unnamed tributaries to Bracken Run.

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

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
Sediment Pond 1	(non-discharge alternative)
Treatment Pond 1A	(non-discharge alternative)
Treatment Pond 1B	(non-discharge alternative)

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

NPDES No. PA0259322 (Permit No. 10120303). Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) New NPDES permit for a large industrial minerals surface mine in Worth Township, **Butler County**, affecting 335.9 acres. Receiving streams: Unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: October 11, 2013.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPIB	Y
TPFB	Y
TPGB	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek and Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
Pond E	Y
Pond F	Y
Pond G	Y
Pond I	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5
Total Suspended Solids (mg/l)				90

NPDES No. PA0107433 (Permit No. 3074SM13). Allegheny Mineral Corporation (P.O. Box 1022, Kittanning, PA 16201) Revision to an existing NPDES permit for a large industrial minerals surface mine in Slippery Rock Borough and Slippery Rock Township, **Butler County**, affecting 1,058.5 acres. Receiving streams: Unnamed tributary to Wolf Creek and unnamed tributaries to Slippery Rock Creek, both classified for the following uses: CWF. TMDL: None. Application received: September 9, 2013.

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

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TPA	Y
TPB	Y
TPC	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Iron (mg/l)		3	6	7
Manganese (mg/l)		2	4	5
Aluminum (mg/l)		2	4	5
Alkalinity greater than acidity ¹				
Total Suspended Solids (mg/l)		35	70	90

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to Wolf Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
S11	N
S12	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5
Total Suspended Solids (mg/l)				90

The outfall(s) listed below discharge to unnamed tributaries to Slippery Rock Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
S3	N
S10	N
S13	N
S15	N
S16	N
S17	N
S19	N
S21	N
S25	N
SPB	Y
SPC	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH ¹ (S.U.)	6.0			9.0
Alkalinity greater than acidity ¹				
Total Settleable Solids (ml/l)				0.5
Total Suspended Solids (mg/l)				90

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting,

identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900

EA15-005. Brandywine Valley Association, 1760 Unionville-Wawaset Road, West Chester, PA 19382, Parkesburg Borough, **Chester County**, ACOE Philadelphia District. To perform the following water obstruction and encroachment activities along Little Buck Run (Perennial, TSF-MF) and its unnamed tributary:

- 1) To realign, stabilize and maintain approximately 2,000 linear feet of stream channel and to enhance the floodplain grading along Little Buck Run.
- 2) To install and maintain fish habitat structures.
- 3) To realign, stabilize and maintain approximately 300 linear feet of stream channel along an unnamed tributary to little Buck Run.

The site is located approximately 500 feet southeast of the intersection of Gorgas Lane and Henry Avenue (Latitude 39.956883N; Longitude -75.909712W).

E15-633. County of Chester, 601 Westtown Road, Suite 160, West Chester, PA 19382-2913, London Grove Township, **Chester County**, ACOE Philadelphia District.

To remove an existing three span concrete encased steel bridge structure and to construct and maintain, in its place, a 65-foot single span steel bridge spanning the middle Branch of White Clay Creek with an average

underclearance of 5 feet, 11 inches. This work also includes the removal of an unvegetated gravel bar located upstream of the bridge and to stabilize adjacent stream banks. In addition, this permit will authorize the construction and maintenance of a temporary road crossing consisting of five 5-foot diameter CMP pipes downstream of the bridge. This site is located on Valley Road approximately 400 feet southwest of its intersection with South Guernsey Road (West Grove-PA-DE Quadrangle N: 12.35 inches; W: 12.15 inches).

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

E64-299. John Dempsey, 1610 Clay Avenue, Dunmore, PA 18509, in Lake Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To remove an existing dock and to construct and maintain a 570 square foot boat house, 170 square foot dock and a 250 square foot boat slip on wood pilings in Lake Ariel (HQ-CWF, MF). The project is located at 282 West Shore Drive (Lake Ariel, PA Quadrangle, Latitude: 41°26'19.1"; Longitude: -75°22'46.9").

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

F38-190: North Annville Township Floodplain Mitigation, 1020 North Route 934, Annville, PA 17003 in North Annville Township, **Lebanon County**, ACOE Baltimore.

To remove structures from the floodplain at the location listed. The projects propose to temporarily affect approximately 0.87 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	35 Upper Glen Lane Annville, PA 17003	Swatara Creek	WWF	Palmyra	40° 21' 48.7"	-76° 36' 49.0"

F38-188: North Annville Township Floodplain Mitigation, 1020 North Route 934, Annville, PA 17003 in North Annville Township, **Lebanon County**, ACOE Baltimore.

To remove structures from the floodplain that were damaged by flooding at the locations listed. The projects propose to temporarily affect approximately 0.17 acre of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	2551 Heilmandale Road Jonestown, PA 17038	Swatara Creek	WWF	Indiantown Gap	40° 22' 50"	-76° 30' 57.5"
2	12 Willow Drive Jonestown, PA 17038	Swatara Creek	WWF	Fredericksburg	40° 23' 27.2"	-76° 29' 58.8"

F38-191: Northern Lebanon County Authority, 1020 N. Rte 934, Annville, PA 17003 in Union Township, **Lebanon County**, ACOE Baltimore District To expand and improve an existing wastewater treatment plant, which is located partially within the floodplain at the location listed. The project proposes to affect approximately 3.13 acres of floodplains. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	400 Jonestown Road Jonestown, PA 17038	Swatara Creek	WWF	Fredericksburg	40° 24' 41"	-76° 29' 17"

E22-601: Hershey Entertainment & Resorts Company, 300 Park Boulevard, Hershey, Pennsylvania 17033, in Derry Township, **Dauphin County**, ACOE Baltimore District To 1.) install and maintain three kiddie rides and one small games venue, 2.) demolish and remove one large games building and one storage shed, and 3.) relocate and maintain an existing games venue, in the floodway of Spring Creek (WWF) (40° 17' 12", -76° 39' 17"), as part of the proposed continuous improvement project at Hersheypark. The project is located near the intersection of Park Avenue and Park Boulevard in Derry Township, Dauphin County. No wetlands will be disturbed.

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

E20-590, French Creek Recreation Trails, Inc., P.O. Box 592, Meadville, PA 16335. Meadville Connector Bike/Hike Trail, in Meadville, **Crawford County**, ACOE Pittsburgh District (Geneva and Meadville, PA Quadrangle N: 41°, 37', 12"; W: -80°, 9', 49").

To construct and maintain a multiuse recreational trail in the floodway of French Creek (WWF) beginning at the existing Ernst Trail and traveling along the west bank of French Creek for approximately 5,344 feet. The proposed trail will have average width of 8 feet and includes three crossings that will permanently impact approximately 12.8 square feet of one wetland that is palustrine forested, palustrine scrub shrub, and palustrine emergent wetland.

E25-768, PA DOT District 1-0, 255 Elm Str., Oil City, PA 16301. SR 0098 Section B01 Bridge Replacement Project across Cussewago Creek, Franklin Township, **Erie County**, ACOE Pittsburgh District (Edinboro North, PA Quadrangle N: 41°, 54', 12"; W: -80°, 13', 32").

To remove the existing single span concrete slab bridge and to construct and maintain a 15.0 ft x 6.0 ft x 80.0 ft long reinforced precast concrete box culvert across Cussewago Creek (WWF) on SR 0098 Segment 0070 Offset 2941 at its intersection with Crane Road approximately 1.6 miles north of Lavery, PA. A total of 146 ft of Cussewago Creek will be permanently impacted, 0.07 acre of wetland will be filled and 0.19 acre of wetland will be temporarily impacted as a result of the project. Applicant proposes to debit the Polk Wetland Mitigation Bank.

E61-296, Verizon Wireless, 18 Abele Road, Bridgeville PA 15017. Lowell Corners Cell Site, in Allegheny Township, **Venango County**, ACOE Pittsburgh District (Pleasantville, PA Quadrangle N: 41°, 33', 39.5"; W: 79°, 32', 49.4").

To construct a 300 ft self-supporting lattice cell tower and equipment building. Installation of the gravel pad for the tower site will result in permanent impacts to 0.046 acre of wetland. No mitigation is proposed as the impacts are de minimus. District Oil and Gas Operations: Eastern Oil and Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701

E0829-085: Chesapeake Appalachia, LLC, 14 Chesapeake Lane, Sayre, PA 18840, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 16 inch diameter temporary waterline and a timber mat bridge impacting 23 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°19'52").

2. a 16 inch diameter temporary waterline and a timber mat bridge impacting 25 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 259 square feet of an adjacent Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'44", Longitude: -76°19'37").

3. a 16 inch diameter temporary waterline and a timber mat bridge impacting 685 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'44", Longitude: -76°19'35").

4. a 16 inch diameter temporary waterline impacting 2 linear feet of North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'42", Longitude: -76°19'29");

5. a 16 inch diameter temporary waterline impacting 5 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'14", Longitude: -76°18'31");

6. a 16 inch diameter temporary waterline and a timber mat bridge impacting 269 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'00", Longitude: -76°18'38").

The project will result in 55 linear feet and 362 square feet of temporary stream impacts and 1,213 square feet (0.03 acre) of temporary PEM wetland impacts from temporary waterlines and timber mat bridge crossings all for the purpose of establishing a temporary water supply for Marcellus well development in Wilmot Township, Bradford County.

E5729-068: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 16 linear feet of an unnamed tributary to Kings Creek (EV) (Overton, PA Quadrangle 41°33'29"N, 76°36'47"W);

2) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 6,055 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'13"N, 76°36'37"W);

3) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 1,830 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'05"N, 76°36'08"W);

4) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 1,525 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'29"N, 76°36'47"W);

5) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 150 linear feet of Mill Creek (EV) (Overton, PA Quadrangle 41°33'14"N, 76°35'56"W);

6) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Mill Creek (EV) and 55 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'19"N, 76°35'52"W);

7) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 115

linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'20"N, 76°35'51"W);

8) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'22"N, 76°35'49"W);

9) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 80 linear feet of an unnamed tributary to Mill Creek (EV) (Overton, PA Quadrangle 41°33'26"N, 76°35'36"W);

10) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Mill Creek (EV) and 2,004 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°33'36"N, 76°35'24"W);

11) A permanent access road using timber mats and a 10 inch diameter gathering line impacting 261 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 1,437 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°33'58"N, 76°34'57"W);

12) A temporary access road using a timber mat bridge and a 10 inch diameter gathering line impacting 150 linear feet of an unnamed tributary to Mill Creek (EV), 2,047 square feet of an exceptional value palustrine emergent (EV-PEM) wetland, and 6,490 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Overton, PA Quadrangle 41°33'44"N, 76°34'28"W);

13) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 3,833 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°33'42"N, 76°34'26"W);

14) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 3,354 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'40"N, 76°34'22"W);

15) A temporary access road using timber mats and a 10 inch diameter gathering line impacting 2,222 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'40"N, 76°34'22"W);

The project will result in 876 linear feet of temporary stream impacts, 20,866 square feet (0.48 acre) of temporary wetland impacts, and 10,192 square feet (0.23 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Elkland Township, Sullivan County. The permittee will provide 0.23 acre of compensatory mitigation for forested and emergent wetland impacts at an offsite location (Overton, PA Quadrangle 41°33'44"N 76°34'31"W) in Elkland Township, Sullivan County.

E0829-081: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 1,525 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°34'19"N, 76°34'56"W);

2) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 2,047 square

feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°34'26"N, 76°34'56"W);

3) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 1,873 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°34'30"N, 76°34'57"W);

4) A temporary access road using a timber mats and a 10 inch diameter gathering line impacting 3,615 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°34'32"N, 76°34'57"W);

5) A permanent access road 44 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°34'35"N, 76°34'57"W);

The project will result in 5,488 square feet (0.13 acre) of temporary wetland impacts, and 44 square feet (0.01 acre) of permanent wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Overton Township, Bradford County.

E5729-064: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Forks Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 143 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore, PA Quadrangle 41°31'38"N, 76°27'48"W);

2) A temporary access road using a timber mat bridge and an 8 inch diameter well line impacting 71 linear feet of an unnamed tributary to Mill Creek (EV) (Dushore, PA Quadrangle 41°31'37"N, 76°27'48"W); The project will result in 214 linear feet of temporary stream impacts for the purpose of installing a gathering line for Marcellus well development in Forks Township, Sullivan County.

E5829-051 Amend. Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Lenox Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch natural gas pipeline crossing impacting 3 lineal feet of unnamed tributary to Millard Creek (CWF-MF, NRT) (Lenoxville, PA Quadrangle; N 41° 41' 01" Lat., W - 75° 43' 14" Long.),

2) a 12-inch natural gas pipeline conventional bore crossing impacting 34 square feet (< 0.01 acre) of PFO wetlands (EV, >10 acres) (Lenoxville, PA Quadrangle; N 41° 40' 16" Lat., W - 75° 44' 11" Long.).

The project amendment consists of an additional stream and wetland crossing, in Lenox Township, Susquehanna County. The crossings are to be completed by conventional bore methods with no surface impacts. The project will result in an additional 3 lineal feet of stream impacts, and 0.01 acre of wetland impact, all for the purpose of conveying Marcellus Shale natural gas to market.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0032999 (Sewage)	Hickory Run State Park STF RR 1 Box 81 White Haven, PA 18661-9712	Carbon County Kidder Township	Hickory Run (2-A)	Y
PA0040487 (Sewage)	Maple Lane Estates MHP RR 1 Freeland, PA 18224-2025	Luzerne County Foster Township	Pond Creek (2-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PAS213506 (Stormwater)	Eldorado Stone LLC 10653 S River Front Parkway Suite 300 South Jordan, UT 84095	Franklin County Antrim Township	Muddy Run / 13-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0260134 (Sew)	Lancaster Family YMCA Camp Shand 265 Harrisburg Avenue Lancaster, PA 17603-2936	Lebanon County Cornwall Borough	UNT Shearer's Creek / 7-G	Y
PA0086665 (Sew)	Green Spring Brethren in Christ Church 720 Green Spring Road Newville, PA 17241	Cumberland County North Newton Township	Green Spring Creek / 7-B	Y
PA0085111 (IW)	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601-4617	Blair County Antis Township	Tipton Run / 11-A	Y
PA0035823 (Sew)	Kent Saunders Saunders Park 5909 Little Cove Road Mercersburg, PA 17236-9409	Franklin County Warren Township	Little Cove Creek / 13-B	Y
PA0084492 (Sew)	Carl E. Strohecker Janet A. Strohecker Mary E. Strohecker 615 Dunkel School Road Halifax, PA 17032-8984	Dauphin County Halifax Township	UNT to Susquehanna River / 6-C	Y
PA0085120 (IW)	Altoona Water Authority 900 Chestnut Avenue Altoona, PA 16601-4617	Blair County Juniata Township	Blair Gap Run / 11-A	Y
PA0087106 (Sew)	Freedom Valley Worship Center AOG Inc. 3185 York Road Gettysburg, PA 173225-8259	Adams County Straban Township	UNT to Swift Run / 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0037117 (Sewage)	Abraxas I 165 Abraxas Road Marienville, PA 16239	Forest County Howe Township	Unnamed Tributary to Branch and The (16-F)	Y
PA0220906 (Industrial Waste)	Pithole Water Association Pithole Road Cyclone, PA 16726	McKean County Keating Township	Unnamed tributary to Panther Run (16-C)	Y
PA0222496 (Sewage)	Summerville Borough STP PO Box 278 12188 Harrison Street Pa Rte 28 Summerville, PA 15864-0278	Jefferson County Summerville Borough	Runaway Run (17-C)	Y

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

Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5970

NPDES Permit No. PA0031747, Sewage, **Glen Mills School**, P. O. Box 5001, Concordville, PA 19331.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage effluent from a facility known as Glen Mills School STP to Chester Creek in Watershed 3-G.

NPDES Permit No. PA0050750, Sewage, **UMH Properties Inc.**, 3499 Route 9 North, Suite 3c, Freehold, NJ 07728.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Oxford Village MHP to East Branch Big Elk Creek in Watershed 7-K.

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

NPDES Permit No. PA0013064 A-1, Industrial Waste, SIC Code 2816, **Rockwood Pigments N.A., Inc.**, 1525 Wood Avenue, Easton, PA 18042-3186.

This existing facility is located in the City of Easton, Wilson Borough, and Palmer Township, **Northampton County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit amendment for an existing discharge of noncontact cooling water, treated industrial wastewater and stormwater.

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

NPDES Permit No. PA0262145, Sewage, **Jeff Pierson**, 357 Sherwood Drive, Carlisle, PA 17015.

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

Description of Proposed Action/Activity: Authorization to discharge to Conodoguinet Creek in Watershed 7-B.

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

PA0272728, Sewage, SIC Code 8811, **Kelly A Slagle**, 225 Green Street, Monroe, MO 63456. Facility Name: Kelly A Slagle SRSTP. This proposed facility is located in Portersville Borough, **Butler County**.

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

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

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

WQM Permit No. WQG02231318, Sewage, **Bethel Township Sewer Authority**, 1082 Bethel Road, Garnet Valley, PA 19060.

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

Description of Action/Activity: Construction and operation of 12 proposed residential lots, each being served by an individual grinder pump.

WQM Permit No. WQG02461315, Sewage, **TB-BDN Plymouth Apartments, L.P.**, 555 East Lancaster Avenue, Suite 100, Radnor, PA 19087.

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

Description of Action/Activity: Construction and operation of a sewage extension.

WQM Permit No. WQG02151317, Sewage, **Little Washington Wastewater Company**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3489.

This proposed facility is Londonderry Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station.

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

WQM Permit No. 3613201, CAFO, **Rohrer Dairy Farm LLC**, 124 Charleston Road, Washington, PA 17582.

This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval to demolish the existing heifer Barn #4 with the exercise lot that drains to underground tanks and slurrystore and construct a new heifer barn with underneath manure storage.

WQM Permit No. 2906402, Sewerage, **Belfast Township Supervisors**, 121 Homestead Lane, Needmore, PA 17238.

This proposed facility is located in Belfast Township, **Fulton County**.

Description of Proposed Action/Activity: Amendment approving the modification of sewage facilities consisting of a desition to reposition the treatment plant to avoid an adjacent floodplain.

WQM Permit No. 2213405, Sewerage, **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057-1407.

This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the replacement of existing sanitary sewers located along South Union Street.

WQM Permit No. 2113403, Sewerage, **Jeff Pierson**, 357 Sherwood Drive, Carlisle, PA 17015.

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

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of 11,500 gallon two-compartment septic tank with PL-122 effluent filter; ECOFLO peat filter, 250-gallon chlorine contact tank with Jet Chlor tablets, an outfall structure, other associated appurtenances.

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

WQM Permit No. 5998403, Sewage, SIC Code 4952, **Amy N & Frederick M Golden**, 2200 Mitchell Creek Road, Tioga, PA 16946.

This existing facility is located in Tioga Township, **Tioga County**.

Description of Proposed Action/Activity: transfer of a WQM Permit for a Single Residence Sewage Treatment Plant from David L. Button to Amy and Frederick Golden.

WQM Permit No. 1978404, Sewage, SIC Code 4952, **Babbel, Jeanette**, 22 McHenry Hill Road, Orangeville, PA 17859.

This existing facility is located in Orange Township, **Columbia County**.

Description of Proposed Action/Activity: Transfer of a WQM Permit for an SRSTP from James Blackledge to Jeannette Babbel.

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

WQM Permit No. 5686402 Amendment No. 3, Sewage, **Shade Central City Joint Authority**, 429 Sunshine Avenue, Central City, PA 15926

This proposed facility is located in Shade Township, **Somerset County**.

Description of Proposed Action/Activity: Installation of a floating baffle in Lagoon No. 2 to increase the permitted hydraulic capacity from 0.60 million gallons per day (MGD) to 0.85 mgd.

WQM Permit No. 6513406, Sewage, **Trafford Borough**, 414 Brinton Avenue, Trafford, PA 15085-0196.

This proposed facility is located in Trafford Borough, **Westmoreland County**.

Description of Proposed Action/Activity: Proposed construction of sanitary sewer rehabilitation—Trafford Borough SS Repair—Phase IV. This is one phase of a multi-phase project.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

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

WQM Permit No. WQG01431304, Sewage, **June L. Halovanic**, 314 Edgewood Drive, Grove City, PA 16127.

This proposed facility is located in Liberty Township, **Mercer County**.

Description of Proposed Action/Activity: Permit for the construction of a Small Flow Treatment Facility to repair malfunctioning on-lot systems at adjoining residences.

WQM Permit No. WQG01201303, Sewage, **Scott M. Dewey**, P. O. Box 156, 10576 Williamson Road, Meadville, PA 16335.

This proposed facility is located in West Mead Township, **Crawford County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. WQG01251315, Sewage, **Roberta A. Davis**, 14452 Depot Street, Mill Village, PA 16427.

This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. 1013405, Sewage, **Kelly A. Slagle**, 225 Green Street, Monroe City, MO 63456.

This proposed facility is located in Portersville Borough, **Butler County**.

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

WQM Permit No. 4208403, Sewage, Transfer, **Gene A. Strick**, 641 Clermont Road, Mt Jewett, PA 16740

This existing facility is located in Hamlin Township, **McKean County**.

Description of Proposed Action/Activity: Transfer of an existing WQM permit for a Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

General Permit Type—MS4 PAG13 Waiver

Facility Location:

Municipality & County

Permit No.

Applicant Name & Address

Receiving Water / Use

Contact Office & Phone No.

Monongahela City
Washington County

PAG136129

Monongahela City
449 West Main Street
Monongahela, PA 15063

Dry Run,
Monongahela River
and Pigeon Creek
19-C

DEP Southwest
Regional Office,
Clean Water
Program,
400 Waterfront Drive,
Pittsburgh, PA
15222-4745
412.442.4000

*Facility Location:
Municipality &
County*Fayette City Borough
Fayette CountyPermit No.
PAG136359*Applicant Name &
Address*
Fayette City Borough
2nd & Cook Street
Rd 1 Box 544
Fayette City, PA 15438*Receiving
Water / Use*
Monongahela River
19-C*Contact Office &
Phone No.*
DEP Southwest
Regional Office,
Clean Water
Program,
400 Waterfront Drive,
Pittsburgh, PA
15222-4745
412.442.4000South Franklin
Township,
Washington CountyPermit No.
PAG136342South Franklin Township
100 Municipal Road
Washington, PA 15301Chartiers Creek
20-FDEP Southwest
Regional Office,
Clean Water
Program,
400 Waterfront Drive,
Pittsburgh, PA
15222-4745
412.442.4000*Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481**NPDES
Permit No.*

PAG138302

*Applicant Name &
Address*
South Pymatuning Township
Mercer County
3483 Tamarack Drive,
Sharpsville, PA 16150*County*
Mercer*Municipality*
South Pymatuning
Township*Receiving
Water / Use*An Unnamed
Tributary of the
McCullough Run
and an Unnamed
Tributary of the
Shenango River

N

VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions*Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401**NPDES
Permit No.*PAI01
091007*Applicant Name &
Address*
Select Properties, Inc.
2312 North Broad Street
Colmar, PA 18915*County*
Bucks*Municipality*
West Rockhill Township*Receiving
Water / Use*Unnamed Creek
HQ—TSFPAI01
0913004Solt Major Subdivision
2519 Camp Rock Hill Road
Quakertown, PA 18951

Bucks

Milford Township

Unnamed Creek
HQ—TSFPAI01
0907019Pennsylvania Turnpike
Commission
700 S. Eisenhower Blvd.
Middletown, PA 17057

Bucks

Bristol Township

Mill Creek
WWFPAI01
5113009Southern Land Company, LLC
1550 West McEwen Drive
Suite 200
Franklin, TN 37067

Philadelphia

City of Philadelphia

Schuylkill River
WWF—MF*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Nathan Crawford,
Section Chief, Telephone 717.705.4802.**Permit #*PAI032112005
(Withdrawn)*Applicant Name &
Address*
Charter Homes at Walden Inc.
1190 Dillerville Road
Lancaster, PA 17601*County*
Cumberland*Municipality*
Silver Spring Township*Receiving
Water / Use*Trindle Spring Run
and Hogestown Run/
HQ, CWFPAI033813001
(Issued)Methodist Church Home in
Cornwall
1 Boyd Street
PO Box 125
Cornwall, PA 17016

Lebanon

Cornwall Borough

UNT to Snitz Creek
(TSF), Wetlands (EV)**VII. Approvals to Use NPDES and/or Other General Permits**

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

List of NPDES and/or Other General Permit Types

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

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

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG0200 0913037	United States Cold Storage, LLC 15 Emery Street Bethlehem, PA 18015	Tohickon Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hilltown Township Bucks County	PAG0200 0913054	Rankin Realty Investors, L.P. 501 Schoolhouse Road Telford, PA 18960	Unnamed Tributary Mill Creek Perkiomen Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Makefield Township Bucks County	PAG0200 0913057	HCR Manor Care 7361 Calhoun Place, Suite 300 Rockville, PA 20855	Brock Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAG0200 0909019R	538 Swamp Road, L.P. 301 Oxford Valley Road Suite 702 Yardley, PA 19067	Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG0200 0909067R	Clover Meadows, Inc. 166 Clearview Avenue Huntingdon Valley, PA 19006	Tributary to Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Goshen Township Chester County	PAG0200 1513036	Goshen Leisure Development 211 Carter Drive West Chester, PA 19382	Goose Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Thornbury Township Chester County	PAG0200 1513034	Karin J. Crooks 132 Zaccheus Mead Lane Greenwich, CT 06831	Radley Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Whiteland Township Chester County	PAG0200 1507006-R	Rubenstein Company, LP 2929 Arch Street, 28th Floor Philadelphia, PA 19104	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG0200 4613057	Lynnewood Gardens Community Center 911 East County Line Road Lakewood, NJ 08701	Tacony Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4612005R	Latham Realy Jeremiah Kaplan 650 DeKalb Pike Blue Bell, PA 19422	Stony Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4613067	Blue Bell Investment Company, L.P. c/o Corporate Office Properties Trust Wayne H. Lingafelter 6711 Columbia Gateway Dr. Suite 300 Columbia, MD 21046	Unnamed Tributary to Sawmill Run WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hanover Township Montgomery County	PAG0200 4608032	TH Properties, Inc. 345 Main Street Harleysville, PA 19438	Swamp Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG0200 4603163R-1	Ridge Acquisitions, L.P. 404 Sumneytown Pike, Suite 200 North Wales, PA 19454	Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Borough Montgomery County	PAG0200 4613029	Regency Residential, LP 1030 West Germantown Pike East Norriton, PA 19403	West Branch Neshaminy	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Norriton Township Montgomery County	PAG0200 4613061	Robert E. Blue 1149 Skippack Pike Blue Bell, PA 19422	Stony Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511321	Project HOME 1845 North 23rd Street Philadelphia, PA 19121	Delaware River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511314	S.D. Richman Sons, Inc. 2435 Wheatsheaf Lane Philadelphia, PA 19137	Frankford Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
City of Philadelphia Philadelphia County	PAG0201 511329	L/S 201 Rouse Boulevard 1628 John F. Kennedy Blvd. Suite 1100 Philadelphia, PA 19103 Turner Construction Company 1835 Market Street, 21st floor Philadelphia, PA 19103	Delaware River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Mehoopany Township Wyoming County	PAG02006609001R	PennDOT Debbie Noone 55 Keystone Industrial Park Dunmore, PA 18512-1516	Mehoopany Creek (CWF, MF)	Wyoming County Conservation District 570-836-2589
South Abington Township Lackawanna County	PAG02003513012	TEK 78, LLC 421 Poplar Street Scranton, PA 18509	UNT to Ackerly Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Dickson City Borough Lackawanna County	PAG02003513013	Quattro Development LLC 1100 Jorie Blvd., Suite 238 Oak Brook, IL 60523	UNT to Lackawanna River (CWF, MF)	Lackawanna County Conservation District 570-392-3086

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Tuplehocken Township, Berks County	PAG02000613034 (Issued)	Leonard Hoover 3049 Bern Road Hamburg PA 19526	Mollhead Creek (CWF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Derry Township, Dauphin County	PAG02002213034 (Issued)	HERCO 300 Park Blvd Hershey, PA 17033	Swatara Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Susquehanna Township, Dauphin County	PAG02002203036R (Issued)	Joseph Dorbian 131 Stover Drive Carlisle, PA 17013	Susquehanna River (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Hamiltonban Township, Adams County	PAG02000111001 (Issued)	David Sites Realty Leasing Management Company 1270 Fairfield Rd Gettysburg, PA 17325	Toms Creek (CWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636
Gettysburg Borough, Adams County	PAG02000113021 (Issued)	Mark Guise Gettysburg Municipal Authority 601 E. Middle St PO Box 3307 Gettysburg, PA 17325	UNT to Rock Creek (WWF), Stevens Run (WWF)	Adams Co. Conservation District 670 Old Harrisburg Rd, Suite 201 Gettysburg, PA 17325 717.334.0636

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Middleton Township, Cumberland County	PAG02002111028R (Issued)	Jeff Yorick 3499 Rte 9 N, 3#C Freehold, NC 07728	Wertz Run (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Hampden Township, Cumberland County	PAG02002103050 (Issued)	Fishing Creek Vally Assoc. Richard Yingst 4712 Smith St Harrisburg, PA 17109	UNT Sears Run/Conodoguinet (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Shippensburg Township, Cumberland County	PAG02002111018R (Issued)	Sheetz Robert Franks 5700 Sixth Avenue Altoona, PA 16602	Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
East Pennsboro Township, Cumberland County	PAG02002108024R (Issued)	East Pennsboro Township 98 South Enola Dr Enola, PA 17025	UNT to Conodoguinet Creek (WWF)	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Lower Allen Township, Cumberland County	PAG02002113030 (Issued)	Larry Hatter PO Box 1218 Mechanicsburg, PA 17055	Cedar Run, CWF	Cumberland Co Conservation Dist. 310 Allen Road, Suite 301 Carlisle, PA 17013 717.240.7812
Conewago Township, Dauphin County	PAG02002213035 (Issued)	George Reiter & Erin O'Brien 2 Apple Hill Ln York, PA 17402	Hoffer Creek (TSF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Susquehanna Township, Dauphin County	PAG02002209040R (Issued)	2901 Linglestown Rd, LLC 2805 Old Post Rd Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
North Annville Township, Lebanon County	PAG02003813027 (Issued)	Eli Nolt 550 Palmyra Bellegrave Rd Annville, PA 17003	Trib. 09698 of Quittapahilla Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Jackson Township, Lebanon County	PAG02003808002R (Issued)	Michael D. Garman 471 N Reading Rd Ephrata, PA 17522	UNT to Tulpehocken Creek (CWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Richland Borough & Millcreek Township, Lebanon County	PAG02003812008 (Issued)	Melvin Weaver 161 Spring Grove Rd East Earl, PA 17519-0157	Mill Creek & UNT to Tulpehocken Creek	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4

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*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
North Cornwall Township, Lebanon County	PAG02003813039 (Issued)	Allen Balmer 2220 Colbrook Road Lebanon, PA 17042	Beck Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
North Cornwall Township, Lebanon County	PAG020038040351R (Issued)	Donald Deorris 116 Union Avenue Altoona, PA 16602	Snitz Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Penn Township, York County	PAG02006711031R (Issued)	LCL-York Village Associates, LP Elliot Leibowitz 199 Baldwin Rd Parsippany, NJ 70542	Oil Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Hanover Borough, York County	PAG02006711038R (Issued)	Mummert Enterprises 8 Stuart Ave Hanover, PA 17331	UNT to Oil Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Hellam and Springettsbury Townships, York County	PAG02006708060R (Issued)	Gordon Kauffman 475 Quaker Dr York, PA 17402	UNT to Kreutz Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Jacobus Borough, York County	PAG020067120201 (Issued)	William M. Acker 8471 Fishel Creek Rd Seven Valleys, PA 17360	East Branch Codorus Creek (CWF, MF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
East Manchester, Conewago, Newberry and Fairview Townships, York County	PAG020067120011 (Issued)	PPL Electric Utilities Corp Robert McHale 2 N Ninth St GENN3 Allentown, PA 18101	Yellow Breeches (CWF), Fishing Creek (TSF), Conewago Creek (WWF), Bennet Run (WWF), UNTs to West Branch of Susquehanna River (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
East Franklin Township, Armstrong County	PAG02000313008	Cynthia McCrea 200 Oak Avenue Kittanning, PA 16201	Glade Run (TSF) and UNT to Glade Run (TSF)	Armstrong County CD 124 Armsdale Road Kittanning, PA 16201 (724) 548-3425

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
German Township Fayette County	PAG02002613010	Glenn Johnston, Inc. 1055 Center St. McKeesport, PA 15132	UNT to Brown's Run (WWF)	Fayette County CD 10 Nickman Plaza Lemont Furnace, PA 15456 (724) 438-4497
White Township Indiana County	PAG02003211008R	Citizen's Ambulance Service, Inc. 805 Hospital Rd Indiana, PA 15701	McCarthy Run (CWF)	Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Adams Township Butler County	PAG02001011009R	Ken Reilly 6113 Valencia Road Valencia PA 16059	Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Mercer & Marion Townships Butler County	PAG02001013026	Columbia Gas of Pennsylvania 4000 Energy Drive Bridgeville PA 15017	McMurray Run & Unt McMurray Run CWF; Unt North Branch Slippery Rock Creek	Butler County Conservation District 724-284-5270
Jackson Township Butler County	PAG02001012026(1)	Sippel Development 174 Tomlinson Drive Zelienople PA 16063	Likens Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County	PAG02001013025	Enterprise Rent-A-Car of Pittsburgh LLC 4489 Campbells Run Road Pittsburgh PA 15025	Unt Brush Creek WWF	Butler County Conservation District 724-284-5270
Woodcock Township Crawford County	PAG020013006	Woodcock Township 16250 State Hwy 86 Saegertown PA 16433	Unt French Creek WWF	Crawford County Conservation District 814-763-5269

General Permit Type—PAG-03

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Falls Township Bucks County	PAR210014	Silvi Concrete Products Inc. 355 Newbold Road Fairless Hills, PA 19030	Rock Run—2-E	Southeast Region Clean Water Program 484.250.5970
Limerick Township Montgomery County	PAR210031	Silvi of Montgomery Inc. 355 Newbold Road Fairless Hills, PA 19030	Unnamed Tributary to Hartenstine Creek—3-D	Southeast Region Clean Water Program 484.250.5970
East Caln Township Chester County	PAR210032	Silvi Concrete of Downingtown 355 Newbold Road Fairless Hills, PA 19030	East Branch Brandywine Creek—3H	Southeast Region Clean Water Program 484.250.5970
Plymouth Township Montgomery County	PAR230082	Montgomery Chemicals LLC 901 Conshohocken Rd Conshohocken, PA 19428	Plymouth Creek—3F	Southeast Region Clean Water Program 484.250.5970
Eddystone Borough Delaware County	PAR800015	Penn Terminal Inc. One Saville Avenue Eddystone, PA 19022	Delaware River and Ridley Creek—3-G	Southeast Region Clean Water Program 484.250.5970
Concord Township Delaware County	PAR800174	Con Way Freight Inc. 2211 Old Earhart Rd, Ste. 100 Ann Arbor, MI 48105	West Branch Chester Creek—3G	Southeast Region Clean Water Program 484.250.5970

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

Facility Location:
Municipality &
County

Facility Location: Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
Dauphin County Lykens Township	PAR123559	Wenger's Feed Mill Inc. 101 West Harrisburg Avenue PO Box 26 Rheems, PA 17570-0026 Wenger's Feed Mill, Inc. Spring Glen Facility 8959 Route 25 Spring Glen, PA 17978	UNT of Pine Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Conewago Township	PAR223534	Spring Valley Mulch LLC 2770 Mill Creek Road Dover, PA 17315 Spring Valley Mulch 2470 Mill Creek Road Dover, PA 17315	UNT of Little Conewago Creek / TSF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Wellsville Borough	PAR203592	Pennex Aluminum Company 50 Community Street PO Box 100 Wellsville, PA 17365	Doe Run / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Muhlenberg Township	PAR803716	Berks Products Corporation 167 Berks Products Drive Leesport, PA 19533 Berks Products Corporation North 11th Street Fuel Oil Terminal 2501 North 11th Street Reading, PA 19605	UNT to Schuylkill River (Bernhart Creek) / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Tulpehocken Township	PAR603577	Bruce Moore Auto Salvage 62 Camp Swatara Road Myerstown, PA 17067-1932	Little Swatara Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Smithfield Borough Fayette County	PAR806245	First Student Inc. 110 Perimeter Park, Suite E Knoxville, TN 37922	Unnamed Tributary to Georges Creek—19-G	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Youngwood Borough Westmoreland County	PAR116118	DME Co. LLC 70 E Hillis Street Youngwood, PA 15697	Jacks Run—19-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Summit Township Butler County	PAR7083019	Wiest Asphalt Products & Paving, Inc. 310 Mitchell Hill Road Butler, PA 16002	Unnamed Tributary to Connoquenessing Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Mars Borough Butler County	PAR358301	Callery Conway Mars HV, Inc. 1120 Mars Evans City Road, Mars, PA 16046	Breakneck Creek 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-4

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Tioga Township Tioga County	PAG045001 A-1	Amy N & Frederick M Golden 2200 Mitchell Creek Road Tioga, PA 16946	Unnamed Tributary to Mitchell Creek—4-A	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Orange Township Columbia County	PAG045012 A-1	Babbel, Jeanette 22 McHenry Hill Road Orangeville, PA 17859	Green Creek—5-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Liberty Township Mercer County	PAG041119	June L. Halovanic 314 Edgewood Drive, Grove City, PA 16127	Unnamed Tributary of Swamp Run 20-C	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
West Mead Township Crawford County	PAG041122	Scott M. Dewey P. O. Box 156 10576 Williamson Road, Meadville, PA 16335	Unnamed Tributary to Mun Run (Tamarack Lake) 16-D	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Mill Village Borough Erie County	PAG041127	Roberta A. Davis 14452 Depot Street Mill Village, PA 16427	Unnamed Tributary of the French Creek 16-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-6

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Turtle Creek Borough Allegheny County	PAG066118	Turtle Creek Borough Allegheny County 125 Monroeville Avenue Turtle Creek, PA 15145	Thompson Run and Turtle Creek—19-A	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

General Permit Type—PAG-8

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant's Name & Address</i>	<i>Contact Office & Telephone No.</i>
Downingtown Regional Water Pollution Control Center Chester County	PAG080007	Downingtown Area Regional Authority 6 W. Lancaster Avenue Downingtown, PA 19335	Southeast Region Clean Water 484.250.5970
Upper Providence Township Montgomery County	PAG080011	Lower Perkiomen Valley Regional Sewer Authority Oaks Treatment Plant P. O. Box 297 101 Station Avenue Oaks, PA 19456	Southeast Region Clean Water 484.250.5970
Borough of Quakertown Bucks County	PAG080013	Borough of Quakertown Wastewater Treatment Plant 35 North Third Street Quakertown, PA 18951	Southeast Region Clean Water 484.250.5970

General Permit Type—PAG-9 (SSN)

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Adams County Straban Township	PAG093552	Smiths Sanitary Septic Service 1234 Hanover Street Hanover, PA 17331	Smith Disposal Facility—Berstine Farm	DEP-SCRO-Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

General Permit Type—PAG-12

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County West Lampeter Township	PAG123641	Randall S. Andrews Spring Maple Farm 41 Penn Grant Road Lancaster, PA 17602	UNT to Pequea Creek / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lebanon County Bethel Township	PAG123770	Jacob Light Jacob Light Pullet Farm 791 Greble Road Lebanon, PA 17046	UNT Elizabeth Run / WWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Berks County Upper Tulpehocken Township	PAG123771	Dwight D. Zimmerman Dwight Zimmerman Poultry Farm 80 South Northkill Road Bernville, PA 19506	Northkill Creek / CWF	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

General Permit Type—MS4 PAG13

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Borough of West Newton, Westmoreland County	PAG136127	Borough of West Newton 112 S. Water Street West Newton, PA 15089-1364	Unnamed Tributary to Youghiogeny River and Youghiogeny River—19-D	DEP Southwest Regional Office, Clean Water Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*Facility Location:
Municipality &
County*Georges Township
Fayette County*Permit No.*

PAG136133

*Applicant Name &
Address*Georges Township
1151 Township Drive
Uniontown, PA 15401*Receiving
Water / Use*Mountain Creek,
Muddy Run and
Unnamed Tributary
to Georges Creek
19-G*Contact Office &
Phone No.*DEP Southwest
Regional Office,
Clean Water
Program,
400 Waterfront Drive,
Pittsburgh, PA
15222-4745
412.442.4000Beaver Borough
Beaver County

PAG136171

Beaver Borough
469 Third Street
Beaver, PA 15009

Ohio River—20-G

DEP Southwest
Regional Office,
Clean Water
Program,
400 Waterfront Drive,
Pittsburgh, PA
15222-4745
412.442.4000**PUBLIC WATER SUPPLY PERMITS**

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

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

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

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

SAFE DRINKING WATER**Actions taken under the Pennsylvania Safe Drinking Water Act**

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

Permit No. 2313506, Public Water Supply.

Applicant **Chester Water Authority**
415 Welsh Street
Chester, PA 19016-0467

Township Little Britain
County **Lancaster**
Type of Facility PWS
Consulting Engineer GHD
1240 North Mountain Road
Harrisburg, PA 17112
Permit to Construct Issued November 15, 2013

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

Permit No. 0813502MA—Construction Public Water Supply.

Applicant **Troy Borough**
Township/Borough Troy Borough
County **Bradford**
Responsible Official Daniel J. Close, Manager
Troy Borough
49 Elmira Street
Troy, PA 16947
Type of Facility Public Water Supply
Consulting Engineer David D. Walters, P.E.
Larson Design Group
1000 Commerce Park Drive
Suite 201
Williamsport, PA 17701
Permit Issued 11/14/13

Description of Action Finish construction of two existing bulk water loading stations at Well #2 and construct a third, identical bulk water loading station at Well #2.

Permit No. 1813502—Construction Public Water Supply.

Applicant **First Quality Water & Beverage, LLC**
Township/Borough Castanea Township
County **Clinton**

Responsible Official Mr. James F. Peterson, II
First Quality Water & Beverage,
LLC
904 Woods Avenue
Lock Haven, PA 17745

Type of Facility Public Water Supply

Consulting Engineer Gary J. Toplak, P.E.
Toplak & Associates PC
112 Pineview Road
Baden, PA 15005

Permit Issued 11/14/13

Description of Action Installation of a third bottling
line and a second treatment
train, including corrosion control,
cartridge filtration (20 micron
nominal), chlorination,
ultrafiltration, granular
activated carbon treatment,
cartridge filtration (1 micron
nominal), ultraviolet irradiation,
reverse osmosis, mineral
addition, and ozonation.

Permit No. 4913502—Construction Public Water Supply.

Applicant **Aqua Pennsylvania,
Inc.—Roaring Creek Division**

Township/Borough Coal Township

County **Northumberland**

Responsible Official Mr. Patrick Burke
Aqua Pennsylvania, Inc.
204 East Sunbury Street
Shamokin, PA 17872

Type of Facility Public Water Supply

Consulting Engineer Margo M. Weigner, P.E.
GHD
1240 North Mountain Road
Harrisburg, PA 17112

Permit Issued 11/19/13

Description of Action Construction of the aboveground
Edgewood booster pump station
to replace the existing
belowground Edgewood booster
pump station and existing 14,000
gallon Edgewood water storage
tank.

Permit No. 4113507—Construction Public Water Supply.

Applicant **Williamsport Municipal Water
Authority**

Township/Borough South Williamsport Borough

County **Lycoming**

Responsible Official Mr. Charles Hauser, P.E.
Williamsport Municipal Water
Authority
253 West Fourth Street
Williamsport, PA 17701

Type of Facility Public Water Supply

Consulting Engineer David Swisher, P.E.
HRG, Inc.
474 Windmere Drive, Suite 100
State College, PA 16801

Permit Issued 11/22/13

Description of Action Rehabilitation of the Arlington
Street pump station and
construction of the Mountain
Pressure Zone, including a
500,000 gal. finished water
storage tank, booster pump
station, rechlorination facility,
and distribution piping.

*Southwest Region: Water Supply Management Program
Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-
4745*

Operations Permit issued to: **Municipal Authority
of the Borough of Oakmont**, PO Box 73, 721 Allegheny
Avenue, Oakmont, PA 15136, (PWSID #) Plum Borough,
Allegheny County on November 21, 2013 for the operation
of facilities approved under Construction Permit #
0212516.

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

Construction/Operation Permit issued to **Guys
Mills Mutual Water Association**, PWSID #6200062,
Randolph Township, **Crawford County**, for the operation
changes to the water system to maintain an equal
blend of spring water and well water. Construction and
Operation authorized simultaneously under permit number
2093502-MA2 issued November 14, 2013.

Operation Permit issued to **John C. DiPierro d/b/a
Chandlers Valley Mobile Home Park**, PWSID
#6620043, Sugar Grove Township, **Warren County**. Permit
Number 6293502-MA1 issued November 7, 2013 for the
operation of 4-Log treatment of viruses for Entry
Point 110. This action is taken under the requirements of
the Groundwater Rule.

Operation Permit issued to **Brockway Borough
Municipal Authority**, PWSID #6330002, Horton Town-
ship, **Elk County**. Permit Number 2412501 issued No-
vember 15, 2013 for the operation of Whetstone Well No.
6 at the public water supply system. This permit is issued
in response to an operation inspection conducted by the
Department of Environmental Protection personnel on
October 31, 2013.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Northumberland Borough	175 Orange Street Northumberland, PA 17857	Northumberland

Plan Description: The approved plan provides for a new
biological treatment plant (oxidation ditch) to replace the
old plant to meet the Chesapeake Bay requirements.
Additionally they will be doing work on the existing lines
and modifying the main pump station. The Department's
review of the sewage facilities update revision has not
identified any significant environmental impacts resulting
from this proposal. All required NPDES Permits or WQM
Permits must be obtained in the name of the municipal-
ity.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
City of New Castle	230 North Jefferson Street, New Castle, PA 16101	Lawrence

Plan Description: The approved special study was prepared to provide information on the existing and future sewage needs of the City of New Castle (City) to the New Castle Sanitation Authority (Authority). The Authority is tasked with preparing an Act 537 Update to provide for both current and projected needs of all the tributary municipalities serviced by the Authority. The City is presently served in its entirety by the Authority, and no population growth is projected in the City within the projected time limits of the proposed 537 Update. Because the alternative of choice is a "no action" alternative, there are no possibilities of environmental impacts.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	100 Chief Logan Circle Altoona PA 16602	Blair County

Plan Description: Approval of a revision to the official plan of Logan Township, Blair County. The project is known as Logan Township Sewer Extensions. The plan provides for construction of three sewer extensions with a total of 6000 linear feet of gravity sewer to serve existing homes in the Frankstown Road, City View and Beverly Hills areas. The proposed sewage flows are 13600 gallons per day. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-07916-330-3M and the APS Id is 826351. Any permits must be obtained in the name of the municipality.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995 PREAMBLE 2

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

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the Department to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the

final report, will also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

Turkey Hill Minit Market #140, 1370 Wyoming Avenue, Borough of Forty Fort, **Luzerne County**, Doug McKee, McKee Environmental, Inc., has submitted a Notice of Intent to Remediate and a Final Report on behalf of his client, Mike Cukauskas, Director of Petroleum, Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, concerning the remediation of soil due to a small volume of gasoline released from a parked vehicle in the Turkey Hill parking lot which was washed off the lot to a grassy area due to a rain storm. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. The intended future of the site will remain commercial. A summary of Final Report to remediate was published in *The Citizens Voice* on October 23, 2013.

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

Moyer Residence, 96 Diamond Drive, Lebanon, PA, South Annville Township, **Lebanon County**. ECC Horizon, Inc., 520 Fellowship Road, Suite E-506, Mount Lauren, NJ 08054, on behalf of J & J Environmental, Inc., PO Box 370, Blue Bell, PA 19422, and Dawn Moyer, 96 Diamond Drive, Lebanon, PA 17042, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

Dickinson College—Kaufman Hall, 400 West North Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Dickinson College, PO Box 1773, Carlisle, PA 17013, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, PAHs, PCBs and VOCs. The Report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific standards.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Quality Components—Daguscahonda Plant, 103 Bridge Street, Ridgway Township, **Elk County**. American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668-1848, on behalf of CMSJLP, LLC., 5038 Bakerstown Road, Gibsonia, PA 15044, submitted a Remedial Investigation /Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with Trichloroethene, cis-1,2-dichloroethene, 1,1-dichloroethene, vinyl chloride, and 1,1,1-trichloroethane. The report is intended to document remediation of the site to meet the Site-Specific Standard.

International Paper—Dunn Brickyard, 1540 East Lake Road, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of the Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Kozik 2V Well Site, 467 Portman Road, Summit Township, **Butler County**. Leidos Engineering, Inc., 180 Gordon Drive, Suite 109, Exton, PA 19341, on behalf of XTO Energy, Inc. 502 Keystone Drive, Warrendale, PA 15086, submitted a Remedial Investigation/Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Xylene, Arsenic, Barium, Boron, Cadmium, Chromium, Iron, Lead, Manganese, Selenium, Silver, and Mercury. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

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

Hyacinth Church Site, 3201 Craft Place, City of Pittsburgh, **Allegheny County**. KU Resources, 22 South Linden Street, Duquesne, PA 15110 on behalf of Hyacinth Place, LLC., 12 Grandview Circle, Canonsburg, PA 15317 has submitted a Final Report concerning the remediation of site soils and groundwater contaminated with metals, volatile and semi-volatile organic compounds. The intent of the Final Report is to show attainment of the Combined Statewide Health and Site-Specific Standards. Notice of the final report was published in the *Tribune-Review* on November 5, 2013.

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.

Property at 3419 Ritner Highway, West Pennsboro Township, **Cumberland County**. RT Environmental Services, Inc., 215 West Church Street, King of Prussia, PA 19406, on behalf of George and Shirley Stambaugh, 3419 Ritner Highway, Newville, PA 17241 and Verus Partners, LLC, 200 Phillips Road, Exton, PA 19341, submitted a Final Report concerning the remediation of site soils contaminated with PAHs. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on November 15, 2013.

Kachel's Ford, 2400 Lancaster Pike, Reading, PA 19606, Cumru Township, **Berks County**. Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Lee Kachel, 2000 Cambridge Avenue, #188, Wyomissing, PA 19610, submitted a combined Remedial Investigation Report and Final Report concerning the remediation of site soils and groundwater contaminated with leaded and unleaded gasoline. The Report demonstrated attainment of the Residential Statewide Health and Site Specific standards, and was approved by the Department on November 12, 2013.

Former Tyco Electronics Hamilton Street Facility, 759 Hamilton Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. Herbert, Rowland, & Grubic Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Tyco Electronics, Inc., PO Box 3608, Harrisburg, PA 17105-3608, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated with chlorinated solvents and volatile organic compounds. The Report demonstrated attainment of the combination of the Background, Non-Residential Statewide Health and Site Specific standards, and was approved by the Department on November 18, 2013.

REC Oil / Former Sunoco Bulk Storage Facility, 280 North East Street, York, PA 17403, City of York, **York County**. Enviro Trac, Ltd., 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of REC-Oil, 280 North East Street, York, PA 17403 and Environmental Compliance Management, 345 King Street, Myerstown, PA 17067, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PAHs, VOCs and lead. The Report did not demonstrate attainment of the Non-Residential Statewide Health and Site Specific standards, and was disapproved by the Department on November 19, 2013.

Lefevre & Watson Residential Release, 33 and 35 North Mann Avenue, Yeagertown, PA, Derry Township, **Mifflin County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of State Farm Insurance Company, PA Fire Claims, PO Box 106110, Atlanta, GA, 30348-6110; Tina Lefevre, 16 South Main Street, Yeagertown, PA 17099; and Richard Watson, 33 North Mann Avenue, Yeagertown, PA 17099, submitted a Final Report concerning the remediation of site soils contaminated with No. 2 fuel oil. The Final Report did not demonstrate attainment of the Statewide Health standard, and was disapproved by the Department on November 20, 2013.

Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Correction: Burgh Impoundment (Rex Energy), 725 Perry Highway, Lancaster Township, **Butler County**. Environmental Remediation & Recovery, Inc., 4250 Route 6N, Edinboro, PA 16412, on behalf of R. E. Gas Development, 366 Walker Drive, State College, PA 16801, submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Barium, Cadmium, Chromium, Lead, Selenium, Silver, Benzene, Toluene, Ethylbenzene, and Xylenes. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on October 18, 2013.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Draft permit issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

PAD980550412. Johnson Matthey, Inc., Johnson Matthey Riverside Facility, 900 River Road, Conshohocken PA 19428-2647. Draft permit prepared for the renewal and modification of the RCRA Part B permit, authorizing continued operation of onsite storage of hazardous waste in tanks and containers and for a captive

hazardous waste incinerator, at Johnson Matthey, Inc.'s Riverside Facility located at 900 River Road, Conshohocken PA 19428-2647 in Upper Merion Township, **Montgomery County**. Public comment period ends 45 days after date of this publication. Draft permit and fact sheet available at the Southeast Regional Office. Written comments may be sent to the Southeast Regional Office at the address noted. Draft permit was issued on November 15, 2013.

RESIDUAL WASTE GENERAL PERMITS

Permit Issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Number WMGR091. Lucas Lane Inc., 10 Lucas Lane, Bernville, PA 19506. The general permit covers processing of used oil filters. The processing is limited to crushing and thermal treatment leads to the beneficial use of scrap metal and waste oil generated from the filters. General Permit Number WMGR091 was renewed by Central Office on October 14, 2013.

Persons interested in reviewing a general permit should be directed to Scott E. Walters at 717-787-7381, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 69170, Harrisburg, PA 17106-9170. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

AIR QUALITY

General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.

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

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

GP7-46-0043: Gemalto, Inc. (101 Park Drive, Montgomeryville, PA 18963) on November 21, 2013, was authorized to operate 6-color heidelberg XL 75 printing press in Montgomeryville Township, **Montgomery County**.

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

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

GP3-35-003: Bell Mountain Land Development Corp (859 Enterprise Street, Dickson City, PA 18519) on November 5, 2013, to construct and operate a Portable Crushing Operation with water sprays in Dickson City Borough, **Lackawanna County**.

GP9-35-003: Bell Mt Land Development Corp. (859 Enterprise Street, Dickson City, PA 18519) on November 20, 2013, to operate four (4) internal combustion engines in Dickson City Borough, **Lackawanna 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.

GP1-21-03106: Pinnacle Health (210 South Second Street, Harrisburg, PA 17104) on November 12, 2013, for installation and operation of two (2) 16.2 MMBtu dual-fuel boilers, under GP1, at their West Shore Hospital in Hampden Township, **Cumberland County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

GP5-30-00222: Appalachia Midstream Services, LLC (P. O. Box 54382, Oklahoma City, OK 73154-1382) on November 14, 2013, to allow construction and operation of Two (2) Identical Natco/Camron TEG Dehydrator units, each rated at 55.0 MMscfd attached to two natural gas fired reboilers each rated at 1.0 MMBtu/hr, Two flash tanks equipped with BTEX condensers each rated at 1.54 MMBtu/hr, Two natural gas fired Inline heaters each rated at 3.5 MMBtu/hr, and Three (3) storage tanks with an overall capacity of 19,800 gallons at their Wind Ridge Gathering Facility, in Richhill Township, **Greene County, PA**.

GP5-65-00923B: Peoples Natural Gas Co., LLC (1201 Pitt Street Pittsburgh, PA 15221) on November 15, 2013, to authorize continued operation of previously installed equipment consisting of One (1) Caterpillar 3512 LE, Model No. # 7NJ00894, 4-Stroke lean burn, natural gas-fired engine, rated at 810 bhp at 1,200 rpm, One (1) Hanover TEG dehydrator, Model No. # SB20-14, rated at 5.21 MMscfd including a reboiler rated at 0.5 MMBtu/hr, One (1) IRSI Thermal Oxidizer, Model No. 30-inch, rated at 2.0 MMBtu/hr, and One (1) storage tank to store produced fluids with a capacity of 3,000 gallons at their Latrobe Compressor Station, in Unity Township, **Westmoreland County**.

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

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

GP14-43-344B: Hillcrest Memorial Park (2619 East State Street, Hermitage, PA 16148) on November 19, 2013, for operation of one (1) Facultatieve Technologies Animal Crematory, Model No. ISI-60, rated 140 lbs/hr, primary chamber burner rated 0.75 MmBtu/hr and secondary chamber burner rated 2.0 MmBtu/hr (BAQ-GPA/GP-14) in City of Hermitage, **Mercer County**.

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

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

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

09-0224: New Seaview, LLC (725 Skippack Pike, Blue Bell, PA 19422) on November 18, 2013, for construction and operation of a used motor oil re-refinery plant in Falls Township, **Bucks County**. This facility is a state-only facility. The facility wide emissions will be less than 17 tons per year (TPY) of nitrogen oxides (NO_x), 36 TPY particulate matters (PM), and 22 TPY carbon monoxide (CO). The Plan Approval and Operating Permit will contain testing, monitoring, recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

46-0142C: Custom Processing Services, LLC (461 State Street, East Greenville, PA 18041) on November 21, 2013, for installation of a milling machine with a baghouse as control device for the PM emissions in **Montgomery County**. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

46-0172D: Gemalto, Inc. (101 Park Drive, Montgomeryville, PA 18936) on November 21, 2013, for installation of a new Sakurai Screen Press at an existing facility in Montgomeryville, **Montgomery County**. The primary pollutant of concern is volatile organic compound (VOC) emissions from the inks and solvents to be used in the operation of this press. Gemalto is categorized as a synthetic minor facility. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

48-00095A: Ecopax, LLC (3600 Glover Road, Easton, PA 18040) on October 28, 2013, the addition of a one (1) new polystyrene foam extrusion and thermo former line and for modification of the monitoring and recordkeeping requirements for the polystyrene foam extrusion line at their facility in Forks Township, **Northampton County**.

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

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

06-05081A: Delaware County Solid Waste Authority (583 Longview Road, Boyertown, PA 19512) on November 12, 2013, for construction of a leachate distillation system at the Rolling Hills Landfill in Earl Township, **Berks County**. The leachate distillation system will be powered by a 150 HP boiler that will be operated by the use of landfill gas that will be diverted from the enclosed ground flare.

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

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

59-00008C: Tennessee Gas Pipeline Company, LLC (1001 Louisiana Street, Houston, TX 77002) on November 13, 2013, for construction of a new natural gas compression process driven by a stationary combustion turbine their Station 315 facility, Charleston Township, **Tioga**

County. The facility changes will also include newly-installed fugitive components (piping valves, connections, flanges, etc.). The plan approval contains testing monitoring, recordkeeping and reporting conditions to verify compliance with all applicable federal and state regulatory requirements.

49-00064B: Milton Regional Sewer Authority (PO Box 433, 5585 State Route 405, Milton, PA 17847) on November 18, 2013, for construction of two Cummins model C1000-N6C biogas/natural gas fired engines at the wastewater treatment plant in West Chillisquaque Township, **Northumberland County**.

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

Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

04-00738A: Aliquippa Metal Recovery, LLC (100 Bet Tech Drive, Aliquippa, PA 15001) on November 20, 2013, to construct and begin temporary operation of a slag processing and metals recovery facility primarily consisting of two crushing/screening lines and one jig plant in Hopewell Township, **Beaver County**.

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

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

62-017U: United Refining Co. (15 Bradley Street, Warren, PA 16365) on November 15, 2013, for modification of plan approval 62-017R for the inclusion of particulate matter emission limits that include both condensable and filterable emissions in Warren City, **Warren County**. This is a Title V facility.

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

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

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

46-0027C: Jenssen Research and Development, LLC. (Welsh and McKean Roads, Spring House, PA 19477) on November 14, 2013, for operation of a generator (3.8MW) in Lower Gwynedd Township, **Montgomery County**.

09-0007E: Waste Management Disposal Services of PA, Inc. (1000 New Ford Mill Road, Morrisville, PA 19067) on November 19, 2013, for operation of a crystallizer in Falls Township, **Bucks County**.

09-0189B: Eureka Stone Quarry, Inc. (P. O. Box 249, Chalfont, PA 18914) on November 19, 2013, for operation of a wet suppression in Warrington Township, **Bucks County**.

09-0184: Doylestown Hospital (595 West State Street, Doylestown, PA 1801) on November 19, 2013, for operation of a 750 kW gas fired generator in Doylestown Township, **Bucks County**.

46-0049A: International Business Systems, Inc. (431 Yerkes Road, King of Prussia, PA 19406) on November 19, 2013, for operation of a heatset press and dryer in Upper Merion Township, **Montgomery 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.

06-03029C: Yuasa Battery, Inc. (2901 Montrose Ave., Laureldale, PA 19605) on November 14, 2013, for upgrading equipment at their lead-acid battery manufacturing facility in Laureldale Borough, **Berks County**. The new equipment that was the subject of the original plan approval has been installed. The plan approval was extended to allow for DEP review of test results.

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

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

47-309-001: United States Gypsum Co. (60 PPL Road, Danville, PA 17821) on November 8, 2013, to extend the authorization an additional 180 days from November 13, 2013 to May 12, 2014 in order to continue the compliance and allow operation pending issuance of an operating permit for the air contaminant sources at the United States Gypsum facility located in Derry Township, **Montour County**. The plan approval has been extended.

47-00001E: PPL Montour LLC (P. O. Box 128, Washingtonville, PA 17884-0128) on November 7, 2013, to extend the authorization an additional 180 days from November 9, 2013 to May 8, 2014 in order to continue the compliance and performance evaluation of the continuous parametric monitoring system that predicts the nitrogen oxides emissions from the boiler for the facility located in Derry Township, **Montour County**. The plan approval has been extended.

47-00001D: PPL Montour LLC (P. O. Box 128, Washingtonville, PA 17884-0128) on October 28, 2013, to extend the authorization an additional 180 days from October 29, 2013 to April 27, 2014 in order to continue the compliance and performance evaluation of the testing and continuous parametric monitoring system that indicates the level of sulfuric acid mist emissions from the utility boilers for the facility located in Derry Township, **Montour County**. The plan approval has been extended.

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

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

32-00055G: NRG Homer City Services, LLC (1750 Power Plant Rd., Homer City, PA 15748) on November 18, 2013, to authorize relocation and reconfiguration of the activated carbon injection (ACI) systems to control mercury emissions from Units 1 & 2 at Homer City Generating Station located in Black Lick and Center Townships, **Indiana County**. Proposed changes to the ACI systems will result in a net decrease of PM, PM₁₀, and PM_{2.5} potential to emit for the project.

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

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

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

09-00016: Exelon Generating Co.—Croydon Generation Station (955 River Road, Bristol, PA 19007) on November 18, 2013, for renewal of the Title V Operating Permit in the Bristol Township, **Bucks County**. There have been no changes at the facility since the permit was last issued on July 8, 2008. The facility is primarily used for providing electrical energy for peak demand periods. As a result of potential emissions of NO_x and SO_x , the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00860: Hydro Carbide Inc. (4439 Route 982, Latrobe, PA 15650) on November 15, 2013, a renewal Title V Operating Permit was issued to authorize the continued operation for the production of cemented tungsten carbide at their Latrobe Plant located in Unity Township, **Westmoreland County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

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

09-00186: Kinder Morgan Bulk Terminals, Inc. (1000 South Port Road, Fairless Hills, PA 19030; Attn: Mr. Alfred Griffith) on November 18, 2013, for the renewal of a Synthetic Minor Operating Permit in Falls Township, **Bucks County**. The initial operating permit was issued on April 22, 2008. Kinder Morgan Bulk Terminals, Inc. owns and operates a bulk material handling facility. The main sources of emissions are the transfer points from transferring of material, stockpiling of material, and roadway emissions. The facility has a gasoline storage tank (Source ID 107) that is subject to 40 CFR Part 63, Subpart CCCCC, which shall be added as a source in the operating permit, along with the applicable federal regulations. The facility also has a 15 kW emergency generator and two (2) waste oil heaters (each rated at 0.5 MMBtu/hr). These sources have been deemed as insignificant sources. This operating permit incorporates Plan Approval No. 09-0186C, which was issued for modifications to existing sources. RFD Nos. 3174 (Liquid Fertilizer Storage Tank) and 3529 (Ammonium Polyphosphate Storage) have also been incorporated. Potential emissions from the facility are: PM —54.54 TPY, PM_{10} —26.51 TPY, $\text{PM}_{2.5}$ —5.29 TPY, NO_x —7.54 TPY, CO —1.73 TPY, SO_x —3.48 TPY, VOC —2.2 TPY, and HAP —1.26 TPY. In the initial operating permit, there was a limit of 99.0 tons per 12-month rolling period for PM_{10} as a result of PM_{10} being used as a pre-cursor for the NSR pollutant $\text{PM}_{2.5}$. This has been revised to state that $\text{PM}_{2.5}$ shall be restricted to 99.0 tons per 12-month rolling period, as PM_{10} is no longer used as a pre-cursor for $\text{PM}_{2.5}$. The permit will contain monitoring, recordkeeping, reporting, and work practice standards

designed to keep the facility operating within all applicable air quality requirements.

Martin Space System Co. (100 Campus Drive, Newtown, PA 18940-1784) on November 21, 2013, for a Renewal Non-Title V Facility, State-Only, Synthetic Minor Permit in Newtown Township, **Bucks County**. Lockheed Martin is a radio and TV communication equipment manufacturing facility. The facility has taken site level restriction limits of 24.9 tons per year for NO_x and 24.9 tpy for VOC's. The restrictions will ensure that Lockheed Martin remains under the emission thresholds. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.

23-00102: Brandywine Veterinary Hospital (1270 Baltimore Pike, Chadds Ford, PA 19317) on November 20, 2013, for operation of their veterinary hospital in Chadds Ford Township, **Delaware County**. The permit is for a non-Title V (State only) facility. The source of air emissions is an animal crematory with an integral afterburner. No changes have taken place since the permit was last issued on November 20, 2008. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

15-00054: Highway Materials—Malvern (680 North Morehall Road, Malvern, PA 19355) on November 21, 2013, for renewal of a State Only, Synthetic Minor Operating Permit in East Whiteland Township, **Chester County**. The facility operates a Hot Mix Asphalt Plant at this site. The proposed renewal of the Operating Permit does not authorize any increase in air emissions, of regulated pollutants, above previously approved levels. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 13.15 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

15-00093: West Chester Animal Hospital (1140 Pottstown Pike, West Chester, PA 19380) on November 21, 2013, for renewal of a State Only, Natural Minor Operating Permit in West Goshen Township, **Chester County**. The facility operates one (1) natural-gas fired animal crematory. There have been no changes to the source. There have been no new sources added at the facility. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

09-00132: McAdoo & Allen—Quaker Color Division (201 South Hellertown Ave., Quakertown, PA 18951) on November 21, 2013, for operation their pigments dispersions manufacturing facility in Quakertown Borough, **Bucks County**. This action is a renewal of the non-Title V, State Only Operating Permit. The permit was issued on 11-13-2003 and was subsequently on 11-07-2008. The facility's main sources include: one (1) natural gas-fired boiler, two (2) No. 2 fuel oil-fired boilers, and a chip manufacturing process consisting of roll mills and paddle blenders. The facility has elected to cap volatile organic compound (VOC) emissions to less than 25 tons per year; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

45-00001: East Stroudsburg University (200 Prospect Street, East Stroudsburg, PA 18301-2956) on June 27, 2013, A State Only (Synthetic Minor) Operating Permit was issued for a facility in East Stroudsburg Borough, **Monroe County**.

40-00116: The Ohio Mattress Company (25 Elmwood Road, Mountaintop, PA 18707-2136) on November 20, 2013, for the operation of mattress manufacturing facility in Wright Township, **Luzerne County**. The sources consists of two (2) boilers and three (3) foam production lines with two (2) scrubbers for emission control. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

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

22-03076: Bitner Crematory LLC (2100 Linglestown Road, Harrisburg, PA 17110) on November 15, 2013, for the human crematory at the facility in Susquehanna Township, **Dauphin County**.

22-03055: Kimmel's Coal & Packaging, Inc. (Machamer Avenue, PO Box 1, Wiconisco, PA 17097) on November 14, 2013, for the coal preparation plant in Wiconisco Township, **Dauphin County**. The State-only permit was renewed.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

32-000330: AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) On November 13, 2013, the Department issued the State Only Operating Permit for the operation of the Ondo Mine Coal Preparation Plant, located in Brush Valley Township, **Indiana County**.

The facility contains air contamination sources consisting of a coal screen, processed coal stockpile, reject stockpile, and 400-bhp emergency generator. Particulate emissions from the screen, conveyers, and storage piles are controlled by limiting minimum coal moisture. Particulate emissions from road dust are controlled by watering from a pressurized water truck.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

32-000348: AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650) On November 13, 2013, the Department issued the State Only Operating Permit for the operation of the Nolo Deep Mine Coal Preparation Plant, located in Buffington Township, **Indiana County**.

The facility contains air contamination sources consisting of conveyers, stacking tube, screen, front-end loader, stockpiles, plant roads, and two (890-bhp & 202-bhp) diesel powered emergency generators. Particulate emissions from the screen, conveyers, and storage piles are

controlled by limiting minimum coal moisture. Particulate emissions from road dust are controlled by watering from a pressurized water truck.

No emission or equipment changes have been approved by this action. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SOOP have been derived from the applicable requirements of 40 CFR Parts 52 and 60 and Pa. Code Title 25, Article III, Chapters 121 through 145.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

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

46-00013: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902) on November 18, 2013, located at 2700 Funks Road, Hatfield Township, **Montgomery County**. The conditions of Title V Operating Permit were amended for all facility NO_x sources. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 46-0013C to revise CO emission limits for three existing boilers Source Id Nos. 031, 032 and 033.

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.

34-05003: Tedd Wood LLC (PO Box 187, Thompsettown, PA 17094-0187) on November 14, 2013, for their wood cabinet manufacturing facility in Delaware Township, **Juniata County**. The State-only permit was administratively amended to reflect a change of ownership.

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

65-00235: Alcoa, Inc. (100 Technical Drive, Alcoa Center, PA 15069) on November 19, 2013 an administrative amendment to renewal State Only Operating Permit (SOOP) to change the facility's contact information. Alcoa Technical Center is Research and Development facility located in Upper Burrell Township, **Westmoreland County**.

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

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

43-00152: John Maneely Co.—Wheatland Tube Mill Street Plant (PO Box 608 Wheatland, PA 16161-0608) on November 14, 2013, issued an administrative amendment to the State Only Operating Permit for the Mill Street Plant located in Sharon City, **Mercer County**. The amendment incorporates the name change, permit contact change, and removes Sources 039 and 115 which have been removed from the facility.

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

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

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

30-00077: Texas Eastern Transmission, L.P. (PO Box 1642, Houston TX 77251-1642). Per Title 25 Pa Code Section 127.449(i), this Notice is for the following de minimis emission increase at the Texas Eastern Transmission, L.P. Holbrook Compressor Station located in Richhill Township, **Greene County**.

The change in the method of operation of two existing turbines for backhaul compression The emission increase as a result of this project will not exceed 0.5 tpy VOC and this project will not trigger the requirements of Title 25 Pa. Code Subchapter E or 40 CFR Part 52 at the facility.

The list of de minimis increases at this facility is as follows:

November 2013	Backhaul Project
October 2013	Installation of new piping components/physical change to existing piping components.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 32110105 and NPDES No. PA0263311. Amerikohl Mining, Inc., 1384 State Route 711, Stahlstown, PA 15687, commencement, operation and restoration of a bituminous surface and auger mine in Brush Valley Township, **Indiana County** affecting 32.1 acres. Receiving streams: unnamed tributaries to/and Brush Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 20, 2011. Permit Issued: October 30, 2013.

Permit No. 32090102, NPDES No. PA0262811 and General Permit GP12 -32090102, AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, revision of an existing bituminous surface mine to obtain

coverage for coal processing under air quality general permit GP-12 in Brush Valley Township, **Indiana County**, affecting 180.0 acres. Receiving streams: unnamed tributaries to/and Yellow Creek, unnamed tributaries to/and Ferrier Run classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2013. Permit Issued: November 18, 2013.

Permit No. 56080103, NPDES No. PA0262617 and General Permit GP12 -56080103, AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, revision of an existing bituminous surface mine to obtain coverage for coal processing under air quality general permit GP-12 in Milford Township, **Somerset County**, affecting 78.7 acres. Receiving streams: unnamed tributary to/and South Glade Creek classified for the following use: warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 23, 2013. Permit Issued: November 18, 2013.

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

65120101 and NPDES Permit No. PA0252182. Quality Aggregates, Inc. (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Penn Township, **Westmoreland County**, affecting 25 acres. Receiving streams: unnamed tributaries to Lyons Run. Application received: February 14, 2012. Permit issued: November 19, 2013.

02070104 and NPDES Permit No. PA0251224. Collier Land & Coal Development, LP (1 Eighth Street, Braddock, PA 15140). Renewal permit for continued operation and reclamation issued to an existing bituminous surface mine, located in Collier Township, **Allegheny County**, affecting 33.3 acres. Receiving streams: unnamed tributaries to Roinson Run. Application received: August 8, 2013. Permit issued: November 21, 2013.

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

14050101 and NPDES No. PA0256242. C.M.T. Energy, Inc. (108 South Twig St., P. O. Box 23, Smoke Run, PA 16681). Revision of an existing bituminous surface mine to change location of haul road in Rush Township, **Centre County** affecting 33.26 acres. Receiving streams: Wolf Run, Unnamed Tributary to Moshannon Creek, and Moshannon Creek classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 6, 2013. Permit issued: November 14, 2013.

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

40041601T. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), transfer of an existing anthracite coal preparation plant and coal refuse disposal operation in Hazle Township, **Luzerne County** affecting 183.0 acres, receiving stream: Black Creek, classified for the following use: cold water fishes. Application received: April 14, 2010. Transfer issued: November 21, 2013.

40041601R. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), renewal of an existing anthracite coal preparation plant and coal refuse disposal operation in Hazle Township, **Luzerne County** affecting 183.0 acres, receiving stream: Black Creek, classified for

the following use: cold water fishes. Application received: August 4, 2011. Renewal issued: November 21, 2013.

40-305-012GP12. Coal Contractors (1991), Inc., (PO Box 39, Hazleton, PA 18201), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 40041601 in Hazle Township, **Luzerne County**. Application received: February 5, 2013. Permit issued: November 21, 2013.

Noncoal Permits Issued

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900

Permit No. 29940301 and NPDES Permit No. PA0607908, Lafarge Mid-Atlantic LLC, 300 E. Joppa Road, Suite 200, Towson, MD 21286, renewal of NPDES Permit, Bethel and Thompson townships, **Fulton County**. Receiving streams: Little Tonoloway Creek classified for the following use: Trout Stocked Fishery. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: May 17, 2013. Permit Issued: November 18, 2013.

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

43970302-GP-104. Donald Lark & Sons, Inc. (339 Garfield Street, West Middlesex, PA 16159) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 43970302 in Shenango Township, **Mercer County**. Receiving streams: Shenango River. Application received: September 30, 2013. Permit Issued: November 13, 2013.

10130801. Holbein, Inc. (180 Parker Road, Sarver, PA 16055) Commencement, operation and restoration of a small industrial minerals mine in Buffalo Township, **Butler County** affecting 5.0 acres. Receiving streams: Little Buffalo Creek. Application received: June 20, 2013. Permit Issued: November 14, 2013.

25111003. Kirila Contractors, Inc. (505 Bedford Road, P. O. Box 179, Brookfield, OH 44403). Final bond release for a small industrial minerals surface mine in Fairview Township, **Erie County**. Restoration of 5.0 acres completed. Receiving streams: Unnamed tributary to Walnut Creek. Application Received: October 11, 2013. Final bond release approved: November 15, 2013.

10070303. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal of NPDES Permit No. PA0258440 in Slippery Rock Township, **Butler County**. Receiving streams: Unnamed tributary to Wolf Creek, unnamed tributary to Slippery Rock Creek. Application received: August 26, 2013. NPDES Renewal Permit issued: November 20, 2013.

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

58132508. Rock Ridge Stone, Inc., (631 SR 1039, Montrose, PA 18801), commencement, operation and restoration of General Permit for Bluestone in Bridgewater Township, **Susquehanna County** affecting 10.0 acres, receiving stream: unnamed tributary to Meshoppen Creek. Application received: July 15, 2013. Permit issued: November 21, 2013.

58132508GP104. Rock Ridge Stone, Inc., (631 SR 1039, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132508 in Bridgewater Township, **Susquehanna County**, receiving

stream: unnamed tributary to Meshoppen Creek. Application received: July 15, 2013. Permit issued: November 21, 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

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

30134003. Energy Corporation of America (501 56th Street SE, Charleston, WV 25304). Blasting activity permit for the construction of the Broad Water impoundment and well pad, to conduct seismic activity located in Jefferson Township, **Greene County** with an exploration date of July 1, 2014. Blasting permit issued: November 14, 2013.

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

36134160. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for a single dwelling in Mt. Joy Township, **Lancaster County** with an expiration date of December 30, 2013. Permit issued: November 19, 2013.

38134126. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Stone Hill in Annville Township, **Lebanon County** with an expiration date of November 30, 2014. Permit issued: November 19, 2013.

38134127. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Old South Crossing in South Annville Township, **Lebanon County** with an expiration date of November 30, 2014. Permit issued: November 19, 2013.

38134128. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Alan Balmer chicken house in North Cornwall Township, **Lebanon County** with an expiration date of December 31, 2013. Permit issued: November 19, 2013.

49134101. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Ed Helfrick Garage in Ralpho Township, **Northumberland County** with an expiration date of November 18, 2014. Permit issued: November 19, 2013.

58134171. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Murphy Pad in Apolaccon Township, **Susquehanna County** with an expiration date of March 31, 2014. Permit issued: November 19, 2013.

58134172. John H. Brainard, (3978 SR 2073, Kingsley, PA 18826), construction blasting for Ayers Impoundment in Apolaccon Township, **Susquehanna County** with an expiration date of March 31, 2014. Permit issued: November 19, 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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-1915, Telephone 570-826-2511.

E45-583. Victor & Accursia Bellino, 10 West 15th Street, Apt 1011, New York, NY 10011, Coolbaugh Township, **Monroe County**, Army Corps of Engineers Philadelphia District.

To construct and maintain a 12-ft wide X 15-ft long pile-supported wooden dock with a 3-ft long X 3-ft wide wooden gangway in Arrowhead Lake (EV). The project is located approximately 300-ft southeast of the intersection of Lake Shore Drive and Apache Drive (Thornhurst, PA Quadrangle Latitude: 41° 09' 30.9"; Longitude: -75° 34' 17.9"). Subbasin: 2A.

E40-746. UGI Electric Utilities, Inc., One UGI Center, Wilkes-Barre, PA 18711. Dallas Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To construct and maintain a 12-ft wide gravel road crossing of a tributary to Trout Brook (CWF) and 0.23 acre of adjacent PEM wetlands (EV) consisting of a 58-L.F., 18-in diameter SLCPP. The purpose of the project is to provide access to UGI's existing electric line. The permittee is required to provide 0.23 acre of replacement wetlands by participating in the Pennsylvania Wetland Replacement Project. The project location right-of-way is located 0.4 mile north of Dallas High School on Hildebrandt Road (Kingston, PA Quadrangle, Latitude: 41° 20' 43.63"; Longitude: 75° 56' 36.86") in Dallas Township, Luzerne Co. Subbasin: 5B.

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

E21-435: Upper Allen Township, 100 Gettysburg Road, Mechanicsburg, Pennsylvania, 17055 in Upper Allen Township, **Cumberland County**, ACOE Baltimore District.

To install and maintain fill within 0.04 acre of Palustrine Emergent Wetland located along the Yellow Breeches Creek (CWF-MF) (Latitude 40°09'18", Longitude -76°59'07") for the purpose of constructing a garage associated with the wastewater treatment facility. The amount of wetland impact is considered de minimis and wetland mitigation is not required. The permit was issued on November 18, 2013.

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

E56-368. Pennsylvania Department of Transportation—District 9-0, 1620 North Juniata Street, Hollidaysburg, PA 16648; Elk Lick Township, **Somerset County**; ACOE Pittsburgh District.

Applicant has been given consent to remove the existing 24' 10" wide, 66' long, two span, SR 669 bridge with a 90 degree skew and to construct and maintain a new 31' 4" wide, 66' long, single span bridge with minimum 5' 6" underclearance over Tub Mill Run (CWF); to construct and maintain three multi-log vanes along the left bank upstream of the bridge; to construct and maintain associated outfalls; place and maintain fill in a de minimis 0.01 acre of PEM wetland; and construct and remove a temporary 16' wide crossing. The new bridge is located on the existing alignment (Meyersdale Pa Quadrangle; N: 0.6 inch; W: 13.25 inches; Latitude 39° 45' 13"; Longitude 79° 05' 44") in Elk Lick Township, Somerset County.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335

E42-08-009, SWEPI, LP, 2100 Georgetown Drive, Suite 400, Sewickley, Pa 15143. Forest Road (FR) 457-A Slide Repair, in Wetmore Township, **McKean County**, Army Corps of Engineers Pittsburgh District (Westline, PA Quadrangle N: 41.751187°; W: -78.813875°).

The applicant proposes to repair and stabilize two recent slope failures along FR 457-A located in Wetmore Township, McKean County. This is a two phase project with phase one having already been completed on March 1, 2013 under Emergency Permit No. EP42308001. The first area is located directly south of FR 457-A, and the

second, just north of an existing shallow well structure. The water obstructions and encroachments for the purpose of installing the natural gas pipeline are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	PH II: Reparation and stabilization of existing slide within palustrine forested (PFO) EV wetland having 62 square feet of permanent wetland impact.	41.751181° N -78.813846° W
2	PH II: Channelization of hydrologic flow of UNT to Meade Run and palustrine forested (PFO) EV wetland having 61 square feet of temporary wetland impact, 7 linear feet of temporary stream impact and 40 linear feet of permanent stream impact.	41.751147° N -78.813356° W
3	PH II: Channelization of hydrologic flow of UNT to Meade Run 7 linear feet of temporary stream impact and 45 linear feet of permanent stream impact.	41.751200° N -78.813511° W
4	PH I: Installation and maintenance of R-6/R-4 rock material for slope stabilization within palustrine forested (PFO) EV wetland having 844 square feet of temporary wetland impact and 1,740 square feet of permanent wetland impact.	41.750822° N -78.813869° W

The project will result in a total of 14 linear feet of temporary stream impacts, 85 linear feet of permanent stream impacts, .021 acre of temporary wetland impacts and .041 acre of permanent wetland impact to EV wetlands from the installation of slope stabilization materials.

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

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.

E5729-062: Appalachia Midstream Services, LLC, 100 IST Center, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 191 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'17"N, 76°25'07"W);

2) A temporary access road using a timber mats and a 6 inch diameter well line impacting 3,530 square feet of a palustrine emergent (PEM) wetland (Dushore, PA Quadrangle 41°31'24"N, 76°25'38"W);

3) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 205 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'15"N, 76°25'57"W);

4) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 120 linear feet

of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'11"N, 76°26'09"W);

5) A temporary access road using a timber mat bridge and a 6 inch diameter well line impacting 204 linear feet of an unnamed tributary to the Little Loyalsock Creek (EV) (Dushore, PA Quadrangle 41°31'14"N, 76°26'17"W).

The project will result in 720 linear feet of temporary stream impacts, and 3,530 square feet (0.08 acre) of temporary wetland impacts all for the purpose of installing a gathering line for Marcellus well development in Cherry Township, Sullivan County.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

<i>ESCGP-2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
26138001	Texas Eastern Transmission 890 Center St Suite 300 Waltham, MA 02451	Fayette	German Township, Menallen Township, North Union Township, Redstone Township, and Dunbar Township	Dunlap Creek (WWF), UNT to Dunlap Creek (WWF), Jennings Run (WWF), UNT to Jennings Run (WWF), and UNT to Redstone Creek (WWF)

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

Butler County Conservation District, 122 McCune Drive, Butler PA 16001-6501

<i>ESCGP -2 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
1013804	MarkWest Liberty Bluestone LLC 4600 J. Barry Court, Suite 500 Canonsburg PA 15317	Butler	Butler, Connoquenessing, Forward, Jackson, and Penn Townships	Little Connoquenessing Creek CWF & Connoquenessing Creek WWF

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

ESCGP-1 #ESX13-073-0012—North Beaver—Sportsman Club Well Pad
Applicant Hilcorp Energy Company
Contact Ms. Stephanie McMurray
Address 1201 Louisiana Street; Suite 1400
City Houston State TX Zip Code 77002
County Lawrence Township(s) North Beaver(s)
Receiving Stream(s) and Classification(s) UNT to Hickory Run

ESCGP-1 #ESG13-073-0011—Mahoning—Ambrosia South
Applicant Hilcorp Energy Company
Contact Ms. Stephanie McMurray
Address 1201 Louisiana Street; Suite 1400
City Houston State TX Zip Code 77002
County Lawrence Township(s) Mahoning
Receiving Stream(s) and Classification(s) UNT to Mahoning River

ESCGP-1 #ESX13-073-0013—Verno Well Site
Applicant Hilcorp Energy Company
Contact Stephanie McMurray
Address 1201 Louisiana Street, Suite 1400
City Houston State TX Zip Code 77002
County Lawrence Township(s) Pulaski(s)
Receiving Stream(s) and Classification(s) UNT to Shenango River, WWF

ESCGP-1 #ESG13-047-0004—Ridgway Pad B Pipeline
Applicant Seneca Resources Corporation
Contact Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County Elk Township(s) Ridgway(s)
Receiving Stream(s) and Classification(s) UNT to Big Mill Creek and UNT to Windfall Run, HQ/EV

ESCGP-1 #ESG13-047-0005—Ridgway Pad B Electric
Applicant Seneca Resources Corporation
Contact Doug Kepler
Address 5800 Corporate Drive, Suite 300
City Pittsburgh State PA Zip Code 15237
County Elk Township(s) Ridgway(s)

Receiving Stream(s) and Classification(s) UNT to Big Mill Creek, Big Mill Creek and UNT to Windfall Run, HQ/EV

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

ESCGP-1 # ESG13-113-0014
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Sullivan County
Township(s) Forks Township
Receiving Stream(s) and Classification(s) Streby Run, UNTs to Streby Run (All EV);
Secondary: Loyalsock Creek

ESCGP-1 # ESX13-015-0063
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Terry Township
Receiving Stream(s) and Classification(s) UNTs to Susquehanna River (CWF/MF)

ESCGP-1 # ESG13-113-0016
Applicant Name Appalachia Midstream Services, LLC
Contact Person Randy DeLaune
Address 100 Ist Center
City, State, Zip Horseheads, NY 14845
County Sullivan County
Township(s) Cherry Township
Receiving Stream(s) and Classification(s) Little Loyalsock Creek, UNTs to Little Loyalsock Creek (All EV);
Secondary: Loyalsock Creek

ESCGP-1 # ESX13-115-0127
Applicant Name Cabot Oil & Gas Corp
Contact Person Kenneth Marcum
Address Five Penn Center West, Suite 401
City, State, Zip Pittsburgh, PA 15276-0120
County Susquehanna County
Township(s) Springville Township
Receiving Stream(s) and Classification(s) Pond Brook (CWF/MF)

ESCGP-1 # ESX13-117-0026
 Applicant Name Talisman Energy USA, Inc.
 Contact Person Lance Ridall
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Tioga County
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) UNTs to Alder Run (CWF/MF);
 Secondary: Alder Run (CWF/MF)

ESCGP-1 # ESG13-113-0013
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Randy DeLaune
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan County
 Township(s) Fox Township
 Receiving Stream(s) and Classification(s) Elk Creek, Porter Creek and tribs. thereto (All EV);
 Secondary: UNTs to the waters listed above.

ESCGP-1 # ESG13-113-0015
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Randy DeLaune
 Address 100 Ist Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan County
 Township(s) Cherry Township
 Receiving Stream(s) and Classification(s) Mill Creek, Two UNTs to Mill Creek, Lick Creek (All EV);
 Secondary: Little Loyalsock Creek

ESCGP-1 # ESG13-115-0103
 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 Township
 Receiving Stream(s) and Classification(s) Gaylord Creek (HQ/CWF), UNT to Apalachin Creek (CWF), UNT to Gaylord Creek (HQ/CWF);
 Secondary: North Branch Wyalusing Creek (CWF/MF), Apalachin Creek (CWF), Gaylord Creek and Apalachin Creek Also classified as Wild Trout.

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

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

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

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

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

Well Permit #: 115-21497-00-00
 Well Farm Name Humbert 2H
 Applicant Name: Southwestern Energy Prod Co.
 Contact Person: John R. Nicholas
 Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
 County: Susquehanna
 Municipality Name/City, Borough, Township: New Milford Twp.
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Great Bend, PA, Tributary to Smith Creek which is a tributary to Salt Lick Creek.

Well Permit #: 115-21498-00-00
 Well Farm Name Humbert 3H
 Applicant Name: Southwestern Energy Prod Co.
 Contact Person: John R. Nicholas
 Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
 County: Susquehanna
 Municipality Name/City, Borough, Township: New Milford Twp.
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Great Bend, PA, Tributary to Smith Creek which is a tributary to Salt Lick Creek.

Well Permit #: 115-21499-00-00
 Well Farm Name Humbert 5H
 Applicant Name: Southwestern Energy Prod Co.
 Contact Person: John R. Nicholas
 Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
 County: Susquehanna
 Municipality Name/City, Borough, Township: New Milford Twp.
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Great Bend, PA, Tributary to Smith Creek which is a tributary to Salt Lick Creek.

Well Permit #: 115-21500-00-00
 Well Farm Name Humbert 6H
 Applicant Name: Southwestern Energy Prod Co.
 Contact Person: John R. Nicholas
 Address: 2350 N. Sam Houston Parkway, East, Houston, TX 77032
 County: Susquehanna
 Municipality Name/City, Borough, Township: New Milford Twp.
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Great Bend, PA, Tributary to Smith Creek which is a tributary to Salt Lick Creek.

Well Permit #: 115-21501-00-00
 Well Farm Name Humbert 7H
 Applicant Name: Southwestern Energy Prod Co.
 Contact Person: John R. Nicholas
 Address: 2350 N. Sam Houston Parkway, East, Houston,
 Tx 77032
 County: Susquehanna
 Municipality Name/City, Borough, Township: New Milford
 Twp.
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to the
 Section 3215(b)(4) waiver: Great Bend, PA, Tributary to
 Smith Creek which is a tributary to Salt Lick Creek.

Well Permit #: 073-20403-00-00
 Well Farm Name Mahoning-Ambrosia 6H
 Applicant Name: Hilcorp Energy Company
 Contact Person: Stephanie McMurray
 Address: 1201 Louisiana Suite 1400, Houston, TX 77002
 County: Lawrence
 Municipality Name/City, Borough, Township: Mahoning
 Name of Stream, Spring, Body of Water as identified on
 the most current 7 1/2 minute topographic quadrangle
 map of the United States Geologic Survey subject to the
 Section 3215(b)(4) waiver: Edinburg

SPECIAL NOTICES

Categorical Exclusion

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

Project Information:

<i>Project Applicant</i>	<i>Project Applicant's Address</i>	<i>Project Location (Municipality)</i>	<i>Project Location (County)</i>
City of Bethlehem	10 East Church Street Bethlehem, PA 18018	City of Bethlehem	Northampton

Description: The City of Bethlehem is implementing a Biosolids Dewatering Facility and Effluent Pump Station Improvements upgrade project at their existing wastewater treatment plant (WWTP) which includes replacement of a 30-year old belt filter press with centrifuge units in a new building addition; upgrading the effluent pump capacity by adding two 20 MGD vertical turbine pumps and installing a new effluent flow meter station; and integrating six of the WWTP process areas to the SCADA server at the Main Control Building. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department's review of the project and the information received has not identified any significant adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

Drinking Water State Revolving Fund Special Notice

Special Notice Under the federal Safe Drinking Water Act (SDWA) (42 U.S.C.A. § 300f, et. seq.)

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Schuylkill County Municipal Authority	221 South Centre Street Pottsville, Pa 17901	Mahanoy Township Schuylkill County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Schuylkill County Municipal Authority is proposing an extension of their Mount Laurel water distribution system to serve the Mahanoy Business Park. The proposed project includes installation of 16,580 feet of 12-inch diameter waterline and construction of a new 500,000 gallon welded steel finished water storage tank. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment for the proposed project.

Public Hearing for Bituminous Surface Mine and Associated NPDES Application

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

37130101 and NPDES Permit No. PA0259438. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). A public hearing for a bituminous surface mine and associated NPDES application will be held at the Wayne Township Fire Hall in Ellwood City, Pa. on December 18, 2013, at 3:00 pm.

[Pa.B. Doc. No. 13-2275. Filed for public inspection December 6, 2013, 9:00 a.m.]

Bid Opportunity

OSM 04(1820,6293)101.1, Abandoned Mine Reclamation Project, Darlington Lake Northwest and County School East, Darlington Township and Big Beaver Borough, Beaver County. The principal items of work and approximate quantities include mobilization

and demobilization; implementation of the Erosion and Sediment Control Plan; swale excavation 1,800 linear feet; channel excavation 110 cubic yards; supply and delivery of mineral calcium silicate aggregate (CSA) 1,185 tons; incorporation of mineral CSA 1,185 tons; tree planting 2,200 each; and reseeding 92.5 acres. This bid issues on December 6, 2013, and bids will be opened on January

7, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2276. Filed for public inspection December 6, 2013, 9:00 a.m.]

Bid Opportunity

OOGM 13-10, Cleaning Out and Plugging Four Abandoned Gas Wells (Gospel Hill Golf and Country Club, Inc., c/o R. Randall Geering, Senior Director, Business and Operations; and Edward R. Rickrode Properties), Harborcreek Township and Westleyville Borough, Erie County. The principal items of work and approximate quantities are to clean out and plug four abandoned gas wells, estimated to be 1,200 feet in depth, to Department of Environmental Protection specifications; to prepare and restore well sites; and to mobilize and demobilize plugging equipment. This project issues on December 6, 2013, and bids will be opened on January 14, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid meeting will be held on December 19, 2013, at 10 a.m. Contact the Construction Contracts Section at (717) 787-7820 or dhopp@pa.gov for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2277. Filed for public inspection December 6, 2013, 9:00 a.m.]

Bid Opportunity

OSM 17(0118,1734)101.1, Mine Subsidence Control Project, Stumptown, Decatur Township, Clearfield County. The principal items of work and approximate quantities include mobilization and demobilization; grout testing; overburden drilling and casing; steel or PVC 3,348 linear feet; 4" air rotary drilling 6,658 linear feet; supply and delivery, mixing and injection of grout material 34,207 tons. This bid issues on December 6, 2013, and bids will be opened on January 7, 2014, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2278. Filed for public inspection December 6, 2013, 9:00 a.m.]

Federal Consistency under the Coastal Zone Management Act

The Department of Environmental Protection (Department) is reviewing a proposed project at the site of the former Avonia Beach Boat Club Marina on the Lake Erie Shoreline in Fairview Township, Erie County, for consistency with the Pennsylvania Coastal Resources Program's (CRM) enforceable policies, as required by the Federal Coastal Zone Management Act of 1972 (16 U.S.C.A. §§ 1451—1466). This project is subject to the Department review for conformance with Federal coastal zone consistency requirements because it is a Federal license and permit activity and is located within this Commonwealth's designated coastal zone.

The applicant, James Aviation, Inc., proposes to remove a portion of the former marina and reconstruct other portions. The applicant has applied to the United States Army Corps of Engineers for a dredge and fill permit under section 404 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1344). The entire north marina bulkhead wall and concrete rubble and northeast marina bulkhead wall will be removed. The stacked 2' x 2' x 6' concrete blocks from the top of the northern end of the west marina bulkhead wall will be removed. The remaining western wall will stay as a groin structure and will be approximately 220 feet long and between 6 feet to 12 feet wide. Rubble will be placed along the eastern side of the west bulkhead wall for approximately 105 feet landward from the northern end and along the entire western side of the east bulkhead that will remain as a groin structure. Approximately 1,500 cubic yards of alluvial deposits will be removed from within the existing marina to the existing shoreline between the east and west groin structures. This project was also announced at 43 Pa.B. 4895, 4925 (August 24, 2013) and on Saturday, September 24, 2013, by the United States Army Corps of Engineers, Pittsburgh District (Notice No. 13-42, Application No. 1997-168).

The Department is reviewing this project for consistency with CRM's enforceable policies in accordance with 15 CFR Part 930 (relating to Federal consistency with approved coastal management programs) of the Federal coastal consistency regulations. Interested parties may request complete project information and information on CRM's enforceable policies from the Department contact listed as follows.

The Department will consider all comments relating to Federal consistency received by December 23, 2013, before issuing a final Federal consistency concurrence or objection. Comments submitted by facsimile will not be accepted. Comments, including comments submitted by electronic mail, must include the originator's name and address. Written comments should be submitted to Matt Walderon, Federal Consistency Coordinator, Interstate Waters Office, 400 Market Street, P. O. Box 8465, Rachel Carson State Office Building, Harrisburg, PA 17101-8465, (717) 772-2196, mwalderon@pa.gov.

Questions should be directed to Matt Walderon at the previously listed phone number or e-mail address.

E. CHRISTOPHER ABRUZZO,
Acting Secretary

[Pa.B. Doc. No. 13-2279. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Lease Office Space to the Commonwealth Luzerne County

Proposals are invited to provide the Department of General Services with 7,737 usable square feet of office space for the Pennsylvania State Police in Luzerne County. For more information on SFP No. 94515, which is due on Monday, January 13, 2014, visit www.dgs.state.pa.us or contact Rebecca Kuhn at (717) 787-7412 or rekuhn@pa.gov.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-2280. Filed for public inspection December 6, 2013, 9:00 a.m.]

Real Estate for Sale Cumberland County

The Department of General Services (Department) will accept bids for the purchase of 2.38 acres ± of land and building formerly known as the Cumberland County PennDOT Maintenance Facility located at 540 West North Street, Borough of Carlisle, Cumberland County. Bids are due Friday, January 3, 2014. Interested parties wishing to receive a copy of Solicitation No. 94516 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,
Secretary

[Pa.B. Doc. No. 13-2281. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charts or records either: (a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or (b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chap-

ter 17 (relating to Motor Vehicle Financial Responsibility Law) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the Consumer Price Index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of September 30, 2012, through September 30, 2013, the Consumer Price Index was 1.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2014, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20	\$1.44
Amount charged per page for pages 21—60	\$1.06
Amount charged per page for pages 61—end	\$.35
Amount charged per page for microfilm copies	\$2.12
Flat fee for production of records to support any claim under Social Security or any Federal or State financial needs based program;	\$27.02
Flat fee for supplying records requested by a district attorney	\$21.33
* Search and retrieval of records	\$21.33

The fees listed previously shall apply for paper copies or reproductions on electronic media whether the records are stored on paper or in electronic format.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Department of Health, Office of Legal Counsel, Room 825, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-2500.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact James T. Steele, Jr. 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 at (800) 654-5984.

**Note:* Federal regulations enacted under the Health Insurance Portability and Accountability Act at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the

individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, DC 20201, (866) 627-7748, <http://www.hhs.gov/ocr/hipaa>.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-2282. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Changes to an Additional Class of Disproportionate Share Payments

The Department of Public Welfare (Department) is providing final notice of an increase to the funding allotted for Fiscal Year (FY) 2012-2013 for disproportionate share hospital (DSH) payments to qualifying Medical Assistance (MA) enrolled hospitals that advance the Department's goal of enhancing access to multiple types of medical care in economically distressed areas of this Commonwealth. There is no change in the qualifying criteria or payment methodology for this additional class of DSH payments.

In making these payments, the Department ensures that no acute care general hospital receives any DSH payment that is in excess of its hospital-specific DSH upper payment limit and the Commonwealth is not exceeding its aggregate annual DSH allotment.

The Department published notice of its intent to increase the funding allocation for these DSH payments at 43 Pa.B. 3436 (June 22, 2013). The Department received no public comments during the 30-day comment period and is implementing the changes as described in its notice of intent.

Fiscal Impact

The FY 2013-2014 fiscal impact as a result of this FY 2012-2013 increase in the allocation for the additional class of DSH payments is an additional \$15.000 million (\$6.858 million in State general funds and \$8.142 million in Federal funds) for a total amount for FY 2012-2013 of \$30.993 million in total funds (\$14.170 million in State general funds and \$16.823 million in Federal funds) for the additional class of DSH payments.

BEVERLY D. MACKERETH,
Secretary

Fiscal Note: 14-NOT-847. (1) General Fund; (2) Implementing Year 2013-14 is \$0; (3) 1st Succeeding Year 2014-15 is \$6,858,000; 2nd Succeeding Year 2015-16 is \$0; 3rd Succeeding Year 2016-17 is \$0; 4th Succeeding Year 2017-18 is \$0; 5th Succeeding Year 2018-19 is \$0; (4) 2012-13 Program—\$325,685,000; 2011-12 Program—\$243,809,000; 2010-11 Program—\$371,515,000; (7) MA—

Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 13-2283. Filed for public inspection December 6, 2013, 9:00 a.m.]

Proposed Healthy Pennsylvania Medicaid Reforms and Private Coverage Option—Improving Health Care for Pennsylvania; Federal Medicaid Section 1115 Application and State Plan Amendments

Healthy Pennsylvania is Governor Tom Corbett's plan to ensure that Pennsylvanians have increased access to quality, affordable health care. The Healthy Pennsylvania plan focuses on three key priorities: improving access; ensuring quality; and providing affordability. It is built upon common sense reforms that provide coverage options to this Commonwealth's most vulnerable citizens in a flexible and sustainable way that protects taxpayers. The Medicaid reforms and the Private Coverage Option encompassed in the Healthy Pennsylvania plan will:

1. Increase health care access for more than 500,000 Pennsylvanians.
2. Promote healthy behaviors, improve health outcomes and increase personal responsibility.
3. Ensure that benefits match health care needs.
4. Implement a strategy for sustainability by aligning the current Medicaid program with private coverage.

This Commonwealth is home to a robust, world class health care delivery system that has led the way Nationally from covering children in the Children's Health Insurance Program to providing access to top physicians and hospitals. Additionally, the Commonwealth has been a National leader in successfully accessing commercial market innovation, which was demonstrated when it implemented Statewide managed care through the HealthChoices program. The Commonwealth will continue to be a leader through its pursuit of innovative reforms that prove to the nation that the best solutions are developed at the State and local level.

To implement the Medicaid reforms and Private Coverage Option within the Healthy Pennsylvania plan, various Federal Medicaid waivers and State Plan Amendment approvals are necessary. The Department of Public Welfare (Department) intends to submit an 1115 Demonstration application to the Federal Centers for Medicare and Medicaid Services (CMS) for waivers under section 1115 of the Social Security Act (42 U.S.C.A. § 1315). Section 1115 of the Social Security Act provides the Federal Secretary of Health and Human Services the authority to approve 1115 Demonstration projects that promote the objectives of the Medicaid program.

The Department anticipates the following additional objectives to be met through the 1115 Demonstration application:

- Promoting consumer access to health insurance through the private insurance marketplace and increasing access to Employer-Sponsored Insurance (ESI) through the Health Insurance Premium Payment program.
- Encouraging healthy behaviors and appropriate care, including early intervention, prevention and wellness.
- Increasing quality of care and efficiency of the health care delivery system.

The Department seeks public comment on the proposed 1115 Demonstration application and Medicaid reforms. This notice provides the following:

- A comprehensive description of the proposed 1115 Demonstration application and reforms to the existing Medicaid program.
- Information on how to view the full 1115 Demonstration application either by web site or hard copy.
- Information on the public comment process through public hearings, mail and e-mail.

Overview of the Healthy Pennsylvania Medicaid Reforms and Private Coverage Option

Commonwealth taxpayers and the Federal government currently spend approximately \$20 billion annually on Medicaid programs that play a critical role in serving approximately 2.2 million members of this Commonwealth. The Medicaid population includes low-income parents and families, children, pregnant women, persons with disabilities and older residents of this Commonwealth.

Currently, one in six residents of this Commonwealth receive Medicaid benefits and the costs of the Medicaid program account for 27% of the Commonwealth's entire general fund budget and continue to grow by hundreds of millions of dollars each year. Program innovations and reforms are necessary to improve health outcomes and ensure sustainability so that an adequate and appropriate health care safety net can be provided for those who need it.

With the proposed 1115 Demonstration application and Medicaid State Plan Amendments, the Department is seeking to improve access to quality, affordable health care by:

- Increasing access to private market coverage through the Healthy Pennsylvania Private Coverage Option for citizens of this Commonwealth who are 21 years of age or older but under 65 years of age with incomes up to 133% of the Federal Poverty Level (FPL).
- Modifying the existing Medicaid benefit designs to provide health coverage based on health care needs.
- Promoting healthy behaviors and improved health outcomes through a cost-sharing design and work search activities.

The 1115 Demonstration application requests Federal approval for 5 years.

Benefit Plans

To ensure that the Commonwealth can provide sustainable access to affordable, quality health care coverage into the future, the existing Medicaid infrastructure needs to be improved and reformed. The Commonwealth will implement a Private Coverage Option for newly eligible adults. In addition, as part of this effort, the existing adult benefit packages will be simplified into two commercial-like benefit packages that are consistent with National standards that includes: essential health benefits; mental health parity; and encouragement of preventive services including drug and alcohol services for adults.

Private Coverage Option

- *The Healthy Pennsylvania Private Coverage Option.* Those adults 21 years of age or older but under 65 years of age, who are newly eligible and who are not otherwise eligible under the Medicaid State Plan, will only be eligible for the Healthy Pennsylvania Private Coverage

Option and will be enrolled into a private coverage plan through the Federally Facilitated Marketplace (FFM), the commercial market or ESI, unless they are determined medically frail. The Department will pay premium assistance for the private coverage plan in an amount equal to the premium and cost sharing components combined of the private coverage plan's Essential Health Benefit (EHB) package, less the amount of the participant's own monthly premium. Newly eligible participants who are deemed medically frail will have the choice to gain coverage through the Private Coverage Option or be covered through the existing Medicaid program. Medically frail will be determined using the same screening tool and criteria used to identify high risk participants. Individuals selecting to enroll in the existing Medicaid program will be placed into the High Risk Alternative Benefit Plan or Low Risk Benefit Plan.

Realigned Medicaid Benefit Plans

- *High Risk Alternative Benefit Plan.* This is a benefit plan tailored for those individuals with more complex health needs within the Medicaid program. Adult Medicaid participants whose health needs, when measured using the health screening tool, indicate higher needs will be enrolled into the High Risk Alternative Benefit Plan. All Supplemental Security Income (SSI) beneficiaries, pregnant women, individuals who are dually eligible for Medicare and Medicaid, residents of institutions and individuals receiving home and community-based services through other Medicaid waivers will be enrolled into the High Risk Alternative Benefit Plan. All of these individuals will retain the choice to be enrolled in the Low Risk Benefit Plan, if they desire.

- *Low Risk Benefit Plan.* This benefit plan is tailored for those individuals with lower health risks. Current adult Medicaid participants with lower health risks will be enrolled into the Low Risk Benefit Plan.

- Children under 21 years of age will receive the same benefits that they currently receive under the Medicaid State Plan.

The Healthy Pennsylvania Private Coverage Option

The Department seeks to use premium assistance to purchase a private coverage plan offered in the FFM, the commercial market or through ESI for individuals deemed newly eligible for coverage under Title XIX of the Social Security Act (42 U.S.C.A. §§ 1396—1396w-5 who are:

1. Childless adults (who are not entitled to Medicare coverage), 21 years of age or older but under 65 years of age, with incomes no greater than 133% of the FPL.
2. Adult parents/caretaker relatives (who are not entitled to Medicare coverage), 21 years of age or older but under 65 years of age, with incomes greater than 33% FPL (the Commonwealth's current income limit), but not greater than 133% FPL.

These participants include individuals who are currently covered through the Commonwealth's General Assistance Medical Assistance, the State Blind Pension medical program, the Medical Assistance for Workers with Disabilities (under the Medicaid category added through the Ticket to Work and Work Incentives Improvement Act) and the SelectPlan for Women Program (a demonstration project to offer family planning services to women of childbearing age). The Department will be transitioning these adults into the newly eligible category *Medically Frail*

Under the Healthy Pennsylvania Private Coverage Option, newly eligible individuals who are determined to be

medically frail will have the option to receive premium assistance to enroll in a private coverage plan or to be enrolled in the High Risk Alternative Benefit Plan within the Medicaid program. Individuals will be determined to be medically frail if they have a condition based upon one or more of the following:

- A disabling mental disorder.
- An active chronic substance abuse disorder.
- A serious and complex medical condition.
- A physical, intellectual or developmental disability that significantly impairs their functioning.
- A determination of disability based on Social Security Administration (SSA) criteria.

Wraparound Benefits

The Healthy Pennsylvania Private Coverage Option will provide a private coverage plan to individuals that mirrors the EHBs provided to individuals in the commercial health insurance market. These benefits are broad based and follow robust Federal requirements. Medicaid wraparound benefits will not be provided to Healthy Pennsylvania Private Coverage Option participants. The 1115 Demonstration application seeks waivers for wraparound services.

Eligibility

The 1115 Demonstration application will provide access to health care coverage for uninsured citizens in this Commonwealth. It also creates incentives and opportunities for low-income individuals to engage in more healthy behaviors and to connect with prospective employers through work search activities. The plan will affect the newly eligible populations and other adults in existing categories of Medical Assistance who may be subject to two additional conditions of eligibility: paying monthly premiums; and work search activities.

Individuals who qualify and enroll in the Healthy Pennsylvania Private Coverage Option will be required to receive coverage through a private coverage plan. Those individuals who are not exempt and decline coverage through the private coverage plans will not be permitted to receive benefits through the Medicaid program.

The plan does not impact the eligibility of pregnant women or children under 21 years of age. It also does not affect the eligibility of citizens in this Commonwealth who are institutionalized, those who are receiving SSI or are deemed to be receiving SSI, those who are dually eligible for Medicaid and Medicare and those in categories limited to Medicare cost sharing programs such as Qualified Medicare Beneficiaries. Persons deemed SSI eligible for purposes of Medicaid eligibility are specified under sections 1939(a)(2) and (5) of the Social Security Act (42 U.S.C.A. § 1396v(a)(2) and (5)). Throughout this notice, the term "institutionalized" means that an individual is likely to reside or has already resided in a medical institution for more than 30 continuous days.

When determining whether an individual is eligible for the Healthy Pennsylvania Private Coverage Option, the Department will use the same process and system as well as apply the same financial eligibility standards and methodologies in the Medicaid State Plan.

For the newly eligible population served in the Healthy Pennsylvania Private Coverage Option, eligibility will be effective on the first day of private coverage plan enrollment.

Premiums

Currently, the Medicaid cost sharing structure does not provide positive incentives for healthy choices or personal responsibility. Healthy Pennsylvania emphasizes individual responsibility and improved health outcomes for the existing Medicaid adult population, similar to insurance coverage through the commercial market.

Unless exempt, all adults will be required to pay a monthly premium as a condition of eligibility. These monthly premiums will replace the current copayments applicable in the Medicaid program. Premium changes based upon fluctuations in income or household composition will be adjusted at the annual redetermination, except if income decreases to a level that is at or below 50% FPL or increases above the eligibility income limit. The premiums are structured in an upwards sliding scale of no more than \$25 (one adult) or \$35 (more than one adult) at the maximum threshold of 133% FPL as follows:

One Adult:

- No monthly premium for an individual with an annual income of \$5,745 or less (0% to 50% of FPL).
- Monthly premium of \$13 for an individual with annual income greater than \$5,745 but no more than \$11,490 (>50% to 100% of FPL).
- Monthly premium of \$25 for an individual with annual income of greater than \$11,490 but no more than the maximum income limit for the coverage group (for example, \$15,281.70 (133% FPL) for childless adults).

More than One Adult (Household with Two or More Adults):

- No monthly premium for the household with an annual income of \$7,755 or less (0% to 50% of FPL).
- Monthly premium of \$17 for the household with annual income greater than \$7,755 but no more than \$15,510 (>50% to 100% of FPL).
- Monthly premium of \$35 for the household with annual income greater than \$15,510, but no more than the maximum income limit for the coverage group (for example, \$20,628.30 (133% FPL) for two childless adults).

These FPL figures are for calendar year 2013. The FPL is adjusted annually; therefore, the eligibility income levels will be updated each year for that year's applicable FPL, with annual incomes determined using the Modified Adjusted Gross Income methodology. The premiums will be adjusted annually by the inflationary increase in the medical care component of the Consumer Price Index.

The following individuals are exempt from paying the premium:

- Individuals with household income that does not exceed 50% FPL.
- Pregnant women.
- Individuals 65 years of age or older.
- Individuals under 21 years of age.
- SSI recipients and individuals deemed SSI eligible for purposes of Medicaid eligibility.
- Individuals who are dually eligible for Medicare and Medicaid.
- Individuals who are institutionalized.

Premiums will be required to be paid a month in advance. A new applicant subject to a premium will not be charged the first month's premium. Monthly premium invoices will be sent to participants.

Participants will be required to pay their premium by the date printed on the invoice. However, there will be a grace period after that date where the premium can still be accepted without affecting eligibility, except in situations described as follows.

Ineligibility for an adult or household will occur whenever an individual or household fails to pay the premium in full for 3 consecutive months by the end of the third month.

The first time that an adult or the household fails to pay the premium for 3 consecutive months and eligibility is terminated, the adult or the household will be ineligible for 3 months. After eligibility is reestablished, a second failure to pay the premium for 3 consecutive months will result in a 6-month period of ineligibility. A third failure will result in a 9-month period of ineligibility. Previously ineligible individuals who subsequently become exempt from premium payment due to a change in circumstances will be allowed to immediately reenroll in the Medicaid program.

Other Cost Sharing

The Department is looking to build in numerous avenues to encourage participants to seek preventative care. The goal of improved health and lower costs are not furthered by seeking routine family medical care through the hospital emergency room (ER). As a result, most adults, other than those who are institutionalized, will be responsible for a \$10 copayment for each nonemergency use of an ER. All other copayments will be eliminated from the Medicaid program.

Premium Reduction

Participants who continuously pay their monthly premium will be able to reduce their premium obligation by engaging in approved healthy behaviors or by working at least 20 hours per week, or both. Successful completion of healthy behavior activities can reduce the premium by 25% and working can reduce the premium by up to another 25% for a total reduction up to 50%.

In the first 3 years of eligibility, adults' premiums will be reduced if they meet all of the following healthy behavior requirements:

- Paying premiums on time (during most recent 6 months).
- Completing a Health Risk Assessment (HRA) annually.
- Completing a physical exam annually.

After 3 years, the Department will evaluate HRA data and determine broader healthy behaviors that should be used, such as cholesterol testing. The 1115 Demonstration application seeks flexibility and authority to change or expand the list of healthy behaviors for which premium reductions are available.

Adults who at the time of initial application or redetermination are working 30 or more hours per week will receive an initial 25% reduction in their monthly premium. Adults who are working less than 30 hours but at least 20 hours per week will have their premiums reduced by 15% after 6 months of eligibility.

Premium amounts will be set annually, but evaluated for reductions every 6 months. If the participant successfully completes the required activities in the first 6-month period, then the premium will be reduced in the second 6-month period. These 6-month cycles will continue throughout the span of enrollment.

Work Search Activities

Research has demonstrated that employed individuals are both physically and mentally healthier, as well as financially stable. Under the 1115 Demonstration application, the Department will require able-bodied adults to engage in work activities as part of an integrated approach to improving their health and helping them move out of poverty.

Unless exempt, all adults 21 years of age or older but under 65 years of age, who are working less than 20 hours per week, will be required to register with JobGatewaySM, the online system currently utilized for the Commonwealth's Unemployment Compensation program. Participants will be required to engage in specified work search-related activities as a condition of initial and continuing eligibility.

Those nonexempt individuals who successfully complete 12 approved work search activities per month during their first 6 months will continue to be eligible for health care coverage. JobGatewaySM provides individuals with access to current job openings, the ability to create and upload a résumé and view job opening recommendations. Additionally, JobGatewaySM includes a mobile application allowing easy use for those individuals seeking jobs on a smart phone and a career exploration tool providing real time labor statistics for existing jobs. Individuals will have access to training for job interviews and the ability to put that training into practice with virtual mock interviews. Individuals may also wish to participate in job training activities provided by PA CareerLink®, with core services being accessible either online or in-person at 66 locations. Services include the ability to look for employment opportunities by career, employer and geography.

The following individuals are exempt from required work search activities:

- Determined disabled by the SSA or the Department based upon SSI disability criteria.
- Pregnant.
- 65 years of age or older.
- Under 21 years of age.
- Institutionalized individuals.

Full-time and part-time students are exempt from participating in work search activities each year they are enrolled in a postsecondary education institution or technical school. The Department will annually review students' status. Students are not exempt from registration with JobGatewaySM.

Individuals may request an exemption from work search activities from the Department if they are suffering a crisis, serious medical condition or temporary condition or situation that prevents them from searching for work, such as domestic abuse or substance abuse treatment.

Covered Services in Benefit Plans

Individuals enrolled in the Healthy Pennsylvania Private Coverage Option will receive the EHB package through their private coverage plan. The EHB package for this Commonwealth is the benchmark package of covered services specified under 45 CFR 156.100(c) and 156.110 (relating to state selection of benchmark; and EHB-benchmark plan standards), based on the package provided under the small group plan with the largest enrollment. For adults this includes ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use

disorder services (including behavioral health treatment), prescription drugs, rehabilitative and habilitative services and devices, laboratory services, preventive and wellness services and chronic disease management. Details on the EHB package in this Commonwealth are available at <http://www.cms.gov/CCIIO/Resources/Data-Resources/Downloads/pennsylvania-ehb-benchmark-plan.pdf>.

The Low Risk Benefit Plan includes all Medicaid primary, acute and post-acute care services, prescription drugs and medical equipment and supplies covered for adults under the current Medicaid State Plan. The High Risk Alternative Benefit Plan includes all services covered under the Low Risk Benefit Plan, some additional covered services and higher service limits for certain benefits are as follows:

- Ambulatory care visits (including physician office visits, routine adult physical exams, certified registered nurse practitioner visits, Federally Qualified Health Center (FQHC) and Rural Health Clinic (RHC) visits, hearing screening and other outpatient clinic services): Low Risk: 12 visits per year. High Risk: 18 visits per year.

- Radiology (X-Rays): Low Risk: \$500 per year. High Risk: \$750 per year.

- Outpatient Surgery: Low Risk: two visits per year. High Risk: four visits per year.

- Inpatient Acute Hospital: Low Risk: two nonemergency admissions per year. High Risk: three nonemergency admissions per year.

- Inpatient Rehabilitation Hospital: Low Risk: one admission per year. High Risk: two admissions per year.

- Inpatient Psychiatric Hospital: Low Risk: 30 days per year. High Risk: 45 days per year.

- Inpatient Drug and Alcohol Treatment: Low Risk: 30 days per year. High Risk: 45 days per year.

- Outpatient Mental Health Treatment (Clinic): Low Risk: 30 visits per year. High Risk: 40 visits per year.

- Outpatient Drug and Alcohol Treatment: Low Risk: 30 visits per year. High Risk: 40 visits per year.

- Targeted Case Management—Behavioral Health Only: Low Risk: Not covered. High Risk: Limited to persons with serious mental illness diagnoses.

- Skilled Nursing Facility: Low Risk: 120 days per year. High Risk: 365 days per year.

- Home Health Care: Low Risk: 60 visits per year. High Risk: unlimited visits for first 28 days, limited to 15 days per month thereafter.

- Intermediate Care Facilities for Individuals with an Intellectual Disability and Intermediate Care Facilities for Other Related Conditions: Low Risk: Not covered. High Risk: 365 days per year.

- Durable Medical Equipment (Combined with medical supplies): Low Risk: \$1,000 per year. High Risk: \$2,500 per year.

- Medical Supplies (combined with durable medical equipment): Low Risk: \$1,000 per year. High Risk: \$2,500 per year.

- Laboratory: Low Risk: \$250 per year. High Risk: \$350 per year.

The Low Risk Benefit Plan and the High Risk Alternative Benefit Plan coverage is the same for the following services and consistent with current Medicaid State Plan coverage for adults: prescription drugs, dental, emergency

room, ambulance, maternity care, methadone maintenance, Clozapine, psychiatric partial hospital, community support services (peer support) and tobacco cessation.

The Department will grant exceptions to the limits previously specified when it determines that one of the following circumstances applies:

- The participant has a serious chronic systemic illness or other serious health condition and denial of the exception will jeopardize the life of or result in the serious deterioration of the health of the participant.

- Granting the exception is a cost-effective alternative for the Medicaid program.

- Granting the exception is necessary to comply with Federal law.

Early and Periodic, Screening, Diagnosis and Treatment Benefits

Individuals who are 19 years of age or older but under 21 years of age will be able to receive all medically necessary services under the Early and Periodic, Screening, Diagnosis and Treatment benefit.

Health Screening

Enrollment in the Medicaid benefit plans is based on a health screening of the individual. The health screening will be completed as part of an online application process in the Commonwealth's COMPASS system. Paper questionnaires will be available in cases when electronic application submittal is not possible. Call centers may be used to facilitate the screening process.

The health screening tool will consist of a self-administered questionnaire that is completed by the individual, a family member or guardian. The questionnaire includes questions about an individual's health care needs and conditions. The questions are specifically designed to identify an individual's medical and behavioral health needs that align with the two Medicaid benefit plans—particularly any presence of complex medical conditions. The responses will be analyzed by an algorithmic process, which will allow the Department to match the applicant's health care needs to the benefit plan that best serves those needs.

Participants will be enrolled in the Low Risk Benefit Plan or the High Risk Alternative Benefit Plan based on the results of the health screening tool and eligibility status. For individuals eligible for the Healthy Pennsylvania Private Coverage Option, the health screening tool will be used to determine if they are medically frail. The health screening tool aligns benefits to actual participant health care needs rather than using a system that bases benefit decisions on broad categories of eligibility.

Completion of the health screening tool is not a condition of eligibility. If newly eligible applicants fail to complete the health care screening tool, they will be enrolled into a Healthy Pennsylvania Private Coverage Option plan. If individuals who are eligible under the current Medicaid eligibility rules fail to complete the health screening tool, they will be enrolled into the Low Risk Benefit Plan.

Delivery System and Payment

While not part of the 1115 Demonstration application, the Department will concurrently operate its existing HealthChoices program managed care delivery system. The HealthChoices benefit package will change as previously summarized, but there are no plans to modify the delivery system as part of this project.

Research Hypotheses and Evaluation Parameters

The 1115 Demonstration application provides reforms to the existing Medicaid program, increases access to health care coverage and stabilizes financing by delivering private market health insurance benefits to a new group of low-income adults through use of the Healthy Pennsylvania Private Coverage Option. The core hypotheses in the 1115 Demonstration include:

1. Increasing access to health care coverage through the Healthy Pennsylvania Private Coverage Option:

- Healthy Pennsylvania Private Coverage Option participants will have adequate provider access.
- Healthy Pennsylvania Private Coverage Option participants will have continuous insurance coverage.
- Per capita administrative costs will be maintained through the use of the Healthy Pennsylvania Private Coverage Option.
- Healthy Pennsylvania Private Coverage Option will reduce overall premium costs in the Commonwealth.

• Average per capita uncompensated care costs will decrease as a result of fewer numbers of uninsured.

2. Implementing work search activities to improve health outcomes and move individuals out of poverty:

- Implementation of work search activities will result in increased employment for the 1115 Demonstration population.
- Encouraging work search activities will promote employment, which will result in better physical and mental health outcomes.

3. Implementing a unique incentive plan to encourage personal accountability, incentivize healthy behaviors and develop cost-conscious consumer behaviors in the consumption of health care services:

- Reductions in monthly premiums will promote healthy behaviors and improve physical and mental health outcomes.

4. Utilizing a health screening tool for all adult participants, both initially and periodically, to help identify the benefit plan that best serves their needs:

- The Low Risk Benefit Plan sufficiently meets the needs of the participants placed in it by the health screening tool.
- The High Risk Alternative Benefit Plan sufficiently meets the needs of the participants placed in it by the health screening tool.

Federal Waiver and Expenditure Authorities Requested

To the extent necessary to implement the proposal, the 1115 Demonstration application requests that CMS, under the authority of section 1115(a)(1) of the Social Security Act, waive the following requirements to Title XIX of the Social Security Act (42 U.S.C.A. § 1396) to enable the Department to implement the Healthy Pennsylvania plan:

- Section 1902(a)(10): To enable the State to deny assistance to otherwise eligible individuals who fail to comply with work search activities.
- Section 1902(a)(10): To enable the State to deny assistance for up to 9 months to otherwise eligible individuals who fail to comply with premium payment requirements.
- Section 1902(a)(10)(B): To permit the State to provide benefits that are different in amount, duration and scope.

- Section 1902(a)(10)(B): To permit the State to provide coverage for the newly eligible population on the date of enrollment in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a)(10)(B): To permit the State to provide medically needy coverage to institutionalized blind and disabled individuals.

- Section 1902(a)(10)(A)(i)(IX): To permit the State to require work search activities and premium payment for nonexempt former foster care participants 21 years of age or older but under 26 years of age.

- Section 1902(a)(10)(C): To permit the State to end the medically needy coverage group that includes the blind and disabled, but continue it for the aged.

- Section 1902(a)(10)(C): To permit the State to eliminate the medically needy optional group for adults who are disabled or blind, but retain this coverage for individuals who are 65 years of age and older.

- Section 1902(a)(14): To permit the State to charge an ER copayment in an amount that exceeds the maximum allowed under regulation.

- Section 1902(a)(14): To permit the State to charge premiums to individuals whose family income is below 150% FPL.

- Section 1902(a)(14): To permit the State to require prepayment of a premium.

- Section 1902(a)(14): To permit the State to make payments to reduce cost sharing, for certain individuals eligible under the approved state plan new adult group described in section 1902(a)(10)(A)(i)(XVIII).

- Section 1902(a)(17): To permit the State to provide different delivery systems for different populations of Medicaid beneficiaries.

- Section 1902(a)(17): To permit the State to provide different premium amounts for different populations of Medicaid beneficiaries.

- Section 1902(a)(23): To make premium payments to private coverage plans for newly eligible Healthy Pennsylvania Private Coverage Option participants and to permit the State to limit beneficiaries' freedom of choice among providers to the providers participating in the network of the Healthy Pennsylvania Private Coverage Option plans.

- Section 1902(a)(34): To enable the State to eliminate retroactive coverage for the newly eligible population enrolled in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a)(54)(A): To permit the State to limit a Healthy Pennsylvania Private Coverage Option participant to receiving coverage for drugs on the formulary of the Healthy Pennsylvania Private Coverage Option participant's plan.

- Section 1902(a)(54)(A): To permit the State to require that requests for prior authorization for drugs be addressed within 72 hours, rather than 24 hours. A 72-hour supply of the requested medication will be provided in the event of an emergency.

- Section 1902(a)(10)(A) and (k): To permit the State not to cover wraparound services in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a) and 42 CFR 431.53 (relating to assurance of transportation): To permit the State not to cover nonemergency transportation for the newly eligible enrolled in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a)(10)(A) and (k): To permit the State not to provide family planning services to individuals 21 years of age or older but under 65 years of age and who are enrolled in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a)(10)(A) and (k): To permit the State not to cover FQHC and RHC in the Healthy Pennsylvania Private Coverage Option.

- Section 1902(a)(15) and (bb): To permit the State to limit reimbursement to FQHCs and RHCs to the amount negotiated with the private coverage plan under the Healthy Pennsylvania Private Coverage Option and not pay under the prospective payment system.

Annual Enrollment and Annual Expenditures

The following information summarizes Pennsylvania Medicaid expenditures and enrollment for populations included in the Healthy Pennsylvania plan, both historically as well as the period of the demonstration. For purposes of the demonstration the following beneficiaries or services were excluded from this table:

- Beneficiaries and associated services delivered under the Commonwealth's Section 1115 Family Planning waiver, also known as SelectPlan for Women.

- Beneficiaries 20 years of age or under have been excluded from historical expenditures and enrollment figures. The Commonwealth defines children as 20 years of age or under.

- Services delivered under a Section 1915(c) waiver for Home and Community-Based Services as they will not be impacted by this 1115 Demonstration.

- Beneficiaries (and associated services) funded in State programs not eligible for Federal matching dollars have not been included in historical figures.

The historical information for enrollment and expenditures is as follows:

Enrollment—Existing Population (Member Months)

SFY 08/09	10,226,432
SFY 09/10	10,908,617
SFY 10/11	11,691,436
SFY 11/12	12,027,024
SFY 12/13	11,926,847

Expenditures—Existing Population

SFY 08/09	\$9,044,896,892
SFY 09/10	\$9,211,086,072
SFY 10/11	\$10,660,621,141
SFY 11/12	\$9,923,547,422
SFY 12/13	\$10,596,075,535

Projected enrollment and expenditures are as follows:

Projected Enrollment—Existing Population (Member Months)

CY 2015	13,710,804
CY 2016	14,122,128
CY 2017	14,545,792
CY 2018	14,982,165
CY 2019	15,431,630

Projected Expenditures—Existing Population

CY 2015	\$12,948,300,466
CY 2016	\$13,861,051,482
CY 2017	\$14,850,138,246
CY 2018	\$15,918,541,798
CY 2019	\$17,068,338,072

Projected Enrollment—Newly Eligible Adults (Member Months)

CY 2015	6,679,722
CY 2016	6,880,113
CY 2017	7,086,517
CY 2018	7,299,112
CY 2019	7,518,086

Projected Expenditures—Newly Eligible Adults

CY 2015	\$3,791,803,035
CY 2016	\$4,073,267,365
CY 2017	\$4,386,326,668
CY 2018	\$4,733,781,990
CY 2019	\$5,119,734,886

These projections reference trends of existing populations as well as the newly eligible populations. Expenditure growth is based on the anticipation that trends will be more consistent with medical trends observed Nationally. This proposal at a minimum will be budget neutral to the Federal government while the Department anticipates that some savings may occur as a result of implementation.

Implementation and operation of this 1115 Demonstration, in particular the Healthy Pennsylvania Private Coverage Option, is conditioned on the Federal Medical Assistance Percentage (FMAP) for the new adult category under the Affordable Care Act (ACA), as provided in section 1905(y) of the Social Security Act (42 U.S.C.A. § 1396d(y)). Therefore, in the event any of the following occur, the Department will withdraw its application, initiate phase-down or early discontinuation of the 1115 Demonstration operations or propose an amendment to secure necessary funding:

- The methodology for calculating the FMAP for individuals in the Healthy Pennsylvania Private Coverage Option is modified and results in the reduction of the percentage of Federal assistance to the Commonwealth in a manner inconsistent with section 1905(y) of the Social Security Act, as enacted March 23, 2010.

- The amount of Federal financial participation, including the participation amounts provided in the ACA, for this 1115 Demonstration is reduced through a modification or restriction in the Federal Medicaid appropriation.

- Federal law, regulation or subregulatory guidance affecting eligibility, benefits, payment, delivery systems, financing, administration, health insurance exchanges or private coverage plans is modified in a manner that conflicts with or materially hinders the operation or financing of this 1115 Demonstration.

1115 Demonstration Financing and Budget Neutrality

Federal policy requires that section 1115 Demonstration applications be budget neutral to the Federal government. This means that an 1115 Demonstration should not cost the Federal government more than what would have otherwise been spent absent the 1115 Demonstration. Particulars, including methodologies, are subject to negotiation between the Commonwealth and CMS.

The Department is proposing a "per capita" budget neutrality model for the populations covered under the demonstration, including the Healthy Pennsylvania Pri-

vate Coverage Option participants. Actual waiver expenditures for these populations will be applied against the without waiver budget limit.

Fiscal Impact

This action will not result in a loss of revenue or an increase in program costs to the Commonwealth or its political subdivisions. The Commonwealth anticipates that some savings could occur as a result of this proposal.

Healthy Pennsylvania Web Site

Information about the Healthy Pennsylvania plan, including the proposed 1115 Demonstration application, is available at www.dpw.state.pa.us/healthypa. The Department will update this web site throughout the public comment and application process.

A hard copy of the proposed 1115 Demonstration application may be requested by contacting the Department at the mailing address or e-mail address provided under the Public Comment section. Individuals should include their full name and mailing address when making a request.

Public Comment

The Department seeks public input on the proposed 1115 Demonstration application for the Healthy Pennsylvania plan. Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Attention: Healthy Pennsylvania Waiver, P. O. Box 2675, Harrisburg, PA 17105-2675, RA-PWHealthyPA1115@pa.gov.

Comments received within 30 days of the posting of this notice will be reviewed and considered for revisions to the 1115 Demonstration application.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

Public Hearings

Public hearings on the proposed 1115 Demonstration application have been scheduled to solicit public input. Public hearings will be held in six cities across this Commonwealth. Two webinars will also be held as public hearings. The Department will accept verbal and written comments at these public hearings. In case of inclement weather, the Department will develop an alternative hearing date, which could be an in-person hearing or a webinar.

If individuals intend to provide verbal comments at a public hearing, registration prior to the date is required. Registration is not required for persons attending to listen or for persons submitting their comments in writing, but the Department is requesting those interested in attending register to help ensure there is adequate seating and assist with inclement weather notification. If there are capacity limitations, priority will be given to those who have registered to attend. See the registration deadline for each hearing as follows.

To register to present verbal comments or to attend in person go to the Department's previously listed web site and follow the registration instructions. Individuals may also call the Department at (877) 395-8939 or (800) 654-5984 (TDD users) with their name, telephone number and the date of the public hearing they will attend. Each individual must register to provide verbal comments.

For individuals who intend to present verbal comments at a public hearing, comments will be limited to 3 minutes to allow others time to share their comments. To

assist the Department in accurately capturing verbal comment, individuals are asked to provide their verbal comments in writing at the address or e-mail provided previously.

To participate by means of webinar, individuals will need to register in advance. To register, go to the Department's previously listed web site and follow the registration instructions. See the registration deadline for each webinar as follows.

Public Hearing Dates and Locations for In-Person Attendance

Thursday, December 19, 2013, in Erie, PA

Time: 10 a.m. to 1 p.m.

Bayfront Convention Center

1 Sassafras Pier

Erie, PA 16507

Registration Deadline: Monday, December 16, 2013

Friday, December 20, 2013, in Pittsburgh, PA

Time: 10 a.m. to 1 p.m.

Allegheny County Courthouse

436 Grant Street

Pittsburgh, PA 15219

Registration Deadline: Tuesday, December 17, 2013

Friday, January 3, 2014, in Philadelphia, PA

Time: 10 a.m. to 1 p.m.

National Constitution Center

525 Arch Street

Philadelphia, PA 19106

Registration Deadline: Monday, December 30, 2013

Monday, January 6, 2014, in Scranton, PA

Time: 10 a.m. to 1 p.m.

Hilton Scranton and Conference Center

100 Adams Avenue

Scranton, PA 18503

Registration Deadline: Thursday, January 2, 2014

Tuesday, January 7, 2014, in Altoona, PA

Time: 10 a.m. to 1 p.m.

Blair County Convention Center

1 Convention Center Drive

Altoona, PA 16602

Registration Deadline: Thursday, January 2, 2014

Thursday, January 9, 2014, in Harrisburg, PA

Time: 10 a.m. to 1 p.m.

The State Museum of Pennsylvania

300 North Street

Harrisburg, PA 17120

Registration Deadline: Monday, January 6, 2014

Public Hearing Dates for Webinar Presentation

Monday, December 16, 2013

Time: 9 a.m. to 11 a.m.

Registration Deadline: Wednesday, December 11, 2013

Wednesday, January 8, 2014

Time: 9 a.m. to 11 a.m.

Registration Deadline: Friday, January 3, 2014

BEVERLY D. MACKERETH,

Secretary

Fiscal Note: 14-NOT-849. No fiscal impact. It is anticipated that some savings could occur as a result of this proposal. (8) The Secretary of the Budget recommends adoption of the proposed Section 1115 waiver contained in this notice.

[Pa.B. Doc. No. 13-2284. Filed for public inspection December 6, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Meetings Scheduled

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Tuesday, December 10, 2013, from 1 p.m. to 3 p.m. in Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Brian Sanders at (717) 783-6193 or bsanders@pa.gov.

The Aviation Advisory Committee will hold a meeting on Wednesday, December 11, 2013, from 11 a.m. to 3 p.m. in the Commonwealth Keystone Building, Harrisburg, PA. For more information contact William Sieg at (717) 705-1253 or wisieg@pa.gov.

The State Transportation Commission will hold a meeting on Thursday, December 12, 2013, from 10 a.m. to 12 p.m. in the Conference Room 8N1, Commonwealth Keystone Building, Harrisburg, PA. For more information contact Julie Harmantzis at (717) 787-2913 or jharmantzi@pa.gov.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-2285. Filed for public inspection December 6, 2013, 9:00 a.m.]

FISH AND BOAT COMMISSION

Designations and Redesignations of Waters Subject to Special Fishing Regulations

The Fish and Boat Commission (Commission) designated or redesignated the following streams, stream sections and lakes as waters subject to 58 Pa. Code Chapter 65 (relating to special fishing regulations), effective January 1, 2014:

58 Pa. Code § 65.4a. All-Tackle Trophy Trout

The Commission removed the following water from its list of waters regulated and managed under 58 Pa. Code § 65.4a.

<i>County</i>	<i>Water</i>
Centre and Mifflin	Penns Creek, 7 miles from the confluence with Elk Creek at Coburn downstream to the catch and release area

58 Pa. Code § 65.19. Approved Trout Waters Open to Year-Round Fishing

The Commission added the following waters to its list of Approved Trout Waters Open to Year-Round Fishing regulated and managed under 58 Pa. Code § 65.19.

<i>County</i>	<i>Water</i>
Lycoming and Tioga	Pine Creek from SR 414 Bridge in Blackwell (350 meters upstream of the confluence with Babb Creek) downstream to the confluence with Slate Run (upper limit of the 1.2-mile long Delayed Harvest Artificial Lures Only reach), a distance of 11.1 miles

County
Lycoming

Water
Pine Creek from 150 meters upstream of the confluence with Naval Run (lower limit of the Delayed Harvest Artificial Lures Only reach) downstream to the confluence with Little Pine Creek in Waterville, a distance of 15.1 miles

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-2286. Filed for public inspection December 6, 2013, 9:00 a.m.]

Temporary Changes to Fishing Regulations; American Eels

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to amend 58 Pa. Code §§ 61.1, 61.2, 61.4 and 69.12 to increase the size limit and decrease the creel limit for American eel. This action is being taken to meet the requirements of the Atlantic States Marine Fisheries Commission (ASMFC).

In May 2012, the ASMFC approved a coastwide stock assessment of American eel that concluded that the American eel population is depleted in United States waters. The stock is at or near historically low levels due to a combination of historical overfishing, habitat loss, food web alterations, predation, turbine mortality, environmental changes, toxins and contaminants, and disease. An independent panel of scientists that reviewed the stock assessment urged the ASMFC Board to examine alternative reference points to provide more protection to the spawning stock biomass.

In response to these findings, the ASMFC Board tasked the ASMFC American Eel Technical Committee with developing potential management actions which would reduce mortality on all life stages of American eel. A range of options was developed by the ASMFC American Eel Technical Committee and subsequent action was taken by the ASMFC Board to release certain management options for public comment. These comments were considered by the ASMFC Board when, on August 8, 2013, it approved Amendment III to the ASMFC American Eel Fisheries Management Plan. Among the requirements of this amendment is a reduction in recreational harvest of eels by way of a coastwide establishment of a creel limit of 25 fish and a size limit of 9 inches. Currently, the Commonwealth has a 50 fish creel limit for American eel coupled with an 8-inch size limit for recreational harvested eels and a 6- to 8-inch slot limit for eels harvested for bait.

To address the coastwide regulation directed by ASMFC, the Commission's Executive Director has taken immediate action to make the following modifications to fishing regulations:

§ 61.1. Commonwealth inland waters.

* * * * *

(d) Except as otherwise provided in this subpart, the following seasons, sizes and creel limits apply to inland waters of this Commonwealth and the Youghiogheny Reservoir:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
		* * * * *	
AMERICAN EEL	Open year-round	[8] 9 inches	[50] 25
		* * * * *	
[AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50]
BAIT FISH FISH BAIT except American eel, mud bugs and mussels/clams	Open year-round	No minimum	50 (combined species)

* * * * *

§ 61.2. Delaware River, West Branch Delaware River and River Estuary.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Delaware River, West Branch Delaware River and Delaware River tributaries, from the mouths of the tributaries upstream to the limit of the tidal influence and the Lehigh River from its mouth upstream to the first dam in Easton, Pennsylvania:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
		* * * * *	
AMERICAN EEL	Open year-round	[8] 9 inches	[50] 25
[AMERICAN EEL (as baitfish)	Open year-round	6 inches to 8 inches	50]
BAIT FISH FISH BAIT, except American eel and mussels/clams	Open year-round	No minimum	50 (combined species)

* * * * *

§ 61.4. Conowingo Reservoir.

* * * * *

(d) The following seasons, sizes and creel limits apply to the Conowingo Reservoir, which includes the Susquehanna River from the Maryland State Line upstream to Holtwood Dam:

<i>SPECIES</i>	<i>SEASONS</i>	<i>MINIMUM SIZE</i>	<i>DAILY LIMIT</i>
		* * * * *	
[EELS] AMERICAN EEL	Open year-round	[6] 9 inches	25
		* * * * *	
BAIT FISH FISH BAIT, except American eel	Open year-round	No minimum	35

* * * * *

§ 69.12. Seasons, sizes and creel limits—Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters.

* * * * *

(f) Subject to the provisions of subsections (d) and (e), the following seasons, sizes and creel limits apply to Lake Erie, Lake Erie tributaries and Presque Isle Bay, including peninsula waters:

SPECIES	SEASONS	MINIMUM SIZE	DAILY LIMIT
		* * * * *	
AMERICAN EEL	Open year-round	9 inches	25
BAIT FISH	Open year-round	None	50 (combined species)
FISH BAIT, except American eel and mussels/clams			
		* * * * *	

The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities. The temporary modifications will go into effect on January 1, 2014, and will remain in effect until the Commission, by appropriate action, amends 58 Pa. Code §§ 61.1, 61.2, 61.4 and 69.12. At its meeting on October 1, 2013, the Commission approved the publication of a notice of proposed rulemaking containing the proposed amendments to 58 Pa. Code §§ 61.1, 61.2, 61.4 and 69.12 and soliciting public comments for a period of 30 days. The Commission expects to consider final adoption of the proposed amendments at its April 2014 meeting.

(Editor's Note: See 43 Pa.B. 7095 (December 7, 2013) for a proposed rulemaking relating to this notice.)

JOHN A. ARWAY,
Executive Director

[Pa.B. Doc. No. 13-2287. Filed for public inspection December 6, 2013, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, November 21, 2013, and announced the following:

Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective November 20, 2013

County Probation and Parole Officers' Firearm Education and Training Commission #41-21: County Probation and Parole Officers' Firearm Education and Training Commission (amends 37 Pa. Code §§ 79.2, 79.61 and 79.63, adds §§ 79.25 and 79.26)

Action Taken—Regulations Approved:

State Board of Education #6-326: Academic Standards and Assessment (amends 22 Pa. Code Chapter 4)

Approval Order

Public Meeting Held
November 21, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson, dissenting; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq., dissenting

*State Board of Education—
Academic Standards and Assessment;
Regulation No. 6-326 (#2976)*

On September 20, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 4. The proposed regulation was published in the October 6, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 18, 2013.

This regulation amends existing Chapter 4 regulations related to academic standards, assessments, planning and graduation requirements for all public schools, area vocational-technical schools, charter schools and cyber charter schools.

We have determined this regulation is consistent with the statutory authority of the Board (24 P.S. §§ 1-121, 26-2603-B, 26-2604-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-2288. Filed for public inspection December 6, 2013, 9:00 a.m.]

Notice of Filing of Final Rulemakings

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

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-6110	State Board of Landscape Architects Continuing Education and Elimination of Registration without Examination	11/22/13	1/16/14
<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
16A-4711	State Registration Board for Professional Engineers, Land Surveyors and Geologists Qualifications for Licensure	11/22/13	1/16/14

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-2289. Filed for public inspection December 6, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Redomesticate from the Commonwealth of Pennsylvania by DSM USA Insurance Company, Inc.

DSM USA Insurance Company, Inc., a domestic stock life insurance company, has filed for approval a plan of redomestication whereby the state of domicile would change from the Commonwealth of Pennsylvania to Texas. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 15 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Insurance Company Licensing Specialist, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-2290. Filed for public inspection December 6, 2013, 9:00 a.m.]

Application of Gateway Health Plan, Inc. for Approval to Convert into a Nonprofit Corporation

Gateway Health Plan, Inc., a Pennsylvania domiciled health maintenance organization organized as a business corporation, has submitted an application for approval to convert into a nonprofit corporation.

Persons wishing to comment on this conversion are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identifica-

tion of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-2291. Filed for public inspection December 6, 2013, 9:00 a.m.]

Application of Keystone Health Plan West, Inc. for Approval to Convert into a Nonprofit Corporation

Keystone Health Plan West, Inc., a Pennsylvania domiciled health maintenance organization organized as a business corporation, has submitted an application for approval to convert into a nonprofit corporation.

Persons wishing to comment on this conversion are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@pa.gov. Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-2292. Filed for public inspection December 6, 2013, 9:00 a.m.]

Request to Surrender a Certificate of Authority to Provide a Continuing Care Retirement Community by Attleboro Associates, Ltd.

Attleboro Associates, Ltd. has submitted a request to surrender their Certificate of Authority to operate a Continuing Care Retirement Community at Attleboro Retirement Village in Langhorne, PA. The request was received on November 7, 2013, and was made under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the surrender of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 15 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-2293. Filed for public inspection December 6, 2013, 9:00 a.m.]

Review Procedure Hearings under the Unfair Insurance Practices Act

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P. S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Marie Hudson; file no. 13-188-150838; Farmington Casualty Company; Doc. No. P13-11-010; December 18, 2013, 1 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or

their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-2294. Filed for public inspection December 6, 2013, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on February 5, 2014, at 9:30 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 4. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 4. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 4.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on December 20, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on December 20, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on January 10, 2014, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which

each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on January 24, 2014, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 30, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on January 27, 2014.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2295. Filed for public inspection December 6, 2013, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 5

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 5 on February 5, 2014, at 10 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 5. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 5. In accordance with OGO

A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 5.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on December 20, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on December 20, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on January 10, 2014, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on January 24, 2014, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 30, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on January 27, 2014.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2296. Filed for public inspection December 6, 2013, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on February 5, 2014, at 10:30 a.m. in Room 202, Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2012 and 2013; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 3 p.m. on December 20, 2013, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 3 p.m. on December 20, 2013, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@pa.gov.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 2 p.m. on January 10, 2014, Board staff shall file with the Board, in person or by mail, one original and four single-sided copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 2 p.m. on January 24, 2014, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 30, 2014, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other

proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on January 27, 2014.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

TIM MOYER,
Secretary

[Pa.B. Doc. No. 13-2297. Filed for public inspection December 6, 2013, 9:00 a.m.]

OFFICE OF OPEN RECORDS

Hearing in the Matter of Paul Peirce and *The Pittsburgh Tribune-Review v. Pennsylvania Office of Administration*

**Pennsylvania Office of Open Records;
Doc. No. AP 2013-1658**

A hearing on the previously-captioned Right-to-Know Law appeal will be held as follows:

Date: December 23, 2013

Time: 9:30 a.m.

Location: Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Edward S. Finkelstein, Esq.
Hearing Officer
400 North Street, Plaza Level
Harrisburg, PA 17120
(717) 364-9903, fax (717) 425-5343

This hearing is being conducted under section 1101(a)(2) of the Right-to-Know Law (65 P. S. § 67.1101(a)(2)) to determine whether the names and duty cities for Commonwealth employees are subject to public access.

Persons with a disability who wish to attend the hearing should contact the Office of Open Records (OOR) to make arrangements for their special needs. Call the OOR at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the OOR will make every reasonable effort to have an interpreter present. Call the OOR at (717)

346-9903 at least 10 business days prior to the hearing to submit the request.

TERRY MUTCHLER,
Executive Director

[Pa.B. Doc. No. 13-2298. Filed for public inspection December 6, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Approval of Siting and Construction

A-2013-2392102. PPL Electric Utilities Corporation. Application of PPL Electric Utilities Corporation for approval of the siting and construction of the double-circuit 138/69 kV Honey Brook-Twin Valley transmission line in portions of Caernarvon Township in Berks County, Honey Brook Township in Chester County and Caernarvon Township in Lancaster County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before January 9, 2014. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Pennsylvania Public Utility Commission's (Commission) web site at www.puc.pa.gov, and at the applicant's business address.

Applicant: PPL Electric Utilities Corporation

Through and By Counsel: Paul E. Russell, Associate General Counsel, PPL Services Corporation, Two North Ninth Street, Allentown, PA 18106

Christopher T. Wright, Esquire, John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

Prehearing Conference

An initial prehearing conference on the previously-captioned case will be held as follows:

Date: Thursday, January 16, 2014

Time: 10 a.m.

Location: Hearing Room 3
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Presiding: Administrative Law Judge David A. Salapa
P. O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-1399
Fax: (717) 787-0481

Persons with a disability who wish to attend the hearing should contact the Commission to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For persons who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

• Scheduling Office: (717) 787-1399

• Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2299. Filed for public inspection December 6, 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. 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 23, 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.

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

A-2013-2386986. Tiny Mammoth, LLC (127 South Fairmont Street, Pittsburgh, Allegheny County, PA 15206) persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Allegheny County, to points in Pennsylvania, and return.

A-2013-2389047. Grand Limousine and Transportation Co. (416 Meadowcroft Road, Radnor, PA 19087) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between points in every county within Pennsylvania. *Attorney:* Scott A. Lisgar, 101 East Darby Road, Havertown, PA 19083.

A-2013-2391804. Danach, LLC (182 Howard Street, #8, San Francisco, CA 94105) to transport as a common carrier, by motor vehicle, persons in limousine service, between points in Bucks, Montgomery, Chester and Delaware Counties, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Application of the following for approval to begin operating as common carriers for transportation of household goods in use as described under the application.

A-2013-2379677. Jorge Bermejo, t/a JP Moving Corp (122 West Poplar Street, Nanticoke, Luzerne County, PA 18634) household goods in use, from points in Luzerne County, to points in Pennsylvania, and vice versa.

Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2013-2389308. Kenneth J. Weaver (846 1/2 Ballstown Road, Lititz, PA 17543) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2300. Filed for public inspection December 6, 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 23, 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. A. S. Cab Co;
Doc. No. C-2013-2383464

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 A. S. Cab Co., Respondent, maintains its principal place of business at 34 Marian Ct., Apt-B, Philadelphia, Pa 19145.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 12, 2005 at Application Docket No. A-00114585 F. 4.

3. That by Secretarial Letter issued on April 5, 2011, at C-2010-2211472, 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 16, 2012 at C-2011-2256444, 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 by Secretarial Letter issued on January 23, 2013 at C-2011-2269389, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payments to this Commission.

6. That Respondent failed to pay fines totaling one thousand five hundred dollars (\$1,500.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on April 5, 2011, at C-2010-2211472, July 16, 2012 at C-2011-2256444, and January 23, 2013 at C-2011-2269389.

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-00114585 F. 4.

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: 9/16/2013

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

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

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

Additionally, a copy should either be mailed to:

Wayne T. Scott, First Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
P. O. Box 3265
Harrisburg, PA 17105-3265

Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Your check or money order for the civil penalty should be payable to the Commonwealth of Pennsylvania and mailed to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

*Pennsylvania Public Utility Commission, Bureau of
Investigation and Enforcement v. A-1 Van Service, Inc.;*
Doc. No. C-2013-2383465

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 A-1 Van Service, Inc., Respondent, maintains its principal place of business at 27th & Smallman Streets, Pittsburgh, PA 15222.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on November 5, 2009 at Application Docket No. A-6411461.

3. That by Secretarial Letter issued on February 11, 2013 at C-2012-2320527, Respondent was directed to pay a civil penalty of five hundred dollars (\$500.00). To date, Respondent has not submitted any payments to this Commission.

4. That Respondent failed to pay a fine totaling five hundred dollars (\$500.00) and violated 66 Pa.C.S.

§ 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on February 11, 2013 at C-2012-2320527.

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-6411461.

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: 9/16/2013

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

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

C. 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

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. 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.

F. 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

G. 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.

H. 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.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. 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. Time Taxi, Inc.;*
 Doc. No. C-2013-2382622

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 Time Taxi, Inc., Respondent, maintains its principal place of business at 9132 Old Newtown Road, Apt. B-10, Philadelphia, Pa 19115.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on June 20, 1996 at Application Docket No. A-00113120.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202384, 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 8, 2011 at C-2010-2135210, 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 13, 2012 at C-2011-2255562, 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 a Secretarial Letter issued on March 24, 2011 at C-2010-2202384, July 8, 2011 at C-2010-2135210, and July 13, 2012 at C-2011-2255562.

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-00113120.

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

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

C. 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

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. 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.

F. 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

G. 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.

H. 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.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. 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. All American Limo Inc;
 Doc. No. C-2013-2383467

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 All American Limo, Inc., Respondent, maintains its principal place of business at 4475 North Livingston Street, Philadelphia, PA 19137.

2. That Respondent was issued Certificates of Public Convenience by this Commission on August 5, 2005 at Application Docket No. A-00121477 F. 1, and on September 6, 2006 at Application Docket No. A-00121477, F.2.

3. That by Secretarial Letter issued on June 11, 2012, at Docket No. C-2011-2270693, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Commission Letter issued on June 11, 2012, at Docket No. C-2011-2270693.

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-00121477, Fs. 1 and 2.

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

VERIFICATION

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

Date: 9/16/2013

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

NOTICE

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

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

C. Additionally, a copy should either be mailed to:

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 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

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

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I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. 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. Alpha Omega Limousine Network; Doc. No. C-2013-238484

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 Alpha Omega Limousine Network, Respondent, maintains its principal place of business at 2416 East County Line Road, Ardmore, PA 19003.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 18, 2003 at Application Docket No. A-00118864.

3. That by Secretarial Letter issued on June 11, 2012 at Docket No. C-2011-2270697, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent failed to pay fines totaling two hundred fifty dollars (\$250.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with a Secretarial Letter issued on June 11, 2012 at Docket No. C-2011-2270697.

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-00118864.

Respectfully submitted,

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

VERIFICATION

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

Date: 9/25/2013

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:

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

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

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Wayne T. Scott, First Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 Bureau of Investigation and Enforcement
 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

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

G. 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.

H. 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.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. 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. Barry C. Jackson t/a V-Day Van Service; Doc. No. C-2013-2384846

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 Barry C. Jackson t/a V-Day Van Service, Respondent, maintains its principal place of business at 2208 Noras Court, North Wales, PA 19454.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on January 30, 2006 at A-00122042.

3. That by Secretarial Letter issued on July 16, 2012 at C-2011-2259845, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payment to this Commission.

4. That Respondent failed to pay fines totaling one thousand dollars (\$1,000.00) and violated 66 Pa.C.S. § 501(c) for failing to observe, obey and comply with the Secretarial Letter issued on July 16, 2012 at C-2011-2259845.

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-00122042.

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

VERIFICATION

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

Date: 9/25/2013

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

NOTICE

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

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

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 P. O. Box 3265
 Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

E. 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.

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

G. 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.

H. 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.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

J. 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. Nargis Cab Co;
Doc. No. C-2013-2382395*

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 Nargis Cab Co., Respondent, maintains its principal place of business at 6020 Tabor Road Apt F-1, Philadelphia, PA 19111.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on February 22, 2001 at Application Docket No. A-00115442 F. 2.

3. That by Secretarial Letter issued on March 24, 2011 at C-2010-2202944, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

4. That by Secretarial Letter issued on July 11, 2011 at C-2010-2131208, Respondent was directed to pay a civil penalty of two hundred fifty dollars (\$250.00). To date, Respondent has not submitted any payment to this Commission.

5. That by Secretarial Letter issued on July 13, 2012 at C-2011-2255879, Respondent was directed to pay a civil penalty of one thousand dollars (\$1,000.00). To date, Respondent has not submitted any payment 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 a Secretarial Letters issued on March 24, 2011 at C-2010-2202944, July 11, 2011 at C-2010-21, and July 13, 2012 at C-2011-2255879.

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-00115442, F. 2.

Respectfully submitted,

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

VERIFICATION

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

Date: 9/10/2013

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

NOTICE

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Harrisburg, PA 17105-3265

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

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Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Harrisburg, PA 17105-3265

D. Or, emailed to Mr. Scott at: RA-PCCmplntResp@pa.gov

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

G. 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.

H. 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.

I. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

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Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Ambucare Ambulance Services Inc.; Doc. No. C-2013-2379252

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Ambucare Ambulance Services Inc, (respondent) is under suspension effective July 24, 2013 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1725 Bustleton Pike, Unit A, Feasterville, PA 19053.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 10, 2009, at A-6411144.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6411144 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hun-

dred 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: 8/21/2013

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

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original shall be mailed to:

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

Or may be sent by overnight delivery to:

400 North Street, 2nd Floor
 Harrisburg, Pennsylvania 17120

Additionally, please serve a copy on:

Wayne T. Scott, Prosecutor
 Bureau of Investigation and Enforcement
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, Pennsylvania 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the penalty proposed in this Complaint. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Acord certificates of insurance and faxed Form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue a Secretarial Letter imposing the proposed penalty in this Complaint, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth in this Complaint.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2301. Filed for public inspection December 6, 2013, 9:00 a.m.]

Wastewater Service

A-2013-2394181. York Water Company. Application of the York Water Company for approval to: 1) enter into a municipal contract to acquire certain public wastewater facilities from East Prospect Borough Authority; 2) to offer or furnish wastewater service to the public in the Borough of East Prospect and portions of Lower Windsor Township, York County, served by East Prospect Borough Authority; and 3) to begin to furnish wastewater service to the public in additional portions of Lower Windsor Township, York County.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 23, 2013. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: The York Water Company

Through and By Counsel: Michael W. Hassell, Esquire, Jessica R. Rogers, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-2302. Filed for public inspection December 6, 2013, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearing Scheduled

A hearing has been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

January 15, 2014 Teresa A. Rollins 1 p.m.
(Change of Option)

Persons with a disability who wish to attend the previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barb Book, Assistant to the Executive Director at (717) 720-4617 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 13-2303. Filed for public inspection December 6, 2013, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Catherine Fordham; Doc. No. 0879-51-2013

Catherine Fordham, license no. PN279325, of Orwigsburg, Schuylkill County, was indefinitely suspended retroactive to July 3, 2013, based on findings she is unable to practice nursing with reasonable skill and safety to patients by reason of mental condition or dependence on drugs or alcohol.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2304. Filed for public inspection December 6, 2013, 9:00 a.m.]

Bureau of Professional and Occupational Affairs v. Robert Allen Fry, RN; Doc. No. 0512-51-13

On September 16, 2013, Robert Allen Fry, RN, license no. RN607667, of Kane, McKean County, had his nursing license indefinitely suspended, retroactive to June 20, 2013, based upon being unable to practice professional nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence on alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination, so long as the dependence shall continue.

Individuals may obtain a copy of the adjudication by writing to Beth Sender Michlovitz, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court

in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

ANN M. COUGHLIN, MBA, MSN, RN,
Chairperson

[Pa.B. Doc. No. 13-2305. Filed for public inspection December 6, 2013, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, 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 any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Lewis Martin 12279 Route 35 Mount Pleasant Mills, PA 17853	Snyder County/ West Perry Township	209.71	Broilers	New	Approved
Ron Coleman 3940 Eagle Scout Road Thomasville, PA 17364	York County/ Dover Township	167.77	Broilers	New	Approved
James Hoover 1103 Greble Road Lebanon, PA 17046	Lebanon County/ Bethel Township	76.6	Broilers	New	Approved
Rohrer Dairy Farm, LLC Mike Rohrer 124 Charlestown Road Washington Boro, PA 17582	Lancaster County/ Manor Township	0	Cattle	New	Approved
Noah W. Kreider & Sons, LLP— Manheim Farm 425 and 525 Indian Village Road Manheim, PA 17545	Lancaster County/ Penn Township	710.45 / 5,748.75	Cattle / Layers	Amended	Approved
Aaron Ott Back Run Road 291 Doyle Lane McConnellsburg, PA 17233	Fulton County/ Ayr Township	277.74	Swine	New	Approved
Mike Zimmerman 1775 Black Bridge Road Annville, PA 17003	Lebanon County/ North Annville Township	229.91	Broilers	New	Approved
Glen Litzenberger 201 Snow Drive Fredericksburg, PA 17026	Lebanon County/ Bethel Township	54.9	Broilers	New	Approved
Robert Brubaker, Jr. 2871 Colebrook Road Manheim, PA 17545	Lancaster County/ Rapho Township	0	Pullet	New	Approved
Larry Dean Martin 62 Eisenhower Road Myerstown, PA 17067	Berks County/ Tulpehocken Township	246.33	Broilers	New	Approved
Country View Family Farm, LLC— Willow Hill Farm 12598 Creek Road Fannettsburg, PA 17221	Franklin County/ Metal Township	2,978.55	Swine	New	Approved
Joel Martin 178 Lowry Road New Holland, PA 17557	Lancaster County/ Earl Township	0	Guinea Layers	New	Approved

GEORGE D. GREIG,
Chairperson

[Pa.B. Doc. No. 13-2306. Filed for public inspection December 6, 2013, 9:00 a.m.]