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Pennsylvania Bulletin  
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# PENNSYLVANIA BULLETIN

Volume 43  
Saturday, December 14, 2013 • Harrisburg, PA  
Number 50  
Pages 7213—7416

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for the Environmental Quality Board's  
Environmental Protection Performance  
Standards at Oil and Gas Well Sites  
Proposed Rulemaking

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Susquehanna River Basin Commission  
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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 469, December 2013**

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**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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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.

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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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7 .....	1702
8 .....	4715
10 .....	2560, 2704, 4062, 6657

**Proposed Rules**

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

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

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

**Proposed Rules**

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

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

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

**Proposed Rules**

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

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

Unclassified .....	657, 658, 1078, 2138, 4064, 4212
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**252 Pa. Code (Allegheny County Rules)**

Unclassified .....	2711, 3229, 5702
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**255 Pa. Code (Local Court Rules)**

Unclassified .....	9, 11, 212, 214, 299, 658, 964, 1173, 1175, 1176, 1408, 1410, 1551, 1842, 2139, 2308, 2309, 2424, 2435, 2563, 2989, 3088, 3230, 3332, 3942, 3943, 4065, 4067, 4070, 4071, 4213, 4326, 4327, 4723, 4724, 4726, 4839, 4845, 4848, 4970, 5395, 5450, 5590, 5703, 5797, 5798, 5799, 5804, 5991, 5993, 6201, 6344, 6666, 6667, 6673, 6762, 6882, 7078, 7079, 7080, 7246
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# THE GENERAL ASSEMBLY

## Recent Actions during the 2013 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2013 Regular Session

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
<b>2013 General Acts of Regular Session Enacted—Act 080 through 089</b>					
080	Nov 1	HB0088	PN0529	Immediately	Military and Veterans Code (51 Pa.C.S.)—leaves of absence for certain government employees
081	Nov 1	HB0925	PN2552	Immediately*	AMVETS Memorial Bridge, Chief Warrant Officer 2 Jarett M. Yoder Highway, Sergeant Michael Todd May Interchange and Lance Corporal Ryan J. Kovacicek, USMC, Exit—designations
082	Nov 1	SB0277	PN1497	60 days	Vehicle Code (75 Pa.C.S.)—commercial driver's license qualification standards
083	Nov 1	SB0648	PN1476	Immediately	Game and Wildlife Code (34 Pa.C.S.)—liability for actions of others
084	Nov 1	SB0732	PN1489	60 days	Board of Vehicles Act—reimbursement for parts and service and unlawful acts by manufacturers or distributors
085	Nov 1	SB0680	PN1517	Immediately	Capital Budget Project Itemization Act of 2013-2014—enactment
086	Nov 1	SB0358	PN1516	90 days	Breast Density Notification Act—enactment
087	Nov 20	SB0546	PN0510	60 days	Lieutenant General William M. Keys Bridge—designation
088	Nov 20	SB0851	PN0909	60 days	Thaddeus Stevens Bridge—designation
089	Nov 25	HB1060	PN2697	Immediately*	Transportation (74 Pa.C.S.) and Vehicle Code (75 Pa.C.S.)—omnibus amendments

\* denotes an effective date with exceptions

### Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

### Advance Copies of Statutes

Section 1106 of Title 1 of the Pennsylvania Consolidated Statutes provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

VINCENT C. DELIBERATO, Jr.,  
*Acting Director*  
*Legislative Reference Bureau*

[Pa.B. Doc. No. 13-2307. Filed for public inspection December 13, 2013, 9:00 a.m.]

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 211 ]

#### Judicial Salaries

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

##### CHAPTER 211. CONSUMER PRICE INDEX AND JUDICIAL SALARIES

###### § 211.1a. Consumer Price Index—judicial salaries.

The Court Administrator of Pennsylvania reports that the percentage change in the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD, Consumer Price Index for All Urban Consumers (CPI-U) for the 12-month period ending October 2013, was .3 percent (0.3%). (See U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index, Wednesday, November 20, 2013).

###### § 211.2. Judicial salaries effective January 1, 2014.

The annual judicial salaries for calendar year beginning January 1, 2014 will be adjusted by a cost-of-living factor as follows:

(a) *Supreme Court.*

(1) The annual salary of a justice of the Supreme Court shall be \$200,205.

(2) The annual salary of the Chief Justice of the Supreme Court shall be \$206,032.

(b) *Superior Court.*

(1) The annual salary of a judge of the Superior Court shall be \$188,903.

(2) The annual salary of the President Judge of the Superior Court shall be \$194,728.

(c) *Commonwealth Court.*

(1) The annual salary of a judge of the Commonwealth Court shall be \$188,903.

(2) The annual salary of the President Judge of the Commonwealth Court shall be \$194,728.

(d) *Courts of common pleas.*

(1) The annual salary of a judge of the court of common pleas shall be \$173,791.

(2) The annual salary of the President Judges of the Court of Common Pleas shall be in accordance with the following schedule:

(i) Allegheny County, \$176,704.

(ii) Philadelphia County, \$177,287.

(iii) Judicial districts having six or more judges, \$175,306.

(iv) Judicial districts having one to five judges, \$174,549.

(v) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of six or more judges, \$175,306.

(vi) Administrative judges of the divisions of the Court of Common Pleas of Philadelphia County with divisions of five or less judges, \$174,549.

(vii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of six or more judges, \$175,306.

(viii) Administrative judges of the divisions of the Court of Common Pleas of Allegheny County with divisions of five or less judges, \$174,549.

(e) *Philadelphia Municipal Court.*

(1) The annual salary of a judge of the Philadelphia Municipal Court shall be \$169,769.

(2) The annual salary of the President Judge of the Philadelphia Municipal Court shall be \$172,392.

(f) *Philadelphia Municipal Court—Traffic Division.*

(1) The annual salary of a judge of the Philadelphia Traffic Court shall be \$91,326.

(g) *Magisterial district judge.* The annual salary of a magisterial district judge shall be \$86,899.

(h) *Senior judges.* The compensation of the senior judges pursuant to 42 Pa.C.S. § 4121 (relating to assignment of judges) shall be \$536 per day. In any calendar year the amount of compensation which a senior judge shall be permitted to earn as a senior judge shall not when added to retirement income paid by the Commonwealth for such senior judge exceed the compensation payable by the Commonwealth to a judge then in regular active service on the court from which said senior judge retired. A senior judge who so elects may serve without being paid all or any portion of the compensation provided by this section.

[Pa.B. Doc. No. 13-2308. Filed for public inspection December 13, 2013, 9:00 a.m.]

### PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

[ 204 PA. CODE CH. 213 ]

#### Record Retention & Disposition Schedule with Guidelines

In accordance with the Judicial Code, 42 Pa.C.S. § 4301(b), the *Record Retention & Disposition Schedule with Guidelines* has been amended and shall be effective January 1, 2014. The changes were made to ensure consistency between the *Record Retention & Disposition Schedule with Guidelines* and amendments to Pa.R.Crim.P. 212(B), as well as to reflect other house-keeping matters, including the disbandment of Philadelphia Traffic Court.

The entire policy, including these amendments and other related information can be found on the Unified Judicial System's website located at <http://www.pacourts.us/forms/for-the-judiciary/>.

Filed in the Administrative Office of Pennsylvania Courts on November 26, 2013.

ZYGMONT A. PINES,  
Court Administrator of Pennsylvania

**Annex A**

**TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS**

**PART VII. ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

**CHAPTER 213. COURT RECORDS POLICIES**

**Subchapter B. RECORDS RETENTION**

**§ 213.51. Record Retention & Disposition Schedule with Guidelines.**

**Supreme Court of Pennsylvania  
Administrative Office of Pennsylvania Courts  
Record Retention & Disposition Schedule with  
Guidelines**

**For Courts of Common Pleas, Magisterial District  
Courts, Philadelphia Municipal  
Court, and the Pittsburgh Municipal Court  
January 2014**

**1. Record Retention Program**

**1.1 Background**

Pennsylvania Rule of Judicial Administration No. 507 establishes three categories of offices for purposes of record retention and disposition: 1) offices scheduled by the County Records Committee (that must dispose of records in conformity with the applicable retention schedules established by the Committee)<sup>1</sup>; 2) offices scheduled by the Supreme Court (that must dispose of records in conformity with the applicable retention schedules established by the Supreme Court)<sup>2</sup>; and 3) non-scheduled offices (that can only dispose of records upon request to the Pennsylvania Historical and Museum Commission [PHMC] and the Administrative Office of Pennsylvania Courts [AOPC] and with approval by the AOPC)<sup>3</sup>.

The record retention and disposition schedules set forth hereunder have been adopted by the Supreme Court. This document contains guidelines and procedures for storing and archiving records, as well as the disposal of both permanent and non-permanent records.

**1.2 Definitions**

*Court Records*—“Court records” are those papers, dockets, books, photographs, or other documentary materials in any form made or received in a Judicial District pursuant to law, statute, or rules of court, in connection with transactions of its business and the discharge of its responsibilities.

*Permanent Records*—“Permanent records” are those which may not be destroyed. Permanent records may, however, be disposed if they are replicated as required by the applicable schedules adopted by the Supreme Court, and provided that prior approval has been received from the AOPC. (See § 2.2 *Disposal Request Procedure—Permanent Records*)

*Non-permanent Records*—“Non-permanent records” are those records which need to be retained for a specified period of time and which may be disposed without prior approval upon expiration of the retention period provided in the applicable record retention schedule. These records

must be listed in the appropriate Records Disposal Log which must be filed with the AOPC on an annual basis, as further set forth herein. (See § 2.3 *Disposal Request Procedure & Log—Non-Permanent Records*)

*Electronic Records*—“Electronic records” include numeric, graphic, and text information which may be recorded on any medium capable of being read by a computer and which satisfies the definition of a record as defined in § 1.2 *Definitions*. This includes, but is not limited to: magnetic media such as computer tapes, disks, optical disks, diskettes and other electronic storage devices and electronic filing systems containing records. These requirements apply to all electronic records systems, whether microcomputers, minicomputers or main-frame computers, in network or stand-alone configurations. (See § 3. *Microfilm and Electronic Archival Systems*)

*Records not subject to retention*—“Records not subject to retention” are those records which need not be maintained permanently or for a specified period of time, and which may be used by system and related personnel of the Unified Judicial System as unofficial in-house working papers, reference and drafts. No approval is required to dispose of these records.

*Unscheduled Records*—Questions concerning retention periods for records not included in this schedule, or, for records created subsequent to the adoption of this schedule, should be directed to the AOPC.

**1.3 Application of the Schedules**

This document sets forth schedules and guidelines for records that are being used by personnel of the Unified Judicial System and related staff that support the courts of the Commonwealth of Pennsylvania, but not records maintained by county officers which are set forth in the County Records Manual.

These schedules and guidelines are intended to supplant existing practices for the retention and disposition of permanent and non-permanent records and to help officials responsible for record disposition proceed consistently throughout the Unified Judicial System of the Commonwealth. It is recognized that the same type of record may be under the control of different offices or personnel in the various Judicial Districts. Nonetheless, the retention period of the record remains the same, although the office or personnel charged with the responsibility of retaining or disposing of the record may vary.

**1.3.1 Conflict With Other Retention Schedules**

These schedules are intended to be consistent with those set forth in the County Records Manual. However, if conflicts arise, this schedule shall govern.

**1.4 Mandatory Minimum Retention Periods**

The record retention periods set forth herein are minimum terms for the retention of the respective files after which the files may be disposed. While the files may be destroyed—in accordance with the conditions and procedures contained herein—they may also be retained for longer than the established retention periods. Those decisions are best left to court records management officials and their leaders. The District Record Retention Officer—as further defined in § 2.1 below—will be available to provide information and guidance as necessary.

<sup>1</sup> Pa.R.J.A. 507(a)

<sup>2</sup> Pa.R.J.A. 507(b)

<sup>3</sup> Pa.R.J.A. 507(c)

Absent good cause to the contrary, personnel should dispose of files in conformity with the minimum standards in the schedules. The retention periods have undergone considerable scrutiny, both in terms of practicality and for conformance with legally accepted standards from many sources.

#### 1.4.1 Identification of Records

The ability to dispose of records in an efficient and responsible manner is dependent upon the reliable identification of the records in question. Therefore, officials, when storing records subject to these retention schedules, should do so in a manner that clearly sets forth the materials contained in the files under consideration. Information may include such elements as the date the record was created, the subject matter, record type (i.e., presentence reports, notes of testimony, etc.), and scheduled destruction date.

#### 1.5 Effective Date

This Record Retention Schedule shall become effective as provided by the Supreme Court.

### 2. Record Disposal and Retention Procedures

No permanent or non-permanent record may be disposed unless in compliance with the procedure set forth in this Schedule.

#### 2.1 Central Point of Contact for Record Retention

As a central point of contact, a "Record Retention Officer," designated by the District Court Administrator with the approval of the President Judge, will coordinate the disposition of records within each Judicial District. No records may be destroyed without the approval of the Record Retention Officer.

#### 2.2 Disposal Request Procedure: Permanent Records

Within each District, the record custodian (or person making the disposal request) must submit requests to destroy or transfer permanent records to the Record Retention Officer utilizing a Unified Judicial System Scheduled Court Records Disposal Certification Request form adopted by the AOPC pursuant to Pa.R.J.A. 507(b). The Record Retention Officer shall review the form for completeness and ascertain and certify in writing that the records to be destroyed have been replicated on a medium approved by the Supreme Court, (See § 6 *Retention Forms*) and must forward the original form to the AOPC at such location as may be provided from time to time. A copy of each request form must be retained by the Record Retention Officer for the District. The AOPC shall review the Disposal Certification Request and shall forward same to the PHMC in the event an advisory opinion is deemed necessary, or, if not, shall approve or deny the request. The AOPC will return a copy of the request form reflecting the decision to authorize or deny the request. If the request is authorized, the specified record(s) may be destroyed or transferred to the PHMC, as specifically provided in the form. No permanent records may be destroyed or transferred unless the request form with the authorization from the AOPC has been received by the Record Retention Officer. The form must be retained permanently.

The following procedure must be followed:

1. Permanent records must not be destroyed without approval of the AOPC.
2. Requests for the destruction of permanent records will be submitted by the records custodian to the Record

Retention Officer utilizing a form approved by the AOPC pursuant to Pa.R.J.A. 507(b).

3. The Record Retention Officer will review the request form to verify that the records in question are permanent records and confirm in writing that those records have been transferred to an acceptable medium (See § 6 *Retention Forms*). Only then will the Record Retention Officer forward the request to the AOPC. Where records have been transferred to microfilm format, the standards and quality control measures set forth in the County Records Manual shall apply (See County Records Manual at page 1-MF-1).

4. Upon receipt of the Disposal Certification Request form, AOPC shall determine whether an advisory opinion should be solicited from the PHMC. If so, the AOPC shall forward a copy of the form to the PHMC for review, and shall consider the recommendation of the PHMC in deciding whether to grant or deny the request. If an advisory opinion is not deemed necessary, the AOPC shall determine whether to grant the request based upon a review of the form. Upon determination, the AOPC shall send a copy to the Record Retention Officer. When the Record Retention Officer receives the written response from the AOPC, a copy shall be sent to the record custodian of the unit that requested leave to destroy the records, with instructions for their disposal.

5. No permanent record may be destroyed without having complied with the specific direction set forth by the AOPC at the time permission to destroy the permanent record is granted.

#### 2.3 Disposal Request Procedure & Log: Non-permanent Records

A request to destroy non-permanent scheduled records must be submitted by the record custodian requesting permission to dispose of the record(s) to the Record Retention Officer utilizing a Unified Judicial System Disposal Log for Non-Permanent Records form adopted by the AOPC as provided in Pa.R.J.A. No. 507. The Record Retention Officer shall review the Records Disposal Log Form for completeness and shall grant written permission to dispose of such non-permanent records upon ascertaining that the applicable retention period as set forth in the schedule has been met. Written approval from the AOPC is not necessary before destroying non-permanent records as identified in the schedule. A log of individual disposition actions involving non-permanent records must be maintained. Copies of the Records Disposal Log Form shall be submitted on an annual basis to the AOPC. (See § 4.5 *Form Retention*)

The following procedure must be followed:

1. The record custodian seeking permission to dispose of the record shall complete a Record Disposal Log Form for records designated for destruction pursuant to the appropriate schedule, and shall submit the form to the Record Retention Officer for review and approval. (See § 6. *Retention Forms* at the end of this document)
2. The Record Retention Officer will indicate approval or disapproval in the provided place(s), and return a copy to the individual submitting the destruction request. The original Records Disposal Log Form will be retained by the Record Retention Officer.
3. If approved, the records listed on the log form may then be destroyed.

4. No later than January 31st of every year, the Record Retention Officer will forward to the AOPC a copy of the log forms listing the records that have been disposed during the previous year.

## **2.4 Destruction Hold Procedures**

### **2.4.1 Matters In Litigation**

Notwithstanding the disposition schedules set forth herein, no record which is otherwise eligible for disposition shall be destroyed if the District becomes aware that the record may be needed for pending litigation. District Court Administrators or their designees, upon having the knowledge or belief of actual or impending litigation requiring the preservation of certain records, shall immediately so notify in writing the Record Retention Officer, and appropriate deputies or other staff, to ensure the preservation of the subject records, as well as suspending any destruction or transfer activities. Such records shall be retained until all related proceedings have been concluded or until such time as, in the written opinion of counsel for the District or the AOPC, the threat of litigation has been removed. (See also § 4.9 *Litigation: Judicial Districts and Employees*)

### **2.4.2 Matters Pending Audit**

Records subject to audit must be retained for the periods listed in the schedule and must be audited and all findings resolved before such records may be destroyed. Applicable Federal and State statutes and administrative regulations may necessitate retaining records for a longer period of time than indicated in the schedule. Information on specific program regulations should be obtained from the appropriate administering/funding/licensing agency.

## **2.5 Methods of Record Destruction**

### **2.5.1 Confidential Records**

Where confidential information may be contained in the records, shredding is the preferred method of destruction. Otherwise, records may be incinerated under the direct supervision of the District.

### **2.5.2 Non-Confidential Records**

Records that do not contain confidential information may be shredded, incinerated, or otherwise disposed according to general practice.

Records stored at vendor sites designated for record storage, maintenance, and disposition may be destroyed under the supervision of the vendor with written confirmation from the vendor that the records have been disposed.

## **2.6 Liability of Record Retention Officer and System and Related Personnel.**

Record retention officers and/or system and related personnel involved in record retention and disposal duties shall be immune from all civil liability that may be related to records management practices provided that the disposition of records is accomplished in accordance with the terms of the within schedule, and any amendment thereto.<sup>4</sup>

## **2.7 Disposal Request Procedure: Damaged Records**

Records are to be maintained at such appropriate locations as to minimize their potential loss or damage. It is crucial that Districts periodically undertake risk

assessments of the conditions under which records are stored, and take appropriate steps to mitigate the threat of damage. Extensive information on Disaster Planning and Vital Records protection is provided by the Pennsylvania Historical Commission on its website, at <http://www.phmc.state.pa.us> (see Records Management, State Government Services, Disaster Planning & Vital Records; and Local Government/Judicial System Services, Disaster Planning & Vital Records Management). All Record Retention Officers are encouraged to take advantage of the information provided, which includes generic templates for the establishment of Disaster Response and Recovery Plans.

Despite periodic risk assessments, some records may be damaged before the expiration of their retention period by unforeseeable natural disasters such as floods, earthquakes, fires, or other causes. When records are damaged, an assessment must be immediately conducted to determine the potential for their recovery. Districts should attempt to salvage and preserve all damaged records whenever possible. Only after an appropriate determination has been made that the damaged records cannot be salvaged or restored should their disposal be requested. Of course, records that are beyond their mandatory minimum retention period and have no administrative, legal or historical value may be destroyed without approval from the AOPC, provided, however, that the protocol established in Section 2.3 is followed.

The request to dispose of damaged records must be made by the District Court Administrator, after consultation with the official responsible for the records and the Record Retention Officer and at the conclusion of the evaluation process necessary to determine the salvageability of the damaged records. The District Court Administrator must personally view all records whose disposal is sought, and must attach photographs and other appropriate description of the damage and justification for the request to dispose of the records.

The District must consider the following factors in determining that the records cannot be salvaged and must be destroyed: whether the records are permanent or non-permanent; whether the records are subject to audit, and if so, whether an audit has been completed; whether the records can be salvaged by ordinary methods such as air drying; whether the records may be salvaged by extraordinary means such as retaining an expert in record reconstruction; whether the damaged records pose a health risk in their continued storage; whether any movement of the damaged records can be safely made; whether the cost of restoring the record exceeds its value, administrative, historical, or otherwise.

In the event the damaged records whose destruction is being sought are subject to an audit, and copies of the damaged records are not available, the official responsible for the records shall notify the auditing entity, as soon as practicable, that the specified records were damaged, describe the nature of the damage, and represent that on a date certain a Unified Judicial System Record Disposal Certification Request—Damaged Records form will be submitted to the Administrative Office of Pennsylvania Courts seeking permission to destroy the damaged records unless the auditing entity requests, before the submission date, a reasonable delay in seeking destruction of the damaged records. Information concerning the notice provided (date, name of auditing entity and ad-

<sup>4</sup> Patterned after the County Records Act, which provides that "No County officer shall be held liable on his official bond or in any way, either civil or criminal, because of the disposition of records, provided he disposes of the records in accordance with the schedules adopted by the committee." Act No. 407, August 14, 1963, as amended. See 16 P. S. § 13005



dress) as well as responses, if any, will be entered on the Unified Judicial System Record Disposal Certification Request—Damaged Records form. Of course, no notification need be made if a copy of the records exists, if the damaged records were audited, or are not subject to an audit.

A Unified Judicial System Record Disposal Certification Request—Damaged Records form must be submitted by the District Court Administrator to the Administrative Office of Pennsylvania Courts, at such location as may be provided from time to time. In order to expedite the approval process where public health and safety concerns are present, the Record Disposal Certification Request form should be submitted by electronic mail or fax. The AOPC will return a copy of the request form reflecting the decision to authorize or deny the request. If the request is authorized, the specified damaged record(s) may be destroyed.

The following procedure must be followed to seek permission to dispose of Damaged Records:

1. The official responsible for maintaining the records must notify the Record Retention Officer and District Court Administrator immediately upon ascertaining that records which are subject to a Record Retention Schedule have been damaged.

2. The Record Retention Officer will immediately conduct a personal inspection of the damaged records. In the event the Record Retention Officer is of the opinion that the damaged records may not be salvageable, the Record Retention Officer must inform the District Court Administrator.

3. The District Court Administrator will direct the Record Retention Officer and official responsible for the records to conduct an appropriate evaluation of the options available to restore the damaged records and will request the preparation of a comprehensive report detailing the available options, if any. The Report should include photographs or other representations of the current condition of the damaged records.

4. If the Report issued by the Record Retention Officer and official responsible for the records reveals that the damaged records cannot be safely salvaged, the District Court Administrator shall personally review the damaged records and, if he/she is in agreement with the Report, shall complete a Unified Judicial System Record Disposal Certification Request—Damaged Records form and forward it to the Administrative Office of Pennsylvania Courts.

5. The damaged records must be maintained until such time as the District Court Administrator has received a written response from the AOPC approving the disposal of the damaged records.

### 3. Microfilm and Electronic Archival Systems

The last several years have seen the introduction of numerous technologies with indications that they may have the potential to change traditional archiving practices. Magnetic tape, optical disk and CD Rom have caused the use of microfilm as the sole method of non-paper archiving to be questioned by some. However, officials are cautioned that the decision to utilize archiving media other than microfilm requires implementation of policies and practices to ensure that the integrity of the data is maintained and that the ability to extract the data in a human readable format is present for the entire retention period. Therefore, all records stored in

any electronic manner, including but not limited to Magnetic Tape, Optical Disk or CD Rom, must be refreshed or migrated at intervals not exceeding eight years. Additionally, under no circumstances are computer hard drives or disks running on direct access storage devices to be used for archiving purposes as these devices are subject to periodic failure.

When considering the preservation of documents having a retention period in excess of twenty-five years, it is recommended that the conservative microfilm method be utilized. The microfilming standards and quality control guidelines contained in the County Records Manual are adopted herein. That manual also contains guidelines concerning the retention and disposition of records onto optical imaging and storage systems. These also are hereby adopted, with the exception of § 8(d)(iii) and § 8(d)(iv).

Paper documents with less than a twenty-five year retention period and all documents originating electronically such as indices and dockets may be archived using media other than microfilm provided the refresh/migrate safeguards noted above are followed. Used within the context of this Schedule, the following definitions shall apply:

*Refresh*—To move data/images from one medium to the same medium (i.e., tape to tape). This requires an analysis of the medium and the associated software and hardware to determine its viability for the next eight years.

*Migrate*—To move data/images from one medium to a new medium (i.e., tape to CD Rom) one software program to a current version or another program and/or from one hardware platform to a new hardware platform.

Retention periods that govern files in paper form also govern records in electronic form. (See § 1.2 *Definitions, Electronic Records*)

## 4. Retention and Disposition of Miscellaneous Records

### 4.1 Annual Reports

Annual reports of the Judicial Districts are considered permanently valuable for historical and research purposes, and should be retained permanently.

### 4.2 Electronic Case Indices

Electronic computer indices listing cases disposed, generally indexed by year that show party/defendant name, case number, and disposition are to be retained permanently and refreshed or migrated consistent with the requirements set forth in § 3. *Microfilm and Electronic Archival Systems*. These may include indices maintained by Common Pleas Courts, Magisterial District Courts, Pittsburgh Municipal Court, Philadelphia Municipal Court, and the Adult Probation, Juvenile Probation, and Domestic Relations offices. Paper copies may be destroyed through the most convenient means upon being replaced.

### 4.3 Notes of Testimony

Retention periods for notes of testimony are generally determined by: whether they have been transcribed; whether and with whom they have been filed; and whether they pertain to testimony in juvenile court proceedings.

### 4.3.1 Raw Notes of Testimony

Raw notes of testimony are those on paper tapes and/or other media in the original state in which they existed when taken at the time of testimony. Consistent with Pa.R.J.A. 5000.13(b) once transcribed, raw stenographic notes may be destroyed 60 days after filing. Raw notes that have not been transcribed may be destroyed seven years from the date of testimony.

### 4.3.2 Transcribed Notes of Testimony—Filed

Transcribed notes of testimony filed with the Prothonotary, Clerk of the Orphans' Court, and Clerks of Court are subject to the retention periods set forth in the County Records Manual under those offices, and need not be retained by the Judicial District, court reporter or court.

#### 4.3.2.1 Juvenile Matters

Transcribed notes of testimony filed in juvenile matters shall be retained until the subject reaches the age of 25, or, 10 years after the last action in the case, whichever is later. (See § 5.7 *Juvenile Delinquency and Dependency Records*). Raw notes that have not been transcribed may be destroyed seven years from the date of testimony.

### 4.3.3 Transcribed Notes of Testimony—Not Filed

Transcribed notes of testimony not filed with the Prothonotary, Clerk of the Orphans' Court, and Clerks of Court are subject to the retention periods set forth in the County Records Manual under those offices, and must be retained by the Judicial District for the retention periods set forth in the County Records Manual.

### 4.3.4 Method: Record Retention Disposal Log

Disposal of raw notes shall be accomplished as provided in § 2.3 *Disposal Request Procedure & Log: Non-permanent Records*. When completing Records Disposal Log Forms, the untranscribed raw notes need not be listed on the Records Disposal Log by caption and case number, but may be listed merely by date of hearing.

### 4.3.5 Audio, Digital and Video Recordings

Except as otherwise provided in this schedule, audio, digital, and video recordings made in matters of record have the same retention periods as do their paper equivalents. (See § 4.3.1 *Raw Notes of Testimony*, § 5.7 *Juvenile [Delinquency and Dependency Records]*, § 5.3 *Domestic Relations Records*, and § 5.2 *Magisterial District Courts, etc.*)

#### 4.3.5.1 Mental Health Proceedings

Audio, digital, and video recordings made in mental health proceedings should be retained for one year from the date of the hearing at which they were made.

### 4.4 Personal Records of the Judiciary

The judiciary should dispose of personal files not integrally related to court operations. The judiciary is encouraged to minimize, to the greatest extent possible, the numbers and types of files to be retained. Moreover, certain files often included among judicial personal records are already retained elsewhere, and it is neither necessary, nor advisable, to retain these types of files. They include the following:

*Notes of Testimony*—which are subject to retention schedules applicable to official Court Reporters, Prothonotaries and Clerks of Court and are available from those entities.

*Pre-Sentence Reports*—which are subject to retention schedules applicable to the Probation Department and are available from that agency.

*Mental Health Evaluation Reports*—which are subject to retention schedules applicable to the Probation Department are available from that agency.

*Pleadings*—which are subject to retention schedules applicable to the Clerks of Court or Prothonotary and are available from those agencies.

### 4.4.1 Retention Period.

Records submitted for storage by the judiciary will be retained for as long as the records are of administrative value and as otherwise specified by the individual judge, provided however, that no record will be retained for any longer than two years from the conclusion of the judge's term of office.

### 4.5 Form Retention

All retention forms shall be retained permanently

### 4.6 Records Disposed Pursuant to Pa.R.J.A. No. 1901

Records of Court of Common Pleas cases filed with Clerks of Court or Prothonotary which are disposed pursuant to Pa.R.J.A. No. 1901 and local rules enacted thereunder, are subject to the retention periods set forth in the County Records Manual under § 4.B.X.(b)3. (Relating to Clerks of Court), and § 3.B.VII.(b)11. (Relating to Prothonotaries), and shall be disposed consistent with the provisions of the County Records Manual. Records of all other cases may be disposed 60 days after the entry of the order to terminate such matters.

### 4.7 Trial/Hearing Lists

Trial/Hearing Lists are used universally across all courts of the Commonwealth. Such documents, used by court personnel for the daily conduct of courtroom activities, include information such as parties' names, addresses, charges, case numbers, attorney information, etc.

Trial/Hearing Lists should be retained for as long as they are of administrative value, but are not to be destroyed if they might be referenced during litigation concerning speedy trial issues.

### 4.8 Expungement of Records

Court orders for the expungement of records shall supercede the conditions of this schedule.

### 4.9 Litigation: Judicial Districts and Employees

Records relating to litigation involving the District and/or District employees must be maintained and available for the pendency of the litigation. They should be retained for a minimum of six years following the expiration of the appeal period.

## 5. Schedules

The tables below and on the following pages will provide listings of the various types of affected records, grouped into major categories, or series: 1) Adoptions; 2) Magisterial District Courts, Pittsburgh Municipal Court, Philadelphia Municipal Court; 3) Domestic Relations; 4) Facilities; 5) Financial; 6) Jury Commissioner; 7) Juvenile—Delinquency and Dependency; 8) Payroll; 9) Personnel; 10) President and Administrative Judges and Court Administrators; 11) Pretrial Services; 12) Probation (Adult); 13) Protection from Abuse; and 14) Purchasing.

## 5.1 Adoptions Records

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>ADOPTIONS</b>		
Adoption Dockets, Indices, & Papers	Record of all proceedings in adoptions. Indices of the adoption dockets. Shows name of the person adopted, name of the adopting parents, date of adoption, case number, and volume and page where recorded in the adoption docket. Case files include petitions, paternity claims, consents, reports, notices, hearings, decrees, exhibits, notes of testimony, certifications of adoption, voluntary relinquishments, involuntary terminations, information on child and natural parents, investigators' reports on the adoptees, doctors' reports, recommendations from pastor, and all other records relating to adoptions.	Retain permanently for administrative and legal purposes.

## 5.2 Magisterial District Courts, Pittsburgh Municipal Court, Philadelphia Municipal Court Records

<i>Category</i>	<i>Time Measured From:</i>	<i>Mandatory Retention Period</i>
<b>TRAFFIC CITATIONS</b>		
Traffic Citations—Disposed	From final disposition—payment of all monies due, satisfactory completion of all sentences imposed, and/or entry of an order terminating further court activity, except records for cases disposed under Pa.R.J.A. No. 1901. (See § 4.6 <i>Records Disposed Pursuant to Pa.R.J.A. No. 1901</i> )	Retain 3 years.
<b>CIVIL RECORDS</b>		
Civil Original Papers	Entry of Judgments, except records for cases disposed under Pa.R.J.A. No. 1901. (See § 4.6 <i>Records Disposed Pursuant to Pa.R.J.A. No. 1901</i> )	Retain 7 years.
	Discharge, Verdict, or Other Disposition Without Judgment, except records for cases disposed under Pa.R.J.A. No. 1901. (See § 4.6 <i>Records Disposed Pursuant to Pa.R.J.A. No. 1901</i> )	Retain 3 years.
Civil Dockets	From final disposition in Magisterial District Court.	Retain 7 years.
Notes of Testimony (Including Audio, Digital, and Video Recordings)	Expiration of appeal period.	Retain 1 year.
<b>CRIMINAL RECORDS</b>		
Criminal Dockets & Indices	From final disposition—payment of all monies due, satisfactory completion of all sentences imposed, and/or entry of an order terminating further court activity.	Retain 7 years.
Original Papers in Misdemeanor and Felony Cases	From final disposition—payment of all monies due, satisfactory completion of all sentences imposed, and/or entry of an order terminating further court activity except records for cases disposed under Pa.R.J.A. No. 1901. (See § 4.6 <i>Records Disposed Pursuant to Pa.R.J.A. No. 1901</i> )	Retain 3 years.

<i>Category</i>	<i>Time Measured From:</i>	<i>Mandatory Retention Period</i>
Non-Traffic Citations, & Summary Criminal Complaints	From final disposition—payment of all monies due, satisfactory completion of all sentences imposed, and/or entry of an order terminating further court activity, except records for cases disposed under Pa.R.J.A. No. 1901. (See § 4.6 Records Disposed Pursuant to Pa.R.J.A. No. 1901)	Retain 3 years.
Magisterial District Courts/Pittsburgh Municipal/Philadelphia Municipal Courts General Correspondence Records Not Relating to Official Action Taken	Filing in Magisterial District Courts/Pittsburgh Municipal Court/Philadelphia Municipal Court.	Retain 1 year.
<b>FINANCIAL RECORDS</b>		
Financial Incoming Records: Journals, Ledgers, Receipts, Bank Statements, etc.	Close of the year for which the records apply.	Retain 7 years.
<b>MISCELLANEOUS MATTERS</b>		
Miscellaneous Matters Where Official Action Taken (Including Search Warrants and Affidavits)	Filing in Magisterial District Courts/Pittsburgh Municipal Court/Philadelphia Municipal Court.	Retain 3 years, except for unexecuted search warrants and affidavits which shall be destroyed pursuant to Pa.R.Crim.P. 212(B).

**5.3 Domestic Relations Records**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>DOMESTIC RELATIONS</b>		
Divorce and Annulment Papers	Complaint; Proof/Affidavit/Acknowledgment of Service of complaint/Answers/Counter Claim; Final Decree; Property, Custody, Alimony, and Support Orders; Agreements; and Notice of Election to Retake Prior Name.	Retain permanently for administrative and legal purposes.
	All other papers in Divorce or Annulment actions (e.g. Masters' Reports, Notes of Testimony, Inventories and Appraisements, Income and Expense Statements, Correspondence, Proposed/Suggested Schedules of Distribution, Notices of Counseling, Hearing Notices, and other Certificates of service Special Relief Papers)	Retain for 5 years after Final Decree in Divorce or Annulment.
Domestic Relations Files	Complaint for Support, Support Orders, Acknowledgments of Paternity and Genetic test results, Petitions for Modification, Transcripts of Court Proceedings, Court Opinions, and Appeals to Superior Court, Custody records in matters not involving divorce.	Retain permanently, except for custody records in matters not involving divorce. If not part of a divorce action, retain 20 years after filing of order granting custody.
	Orders for earnings and health insurance information, Appearance Orders, Bench Warrant Orders, Contempt Orders, and Income Withholding Orders.	Retain 4 years unless otherwise provided by the rules and regulations promulgated by the appropriate administering/ funding/licensing agency (Bureau of Child Support Enforcement, Pennsylvania Department of Public Welfare and Bureau of Child Support Enforcement, U.S. Department of Health and Human Services).

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Dockets and Indices	Dockets and indices pertaining to papers filed in Domestic Relations cases, including Divorce and Annulment.	Retain permanently.

**5.4 Facilities Documents**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>FACILITIES</b>		
Space Allocation & Use Records	Records used to manage office space & facilities in the courthouse and government complex. Shows department space usage and future needs.	Retain 5 years.
Facility Maintenance—Routine	Records of maintenance and other work performed on major equipment or systems. Usually shows date, type of repair, cost and workers.	Retain 5 years.
Leases	Signed original leases and supporting work papers.	Retain general written leases 6 years after termination or the termination of any substitute or renewal thereof.
Construction Contracts	Signed original contracts or agreements and supporting work papers	Retain construction contracts 12 years after termination or the termination of any substitute or renewal thereof.
Parking Permit/Assignments	Applications, waiting lists, and assignments for parking spaces.	Retain 6 months after permit expires.
Incident Investigation Records	Records documenting incidents and investigations by District staff, including but not limited to injury, theft, or breach of District policies relating thereto.	Retain 5 years after investigation is closed or concluded.

**5.5 Financial Records**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>FINANCIAL</b>		
Accounts Payable Files	Bills including certain Court Appointed Lawyers' bills and Court Reporter, Interpreter, and jury expenses, check vouchers, invoices, purchase orders & requisitions, receiving reports, and other records of payment for goods & services.	Retain 7 years.
Accounts Payable Ledgers	Usually indicates date, department or cost center, invoice & check number, vendor's name, amount and account totals.	Retain 7 years.
Accounts Receivable Files & Ledgers	Records document monies owed and paid to the court, showing date, department or fund, amount received and account total.	Retain 7 years.
Receipts	Records that document payments received by the court from parties, fees, or other monies assessed for fees or services.	Retain 3 years.

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Cash Register Accounting	Records used to reconcile transactions with cash on hand at the end of each day.	Retain 3 years.
Canceled checks	Checks that have been paid by the bank and returned to the depositor as evidence that the payee has received the funds.	Retain 7 years.
Deposit Slips	Consists of copies of slips listing and accompanying bank deposits showing date, account, clerk numbers, and amounts.	Retain 3 years.
Controller Reports	Includes a summary of the financial condition of the District, with an account of all receipts, expenditures, disbursements, revenues, assets, and liabilities.	Retain Permanently.
Grant Administration Records	Usually include application, purpose, personnel, and budget, financial reports, correspondence and other related papers.	Comply with Funding Agency.
Budget Preparation Files	Records created and used during budget development and request including cost statements, estimates, justifications, narratives, spread sheets, and relevant background materials.	Retain FY plus 5 years or as otherwise provided by funding source.
Budget Request	Copy of the final budget request created by the court along with supporting materials that document communications between the District and the funding source, and may include documents relating to negotiations and review after the budget request.	Retain FY plus 3 years or as otherwise provided by funding source.

### 5.6 Jury Commissioner Records

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Calendars of Drawings	Published listing of dates for court trials and hearings. Indicates court date, drawing date, and mailing date.	Retain until end of court term/session.
<i>JURY LISTS</i>		
Jury Records: Master Lists of Prospective Jurors	List of county residents, in manual or electronic form, who may be eligible to serve as jurors. Includes name, street address, city and zip code. May be drawn from Voter Registration, Department of Motor Vehicles, or other source lists.	Retain until end of court term/session. For courts with continuous trial terms, retain 2 years after creation of list.
Jury Selection Lists	Result of regular drawings for each court term/session. The number of names is designated by the president judge and drawn at random from the master list of prospective jurors. Includes individual's name and address, and sometimes occupation.	Retain 5 years after end of court term/session. For courts with continuous trial terms, retain 6 years after creation of list.

## THE COURTS

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Lists of Qualified Jurors	Names drawn from the jury selection list of all those individuals determined eligible for jury duty.	Retain 5 years after end of court term/session. For courts with continuous trial terms, retain 5 years after mailing.
Exempt Jurors List	List of individuals excused from jury duty, with reason for exemption.	Retain as long as of administrative value.
Juror Qualification Forms	[As provided in 42 Pa. C.S. § 4521(d)] Returned questionnaires of prospective jurors used to evaluate their qualifications to serve on a jury. May include information on name, age, residence, employer, citizenship, literacy, disability, criminal record, prior service, occupation, and undue hardship. Signed by respondent.	Retain until completion of jurors' service unless otherwise ordered by the trial judge.
Juror Information Questionnaires	(As provided in Pa.R.Crim.P. 632) Questionnaires used during <i>voir dire</i> process.	Retain until completion of jurors' service unless otherwise ordered by the trial judge, during which time it shall be sealed.
Service Review Forms (Exit Questionnaires)	Optional evaluation form filled out by jurors on completion of jury duty and designed to solicit opinions concerning various aspects of jury duty.	Retain as long as of administrative value.
<i>MINUTES</i>		
Minutes of the Jury Selection Commission	Information may include date and place of meetings; names of members who attended; name, address and occupation of each juror selected; type of jury for which each juror was drawn; type of court and term of service; and signature of jury commissioners' clerk.	Retain 7 years; then contact State Archives to arrange transfer of selected books. Those records not selected may be destroyed.

**5.7 Juvenile Delinquency and Dependency Records**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<i>JUVENILE</i>		
Juvenile Dependency Case Dockets Books & Indices, and Juvenile Delinquency and Dependency Papers/Files, Probation Files	<p>A. All dockets, books, and indices pertaining to papers filed in juvenile delinquency and dependency cases.</p> <p>B. Papers filed in juvenile delinquency and dependency matters including dependent petitions, orders, counsel appointments, mental health evaluations background information, drug &amp; alcohol test results, case supervision records, and transcribed testimony.</p> <p>C. All other delinquency and dependency papers retained by the District.</p>	Retain permanently—the Docket, plus original court orders pertaining to adjudication, disposition and consent decrees. All other records—retain until age 25 or 10 years after last action on the case whichever is later. No distinction between dependent cases and delinquent cases.

## 5.8 Payroll Records

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<i>PAYROLL</i>		
Daily Time Sheets	Employee's name date and hours worked each day.	Retain 3 years.
Employee Payroll Adjustment Records	Usually includes employee's name and social security number and amounts withheld for Federal and State taxes, insurance, bonds and any other deductions.	Retain 4 years.
Individual Employee's Earning Record—Terminated	Often kept in card form, salary history includes employee's name and address, social security number, department, position, date of birth, date employed, and salary/earnings history totals, posted for the duration of county employment. Usually transferred to Individual Pension Files upon termination of employment.	Employees Who Separate with Post-termination Benefits—Retain 3 years after all benefits have been paid. Records may be transferred to County Pension Board.
		Employees Who Separate without Post-termination Benefits—Retain 5 years after termination of employment.
Payroll Deduction Authorizations	Completed by employee, the record usually indicates employee's name and address, department, social security number, deductions authorized and employee's signature [W-4].	Retain 4 years after cancelled or superceded; or employment is terminated.
Payroll Earnings and Deductions Registers	Generally includes employee's name, social security number, gross earnings, taxes withheld, deductions, net earnings, check number and date of payment.	Pay period reports—Retain 4 years.
		Year-to-date annual summary—If payroll data is posted to individual employee's earning record, retain 7 years; otherwise retain 100 years.

## 5.9 Personnel Documents

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<i>PERSONNEL</i>		
Applications for Employment—Not Hired	Includes applications, resumes, pre-employment records.	Retain 2 years.
Employee Card Files or Record Books	Summary may include employee's name, address, date of birth, social security number, job and salary history, benefit and termination data.	Retain permanently for administrative and historical purposes.
Individual Employee's Personnel Records	File may include, employee ID card, application, references, photo ID records, resume, EAR, and records pertaining to health and life insurance, performance evaluations, commendations, training, change forms, retirement, letters of resignation, vacation and sick leave, salary, separation correspondence.	Vested employees—Retain 3 years after all benefits have been paid. Non-vested employees—Retain 5 years after termination.
Employee Medical Records	May include pre-employment and other medical records showing health or physical condition of employee during their tenure.	Same as Employee's Personnel Records. For those exposed to toxic substances or harmful agents in the workplace, retain at least 30 years after termination & comply with OSHA standards.



<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Job Descriptions & Announcements	Narrative descriptions of job duties & responsibilities.	Descriptions: Retain current plus one prior revision. Announcements: 2 years after position is filled.
Labor Negotiation files	Correspondence, reports, other records used to negotiate contracts with labor unions representing employees.	Retain 5 years after contract expiration, or any renewal or extension thereof.
Labor Contracts and Memoranda of Understanding	Contract and other records include date, terms, & appropriate signatures.	Retain 20 years after contract or agreement expiration or any renewal or extension thereof.
Equal Employment Opportunity Records	Includes affirmative action report (EEO-4) showing total number of positions by employment classification and related records, including discrimination complaint files.	Retain EEO-4 and related records 3 years. Retain case files 4 years after resolution of the case.
Union Grievances	Employee allegations of contract violations. Usually includes date, parties, and grievance.	Retain 3 years after final resolution.
Merit System Examination Records & Answer Sheets	Record may include examinee's ID, name address, title & signature, test date & results, and score. Answer sheet: examinee's ID#, score, test date and title.	Retain 5 years.
Training (Not Individual)	Records related to specific courses.	Retain 3 years after course is completed.
Immigration Records	INS Form I-9: Employment Eligibility Verification Forms.	Retain 3 years after date of hiring or 1 year after termination, whichever is later.

#### 5.10 President & Administrative Judges & Court Administrators

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
Statistical and Annual Reports	Reports describing the performance of various court programs. May include cases filed, cases disposed, pending caseload, etc.	Retain permanently for administrative, legal, and historical purposes.
Administrative Orders and Regulations	Directives issued to augment local Rules and Policies.	Retain permanently.
Judicial Assignment Schedule	Directives setting forth courtroom and program assignments of judges.	Retain weekly schedules for 2 years. Retain Semi-annual and annual schedules for 10 years.
Judicial Seniority Lists	Document filed with the AOPC setting forth the names of judges according to court, birth date, and commencement of term.	Retain permanently for administrative, legal, and historical purposes.
General Administrative Documents	Reports and general correspondence relating to program activity, and policy implementation or interpretation.	Retain 2 years after expiration of term of office.
Memoranda of Understanding and Cooperative Agreements	Written agreements between governmental entities.	Retain permanently.

5.11 Pretrial Services Records

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>PRETRIAL SERVICES RECORDS</b>		
Pretrial Master Files, Electronic Monitoring Files, and Enforcement Records: Client-Based Files	<p>Pretrial service files that include client’s name, photo ID number, state ID number, address verification, case number, date, type of case, court history, arrest report, risk/needs assessment, enrollment form, home monitoring rules and regulations, home investigative report, progress reports, violation notes, officers’ notes, judicial and related correspondence.</p> <p>May also include bail guidelines, financial eligibility interviews, bail review/reduction petitions, confidential mental health assessments, conditional release records, photographs, copies of bench warrants, and probation detainers.</p> <p>Some files may include physical data about the defendant, including date of entry and expiration date of the monitor device, type of completion, charge code, reports of the defendants’ movements, and related documents. May also include violation and progress reports to judges, system printouts with specific dates and times of curfew violations, judges’ orders, employment information, and overall performance of the defendant while on EM.</p> <p>Also refers to Progress and Incident Reports regarding apprehensions, attempted apprehensions, and contacts with others in the home.</p>	Retain for 3 years from the final conclusion of the case based on the defendant’s latest arrest.
Pretrial Master Files, Electronic Monitoring Files, and Enforcement Records: Administrative Files	<p>Additionally, Pretrial Investigative files may include Shift Incident Logs, Street Logs, CJC Bench Warrant Surrender Hearing logs, Shift Assignment sheets, and vehicle assignment.</p>	Retain for 3 years from the final conclusion of the case based on the defendant’s latest arrest.

5.12 Probation (Adult) Files

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>ADULT PROBATION/PAROLE MASTER FILES</b>		
Probation/Parole Master Files	<p>Consists of records pertaining to the Office of Probation and Parole, including the following: petitions to release to probation/parole, commitment papers, court orders, pre-sentence investigation reports, background sheets with photo ID, hearing summaries, Prothonotary status reports, correspondence with treatment facilities, community service status, home monitoring and case supervision records, medical records, requests to terminate, interstate and intrastate transfers and related documents.</p>	Retain for a minimum of one year after case is closed, then for as long as of administrative or legal value.

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>CASE FILE INDEX</b>		
Main Index to the master files.	This index is kept in various forms. May contain probation/parolee's name, date of release to probation/parole and termination date.	Retain as long as of administrative or legal value.

**5.13 Protection from Abuse**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>PROTECTION FROM ABUSE</b>		
Protection from Abuse Records		Retain 18 months after termination of protection order. <sup>5</sup>

**5.14 Purchasing Records**

<i>Category</i>	<i>Description</i>	<i>Retention Period</i>
<b>PURCHASING</b>		
Purchase Order Files	Copy of purchase order usually shows number, name and address of vendor, department and account, date, quantity, unit price and total cost. File may also include invoices, bills of lading and purchase requisitions.	Retain 7 years.
Purchasing Files	Relates to acquisition of services, goods, and equipment. File may include specifications, bids, quotes, contracts, and other related papers (e.g. Requests for Proposals, Requests for Information).	Retain 6 years.
Supply Requisitions	Usually indicates date, department requesting supplies, items needed, total cost and account number.	Retain 2 years.

**6. Retention Forms**

Unified Judicial System Scheduled Court Records Disposal Certification Request forms and Unified Judicial System Disposal Log for Non-Permanent Records forms are available in electronic and hard copy formats from the AOPC, and may be amended from time to time. Electronic versions will be available from the AOPC through <http://www.pacourts.us/forms/for-the-judiciary/>, and through the website for the Pennsylvania Association of Court Management at <http://pacm.org>. Copies of the forms are appended to this schedule.

<sup>5</sup> Statutory changes have necessitated the extension of the Protection from Abuse record retention period from 1 year—as indicated County Records Manual—to the 18 months indicated above.



## COUNTY RECORDS DISPOSAL CERTIFICATION REQUEST

[Pursuant to PA RJA 507(a)]

COUNTY	JUDICIAL DISTRICT	OFFICE OF ORIGIN
PERSON MAKING DISPOSAL REQUEST (RECORD CUSTODIAN)		APPROVAL REQUESTED FOR <input type="checkbox"/> Records Destruction <input type="checkbox"/> Records Transfer to PHMC
ADDRESS		
RECORD TITLE AND INCLUSIVE DATES <i>(one series per form)</i>		
DESCRIPTION OF RECORD <i>(include type of information contained and purpose of record)</i>		
RETENTION PERIOD IN SCHEDULE	PAGE AND SECTION IN SCHEDULE	HAVE ALL AUDIT REQUIREMENTS BEEN MET? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
QUANTITY		
_____ TOTAL CUBIC FEET		
No of cartons _____	Length _____ Width _____	Length _____ OF AVERAGE CARTON
No of volumes _____	Length _____ Width _____	Length _____ OF AVERAGE CARTON
No of the drawers _____	<input type="checkbox"/> Legal <input type="checkbox"/> Letter <input type="checkbox"/> Other _____	
HAVE RECORDS BEEN MICROFILMED? <input type="checkbox"/> Yes <input type="checkbox"/> No		ARCHIVAL MEDIUM UTILIZED
Size: <input type="checkbox"/> 16mm <input type="checkbox"/> 35mm <input type="checkbox"/> Other _____ Form: <input type="checkbox"/> Roll <input type="checkbox"/> Cartridge <input type="checkbox"/> Cassette <input type="checkbox"/> Fiche <input type="checkbox"/> Other _____		
LOCATION OF SECURITY COPY		
<b>FOR USE BY RECORD CUSTODIAN</b>		
_____ hereby requests that the Record Retention Officer seek approval from the Pennsylvania Historical and Museum Commission for permission to dispose of records identified above.		
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Phone Number</i>
<b>FOR USE BY DISTRICT RECORDS RETENTION OFFICER</b>		
PHMC authorization to dispose of or transfer the above-identified records is requested. If destruction of the records is requested, I certify that the records have been reproduced on an archival medium approved by the County Records Committee.		
_____ <i>Date</i>	_____ <i>Signature of Records Custodian</i>	_____ <i>Judicial District</i>
<b>FOR PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION</b>		
Approval is given for: <input type="checkbox"/> Destruction <input type="checkbox"/> Destruction as Amended <input type="checkbox"/> Transfer to PHMC <input type="checkbox"/> Disapproved <input type="checkbox"/> Retain Pending Further Instructions		
Comments/Amendments:		
_____ <i>Date</i>	_____ <i>Signature</i>	_____ <i>Title</i>

**Original must be sent to the Pennsylvania Historical and Museum Commission,  
 Division of Archival and Records Management Services, P.O. Box 1026, Harrisburg, PA 17108-1026  
 and a copy sent to the Administrative Office of Pennsylvania Courts,  
 1515 Market Street, Suite 1414, Philadelphia, PA 19102.  
 Keep a copy for your records.**

**UNIFIED JUDICIAL SYSTEM SCHEDULED COURT RECORDS DISPOSAL CERTIFICATION REQUEST**  
*[Pursuant to PA RJA 507(b)]*

COUNTY	JUDICIAL DISTRICT	IF APPLICABLE	
		MAGISTERIAL DISTRICT	MAGISTERIAL DISTRICT JUDGE NAME
OFFICE OF ORIGIN		PERSON MAKING DISPOSAL REQUEST (RECORD CUSTODIAN)	
ADDRESS			
Approval Requested For:                      Records Destruction                      Records Transfer to PHMC			
RECORD TITLE AND INCLUSIVE DATES <i>(one series per form)</i>			
DESCRIPTION OF RECORD <i>(include type of information contained and purpose of record)</i>			
RETENTION PERIOD IN SCHEDULE	PAGE AND SECTION IN SCHEDULE	HAVE ALL AUDIT REQUIREMENTS BEEN MET?	
		Yes	No              Not Applicable
QUANTITY			
TOTAL CUBIC FEET			
No of Cartons _____	Length _____	Width _____	Height _____ OF AVERAGE CARTON
No of Volumes _____	Length _____	Width _____	Height _____ OF AVERAGE CARTON
No of file drawers _____	<input type="checkbox"/> Legal <input type="checkbox"/> Letter	<input type="checkbox"/> Other _____	
HAVE RECORDS BEEN MICROFILMED? <input type="checkbox"/> Yes <input type="checkbox"/> No			ARCHIVAL MEDIUM UTILIZED
Size: <input type="checkbox"/> 16mm <input type="checkbox"/> 35mm <input type="checkbox"/> Other _____			
Form: <input type="checkbox"/> Roll <input type="checkbox"/> Cartridge <input type="checkbox"/> Cassette <input type="checkbox"/> Fiche			
<input type="checkbox"/> Other _____			
LOCATION OF SECURITY COPY			
<b>FOR USE BY RECORD CUSTODIAN</b>			
_____ hereby requests that the Record Retention Officer seek approval from the Administrative Office of Pennsylvania Courts for permission to dispose of or transfer the records identified above.			
_____	_____	_____	
<i>Date</i>	<i>Signature</i>	<i>Phone Number</i>	
<b>FOR USE BY DISTRICT RECORDS RETENTION OFFICER</b>			
Authorization to dispose of or transfer the above-identified records is requested. If destruction of the records is requested, I certify that the records have been reproduced on a medium approved by the Administrative Office of Pennsylvania Courts.			
_____	_____	_____	
<i>Date</i>	<i>Signature</i>	<i>Judicial District</i>	
<b>FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS</b>			
Review by the Pennsylvania Historical and Museum Commission <input type="checkbox"/> is <input type="checkbox"/> is not    requested.			
_____	_____	_____	
<i>Date</i>	<i>Signature</i>	<i>Title</i>	
<b>FOR USE BY THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION ONLY IF REVIEW REQUESTED BY AOPC</b>			
<input type="checkbox"/> Concur With Request <input type="checkbox"/> Recommend Denial of Request <input type="checkbox"/> Recommend Disposal Request Be Amended As Follows:			
_____	_____	_____	
<i>Date</i>	<i>Signature</i>	<i>Title</i>	
<b>FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS</b>			
Approval is given for:	<input type="checkbox"/> Destruction	<input type="checkbox"/> Destruction as Amended	<input type="checkbox"/> Transfer to PHMC
Comments/Amendments:	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Retain Pending Further Instructions	
_____	_____	_____	
<i>Date</i>	<i>Signature</i>	<i>Title</i>	

**Original must be sent to the Administrative Office of Pennsylvania Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102.**  
**Keep a copy for your records.**

**UNIFIED JUDICIAL SYSTEM NON-SCHEDULED COURT RECORDS DISPOSAL CERTIFICATION REQUEST**  
*[Pursuant to PA RJA 507(c)]*

COUNTY/AGENCY	JUDICIAL DISTRICT	IF APPLICABLE, CITE APPROPRIATE FEDERAL/STATE RULES AND/OR REGULATIONS GOVERNING RETENTION	
OFFICE OF ORIGIN			
PERSON MAKING DISPOSAL REQUEST (RECORD CUSTODIAN)		PHONE	HAVE ALL AUDIT REQUIREMENTS BEEN MET? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
ADDRESS		QUANTITY _____ TOTAL CUBIC FEET	
RECORD TITLE AND INCLUSIVE DATES ( <i>one series per form</i> )		No. of cartons _____ Length _____ Width _____ Height _____ OF AVERAGE CARTON	
DESCRIPTION OF RECORD ( <i>include type of information contained and purpose of record</i> )		No. of volumes _____ Length _____ Width _____ Height _____ OF AVERAGE CARTON	
		No. of file drawers _____ <input type="checkbox"/> Legal <input type="checkbox"/> Letter <input type="checkbox"/> Other _____	
		HAVE RECORDS BEEN MICROFILMED? <input type="checkbox"/> Yes <input type="checkbox"/> No	
		Size: <input type="checkbox"/> 16mm <input type="checkbox"/> 35mm <input type="checkbox"/> Other _____	
		Form: <input type="checkbox"/> Roll <input type="checkbox"/> Cartridge <input type="checkbox"/> Cassette <input type="checkbox"/> Fiche	
		<input type="checkbox"/> Other _____	
Is this the primary record? <input type="checkbox"/> Yes <input type="checkbox"/> No		LOCATION OF SECURITY COPY	
IF NO, OFFICE THAT HOLDS THE PRIMARY RECORD:			

**FOR USE BY RECORD CUSTODIAN**

\_\_\_\_\_ hereby requests that the Record Retention Officer seek approval from the Administrative Office of Pennsylvania Courts for permission to dispose of or transfer the records identified above.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Phone Number

**FOR USE BY DISTRICT RECORDS RETENTION OFFICER**

Authorization to dispose of or transfer the above-identified records is requested. If destruction of the records is requested, I certify that the records have been reproduced on a medium approved by the Administrative Office of Pennsylvania Courts.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Judicial District

**FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

Review by the Pennsylvania Historical and Museum Commission  is  is not requested.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Title

**FOR USE THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION ONLY IF REVIEW REQUESTED BY AOPC**

Concur With Request  Recommend Denial of Request  Recommend Disposal Request Be Amended As Follows:

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Title

**FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS**

Approval is given for:  Destruction  Destruction as Amended  Transfer to PHMC  
 Disapproved  Retain Pending Further Instructions

\_\_\_\_\_ Date

\_\_\_\_\_ Signature

\_\_\_\_\_ Title

*Original must be sent to the Administrative Office of Pennsylvania Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102.  
 Keep a copy for your records.*

**UNIFIED JUDICIAL SYSTEM  
RECORD DISPOSAL CERTIFICATION REQUEST - DAMAGED RECORDS**

COUNTY	JUDICIAL DISTRICT	IF APPLICABLE	
		MAGISTERIAL DISTRICT	MAGISTERIAL DISTRICT JUDGE NAME
OFFICE OF ORIGIN		PERSON MAKING DISPOSAL REQUEST (DISTRICT COURT ADMINISTRATOR)	
ADDRESS			
Approval Requested For: <input type="checkbox"/> Record Destruction <input type="checkbox"/> Other			
RECORD TITLE AND INCLUSIVE DATES <i>(one series per form)</i>			
DESCRIPTION OF RECORD <i>(include type of information contained and purpose of record)</i>			
TYPE OF RECORD <input type="checkbox"/> Permanent <input type="checkbox"/> Non-Permanent	RETENTION PERIOD IN SCHEDULE	SECTION IN SCHEDULE	HAVE ALL AUDIT REQUIREMENTS BEEN MET? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
HAVE RECORDS BEEN MICROFILMED? Yes <input type="checkbox"/> No <input type="checkbox"/>	ARE RECORDS CONSIDERED VITAL? <input type="checkbox"/> Yes <input type="checkbox"/> No		DO COPIES (NOT MICROFILM) EXIST? <input type="checkbox"/> Yes <input type="checkbox"/> No
IF STORED ELECTRONICALLY, SPECIFY MEDIUM		LOCATION OF MICROFILMED OR ELECTRONIC COPY	
DESCRIBE DAMAGE TO RECORDS (ATTACH PHOTOS)			
HAVE RECORDS BEEN MICROFILMED? <input type="checkbox"/> Yes <input type="checkbox"/> No		ARE RECORDS CONSIDERED VITAL? <input type="checkbox"/> Yes <input type="checkbox"/> No	
IF THE AUDIT HAS NOT BEEN COMPLETED, PROVIDE INFORMATION CONCERNING AUDITING ENTITY NOTIFIED AS REQUIRED BY SECTION 2.7 OF THE RECORD RETENTION SCHEDULE.			
<b>FOR USE BY THE JUDICIAL DISTRICT OFFICIAL RESPONSIBLE FOR RECORDS AT ISSUE</b>			
I, the person responsible for maintenance of the records identified above, hereby request that the Record Retention Officer seek approval from the Administrative Office of Pennsylvania Courts to dispose the records identified above which have been damaged and which cannot be reasonably restored or salvaged. <input type="checkbox"/> Check if a Report is attached			
_____ Date	_____ Signature	_____ Phone Number	
<b>FOR USE BY DISTRICT RECORD RETENTION OFFICER</b>			
I have reviewed the request to dispose of the damaged records identified below, have participated in an evaluation to ascertain whether the damaged records could be restored or salvaged, and concur that the damaged records cannot be reasonably restored or salvaged. I recommend to the District Court Administrator that permission be sought from the AOPC to dispose of the damaged records.			
_____ Date	_____ Signature	_____ Judicial District	
<b>FOR USE BY DISTRICT COURT ADMINISTRATOR</b>			
I have reviewed the request to dispose of the damaged records identified below, have evaluated the report, if attached, have viewed the damaged records and available photographs and other description of the damaged records and concur that the damaged records cannot be restored or salvaged, and recommend and request that the AOPC grant permission to dispose of the damaged records.			
_____ Date	_____ Signature	_____ Title	
<b>FOR USE BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS</b>			
Request for disposition is <input type="checkbox"/> Granted <input type="checkbox"/> Denied			
Comments/Amendments:			
_____ Date	_____ Signature	_____ Title	

*Original must be sent to the Administrative Office of Pennsylvania Courts, 1515 Market Street, Suite 1414, Philadelphia, PA 19102.  
Keep a copy for your records.*

§ 213.52. (Reserved).

[Pa.B. Doc. No. 13-2309. Filed for public inspection December 13, 2013, 9:00 a.m.]



# Title 231—RULES OF CIVIL PROCEDURE

## PART I. GENERAL

[ 231 PA. CODE CH. 1920 ]

### Amendments to the Rules of Civil Procedure Relating to Domestic Relations Matters; Recommendation 128

The Domestic Relations Procedural Rules Committee is planning to recommend that the Supreme Court of Pennsylvania amend the Rules of Civil Procedure relating to domestic relations matters as set forth herein. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

Notes and explanatory comments which appear with proposed amendments have been inserted by the committee for the convenience of those using the rules. Reports, notes and comments will not constitute part of the rules and will not be officially adopted or promulgated by the Supreme Court.

The committee solicits and welcomes comments and suggestions from all interested persons prior to submission of this proposal to the Supreme Court of Pennsylvania. Please submit written comments no later than Friday, February 28, 2014 directed to:

Patricia A. Miles, Esquire  
Counsel, Domestic Relations Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635  
Fax: 717 231-9531  
E-mail: domesticrules@pacourts.us

Deleted material is bold and [bracketed]. New material is bold.

*By the Domestic Relations  
Procedural Rules Committee*

CAROL S. MILLS McCARATHY,  
*Chair*

## Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1920. ACTIONS OF DIVORCE OR FOR ANNULMENT OF MARRIAGE

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

#### **Rule 1920.17. Discontinuance. Withdrawal of Complaint.**

The plaintiff may withdraw the divorce complaint and discontinue the divorce action by praecipe that includes a certification that:

- (a) no ancillary claims have been asserted by either party; and
- (b) grounds for divorce have not been established.

#### **Rule 1920.33. Joinder of Related Claims. Distribution of Property. Enforcement.**

(a) [ **Within ninety days after service of a pleading or petition containing a claim for determination and distribution of property under Section 3502 of**

**the Divorce Code, each ] Each party shall file an inventory specifically describing all property owned or possessed at the [ **time the action was commenced** ] **date of separation. The party who files a motion for the appointment of a master or a request for court action regarding equitable distribution shall file the inventory not later than the time of filing. The other party shall file the inventory within 20 days of service of the moving party's inventory.** The inventory shall set forth as of the date of [ **the filing of the complaint** ] **separation:****

(1) a specific description of all marital property in which either or both have a legal or equitable interest individually or with any other person and the name of such other person **and all marital liabilities; [ and ]**

(2) a specific description of all property [ **in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property** ] **or liabilities that are claimed to be non-marital** and the basis for such [ **exclusion.** ] **claim; and**

(3) **the estimated value of each item of marital and non-marital property and the amount of each marital and non-marital liability.**

**Official Note:** Subdivision (c) of this rule provides sanctions for failure to file an inventory as required by this subdivision. An inventory [ **filed within the ninety day period** ] may be incomplete where the party filing it does not know of all of the property involved in the claim for equitable distribution. Consequently, the rule does not contemplate that a party be precluded from presenting testimony or offering evidence as to property omitted from the inventory. The omission may be supplied by the pre-trial statement required by subdivision (b).

\* \* \* \* \*

#### **Rule 1920.54. Hearing by Master. Report. Related Claims.**

(a) If claims for child support, alimony pendente lite, or counsel fees and expenses have been referred to a master pursuant to Rule 1920.51(a), the master's report shall contain separate sections captioned "Child Support," "Alimony Pendente Lite," or "Counsel Fees and Expenses" as appropriate. The report may be in narrative form stating the reasons for the recommendation and shall include a proposed order stating

- (1) the amount of support or alimony pendente lite;
- (2) by and for whom it shall be paid; and
- (3) the effective date of the order.

[ **The Income and Expense Statements shall be attached to the report.** ]

(b) If a claim for alimony has been referred to a master, the report shall contain a separate section captioned "Alimony." The report shall conform to the requirements of subdivision (a) and, in addition, shall set forth

\* \* \* \* \*

#### **Rule 1920.55-2. Master's Report. Notice. Exceptions. Final Decree.**

- (a) After conclusion of the hearing, the master shall:
  - (1) file the record and the report within
    - (i) twenty days in uncontested actions or;

(ii) thirty days [ after ] from the last to occur of the receipt of the transcript by the master or last submission to the master in contested actions; and

\* \* \* \* \*

**Rule 1920.72. Form of Complaint. Affidavit under § 3301(c) or § 3301(d) of the Divorce Code. Counter-affidavit. Waiver of Notice of Intention to Request Decree under § 3301(c) and § 3301(d).**

\* \* \* \* \*

(e)(1) The [ counteraffidavit ] counter-affidavit prescribed by Rule 1920.42(c)(2) shall be substantially in the following form in a § 3301(c) divorce:

(Caption)  
COUNTER-AFFIDAVIT UNDER § 3301(c) OF THE  
DIVORCE CODE

I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

I understand that I must file my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF) (DEFENDANT)

NOTICE: IF YOU DO NOT WISH TO CLAIM ECONOMIC RELIEF, YOU SHOULD NOT FILE THIS COUNTER-AFFIDAVIT.

(2) The counter-affidavit prescribed by Rule 1920.42(d)(2) shall be substantially in the following form in a § 3301(d) divorce:

(Caption)  
COUNTER-AFFIDAVIT  
UNDER § 3301(d) OF THE DIVORCE CODE

1. Check either (a) or (b):

(a) I do not oppose the entry of a divorce decree.

(b) I oppose the entry of a divorce decree because (Check (i), (ii), (iii) or [ both ] all):

(i) The parties to this action have not lived separate and apart for a period of at least two years.

(ii) The marriage is not irretrievably broken.

(iii) There are economic claims pending.

(2) Check [ either (a) or (b) ] (a), (b) or (c):

(a) I do not wish to make any claims for economic relief. I understand that I may lose rights concerning alimony, division of property, lawyer's fees or expenses if I do not claim them before a divorce is granted.

(b) I wish to claim economic relief which may include alimony, division of property, lawyer's fees or expenses or other important rights.

[ I understand that in addition to checking (b) above, I must also file all of my economic claims with the prothonotary in writing and serve them on the other party. If I fail to do so before the date set forth on the Notice of Intention to Request Divorce Decree, the divorce decree may be entered without further notice to me, and I shall be unable thereafter to file any economic claims. ]

I UNDERSTAND THAT IN ADDITION TO CHECKING (b) ABOVE, I MUST ALSO FILE ALL OF MY ECONOMIC CLAIMS WITH THE PROTHONOTARY IN WRITING AND SERVE THEM ON THE OTHER PARTY. IF I FAIL TO DO SO BEFORE THE DATE SET FORTH ON THE NOTICE OF INTENTION TO REQUEST DIVORCE DECREE, THE DIVORCE DECREE MAY BE ENTERED WITHOUT FURTHER NOTICE TO ME, AND I SHALL BE UNABLE THEREAFTER TO FILE ANY ECONOMIC CLAIMS.

(c) Economic claims have been raised and are not resolved.

I verify that the statements made in this counter-affidavit are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
(PLAINTIFF/DEFENDANT)

\* \* \* \* \*

**Rule 1920.75. Form of Inventory.**

The inventory required by Rule 1920.33(a) shall be substantially in the following form:

(Caption)  
INVENTORY  
OF

(Plaintiff) (Defendant) files the following inventory of all property owned or possessed by either party at the [ time this action was commenced ] date of separation and all property transferred within the preceding three years.

(Plaintiff) (Defendant) verifies that the statements made in this inventory are true and correct. (Plaintiff) (Defendant) understands that false statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
(Plaintiff) (Defendant)  
\* \* \* \* \*

MARITAL PROPERTY

(Plaintiff) (Defendant) lists all marital property in which either or both spouses have a legal or equitable interest individually or with any other person as of the date [ this action was commenced ] of separation:

Item Number	Description of Property	Names of All Owners	Estimated Value at Date of Separation
-------------	-------------------------	---------------------	---------------------------------------

[ NON MARITAL ] NON-MARITAL PROPERTY

(Plaintiff) (Defendant) lists all property in which a spouse has a legal or equitable interest which is claimed to be excluded from marital property:

<i>Item Number</i>	<i>Description of Property</i>	<i>Reason for Exclusion</i>	<i>Estimated Value at Date of Separation</i>		
PROPERTY TRANSFERRED					
<i>Item Number</i>	<i>Description of Property</i>	<i>Date of Transfer</i>	<i>Consideration</i>	<i>Person to Whom Transferred</i>	<i>Estimated Value at Date of Separation</i>
LIABILITIES					
<i>Item Number</i>	<i>Description of Property</i>	<i>Names of All Creditors</i>	<i>Names of All Debtors</i>	<i>Estimated Amount at Date of Separation</i>	

[Pa.B. Doc. No. 13-2310. Filed for public inspection December 13, 2013, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### WARREN AND FOREST COUNTIES

#### Local Rules of Civil Procedure; Misc. No. 38 of 2013

##### Order

And Now, this 26th day of November, 2013, the Court hereby rescinds all previous Local Rules of Civil Procedure and adopts the Local Rules of Civil Procedure as hereinafter set forth for the 37th Judicial District comprised of Forest and Warren Counties. Said Rules shall be effective thirty (30) days after publication in the *Pennsylvania Bulletin*, except for Local Rules 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a), which shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal.

The Court Administrator of the 37th Judicial District is directed to:

1. File one (1) copy of this Order and Rules with the Administrative Office of Pennsylvania Courts.
2. File two (2) certified copies and one disk copy with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee.
4. File one (1) certified copy with the Domestic Relations Procedural Rules Committee.
5. File one (1) copy with the Prothonotaries/Clerk of Courts of the Court of the 37th Judicial District. Said Rules shall be posted on the Court web site of the 37th Judicial District of Pennsylvania and shall be available for public inspection and copying in the office of the Prothonotaries/Clerk of Courts upon request and payment of reasonable costs of reproduction and mailing.

By the Court

MAUREEN A. SKERDA,  
President Judge

#### WARREN AND FOREST COUNTY COMMON PLEAS COURT RULES

##### Rule C.P.L49. Official Periodical.

The official legal periodical for Forest County shall be *The Forest Press* and for Warren County shall be the

*Warren Times Observer*. All legal notices shall be published in accordance with applicable rules in the forgoing publications.

##### Rule C.P.L50. Terms of Court.

There shall be a continuous session of Court annually. The Prothonotary shall separately number all causes filed numerically and consecutively throughout the calendar year. On the first day of January each successive year, the numbering shall commence anew.

##### Rule C.P.L51. Title and Citation of Rules.

The Local Rules of the 37th Judicial District of the Commonwealth of Pennsylvania shall be known and cited as "37 C.P. L. \_\_\_\_\_."

##### Rule C.P.L52. Effective Date.

These Local Rules shall become effective within thirty (30) days after publication in the *Pennsylvania Bulletin*, except for Local Rules 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a), which shall become effective upon publication on the Pennsylvania Judiciary's Web Application Portal. These Rules shall be applicable to pending actions.

##### Rule C.P.L101. Principles of Interpretation and Construction of Rules.

When interpreting any rule, the principles of interpretation, rules of construction, and presumptions in ascertaining intent, set forth in the Pa. Rules of Civil Procedure "Pa.R.C.P." shall be applied.

#### BUSINESS OF THE COURT

##### Rule C.P.L200. Attorneys.

1. No attorney, judge, or any elected official having decisional power and whose duties are related to the judicial process of the District shall be accepted as surety in any suit, action, prosecution or proceeding pending within the District, provided, that this rule shall not prohibit any such person from being accepted as principal or surety in any action or proceeding in which such person is personally involved as a party.

2. The signing of a pleading by an attorney shall constitute that attorney's entry of appearance irrespective if the signature is made on behalf of a professional corporation, partnership or similar entity. Appearances by attorneys or parties not signing pleadings shall be made by written praecipe filed with the Prothonotary of the respective Court in the District.

##### Rule C.P.L200.1. Sureties.

1. No corporation shall be accepted as surety upon any bond to be approved by the Court unless such corporation

has filed in the office of the Prothonotary of the County of the District a certificate issued by the Insurance Commissioner of the Commonwealth authorizing it to become surety on bonds, obligations and undertakings and certifying that such certificate has not been revoked by the Insurance Commissioner.

2. In all cases where surety other than a corporation is required to be approved by the court for bonding purposes, the individual offering the surety for approval shall execute an affidavit in the following form which shall be provided by the Prothonotary.

COMMONWEALTH OF PENNSYLVANIA
County of Warren/Forest
SS:

The undersigned, being considered as a proper surety in the above entitled case and being duly sworn according to law, deposes and states:

1. My (our) full post office address is:

\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_

2. I (we) own real estate in Warren/Forest County, Pennsylvania, in fee simple in my (our) name(s) having a fair market value of at least \$ \_\_\_\_\_ .

3. That attached hereto is the appraisal of a licensed real estate appraiser within the Commonwealth of Pennsylvania/or certified copy of the County tax assessment record.

4. That attached hereto is the certificate of an attorney of all recorded liens against the said realty.

5. The real estate is recorded in my (our) name(s) in Warren/Forest County Deed Book/Record Book Vol. \_\_\_\_\_ , Page \_\_\_\_\_ .

Signature

Sworn and subscribed to me this \_\_\_\_\_ day of \_\_\_\_\_ , \_\_\_\_\_ .

RuleLC.P.205. Civil Case Management.

1. For all civil cases, excluding domestic relations matters, the Court shall issue a Civil Case Management Order after the close of the pleadings. This Civil Case Management Order shall set dates certain for the completion of discovery, the filing of all pre-trial motions, a pre-trial conference, and jury selection where demanded. The form of the Civil Case Management Order shall be as provided in Exhibit L205.

2. If any party determines that the complexity of the case will require an expanded schedule, that party shall notify the Court Administrator within 10 days of the entry of the Civil Case Management Order to request a scheduling conference. It shall be the responsibility of the party requesting a scheduling conference to notify all counsel and any parties proceeding pro se of the date, time and place of the scheduling conference.

3. Pro Se Filings.

(a) The Prothonotary shall forward a copy of all documents filed by individuals who are represented by counsel of record to that attorney.

(b) Filings that are not in compliance with the law, rule of court or the appropriate fee schedule shall be duly noted and forwarded immediately to the office of the

Court Administrator. The Court Administrator, after consulting with the Court, shall notify the individual of the deficiency in the filing.

(c) The notice shall be as follows:

NOTICE. YOU HAVE FILED A DOCUMENT WITH THE COURT OF COMMON PLEAS OF FOREST/WARREN COUNTY THAT IS NOT IN COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE. YOU ARE ADVISED THAT YOUR FAILURE TO COMPLY MAY RESULT IN PREJUDICE TO YOUR RIGHTS OR CLAIM. YOU SHOULD CONSULT A LAWYER IMMEDIATELY. IF YOU CANNOT AFFORD A LAWYER YOU SHOULD CONTACT THE FOLLOWING AGENCIES TO OBTAIN LEGAL HELP:

PA Lawyer Referral Services
PA Bar Association
100 South Street
Harrisburg, PA 17108
Phone (800) 692-7375
Northwestern Legal Services
First Niagara Bldg.,
4th Floor
315 Second Ave., Suite 401
Warren, PA 16365
Phone (800) 665-6957

IF YOU DESIRE TO REPRESENT YOURSELF OR DO NOT QUALIFY FOR FREE COUNSEL YOU ARE INSTRUCTED THAT YOU MUST BRING YOUR FILING INTO COMPLIANCE WITH THE LAW, RULE OF COURT OR FEE SCHEDULE YOU HAVE VIOLATED OR YOUR RIGHTS OR CLAIM MAY BE PREJUDICED.

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
WARREN COUNTY BRANCH
CIVIL

\_\_\_\_\_ ,
Plaintiff
vs. \_\_\_\_\_ ,
Defendant
No. A. D. \_\_\_ OF \_\_\_

CIVIL CASE MANAGEMENT ORDER

AND NOW, the \_\_\_\_\_ day of \_\_\_\_\_ , 20 \_\_ , the Court enters the following case management order:

- 1. All discovery shall be completed by \_\_\_\_\_ . (date)
2. All pretrial motions shall be filed before \_\_\_\_\_ . (date)
3. The pretrial conference will be held on \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m. in the Warren County Courthouse. Pre-trial conference procedure is set forth in Local Rule L212.1.
4. \_\_\_ A. Jury Selection is scheduled for \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.
\_\_\_ B. A Bench Trial shall be scheduled at the pre-trial conference.

If any party determines that the complexity of the case requires an expanded schedule, the party may request a

scheduling conference by contacting the Court Administrator within 10 days of the date of this order. It shall be the responsibility of the requesting party to notify all counsel, and any parties proceeding pro se, of the date, time and place of the scheduling conference.

BY THE COURT

Judge

FORM 205

Rule C.PL205.1. Personal Data Identifiers.

A filed document in a case shall not contain any of the personal data identifiers listed in this rule unless otherwise required by law or permitted by order of court, or unless redacted in conformity with this rule. The personal data identifiers covered by this rule and the required redactions are as follows:

(a) Social Security Numbers. If an individual's Social Security Number must be included in a document, only the last four digits of that number shall be used;

(b) Dates of Birth. If an individual's date of birth must be included, only the year shall be used, unless the date of birth is for a child in a child custody case in which the month, day and year of the child's birthdate only may be included;

(c) Financial Account Numbers. If financial account numbers must be included, only the last four digits shall be used.

(d) A party wishing to file a document containing the personal data identifiers listed above may file, under seal, a summary reference list indicating the redacted information and their corresponding complete personal data identifiers.

(e) The responsibility for redacting these personal identifiers rests solely with the parties. Documents will not be reviewed by the Prothonotary for compliance with this Rule.

Rule C.PL205.2(a). Filing Legal Papers with the Prothonotary.

(a). Format for Pleadings and all Papers

(1) All pleadings and papers in connection therewith, petitions and motions filed with the Prothonotary in an action at law or in equity and in other matters designated under the Rules of Civil Procedure shall be prepared for flat filing.

(2) No paper or other document may be filed in the Prothonotary's Office on any paper other than paper approximately 8 1/2 x 11 inches in size.

(3) Any paper or other document filed in any office shall be sufficient as to format and other physical characteristics if it substantially complies with the requirements that it shall be on white paper of good quality with typed or printed matter 6 1/2 x 9 1/2 inches.

(4) The cover sheet shall contain a 3 inch space from the top of the paper for all court stampings, filing notices, etc.

(5) Exhibits introduced in judicial proceedings and wills are exempt from this rule.

(6) Multi-page filings shall be stapled in the upper left-hand corner only. No tape, headers or backers shall be used.

(7) Verification.

Motions or petitions containing allegations of matters not of record in the case must be verified in accordance with Pennsylvania Rule of Civil Procedure 1024.

(8) Certificate of Service.

All legal papers, except original filings, shall contain a Certificate of Service. Upon request by the moving party this requirement may be waived by the Court at the Court's discretion for good cause shown. The Certificate of Service shall be substantially in the following form:

(CAPTION) CERTIFICATE OF SERVICE

This is to certify that in this case, previously assigned to Judge [insert the name of the Judge to whom the case was previously assigned], complete copies of this filing, including attachments, have been served upon the following persons, by the following means, and on the date(s) stated:

Name and Address: Means of Service: Date of Service:

Attorney's Name Address I.D. Number Telephone Number

Rule C.P. L205.2(b). Cover Sheet.

(b). Cover Sheet.

(1) Cover sheets shall comply with Pa R.C.P. 205.5 as applicable.

(2) In all other cases, every pleading and legal paper, of two or more pages, shall have a cover sheet in substantially the following form:

IN THE COURT OF COMMON PLEAS OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA COUNTY BRANCH CIVIL

Plaintiff vs. Defendant No. A. D. OF

Type of Document:

(Filed on Behalf of)

(Plaintiff/Defendant)

Counsel of Record for this Party:

(Name of Attorney Primarily Responsible)

Supreme Court I.D. No.

(Firm name, if any)

(Address)

(Phone)

(Fax number)

**Rule C.P.L206.1(a). Petition.**

(1). *Definition.* "Petition," as used in these rules, shall mean:

(a) an application to open a default judgment or a judgment of non pros,

(b) a petition for civil contempt, except in a support or custody action, and

(c) petition for relief from a judgment by confession.

(d) a petition for custody and/or support.

(2). *Content.* All petitions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the petition, the reasons therefore, and the relief requested. A proposed order shall be included. For all petitions, the notice, the certificate of service, and the information for the court administrator shall be attached as the last page to the petition.

When the petition requests a hearing it shall contain: (1) an estimate of the total amount of time the hearing will take and (2) the name of the judge who heard any prior matter in the case.

(3). *Notice.* The petitioner shall notify the respondent on the face sheet of the petition of the following:

**NOTICE**

A petition has been filed against you in Court. If you wish to defend against the claims set forth in the petition, you must take action as specified in the rule returnable and file in writing with the court your defenses or objections to the matter set forth against you. You are warned that if you fail to do so, the case may proceed without you and an order may be entered against you by the court without further notice for the relief requested by the petitioner. You may lose rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE.** If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

PA Lawyer Referral Services	Northwestern Legal Services First Niagara Bldg., 4th Floor
PA Bar Association	315 Second Ave., Suite 401
100 South Street	Warren, PA 16365
Harrisburg, PA 17108	Phone (800) 665-6957
Phone (800) 692-7375	

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**Rule C.P.L206.2. Answer to Petition or Rule to Show Cause.**

Each respondent shall file an answer to a petition or rule to show cause within the time prescribed by the Court or if not stated within twenty (20) days after the petition or rule is served on such respondent. Respondent shall at once serve a copy of the pleading on each adverse party or their counsel in the manner prescribed by Pa.R.C.P. No. 440. Answers shall conform to the requirements for answers to complaints in civil actions under the

applicable Rules of Civil Procedure, and the manner and effect of failure to answer, admissions and/or denials shall be governed by the provisions of Pa.R.C.P. No. 206.7

**Rule C.P.L206.4(c). Procedure for the Issuance of a Rule to Show Cause.**

A petition seeking the issuance of a rule to show cause shall be filed in the Prothonotary's Office. A proposed order, in the form prescribed by Pa.R.C.P. 206.6(c), shall be attached to the petition. After filing, the Prothonotary's Office shall transmit the petition to the Court Administrator for consideration by the Court.

Upon the filing of a petition, a rule to show cause shall be issued as a matter of course pursuant to Pa.R.C.P. 206.6, unless otherwise required by statute or other Pennsylvania Rule of Civil Procedure.

A request for a stay of execution pending disposition of a petition to open a default judgment is governed by motion procedure, not petition procedure. See Rule L208.3(a).

**Rule C.P.L208.2(a). Motions.**

(1) *Content.* All motions and reasons therefore, shall be typewritten or printed, signed by a party or counsel of record and shall contain the caption of the case, a description of the motion, the reasons therefore, the relief requested, a certificate of service, and a proposed order.

(2) *Hearing Requested.* When the motion requests a hearing it shall contain: (1) an estimate of the total amount of time the hearing will take and (2) the name of the judge who heard any prior matter in the case and (3) a proposed scheduling order.

**Rule C.P.L208.2(c). Statement of Authority.**

All motions shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**Rule C.P.L208.2(d). Certification of Uncontested Motions.**

If the moving party intends to present the motion as uncontested, the motion shall include a written consent by opposing counsel and any unrepresented parties or the motion shall include a certification that the moving party has been in contact with opposing counsel and any unrepresented parties and that opposing counsel and any unrepresented parties do not contest the motion.

**Rule C.P.208.2(e). Certification of Discovery Motions.**

Motions relating to discovery shall include a certification by counsel for the moving party that counsel has conferred or attempted to confer with opposing counsel and any unrepresented parties having an interest in the motion in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

**Rule C.P.L208.3(a). Requirements to Motions.**

(1) *Motions Procedure.*

(a) All Motions shall be filed with the Prothonotary's Office and shall include a proposed scheduling order. Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for

argument. The Court, in its discretion, may decide the matter at argument or take the matter under advisement.

(b) The Court, in its discretion, may hear any argument by telephone or videoconference provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the Court provides otherwise.

(c) The official Court Reporter does not attend arguments unless directed by the Court.

(d) The moving party in all post-trial or post-hearing motions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

(e) Emergency motions shall be governed by the above procedure, except that after filing, the moving party shall notify the Prothonotary and Court Administrator of the emergency situation and may request that the Court immediately consider the motion. If the moving party is requesting a waiver of the certificate of service requirement, the party shall make every effort to notify opposing parties of the substance of the motion and the time of filing and presentation to the Court. See L205.2(e) regarding Certificate of Service.

(f) Motions for continuance must be made in writing or of record in open court unless excused by the Court for cause. Absent exceptional circumstances, motions for continuance shall be presented no later than ten (10) days before the date of the proceedings for which the continuance is requested. Thereafter, no motions for continuance will be granted except for substantial reasons, which were not previously known or reasonably ascertainable. The motion shall state whether or not the proceedings previously have been continued and, if so, the number of prior continuances with identification of the party upon whose motion each continuance was granted.

Absent extraordinary circumstances, a request for continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other Court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas, the scheduling order from the other Court of Common Pleas shall be attached to the motion.

(g) A motion requesting a stay of execution pending disposition of a petition to open a default judgment shall be considered in the same manner as other motions or emergency motions, if applicable.

(2) *Response to Motion.*

No response is required to any motion unless required by Pa.R.C.P. or unless required by the Court in the scheduling order. See L210 for briefing requirements.

**Rule C.P.L210. Briefs.**

Briefs shall be in the form specified by Pa.R.C.P. 210.

Any party desiring to file a brief shall do so upon the following schedule: (1) The moving party shall file a brief ten days in advance of argument court and (2) The responding party shall file a brief three days in advance of argument court.

Briefs shall be filed with the Prothonotary with a copy to the Court Administrator and a copy shall be served on all parties of record. See L205.2(e) regarding Certificate of Service.

Briefs, which refer to deposition testimony, affidavits, answers to interrogatories, etc. shall have appended to the brief a copy of that portion of the testimony referenced in the brief.

**Rule C.P.L211. Oral Arguments.**

Oral arguments shall be limited to a maximum of ten (10) minutes for each party unless extended by the Court.

Rebuttal and surrebuttal argument shall be permitted only by leave of Court.

The Court Administrator shall schedule oral arguments. The argument list shall close 20 days before argument court.

**Rule C.P.L212.1. Pre-Trial.**

(a) Thirty days prior to the civil trial term commencing, the civil trial list shall be closed and the Prothonotary shall prepare a civil trial list of all civil cases which have been noted ready for trial. The list shall include cases for jury and non-jury trial.

(b) The Court Administrator shall schedule pre-trial conferences on the civil cases and shall notify counsel of the date and time of the pre-trial conferences, which shall be held in the Judge's Chambers.

**Rule C.P.L212.2. Pre-Trial Statement.**

In addition to the requirements governing the content of pretrial statements set out in Pa.R.C.P. 212.2 each pretrial statement in any civil case shall contain:

(a) A narrative statement of the facts that will be offered by oral or documentary evidence at trial,

(b) A statement of any unusual questions of fact or law; and in the event of the latter, supporting citations of counsel's position of the law.

(c) An estimated length of time which will be required to present the parties' respective cases in chief.

**Rule C.P.L212.3. Pre-Trial Conference.**

Counsel attending the pre-trial conference must have full and complete authority to stipulate on items of evidence, admissions, and settlement. In the absence of such authority, counsel shall have their client immediately available, either in person or by telephone.

If a party, in the exercise of reasonable diligence, first becomes aware after the pre-trial conference of the necessity or desirability of using a witness, an exhibit, a hypothetical question, plot or plan, he shall forthwith provide the court and other counsel with the same information with respect to such witness, exhibit, hypothetical question, plot or plan as is required on the pre-trial statement set forth in Rule L212.2 above. Failure to provide such information no less than 48 hours before selection of the jury, or commencement of trial in a non-jury case, may, in the discretion of the court, justify refusal by the court to permit the use of such witness, exhibit, hypothetical question, plot or plan at trial.

**Rule C.P.L217A. Bill of Costs.**

A bill of costs must contain the names of the witnesses, the date of their attendance, the number of miles actually traveled by them, and the place from which mileage is claimed. The bill shall be verified by the affidavit of the party filing it or his agent or attorney that the witnesses named were actually present in court, and that, in the attorney's opinion they were material witnesses. Where the service of a notice to appear, produce, or a subpoena was necessary, to compel the appearance of a witness or the production of evidence, such notice or subpoena,

showing the time, place, and cost of service thereof, shall be filed with the bill. Any receipts for disbursements made for necessary exemplification of records, or in taking depositions in the case, or for other costs recoverable by law or rule of court, shall be filed with the bill. A copy of the bill of costs shall be served on opposing counsel pursuant to Pa.R.C.P. No. 440.

**Rule C.P.L217B. Exceptions to Bill of Costs.**

The party upon whom a bill of costs has been served may, within ten (10) days after such service, file exceptions thereto, and the issue shall be determined by the court. Failure to file exceptions within ten (10) days shall be deemed a waiver of all objections.

**Rule C.P.L220.1. Voir Dire.**

After the jury panel is drawn for each case the Court shall conduct voir dire to exclude from the list members for cause. Thereafter the Plaintiff shall conduct Plaintiff's voir dire, and thereafter Defendant shall conduct Defendant's voir dire. Counsel shall be limited in their voir dire interrogation to the panel collectively, and the voir dire shall be structured to seat a fair and impartial jury.

**Rule C.P.L223. Conduct of Jury Trial.**

(a) Each party shall be limited to two witnesses whose testimony is similar or cumulative, without leave of Court.

(b) Time frames for opening and closing statements shall be set by the Court following pre-trial conference.

**Rule C.P.L226. Points for Charge.**

(a) Each point for charge shall be submitted to the Court separately numbered on stationary 8 1/2 inches by 11 inches, double-spaced, containing the caption and the point number.

(b) Each point shall be supported by a citation of case or cases to support it or to a statute reference. The Court shall rule on each point prior to the attorney's summations.

(c) Each point for charge shall not be repetitious by structuring the same point with different words.

**Rule C.P.L227.1. Post-Trial Relief.**

(a) All post-trial relief motions shall be in writing and shall be argued before the Court on the regular scheduled civil calendar argument date.

(b) Each point of trial error shall be specifically identified and referenced to the trial transcript (if available) by page and line.

**Rule C.P.L227.3. Transcript of Testimony.**

(a) The party filing post-trial motions shall cause the transcript or portion thereof to support the motion to be transcribed before the motion is argued.

(b) The party requesting the transcript or portion thereof shall request the same to be transcribed by the Court Reporter in writing and deliver the request to the Reporter.

(c) The party ordering the transcript shall be responsible to pay the reporter who may refuse to deliver it until paid and when paid shall be entered as a record cost.

(d) Upon agreement of counsel and the Court, the Court may dispose of the motion without the transcript.

**Rule C.P.L230.2. Prompt Disposition of Matters; Termination of Inactive Cases.**

(a) The Prothonotary shall, upon the periodic request of the Court Administrator, cause a report to be prepared which lists all civil matters, except support and eminent domain proceedings, in which no steps or proceedings have been docketed for two years or more prior thereto.

(b) The Prothonotary shall give to all counsel of record, and to all parties from whom no appearance has been entered at least thirty (30) day's notice of the Court's intention to terminate the matter as provided by Pa.R.J.A. No. 1901(c). The Prothonotary shall note therein that a rule has been entered to show cause by written objection why the matter should not be dismissed pursuant to Pa.R.J.A. 1901.

(c) If any such notices are returned by the postal authorities as undelivered for any reason, the notice shall be placed by the Prothonotary's Office in the official file. The Prothonotary's Office shall prepare a list of any such cases and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated 30 days after the date on which the list is published. The cost of publication shall be borne by the office of the Prothonotary. The Prothonotary shall transmit a copy of such list to the Court Administrator.

(d) If no written objection is docketed prior to the date set for the rule returnable or within thirty (30) days after publication as set forth in (3) above, an order shall be entered by the Court dismissing the matter with prejudice for failure to prosecute under the provisions of this rule. If objections are filed, the Court will review any objections and, if appropriate, schedule a hearing thereon.

(e) Each magisterial district judge shall, at least annually, compile a list of civil and criminal summary cases filed in their offices in which no steps or proceedings have been taken for two years or more prior thereto. Notice of intention to terminate shall be given by the district justice as set forth in Pa.R.J.A. 1901(c). In criminal summary cases, district justices shall give notice thereof to the District Attorney, any private prosecutor, the defendant, and the defendant's attorney of record as provided by Pa.R.J.A. 1901(c).

(f) If any such notices are returned by the postal authorities as undelivered, the magisterial district judge shall prepare a list thereof and cause the same to be published one time in the legal periodical, together with a notice that said cases will be terminated thirty (30) days after the date on which the list is published. The cost of publication shall be borne by the office of the district justice.

(g) If no written objection is received by the magisterial district judge prior to the date for the rule returnable or within thirty (30) days after publication as set forth in (6) above, an order shall be entered dismissing the matter with prejudice for failure to prosecute under the provisions of this rule.

**Rule C.P.L240. In Forma Pauperis-Appointment of Counsel.**

The Court desires that legal services in civil actions shall be provided to indigents and qualified persons. Upon petition filed with the Court pursuant to motions practice, the Court may assign counsel to represent indigents in civil actions where deprivation of substantial rights may occur. The petition for the assignment of counsel in a civil action shall be in the form set forth on



Exhibit L240 of these rules. A supply of these forms shall be maintained by the Prothonotary and the Domestic Relations Section.

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT
OF PENNSYLVANIA
COUNTY BRANCH

PETITION FOR THE APPOINTMENT OF COUNSEL
IN A CIVIL ACTION

TO THE HONORABLE \_\_\_\_\_, THE
JUDGE OF SAID COURT:

The petitioner respectfully represents and petitions the
court as follows:

- 1. Petitioner is \_\_\_\_\_ who resides
at \_\_\_\_\_ and is the (plaintiff) (defen-
dant) in the above entitled action.
2. Petitioner's social security number is \_\_\_\_\_
and his/her income and expense information as set forth
below is complete and true.
3. That this is an action for: \_\_\_\_\_
4. That this is a civil action which may lead to the
deprivation of substantial rights of the petitioner and
thus raises due process and equal protection questions
where by the petitioner is entitled to the assignment of
counsel.
5. That the petitioner is, for financial reasons, unable
to obtain counsel to represent him/her in this action as
the petitioner does not have sufficient income or assets to
hire counsel nor does petitioner have the ability to borrow
money or obtain gifts from relatives, friends, or otherwise
in order to hire counsel. Petitioner has made the follow-
ing efforts to obtain counsel:

6. I represent that the information below relating to
my ability to pay counsel fees is true and correct:

- (a) Employment
(i) I am presently employed and state as follows:
Employer \_\_\_\_\_
Address \_\_\_\_\_
Salary or wages per month \_\_\_\_\_
Type of work \_\_\_\_\_
(ii) I am presently unemployed and state as follows:
Date of last employment \_\_\_\_\_
Salary or wages per month \_\_\_\_\_
Type of work \_\_\_\_\_
(b) Other income within the past twelve months
Business or profession \_\_\_\_\_
Other self-employment \_\_\_\_\_
Interest \_\_\_\_\_
Dividends \_\_\_\_\_
Pension and annuities \_\_\_\_\_
Social security benefits \_\_\_\_\_
Support payments received \_\_\_\_\_
Disability payments \_\_\_\_\_
Unemployment compensation and
supplemental benefits \_\_\_\_\_
Worker's compensation \_\_\_\_\_
Public Assistance \_\_\_\_\_
Other \_\_\_\_\_
(c) Other contributions to the support of my household
(wife) (husband) (other adult living with me) \_\_\_\_\_
( ) My (wife) (husband) (or other adult) is employed,
and I state:

- Employer \_\_\_\_\_
Salary or wages per month \_\_\_\_\_
Type of work \_\_\_\_\_
Contributions from children \_\_\_\_\_
Contributions from parents \_\_\_\_\_
Other contributions \_\_\_\_\_
( ) My wife, husband, or other adult is not employed.
(d) Property owned
Cash \_\_\_\_\_
Checking account \_\_\_\_\_
Savings account \_\_\_\_\_
Certificates of deposit \_\_\_\_\_
Real estate (including home): \_\_\_\_\_
Motor vehicle: Make \_\_\_\_\_ Year \_\_\_\_\_
Cost \_\_\_\_\_ Amt. owed \_\_\_\_\_
Stocks; bonds \_\_\_\_\_
Other \_\_\_\_\_
(e) Debts and obligations:
Mortgage \_\_\_\_\_
Rent \_\_\_\_\_
Loans \_\_\_\_\_
Other \_\_\_\_\_
(f) Persons dependent upon me for support
(Wife) (Husband)
Name \_\_\_\_\_
Children, if any
Name Age
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
\_\_\_\_\_
Other persons:
Name \_\_\_\_\_
Relationship \_\_\_\_\_

7. Petitioner (is) (is not) receiving Public Assistance.

8. I agree that I have a continuing obligation to inform
the Court and my court appointed counsel of any im-
provement in my financial circumstances which then may
enable me to pay attorney's fees.

WHEREFORE, petitioner respectfully requests that
this court appoint and assign counsel to represent him/
her in this action.

(Print Name)

VERIFICATION

I, \_\_\_\_\_, verify that the statements
made in this petition are true and correct to the best of
my knowledge, information and belief. I understand that
false statements made herein are subject to the penalties
of 18 Pa. C.S.A. 4904 relating to unsworn falsification to
authorities.

(Sign Name)

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_,
\_\_\_\_\_ upon consideration of the within petition the Court
believing, based upon the representation and sworn state-
ments of the petitioner, that the petitioner is indigent;
and the Court further believing that this action affects
"substantial rights" of the petitioner raising due process
and equal protection questions, the court concludes that
the petitioner has a right to the assignment of counsel to
represent him/her in this action.

Accordingly, \_\_\_\_\_, Esq., is hereby appointed to represent the petitioner in this action until the petitioner is financially able to obtain counsel to represent him/her in this matter. In the latter event, counsel appointed to represent the petitioner shall continue to represent the petitioner either pursuant to an agreement between counsel and the petitioner regarding the payment of fees and costs or, in lieu thereof, counsel or the petitioner may file a motion or petition with this Court to determine the petitioner's ability to pay counsel fees and the terms and conditions thereof.

BY THE COURT

**Rule C.P.L300. Prothonotary. Collection of Costs.**

The Prothonotary shall establish, implement, maintain and utilize a system for the collection of outstanding unpaid fees and costs. The Prothonotary shall keep a separate listing of the date costs and fees were imposed, the date due, collection efforts, and the dates and amounts of payment. The Prothonotary shall make an annual report to the President Judge on or before April 1st of each year for the preceding calendar year setting forth the amount of outstanding costs and fees imposed on a delay time payment basis, the amount of said costs paid during the year and the amount of the unpaid costs at the end of the year. For the purpose of this rule costs and fees which are either paid at the time that services are incurred or paid at the time that the order imposing the costs and fees is entered are not included in this rule. This rule governs costs which either the Court or the Prothonotary has given an attorney or party time to pay.

**Rule C.P.L400. Service by Sheriff.**

A party filing a complaint or any other pleading that constitutes original process which is to be served by the Sheriff's Office shall deliver to that office a certified copy of the complaint or pleading for each party to be served together with instructions for service on a form available from the Sheriff's Office. The Sheriff shall have the right to require payment for the requested service before service is made or attempted unless the party seeking service has been given the right to proceed in forma pauperis.

**Rule C.P.L1012. Withdrawal of Appearance.**

Requests to withdraw appearance which require court approval shall comply with Pa.R.C.P. 1012 and with L208.3(a), except that said motions, when not contested by the opposing party, need not be scheduled for argument but may be presented in chambers.

**Rule C.P.L1018.1. Notice to Defend.**

As provided by Pa.R.C.P. No. 1018.1, the following agencies are designated to be named in the Notice to Defend in order to find out where legal help can be obtained:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg.,
100 South Street	4th Floor
Harrisburg, PA 17108	315 Second Ave., Suite 401
Phone (800) 692-7375	Warren, PA 16365
	Phone (800) 665-6957

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court,

please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

**Rule C.P.L1028(c). Preliminary Objections.**

(1) All preliminary objections shall be filed with the Prothonotary and shall include a proposed scheduling order. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission. The court will take no action until the preliminary objections have been filed of record. No response is required to any preliminary objection unless required by Pa.R.C.P. or unless required by the Court in the scheduling order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

(5) All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the preliminary objections or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections.

**Rule C.P.L1034(a). Motion for Judgment on the Pleadings.**

(1) A motion for judgment on the pleadings and a brief in support thereof shall be filed with the Prothonotary and shall include a proposed scheduling order. A motion for judgment on the pleadings should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for judgment on the pleadings should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

**Rule C.P.L1035.2(a). Motion for Summary Judgment.**

(1) A motion for summary judgment and a brief in support thereof shall be filed with the Prothonotary and

shall include a proposed scheduling order. A motion for summary judgment should not be filed with the Court Administrator. Courtesy copies for the court are not required. A motion for summary judgment should not be filed in duplicate or by facsimile transmission. The court will take no action until the motion has been filed of record. The opposing party shall file an answer and reply brief to the motion within thirty (30) days after service of the motion, unless the time for filing the response is modified by court order.

(2) Argument will be scheduled for a time and date certain. The moving party shall notify opposing counsel and any unrepresented parties of the date, time and place for argument. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(3) The court, in its discretion, may hear any argument by telephone or videoconference, provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(4) The official court reporter does not attend argument unless directed by the court.

### ARBITRATION

#### Rule C.P.L1301. Cases for Submission.

(a) Compulsory arbitration of matters as authorized by Section 7631 of the Judicial Code, 42 Pa.C.S. § 101, et. seq. shall apply to all cases at issue where the amount in controversy shall be fifty thousand dollars (\$50,000.00) or less.

The amount in controversy shall be determined from the pleadings or by an agreement of reference filed by the attorneys. (See L1301.2) The amount in controversy, when determined from the pleadings, shall be the largest amount claimed by any one party.

In the event that a case within arbitration limits is consolidated with a case involving more than the arbitration limits after the former has been referred to a board of arbitrators, the order of consolidation will remove the referred case from the jurisdiction of the board of arbitrators.

(b) A civil action will be referred to arbitration by the Prothonotary no fewer than 20 days from the filing of an appropriate praecipe with the Prothonotary which avers the civil action is ready for arbitration. If the other party objects to the praecipe, that party shall, within the 20 days, file a motion requesting delay in the appointment of arbitrators pending completion of the pre-trial discovery and filings. The objection shall specifically indicate the matters that must be preliminarily resolved and shall propose a timetable for their completion.

#### Rule C.P.L1301.2. Agreement of Reference.

Matters not in litigation may be referred to a board of arbitrators by an agreement of reference, signed by counsel for all sides in the case. Such agreement shall be filed with the prothonotary, who will forward a copy to the court administrator. Said agreement shall define the issue(s) involved for determination by the board and may contain stipulations of fact. In such cases, the agreement shall take the place of the pleadings in the case and be filed of record.

#### Rule C.P.L1302. List of Arbitrators.

Upon receipt of a praecipe, the court administrator shall appoint from a list of attorneys a board of three arbitrators. The appointments shall be made from the

members of the bar eligible for assignment, except where an attorney is excused by reason of incapacity, illness, or other disqualification. The court administrator shall be responsible for apportioning assignments between members with more than five years' experience and those under five years. No more than one member of a family, firm, professional corporation or association shall be nominated to serve on a single board.

#### Rule C.P.L1304. Continuances.

Continuances shall be granted only by court order for good cause shown or notice sent by the court administrator to the parties and the court. Motions for continuances shall be submitted in writing in the form of a motion. A motion for continuance should be filed no later than three days prior to the scheduled date for the arbitration hearing. If a party fails to appear at a scheduled arbitration hearing, the arbitrators shall proceed as set forth in Pa.R.C.P. 1303 and 1304.

#### Rule C.P.L1306. Report and Award.

(a) After the case has been heard, the arbitrators shall prepare a report and award, which shall be signed by at least a majority of the board. The arbitration board's award shall be filed with the Prothonotary within 10 days after the day of the hearing or the last adjournment thereof.

(b) The Prothonotary shall enter the report of the arbitrators in the docket. If an appeal is taken, the Prothonotary shall notify the court administrator, who shall place it on the next pre-trial list.

(c) Upon indexing a report or report and award, the Prothonotary shall give immediate written notice of the report to all the parties, or their attorneys, by regular mail and a copy to the court administrator.

#### Rule C.P.L1308.1. Compensation for Arbitrators.

(a) The chair of the board of arbitrators shall receive compensation in the amount of \$150.00 per case; the other members of the board shall receive compensation in the amount of \$100.00 per case.

(b) Each arbitrator shall be entitled to receive an additional compensation at the rate of \$50.00 per hour in any case in which hearing exceeds 3 1/2 hours.

(c) Upon the filing of the board's report and award, the Prothonotary shall certify to the Treasurer that the report and award, if any, has been filed, together with the names of the members of the board serving in the case. The county shall then pay the aforesaid fee to each member of the board serving on the case in accordance with Subsection (a) of this rule.

(d) In the event that a case shall be settled or withdrawn or otherwise terminated by or between the parties at any time prior to the date scheduled for hearing, the board members shall not be entitled to compensation. If the case is settled, withdrawn, or otherwise terminated by or between the parties, on the date scheduled for hearing but prior to the scheduled starting time, the panel members shall be entitled to one-half of the base compensation as set forth in Subsection (a). In the event the case is continued after the arbitrators have convened, either before or after testimony has begun, the time required of the arbitrators during the first scheduled hearing shall be aggregated with the time required during the second hearing. To the extent that such aggregate time is less than 3 1/2 hours, the compensation set forth in subsection (a) shall be applicable. To the extent that such aggregate time exceeds 3 1/2 hours, the

hourly rate set forth in subsection (b) shall be due for the hours in excess of 3 1/2 hours.

(e) The Prothonotary shall not mark or certify a case settled or discontinued until the attorney for the plaintiff has presented his or her praecipe in proper form.

**Rule C.P.L1308.2. Appeal of Arbitration Report and Award.**

(a) Any party to the proceeding may appeal from the decision or award of the arbitrators to the Court of Common Pleas; upon prepayment to the county of the fees of the members of the board as set forth in the following schedule:

- (1) If the amount in controversy is less than \$5,000—\$200.00.
- (2) If the amount in controversy is \$5,000 or more but less than \$10,000—\$300.00.
- (3) If the amount in controversy is \$10,000 or more but less than \$20,000—\$400.00.
- (4) If the amount in controversy is \$20,000 or more—\$500.00.

For purposes of determining the appeal fee, “amount in controversy” shall be defined as the amount of the award rendered by the Board of Arbitration, or, in cases of no award, the amount demanded in the complaint.

Said appeal shall be filed not later than 30 days after the date of the entry of the award of the arbitrators on the docket. Repayment to the county of the compensation of the members of the board of arbitration shall not be taxed as costs or be recoverable in any proceeding. A de novo appeal shall be allowed as a matter of course upon the filing of the affidavit of appeal and recognizance, and upon the aforesaid repayment of the compensation paid to the board of arbitration.

(b) The Prothonotary shall notify the court administrator of all appeals from arbitration. All arbitration appeals shall immediately be scheduled by the court administrator for pre-trial conference and trial at the earliest practical date.

(c) If no appeal is filed within 30 days, judgment may be taken on the award.

**ACTIONS PURSUANT TO PROTECTION FROM ABUSE ACT**

**Rule C.P.L1901.5.1. Protection from Abuse Enforcement Methods.**

Generally, the Protection for Abuse Act, Act 1994-85, 23 Pa.C.S.A. § 6102 et seq., provides three methods for the enforcement of protection from abuse orders to-wit; arrest (23 Pa.C.S.A. § 6113); private criminal complaint (23 Pa.C.S.A. § 6113.1); and civil contempt (23 Pa.C.S.A. § 6114.1). Except as hereinafter provided, the procedure with respect to enforcement by arrest and private criminal complaint shall be similar.

**Rule C.P.L1901.5.2. Probable Cause Arrest.**

A police officer may arrest a defendant for violation of a protection order (except for economic matters) upon probable cause which shall be supplied by the victim, officer, or witnesses or combination thereof. If necessary, the officer may verify the existence of said order by phone or radio with the appropriate police department, county control or the Prothonotary’s office). A complaint for indirect criminal contempt in the form prescribed by Exhibit L1903.1A shall be completed, signed and filed by

the arresting officer or the victim. Form for Order and Notice for Civil Contempt for Violation of Protection From Abuse Order:

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
\_\_\_\_\_ COUNTY BRANCH  
CIVIL ACTION-LAW

\_\_\_\_\_,  
Plaintiff  
vs. \_\_\_\_\_  
Defendant  
No. A. D. \_\_\_\_

**NOTICE AND ORDER TO APPEAR TO THE DEFENDANT:**

Legal proceedings have been brought against you alleging that you have willfully disobeyed an Order of Court under the Protection From Abuse Act.

If you wish to defend against the claim set forth in the following pages you may but are not required to file in writing with the Court your defenses or objections.

Whether or not you file in writing with the Court your defenses or objections you must appear in person in Court on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ o’clock a.m./p.m. in Courtroom \_\_\_\_\_ of the Forest/Warren County Courthouse.

**IF YOU DO NOT APPEAR IN PERSON THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

If the Court finds that you have willfully violated the Protection From Abuse Order you may be found in contempt of court and committed to jail for up to six months and a fine from \$100 to \$1,000 or both.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, YOU MAY TELEPHONE THE OFFICES SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg.,
100 South Street	4th Floor
Harrisburg, PA 17108	315 Second Ave., Suite 401
Phone (800) 692-7375	Warren, PA 16365
	Phone (800) 665-6957

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator’s Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

BY THE COURT

Date: \_\_\_\_\_

**FORM 1901A**

This is only a cover sheet; the FORM needs a second page for the outline of the actual Petition for Indirect Criminal Contempt.

The probable cause affidavit shall be in the following form:

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
\_\_\_\_\_ COUNTY BRANCH  
CIVIL ACTION-LAW

INDIRECT CRIMINAL CONTEMPT FOR VIOLATION  
OF PROTECTION FROM ABUSE ORDER

Plaintiff  
vs.  
Defendant

NOTICE OF HEARING

TO: Defendant \_\_\_\_\_

1. \_\_\_\_\_ You are hereby ORDERED to appear for hearing on: DATE: \_\_\_\_ TIME \_\_\_\_ PLACE \_\_\_\_

The Forest/Warren County Court Administrator will notify you \_\_\_\_\_ by mail of the date, time, and Courtroom for your hearing at which you must appear. Defendant states that his mailing address is: \_\_\_\_\_

2. You have been charged with the following: \_\_\_\_\_

3. Your bail has been set at: \_\_\_\_\_

To protect your rights you should have a lawyer represent you at this hearing. If you do not have a lawyer, these referral services will give you information about finding one.

CONTACT:

PA Lawyer Referral Services	Northwestern Legal Services
PA Bar Association	First Niagara Bldg.,
100 South Street	4th Floor
Harrisburg, PA 17108	315 Second Ave., Suite 401
Phone (800) 692-7375	Warren, PA 16365
	Phone (800) 665-6957

AMERICANS WITH DISABILITIES ACT OF 1990

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

If you do not have the money to hire a lawyer, you must apply within 48 hours at the Office of the Public Defender of Forest/Warren County at the Courthouse in Warren or Tionesta.

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (DATE)  
District Justice

CERTIFICATE OF SERVICE OF NOTICE OF HEARING

I certify that on this day I personally served the above notice of hearing on the defendant in this case.

Defendant is: \_\_\_\_\_ released on bail or \_\_\_\_\_ incarcerated in lieu of bail in the amount of \$ \_\_\_\_\_

\_\_\_\_\_ (SEAL) \_\_\_\_\_ (DATE)  
District Justice

**FORM 1901B**

**Rule C.P.L1901.5.3. Private Criminal Complaint.**

A plaintiff may file a private criminal complaint against the defendant on a form similar to the form for Order and Notice for Civil Contempt (above) alleging indirect criminal contempt for non-economic violations of any provision of an order issued under the Protection from Abuse Act by

the Court or a District Justice. The private criminal complaint shall be filed with the District Justice in the jurisdiction where the violation occurred.

(1) Upon review and determination of probable cause the District Justice shall issue a warrant or summons. If the District Justice issues a summons the summons shall indicate the date, time and place for the hearing which the District Justice shall obtain from the Court Administrator unless the District Justice is unable to contact the Court Administrator. In the latter event the defendant shall be informed by the Court Administrator of the time, date and place for the hearing. If the District Justice issues a warrant the District Justice shall cause a warrant to be forwarded to the appropriate police agency for service. Upon arrest, the defendant shall be taken to the District Justice, without unnecessary delay for a preliminary arraignment in accordance with Rule L1903.4. The District Justice shall cause the complaint to be filed with the Clerk of Courts as soon as practicable. The Clerk of Courts shall docket the complaint and forward it to the Court Administrator who shall schedule a hearing.

(2) The Sheriff shall not require a deposit for service however the cost of service may be assessed to one or both parties when the hearing is held.

**Rule C.P.L1901.5.4. Preliminary Arraignment.**

(a) When a defendant is arrested by a police officer upon probable cause or pursuant to a private criminal complaint for violation of a protection from abuse order issued by a Judge or an emergency order issued by a Magisterial District Judge, the defendant shall be preliminarily arraigned forthwith before a Magisterial District Judge.

(b) At the preliminary arraignment, the defendant shall be notified:

1. That he/she is charged with criminal contempt for violation of the Protection From Abuse Order.

2. That a hearing will be held in the Court of Common Pleas of Forest/Warren County when scheduled by the Court Administrator; and

3. That the defendant is entitled to be represented by counsel, and if unable to afford counsel, free counsel may be appointed if the Defendant cannot afford counsel. The defendant should immediately contact the office of the Public Defender of Forest/Warren County.

(c) If the arraignment occurs during the Court's business hours the Magisterial District Judge shall contact the Court Administrator to obtain a time and date for the hearing. The Magisterial District Judge shall then inform the plaintiff and defendant of the date and time for the hearing in writing in the form of FORM 1901B (above).

If the Magisterial District Judge is unable to contact the Court Administrator at the preliminary arraignment he shall contact the Court Administrator as soon thereafter as possible. The Magisterial District Judge shall advise the defendant, and if present the plaintiff, in the form of FORM 1901A, that each will be receiving a notice from the Court Administrator setting forth the date, time and place of the hearing on contempt. The Court Administrator shall then schedule a hearing and notify the plaintiff and defendant of the date and time for the hearing in writing sent to their last known addresses shown on the documents filed before the Magisterial District Judge in this action.

(d) The Court of the Magisterial District Judge shall set bail to insure the defendant's presence at the con-

tempt hearing in accordance with Pennsylvania Rule of Criminal Procedure 4004 with conditions including, without limitation, a condition that the defendant not contact the plaintiff or members of the plaintiff's household, directly or indirectly, until further order of Court.

(e) Defendants who fail to post bail shall be committed to the Warren County Jail pending the hearing.

(f) The hearing shall be scheduled within ten (10) days.

**Rule C.P.L1901.5.5. Contempt-Delivery of Magisterial District Judge's File to Court.**

The Magisterial District Judge shall cause the following completed forms and bail, if entered, to be delivered immediately to the Judges Chambers or Court Administrator: (1) criminal complaint; (2) FORM 1901B (above), if any; (3) certificate of bail, if any was required, and discharge or commitment; and (4) receipts or copies of notice of the hearing.

**Rule C.P.L1901.5.6. Contempt-Court Hearing.**

The unavailability of plaintiff's counsel shall not be grounds for the dismissal of the contempt action, and said hearing shall not be unduly delayed by the unavailability of counsel.

**Rule C.P.L1901.5.7. Civil Contempt.**

A petition for civil contempt shall be filed by the plaintiff with the Prothonotary and then transmitted by the Prothonotary to the Court Administrator. The Court Administrator shall set a time for hearing. The plaintiff shall arrange to have the petition and order setting the hearing served upon the defendant in any manner by which service of original process may be made in a civil action. The order scheduling a hearing shall be in a form identical to FORM 1901A.

**SUPPORT**

**Rule C.P.L1910.10(a). Support Hearing Procedure.**

Warren and Forest Counties shall follow the procedure set forth in Pa.R.C.P. 1910.12.

**Rule C.P.L1910.12(f). Exceptions to Domestic Relations Hearing Officer's Report.**

(1) Each exception to the Hearing Officer's Report regarding child support, spousal support, and alimony pendente lite shall specifically identify whether the party filing the exception is asserting that:

(a) the Hearing Officer made an erroneous finding of fact, or

(b) the Hearing Officer made an error of law.

(2) An exception asserting that the Hearing Officer made an erroneous finding of fact shall:

(a) identify the erroneous finding;

(b) state specifically the finding which should have been made by the Hearing Officer;

(c) specify any document which supports, or any witness whose testimony supports, the finding which should have been made by the Hearing Officer;

(d) specify any document or testimony which supports the Hearing Officer's finding.

(3) An exception asserting that the Hearing Officer made an error of law shall identify the statute, rule, regulation, or judicial decision, not applied or improperly applied by the Hearing Officer.

(4) All exceptions shall include a statement of the following:

(a) the obligor's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligor's income;

(b) the obligee's income available for support as claimed by the party filing the exceptions, together with a statement of the record evidence of the obligee's income;

(c) the amount of support which should have been ordered.

(5) Exceptions shall contain no discussion of the claims made.

(6) Any party filing exceptions shall immediately submit to the Domestic Relations Department a motion for argument on the exceptions.

(7) Exceptions which are not in compliance with this rule or which are not briefed as ordered may be deemed to have been waived.

**CUSTODY**

**Rule C.P.L1915.3. Commencement of Action.**

(a) In all cases involving claims for custody, partial custody, or visitation, a conference before the Court Hearing Officer shall be held except where the interest of justice would otherwise require.

(b) A proposed order shall be attached to the complaint or petition directing the Defendant to appear at a time and place specified. The proposed order shall be substantially in the form provided by Rule L1915.15(c).

(c) The Court Hearing Officer shall have authority to grant continuances.

(d) At any time during the course of the proceedings, the Court or the Court Hearing Officer, sua sponte or upon application of any party, may hold a status conference, in person or by any other means permitted by these rules, with counsel or with counsel and the parties in order to review the case status and expedite the litigation.

**Rule C.P.L1915.4-2. Office Conference. Hearing. Parenting Program.**

(a) *Office Conference*

(1) Except as otherwise provided for in this rule, the Court Hearing Officer shall conduct an initial conference in accordance with Pa.R.C.P. 1915.4-2(a).

(2) If the parties are unsuccessful in reaching an agreement during the initial conference with the Court Hearing Officer, the Court Hearing Officer shall prepare an appropriate Recommended Order directing the parties to attend and pay the cost of the "Helping Your Children Cope With Divorce" program referenced in subparagraph (c) of this rule or a comparable program, and, upon verification that at least one of the parties has completed the program, the Court Hearing Officer shall either,

(i) schedule a hearing before the Court Hearing Officer, or,

(ii) refer the matter to the Court Administrator to schedule a hearing before the Court on the issue of custody, shared custody, or legal custody.

(b) *Hearing*

When a partial custody or visitation hearing is scheduled to be held before the Court Hearing Officer, the Court Hearing Officer shall conduct a hearing and file a report in accordance with Pa.R.C.P. 1915.4-2(b).

(c) *Seminar for Separating Parents in Contested Custody Matters*

(1) In all divorce and custody proceedings and in such other cases as the Court shall direct, where the interest of children under the age of eighteen years are involved and an issue of custody or visitation remains disputed and unresolved following a conference before the Court Hearing Officer, the parties shall complete a seminar entitled "Helping Your Children Cope With Divorce" or a comparable program.

(2) Both parties shall attend the seminar prior to the date of the custody hearing.

(3) Any requests for an extension of time within which to complete the seminar shall be made to the Court Hearing Officer.

(4) The fee for the seminar shall be determined by the provider and must be paid prior to attendance. Any request for waiver or reduction of the fee shall be filed with the Court Hearing Officer and shall be accompanied by a verified affidavit of indigency or other proof of economic hardship in accordance with Pa.R.C.P. No. 240, at least five days prior to the scheduled seminar.

(5) The requirements to attend the seminar may be waived if:

(i) the Court, on motion, determines that participation is not necessary or,

(ii) the parties select and participate in a comparable parenting education program.

(6) No hearing or trial shall be delayed or court action withheld because of the failure of one party to attend the seminar.

(7) Failure to comply with this rule may result in the dismissal of the action, striking of pleadings, or other appropriate remedy including sanction for contempt and attorney fees.

(8) Should a party fail to attend the seminar, the Court may sua sponte bring a contempt action against a non-complying party. A party who has complied with the rules shall not be required to either bring the contempt action or appear at any contempt proceedings.

(9) Copies of this rule and program description shall be available in the office of the Prothonotary, the Court Hearing Officer's office, and the office of the Court Administrator.

**Rule C.P.L1915.15(c). Form of Notice and Order to Appear.**

The order to be attached at the front of the complaint or petition for modification shall be in substantially the following form:

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
(FOREST) (WARREN) COUNTY BRANCH  
CIVIL

\_\_\_\_\_,  
Plaintiff  
vs.  
\_\_\_\_\_,  
Defendant  
In Custody  
No.

**NOTICE AND ORDER TO APPEAR**

You, \_\_\_\_\_, have been sued in Court to (obtain) (modify) custody, partial custody, or visitation of the following child(ren):

\_\_\_\_\_  
\_\_\_\_\_

You are ordered to appear in person in \_\_\_\_\_ Room, (Forest) (Warren) County Courthouse, (Tionesta) (Warren), Pennsylvania, before the Court Hearing Officer, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at \_\_\_\_\_ m. for the purpose of a conference to determine the disputed issues.

You should not bring the child(ren) to the conference.

If you fail to appear as provided by this order, an order for custody, partial custody, or visitation may be entered against you or the Court may issue a warrant for your arrest.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

PA Lawyer Referral Services  
PA Bar Association  
100 South Street  
Harrisburg, PA 17108  
Phone (800) 692-7375  
Northwestern Legal Services  
First Niagara Bldg.,  
4th Floor  
315 Second Ave., Suite 401  
Warren, PA 16365  
Phone (800) 665-6957

**AMERICANS WITH DISABILITIES ACT OF 1990**

The Court of Common Pleas of Forest/Warren County is required by law to comply with the Americans with Disabilities Act of 1990. For information about accessible facilities and reasonable accommodations available to disabled individuals having business before the Court, please contact the Court Administrator's Office. All arrangements must be made at least 72 hours prior to any hearing or business before the Court. You must attend the scheduled conference or hearing.

FOR THE COURT

\_\_\_\_\_  
Court Hearing Officer

**DIVORCE**

**Rule C.P.L1920.33. Divorce Pre-trial Statements.**

Any party failing to comply with Pa.R.C.P. 1920.33 is guilty of dilatory conduct and subject to sanction by awarding court costs and attorney fees.

Upon finding that a party has failed to comply with the requirements of Pa.R.C.P. 1920.33 concerning the filing of an inventory or the filing of a pre-trial statement, the Court Hearing Officer may continue the hearing and recommend to the Court an order of sanctions.

**Rule C.P.L1920.51. Appointment of Court Hearing Officer, Notice of Hearing, Prehearing, and Continuances.**

**Rule C.P.L1920.51A. Appointment of Court Hearing Officer.**

1. The Court may appoint by separate order the Court Hearing Officer who shall not engage in any private domestic relations matters and who shall serve at the pleasure of the Court.

2. The Court may appoint other attorneys to serve as specially appointed Court Hearing Officers in cases where it is not appropriate to appoint the permanent Court Hearing Officer. In such cases the Court shall attempt to appoint attorneys who have at least five years experience as practicing members of the Bar of this Court with emphasis or expertise in divorce and related matters.

3. All matters which may by statute or rule be referred to the Court Hearing Officer shall be heard by the Court Hearing Officer in the absence of a Court Order to the contrary.

4. The Court Hearing Officer shall have authority to grant continuances.

5. All actions for divorce under Section 3301(a), (b) and (d)(1)(ii) of the divorce code, actions for annulment, and claims for alimony, alimony pendente lite, equitable distribution of marital property, counsel fees, costs, expenses or any aspect thereof, shall be heard by the Court Hearing Officer in the absence of a Court Order to the contrary.

6. A motion for appointment of a Court Hearing Officer shall be substantially in the form prescribed by Form L1920.74 and shall be accompanied by a certificate that the moving party has complied with the filing requirements of PA R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46 unless the moving party certifies that one or more of those rules is inapplicable. Motions for appointment of a Court Hearing Officer shall be filed in accordance with Local Rule L208. A Court Hearing Officer shall not be appointed unless and until the moving party has complied with Pa.R.C.P. 1920.31(a)(1), 1920.33(a) and 1920.46, if applicable, unless the Court has made an order pursuant to Pa.R.C.P. 4019. A copy of the motion shall be filed with the permanent Court Hearing Officer.

**Rule C.P.L1920.51B. Fees and Costs.**

1. Fees and costs shall be paid to the Prothonotary as follows:

a. A deposit of \$350 shall be due from the moving party at the time that a motion for the appointment of the Court Hearing Officer is filed. In the motion the moving party shall certify to the Court that these fees have been paid in full and the Prothonotary shall certify in writing on the face of the motion that the fees have been paid. No motion for the appointment of the Court Hearing Officer shall be filed until all of the fees in this rule have been paid to the Prothonotary.

b. The fees set forth in this rule shall be regarded as costs of the case and the Court Hearing Officer may recommend and/or the Court may order each party to pay his/her own costs or may order that the costs be divided equitably and paid by each party as may be deemed just and reasonable.

c. When the fees deposited with the Prothonotary are deemed insufficient to provide for the total services of the court reporter, the Court Hearing Officer may prepare a Recommended Order for submission to the Court requiring additional deposits. The Court Hearing Officer shall not be required to conduct additional hearings or proceed further in any respect until payment of additional deposits has been received by the Prothonotary.

2. Deposits in cases where someone other than the permanent Court Hearing Officer has been appointed shall be as set out in any appointing or other order and shall be held by the Prothonotary to be paid over as the Court may order to the Court Hearing Officer as a fee or returned to the parties, or otherwise. In such a case the specially appointed Court Hearing Officer shall file a petition or petitions for the payment of the Court Hearing Officer's fees detailing the time and services spent and rendered, and expenses incurred, all in compliance with local motions practice. The special Court Hearing Officer shall receive compensation as set by Court Order. The Prothonotary may pay the special Court Hearing Officer

upon receipt of a bill approved by the parties or their attorneys without the necessity of a Court Order. Special Court Hearing Officers are not required to proceed until the court ordered deposit is paid in full.

3. Whenever a stenographic transcript is required, the Pennsylvania Rules of Judicial Administration shall apply. The Prothonotary shall pay the reporter upon receipt of a bill approved by the Court Hearing Officer or the Court.

**Rule C.P.L1920.53D. Hearing Transcripts.**

The Court Hearing Officer shall engage the services of a court reporter. The testimony shall be transcribed unless:

1. The parties waive transcription and the Court Hearing Officer concurs.

2. If a transcript is ordered by a party, that party shall arrange to pay for the transcript in accordance with the Rules of Judicial Administration and the cost of the transcript may be allocated to one or both of the parties by a court order.

FORM L1920.74

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
CIVIL ACTION-LAW

\_\_\_\_\_,  
Plaintiff  
vs. \_\_\_\_\_ No. A. D. \_\_\_ of \_\_\_

\_\_\_\_\_,  
Defendant  
\_\_\_\_\_, Esq., for Plaintiff  
\_\_\_\_\_, Esq., for Defendant  
(of record or consulted)

MOTION FOR APPOINTMENT OF  
COURT HEARING OFFICER  
IN DIVORCE

AND NOW, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ moves the Court to appoint the Court Hearing Officer with respect to the following claims:

- Divorce  Distribution of Property
- Annulment  Support
- Alimony  Counsel Fees
- Alimony Pendente Lite  Costs and Expenses

and in support of the motion states:

(1) Discovery is complete as to the claim(s) for which the appointment of the Court Hearing Officer is requested.

(2) The statutory ground(s) for divorce (is) (are)

\_\_\_\_\_  
(a) If 3301(c), affidavit of consent filed by Plaintiff  
\_\_\_\_\_, \_\_\_\_\_  
(date)

Defendant. \_\_\_\_\_, \_\_\_\_\_  
(date)

(b) If 3301(d), Plaintiff's affidavit filed \_\_\_\_\_,  
(date)  
Defendant's counter affidavit, if any, filed \_\_\_\_\_,  
(date)



- (3) Delete the inapplicable paragraph(s):
  - (a) The action is not contested.
  - (b) An agreement has been reached with respect to the following claims:

(c) The action is contested with respect to the following claims: \_\_\_\_\_

(4) The action (involves) (does not involve) complex issues of law or fact.

(5) The hearing is expected to take \_\_\_\_\_ (hours) (days).

(6) The Complaint was filed \_\_\_\_\_ and served \_\_\_\_\_.

(7) Matters at issue under the pleadings which are not to be referred to the Court Hearing Officer: \_\_\_\_\_

(8) Attached hereto is the completed form required by Pa.R.C.P. No. 1920.46.

(9) I hereby certify that Pa.R.C.P. No. 1920.31(a) is \_\_\_\_\_ applicable, \_\_\_\_\_ not applicable, and the income and expense statements have been filed as follows:

Plaintiff \_\_\_\_\_ Date \_\_\_\_\_

Defendant \_\_\_\_\_ Date \_\_\_\_\_

(10) I hereby certify that Pa.R.C.P. No. 1920.33(a) is \_\_\_\_\_ applicable \_\_\_\_\_ not applicable, and the inventories have been filed as follows:

Plaintiff \_\_\_\_\_ Date \_\_\_\_\_

Defendant \_\_\_\_\_ Date \_\_\_\_\_

(11) Approximate monthly take home income of:

Plaintiff \_\_\_\_\_ Date \_\_\_\_\_

Defendant \_\_\_\_\_ Date \_\_\_\_\_

(12) If applicable, approximate value of marital assets to be distributed:

From Plaintiff's inventory \_\_\_\_\_

From Defendant's inventory \_\_\_\_\_

(13) Approximate value of assets as to which there is a dispute as to whether they are marital assets: \$ \_\_\_\_\_

(14) Additional information, if any, relevant to the motion: \_\_\_\_\_

(15) I hereby certify that all Court Hearing Officer's fees required to be paid have been paid.

Date: \_\_\_\_\_

Attorney for: \_\_\_\_\_

**ORDER APPOINTING  
COURT HEARING OFFICER**

AND NOW, \_\_\_\_\_, \_\_\_\_\_ Esq., is appointed Court Hearing Officer in respect to the following claims:

If not filed already the parties are ordered to file their pre-hearing statements within twenty (20) days from this date.

Per Curiam,

\_\_\_\_\_  
Judge

Received of Plaintiff \$ \_\_\_\_\_

\_\_\_\_\_  
Prothonotary Date

Received of Defendant \$ \_\_\_\_\_

\_\_\_\_\_  
Prothonotary Date

**Rule C.P.L.1920.76.1. Incorporation of Agreement in Divorce Decree.**

If the parties conclude a written agreement as to any or all ancillary matters and desire to have the agreement incorporated into the divorce decree the agreement to be so incorporated must be filed of record and the parties must stipulate in writing that they desire that the agreement be incorporated into the divorce decree. If the stipulation is included in the agreement itself, the praecipe to transmit the record shall refer to the paragraph and page number(s) of the agreement at which the stipulation may be found.

**Rule C.P.L.1930.7. Status Conference.**

At any time in the proceedings, the court, the court's designee, the master or the Court Hearing Officer, sua sponte or upon application of any party, may hold a status conference, in person or by any other means permitted by these rules, with counsel or with counsel and the parties in order to review the case status and expedite the litigation.

**MISCELLANEOUS**

**Rules C.P.L.2039, C.P.L.2064, and C.P.L.2206. Approval of compromises involving minors, incapacitated persons, wrongful death and survival actions.**

1. Minor or incapacitated person's compromises:

Situs of the filing of the petition.

(a) Petitions for approval of settlements in cases where minors or incapacitated persons have an interest shall be filed with the Prothonotary if the underlying suit has been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(b) *Contents of petition.* The petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of birth and social security number of the minor plaintiff or incapacitated person, the names and addresses of the minor's parents, the name of the plaintiff's guardian and the appointing court, the address of the plaintiff, and a factual recitation of the salient facts which form the bases of the cause of action;

(2) state the terms of the settlement, including the specific provisions of any annuity, if applicable, including the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, periodic and lump sum payments, and otherwise comply with Pa.R.C.P. 2039 and 2064;

(3) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare;

(4) contain or be accompanied by the following:

(a) a written report of a physician setting forth the present condition of the minor or incapacitated person;

(b) a statement under oath by the guardian and, if appropriate, the parent(s), certifying (i) the present physical or mental condition of the minor or incapacitated person, and (ii) approval of the proposed settlement and distribution thereof;

(c) a statement of the professional opinion of counsel as to the reasonableness of the proposed settlement and the basis for such opinion; and

(d) if there is to be an allocation between parents and children or incapacitated persons, or among children or other parties, the amounts allocated to each party and the specific reasons for such allocation must be set forth. In the event more than one plaintiff is involved, whether minor, adult or incapacitated, Petitioner must set forth the amount each plaintiff is to receive and shall provide justification for the requested allocation;

(e) in the event that a minor is sixteen (16) years of age or older, his or her written approval of the proposed settlement and distribution thereof.

(f) a proposed Order.

(g) *Opinion of Guardian.* When the minor or incapacitated person is represented by a guardian ad litem, the guardian ad litem shall submit a statement concerning his/her opinion as to the reasonableness of the proposed settlement and requested allocation of the gross settlement proceeds.

(h) *Proof of Deposit and Compliance with Court Order.* Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary certifying compliance with the court order, and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

**2. Petitions for Approval of Settlements in Wrongful Death/Survival Actions.**

(a) *When Required.*

(1) *Survival Action.* Court approval of settlements in survival actions is always required.

(2) *Wrongful Death.* If the complaint only raised a wrongful death claim, court approval of settlements shall be required only where a minor or incapacitated person has an interest.

(3) *Combined Wrongful Death and Survival Actions.* If the complaint raised wrongful death and survival claims, court approval is required as to allocation between the categories notwithstanding the absence of minors or incapacitated persons, even if plaintiff requests that the entire proceeds be allocated entirely to the wrongful death claim.

(b) *Situs of the Filing of the Petition.* Petitions for Approval of Settlements in Wrongful Death or Survival Actions shall be filed with the Prothonotary if the underlying suit has been filed with the Prothonotary. If no suit has been filed, such petitions shall be filed with the Clerk of the Orphans' Court.

(c) *Contents of Petition.* The Petition shall be substantially in the form set forth hereunder, and shall:

(1) set forth the date of death of plaintiff-decedent, the name of the personal representative of the estate and the county of appointment. A copy of the Decree of the Register must be attached;

(2) state the terms of the settlement, including the specific allocation as between wrongful death and survival, name the wrongful death beneficiaries and the amount each is to receive, name the intestate heirs of Plaintiff-decedent as of the date the cause of action arose, state reasons why the settlement and allocation are reasonable, and otherwise comply with Pa.R.C.P. 2206. In the event a portion of the settlement is payable through

the purchase of an annuity, set forth the credit rating of the entity which assumes responsibility for future payments, the present cost of the annuity, as well as the periodic and lump sum payments.

(3) show compliance with Pa.R.C.P. 2205 and set forth the name, relationship and address of plaintiff-decedent's intestate heirs who must be served with a copy of the petition (as required by 20 Pa.C.S.A. § 2101, et. seq.)

(4) identify any other parties who may have a possible interest in plaintiff-decedent's estate, and list unpaid claims raised, or which are outstanding, in the decedent's estate;

(5) state whether a lien or claim has been raised on behalf of any medical supplier, including the Department of Public Welfare; and

(6) attach a proposed order.

(d) *Proof of Deposit and Compliance with Court Order.* Within sixty (60) days of the entry of a final order, counsel shall file an affidavit with the Prothonotary substantially in the form set forth hereunder, certifying compliance with the court order and shall submit proof of deposit in the form of a photocopy of the restricted certificate of deposit or bankbook. The affidavit shall be substantially in the form set forth hereunder.

**3. Petitions for Allowance**

(a) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of Warren/Forest County shall be filed directly with such division. A copy of the order approving the settlement shall be attached to the petition.

(b) Petitions for Allowance in those cases where a guardian has been appointed by the Orphans' Court Division of a county other than Warren/Forest County, or by a different state, shall be filed directly with such appointing court. A copy of the order approving the settlement shall be attached to the petition.

(c) Petitions for Allowance in those cases where a guardian has not been appointed shall be filed with the Orphans' Court Division of the appropriate county or other state. A copy of the order approving the settlement shall be attached to the petition.

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
WARREN/FOREST COUNTY  
CIVIL

\_\_\_\_\_,  
Plaintiff

vs.

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

\_\_\_\_\_,  
Defendant

PETITION FOR LEAVE TO SETTLE OR COMPROMISE  
MINOR'S ACTION

To the Honorable, \_\_\_\_\_ the Judge of the said court:

The petition of \_\_\_\_\_, a minor, by his guardian (see Pa.R.C.P. § 2028), by his attorney, \_\_\_\_\_, Esq. respectfully requests:

1. Petitioner is (see Pa.R.C.P. 2026): \_\_\_\_\_
2. The minor was born on \_\_\_\_\_ and his/her social security number is \_\_\_\_\_

3. The minor resides with \_\_\_\_\_ at the following address: \_\_\_\_\_

4. A guardian (was) (was not) appointed for the minor as follows:\_\_\_\_\_

A copy of the order is attached.

5. The minor’s mother is \_\_\_\_\_ who resides at the following address: \_\_\_\_\_

6. The minor’s father is \_\_\_\_\_ who resides at the following address: \_\_\_\_\_

7. The defendant is \_\_\_\_\_ who resides or whose principal place of business at all relevant times was \_\_\_\_\_ .

8. On \_\_\_\_\_, the minor sustained the following injuries at the following location (set forth in detail): \_\_\_\_\_

(If additional space is needed, please continue on separate page.)

A complaint was filed against defendant(s) as follows:

Attached hereto is a report by Dr. \_\_\_\_\_ dated \_\_\_\_\_ which sets forth the present condition of the minor.

11. Attached hereto is a statement, under oath, of the minor’s parents and/or guardian and/or guardian ad litem certifying the physical and/or mental condition of the minor, as well as the parents’ and/or guardian’s and/or guardian ad litem’s approval of the proposed settlement and distribution.

12. Attached hereto is the written approval of the proposed settlement and distribution by the minor, who is sixteen (16) years of age or older.

13. The following settlement has been proposed:

(If additional space is needed, please continue on separate page.)

14. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following:

(If additional space is needed, please continue on separate page.)

15. Counsel has incurred the following expenses for which reimbursement is sought. (Please set forth in detail):

(If additional space is needed, please continue on separate page.)

16. The following costs have been incurred by or on behalf of the minor and must be paid from the proceeds of the settlement:

(If additional space is needed, please continue on separate page.)

17. The Department of Public Welfare, or any other entity, does (not) have a claim or lien against the plaintiff(s) as follows:

(If additional space is need, please continue on separate page.)

18. Counsel requests a fee in the sum of \$ \_\_\_\_\_ which is \_\_\_\_\_% of the net settlement payable to the minor. A copy of the retainer fee is attached.

19. Counsel (has) (has not) and (will) (will not) receive collateral payments as counsel fees for representation involving the same matter from third parties (i.e. subrogation).

20. The net settlement payable to the minor (after deduction of costs and attorney’s fees) is \$ \_\_\_\_\_ .

WHEREFORE, Petitioner requests that he/she be permitted to enter into the settlement recited above and that the Court enter an Order of Distribution as follows:

a. To \_\_\_\_\_ \$ \_\_\_\_\_

Reimbursement for Costs

b. To \_\_\_\_\_ \$ \_\_\_\_\_

c. To \_\_\_\_\_ \$ \_\_\_\_\_  
Counsel fee

d. To: Adult Plaintiff(s) (if applicable) \_\_\_\_\_ \$ \_\_\_\_\_

e. To \_\_\_\_\_, a minor, in restricted accounts not to be withdrawn before majority or upon leave of Court \$ \_\_\_\_\_

OR

f. To \_\_\_\_\_, the guardian of the estate of \_\_\_\_\_, a minor, appointed or to be appointed by the Orphans’ Court of \_\_\_\_\_ County, after posting appropriate security. \$ \_\_\_\_\_

\_\_\_\_\_  
Name of attorney  
Attorney for petitioner

VERIFICATION

I, \_\_\_\_\_, am the petitioner in this action and hereby verify that the statements made in the foregoing petition to settle or compromise minor’s action are true and correct to the best of my knowledge, information and belief.

I understand that the statements in said petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_  
Date Petitioner  
IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
FOREST/WARREN COUNTY  
CIVIL

No. of  
ORDER APPROVING SETTLEMENT AND  
ORDER FOR DISTRIBUTION

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the Petition for Leave to Compromise a Minor’s Action, filed \_\_\_\_\_ it is hereby ORDERED and DECREED that Petitioner is authorized

to enter into a settlement with Defendant(s) \_\_\_\_\_ in the gross sum of \_\_\_\_\_ (\$ \_\_\_\_\_) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be allocated as follows:

1. To: Minor Plaintiff(s)

Name Date of birth Social Security#
\$ \_\_\_\_\_

\$ \_\_\_\_\_

2. Adult Plaintiff(s)

\$ \_\_\_\_\_

\$ \_\_\_\_\_

IT IS FURTHER ORDERED and DECREED that the settlement proceeds be distributed as follows:

Name Date of birth Social Security#
\$ \_\_\_\_\_

a. To: \_\_\_\_\_, Esq.
\$ \_\_\_\_\_

Reimbursement costs

b. To: \_\_\_\_\_
\$ \_\_\_\_\_

c. Costs to: \_\_\_\_\_, Esq.
\$ \_\_\_\_\_

Counsel fees

d. The balance, the sum of \$ \_\_\_\_\_ payable to \_\_\_\_\_, a minor, shall be distributed as follows:

OPTION 1

To: \_\_\_\_\_, Guardian \$ \_\_\_\_\_ of the Estate of \_\_\_\_\_, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ \_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or, otherwise alienated before the minor attains majority, except upon prior order of Court.

Counsel shall open a savings account in the sum of \$ \_\_\_\_\_ in the name of the minor. The savings account shall be titled and restricted as follows:

\_\_\_\_\_, a minor, not to be withdrawn before the minor attains majority, except for the payment

of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

2. Adult Plaintiff

The portion of the settlement payable to \_\_\_\_\_, an adult plaintiff named in the complaint, shall be distributed as follows:

To: \_\_\_\_\_, Esquire
\$ \_\_\_\_\_

Reimbursement of Costs

To: \_\_\_\_\_
\$ \_\_\_\_\_

Costs

To: \_\_\_\_\_, Esquire
\$ \_\_\_\_\_

Counsel Fees

To: \_\_\_\_\_
\$ \_\_\_\_\_

Plaintiff

Counsel shall file with the Prothonotary within sixty (60) days from the date of this final order, proof of the establishment of the accounts as required herein, by affidavit from counsel certifying compliance with this order. Counsel shall attach to the affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

Judge

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

AFFIDAVIT

I, \_\_\_\_\_ Esquire, hereby state and affirm that I have complied with the order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in the affidavit are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_, Esq. Date
Attorney for Petitioner

IN THE COURT OF COMMON PLEAS
OF THE 37TH JUDICIAL DISTRICT OF
PENNSYLVANIA
FOREST/WARREN COUNTY
CIVIL

vs. No. of

PETITION TO SETTLE WRONGFUL DEATH AND SURVIVAL ACTIONS

To the Honorable \_\_\_\_\_, the Judge of the said court:

The petition of \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, deceased, by his/her attorney, \_\_\_\_\_, Esq., respectfully requests:

1. Petitioner is \_\_\_\_\_ who was appointed Administrator/Executor of the Estate of \_\_\_\_\_, deceased, on \_\_\_\_\_, \_\_\_\_\_, by the Register of Wills of \_\_\_\_\_ County. A copy of the Decree of the Register is attached.

2. The plaintiff decedent died on \_\_\_\_\_ as a result of: [set forth relevant information describing the underlying negligence or cause of action as required by Forest/Warren Rule L \_\_\_\_\_]

(If additional space is needed, please continue on separate sheet).

3. Notice of the institution of the action as required by Pa.R.C.P. 2205 and Forest/Warren Rule L \_\_\_\_\_ was given on \_\_\_\_\_ to the following individuals:

Name	Address
_____	_____
_____	_____
_____	_____

4. Pursuant to Forest/Warren Rule L \_\_\_\_\_ Petitioner has served a copy of this petition on the intestate heirs of plaintiff decedent (as provided in 20 Pa.C.S. § 2101 et seq.) who are as follows:

Name	Relationship	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

5. Pursuant to Forest/Warren Rule L \_\_\_\_\_ Petitioner has served a copy of this petition on the following parties who may have a possible interest:

Name	Relationship	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

6. Decedent (did) (did not) have a will. A copy is attached.

7. The following unpaid claims have been raised and/or are outstanding in the decedent's estate:

Creditor	Amount due
_____	_____
_____	_____
_____	_____

8. A complaint was filed against defendant(s) as follows: \_\_\_\_\_

9. The following settlement has been proposed: \_\_\_\_\_

(If additional space is needed, please continue on a separate page).

10. Counsel is of the professional opinion that the proposed settlement is reasonable due to the following

(state the reasons why in the professional opinion of counsel the settlement is proper): \_\_\_\_\_

11. Petitioner is of the opinion that the proposed settlement is reasonable.

12. Counsel has incurred the following expenses for which reimbursement is sought (Please set forth in detail): \_\_\_\_\_

(If additional space is needed, please continue on separate page).

13. Counsel requests counsel fees in the amount of \$ \_\_\_\_\_ which represents \_\_\_\_\_ % of the net proceeds of the settlement.

14. Petitioner requests allocation of the net proceeds of the settlement (after deduction of costs and attorneys fees) as follows:

- a. Wrongful Death Claim  
\$ \_\_\_\_\_
- b. Survival  
\$ \_\_\_\_\_

15. The reasons for the requested allocation are as follows: \_\_\_\_\_

16. Pursuant to the Wrongful Death Statute (42 Pa.C.S. § 8301), the beneficiaries of the Wrongful Death claim, and the proportion of their interest, are as follows:

Name	Amount due
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

17. The pecuniary loss suffered by the beneficiaries listed in Paragraph 15 is as follows: \_\_\_\_\_

(If additional space is needed, please continue on a separate page).

Wherefore, Petitioner requests that he/she be permitted into the settlement recited above, and that the Court enter an Order of Distribution as follows:

a. To: \_\_\_\_\_  
\$ \_\_\_\_\_

Reimbursement for costs

b. To: \_\_\_\_\_  
\$ \_\_\_\_\_

Costs

c. To: \_\_\_\_\_  
\$ \_\_\_\_\_

Counsel fees

d. Wrongful Death Claim

i. To: Spouse; and/or  
\$ \_\_\_\_\_

ii. To: Adult child(ren); and/or  
\$ \_\_\_\_\_

- iii. To: Minor child(ren) and/or incapacitated persons;  
\$ \_\_\_\_\_  
and/or
- (a) in restricted accounts; or  
\$ \_\_\_\_\_
- (b) to the guardian of the minor(s) estate; and/or  
\$ \_\_\_\_\_
- iv. To: Parent(s)  
\$ \_\_\_\_\_
- e. Survival claim

To: \_\_\_\_\_, Administrator/  
 Executor of the Estate of \_\_\_\_\_,  
 Deceased \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
 Attorney for Petitioner

VERIFICATION

I, \_\_\_\_\_, am the Petitioner in this action and hereby verify that the statements made in the foregoing Petition to Settle or Compromise Minor's Action are true and correct to the best of my knowledge, information and belief.

I understand that the statement in said Petition are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

_____ Petitioner	_____ Date
IN THE COURT OF COMMON PLEAS OF THE 37TH JUDICIAL DISTRICT OF PENNSYLVANIA FOREST/WARREN COUNTY CIVIL	

_____ vs.	_____ No. of
--------------	-----------------

NOTICE

To: \_\_\_\_\_  
 (name of beneficiary)

Date: \_\_\_\_\_

You are hereby notified that, \_\_\_\_\_, Administrator/Executor of the Estate of \_\_\_\_\_, deceased has filed (or will file) on \_\_\_\_\_, a Petition to Approve a Settlement of a Wrongful Death and Survival Action. A copy of that Petition is enclosed.

If you object to the proposed settlement and/or proposed distribution, you must submit your written objections on Response to the Petition on or before \_\_\_\_\_, \_\_\_\_\_, to the following address:

Prothonotary  
 Warren County Courthouse  
 204 Fourth Avenue  
 Warren, PA 16365  
 Prothonotary  
 Forest County Courthouse  
 Tionesta, PA 16353

I hereby certify that the within Notice has been mailed to the above named individual(s) on the date set forth above.

\_\_\_\_\_  
 Attorney for Petitioner

IN THE COURT OF COMMON PLEAS  
 OF THE 37TH JUDICIAL DISTRICT OF  
 PENNSYLVANIA  
 FOREST/WARREN COUNTY  
 CIVIL

\_\_\_\_\_  
 vs. \_\_\_\_\_ No. of \_\_\_\_\_

ORDER

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, upon consideration of the Petition to Compromise Wrongful Death and Survival Action filed on \_\_\_\_\_, \_\_\_\_\_, it is hereby ordered and decreed that Petitioner is authorized to enter into a settlement with Defendant(s) \_\_\_\_\_, in the gross sum of (\$ \_\_\_\_\_) dollars. Defendant(s) shall forward all settlement drafts or checks to Petitioner's counsel for proper distribution.

It is further ordered and decreed that the settlement proceeds are allocated as follows:

1. Wrongful Death  
\$ \_\_\_\_\_
2. Survival Claim  
\$ \_\_\_\_\_

It is further ordered and decreed that the settlement proceeds be distributed as follows:

1. To: \_\_\_\_\_, Esq.  
\$ \_\_\_\_\_  
For costs
2. To: \_\_\_\_\_, Esq.  
\$ \_\_\_\_\_  
For counsel fees
3. The Wrongful Death Claim in the sum of \$ \_\_\_\_\_ shall be paid as follows:
  - a. To: Spouse; and/or  
\$ \_\_\_\_\_
  - b. To: Adult Child(ren); and/or  
\$ \_\_\_\_\_
  - c. To: Minor Child(ren) as provided hereunder  
\$ \_\_\_\_\_

OPTION 1

To: \_\_\_\_\_, \$ \_\_\_\_\_  
 Guardian of the Estate of \_\_\_\_\_, a minor; provided, however, that no payment shall be made to the guardian until the guardian has posted additional security as may be required by the Orphans' Court Division of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 5121, et seq. An appropriate petition shall be filed with the Orphans' Court within thirty (30) days.

OPTION 2

Counsel is hereby authorized to execute all documentation necessary to purchase saving certificate(s), from federally insured banks or savings institutions having an office in Forest/Warren County, in the sum of \$ \_\_\_\_\_, each not to exceed the insured amount, with the funds payable to the minor upon majority. The certificate shall be titled and restricted as follows:

Not to be redeemed except for renewal in its entirety, not to be withdrawn, assigned, negotiated, or otherwise alienated before the minor attains majority, except upon

prior order of Court. Counsel shall open a savings account in the sum of \$ \_\_\_\_\_ in the name of the minor. The savings account shall be restricted as follows:

Not to be withdrawn before the minor attains majority, except for the payment of city, state, and federal income taxes on the interest earned by the savings certificate and savings account, or upon prior order of Court.

d. To: Parent(s)  
\$ \_\_\_\_\_

4. The Survival Claim in the sum of \$ \_\_\_\_\_ shall be paid to \_\_\_\_\_, Administrator/Executor, of the Estate of \_\_\_\_\_, deceased; provided, however, that counsel shall not distribute any funds to the said Administrator/Executor until the additional security as may be required by the Register of Wills of \_\_\_\_\_ County pursuant to 20 Pa.C.S. § 3323(b)(3) is posted.

Within sixty (60) days from the date of this final Order, counsel shall file with the office of Civil Administration an Affidavit from counsel certifying compliance with this order. Counsel shall attach to the Affidavit a copy of the Certificate of Deposit and/or bank account containing the required restrictions.

BY THE COURT

\_\_\_\_\_  
Judge

cc: Register of Wills of \_\_\_\_\_ County

IN THE COURT OF COMMON PLEAS  
OF THE 37TH JUDICIAL DISTRICT OF  
PENNSYLVANIA  
FOREST/WARREN COUNTY  
CIVIL

\_\_\_\_\_  
vs. \_\_\_\_\_ No. \_\_\_\_\_ of \_\_\_\_\_

AFFIDAVIT

I, \_\_\_\_\_ Esq. hereby state and affirm that I have complied with the Order issued on \_\_\_\_\_ by the Honorable \_\_\_\_\_ as follows:

Copies of bank accounts are attached hereto.

I verify that the statements in this affidavit are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

\_\_\_\_\_, Esq. \_\_\_\_\_  
Attorney for Petitioner Date

TAX APPEALS

Rule C.PL5003. Appeals from Real Estate Assessment

The following rules shall apply to all appeals from a real estate assessment determined by the Board of Assessment Appeals (Board) of Warren or Forest County. These rules apply to all appeals taken following their effective date, and may be applied as appropriate to current appeals ninety (90) days after their effective date.

Definitions

Board—the County Board of Assessment Appeals of Warren or Forest County.

Taxing Authority—municipalities, such as school districts, boroughs, townships, of Warren and Forest Counties.

Property Owner—the taxpayer, whether singular or plural, that owns the property which is the subject of an appeal.

Appraisal—an opinion of a qualified expert as to the value of property.

Date of Notification—date which is stamped on the decision of the Board.

Commercial Property—any property whose purpose is to generate income for its owner.

(a) Filing Instructions:

1. An appeal from the decision of the Board shall be filed within thirty (30) days from the date of notification by the Board.

2. Ten (10) days after filing the appeal the appellant shall serve a copy of the appeal on the Board and all affected taxing authorities or property owners by certified mail to the Board, to the property owner at his, her, its, or their registered address as shown on the tax records, and on the taxing districts at their business address.

3. Within twenty (20) days of service of the appeal, the appellant shall file an affidavit of service.

4. For purposes of service or notice, an appellant or party may use the address provided to the Board as part of its proceedings.

5. The Board shall automatically be a party to any appeal unless it specifically declines that status in writing.

Any taxing authority or property owner entitled to be notified of an appeal may become a party to the proceedings by filing an entry of appearance within one hundred-twenty (120) days of the filing of the appeal. The entry of appearance shall be considered to deny the allegations in the appellant's petition, except for the names of the parties and the location of the taxable property. However, any party may plead additional material by way of answer or new matter, as appropriate, within (30) days of becoming a party.

(b) Contents of Appeal:

1. Names and addresses of the taxpayer and the taxing districts;

2. Identification of the property, including street address and tax parcel number;

3. Reason(s) for the appeal. For the purposes of this section, where a challenge is based on fair market value, it shall be sufficient to state that the assessment pursuant to the applicable State Tax Equalization Board, common level or predetermined ratio, is excessive. Where the challenge is based on uniformity as the basis for the appeal it shall be sufficient to state lack of uniformity as the basis for the appeal. Where a challenge is based on class certification for the purposes of a class action suit, the appellant shall state with specificity the alleged error of law or abuse of discretion committed by the Board of Assessment Appeals.

4. Photocopy of the decision or the Board, if any.

(c) Discovery Procedures:

1. The appellant shall provide the Board and the other parties entitled to notice of the appeal with a copy of appellant's appraisal within sixty (60) days of filing the appeal. The other parties shall then have ninety (90) days from the receipt of the appellant's appraisal to provide the appellant with a counter-appraisal. Any party may designate an appraisal submitted to the Board as its

appraisal for the purposes of appeal. Appraisals must certify that the appraiser's fee is not contingent upon the results of the appeal.

2. Any party who fails to provide an appraisal within the time frame provided by this rule or by leave of court or within such time as may be agreed to by the parties will not be allowed to present evidence of valuation at trial. This rule shall not preclude the Board for presenting County records in support of its valuation. Such records shall be admissible in evidence as official records in accordance with the requirements of the Judicial Code, 42 Pa.C.S.A. § 6103. Further, this rule shall not preclude a homeowner from presenting his own opinion as to his property's value.

3. The names of all witnesses to be called at trial by any party, other than rebuttal witnesses later determined, shall be provided to all other parties within one hundred fifty (150) days of the appeal date.

4. Additional discovery shall be by leave of court only.

5. The matter shall be scheduled for trial before the assigned judge after the lapse of one hundred fifty (150) days from the appeal date. Any party may request an administrative conference at any time up to one hundred twenty (120) days after the appeal date.

6. Masters may be appointed in cases involving a voluminous record or particularly complex issues.

7. Time periods may be extended for cause shown.

(d) *Class Action Appeal:*

In all cases involving an appeal from class action certification, a full record shall be made before the Board of Assessment Appeals.

(e) *Discontinuance:*

The party filing the appeal may discontinue the appeal prior to the time set for the first exchange of appraisals. Thereafter, the appeal may be discontinued only with the agreement of all parties, or by leave of court.

(f) *Tax Exemption Cases:*

1. All appeals to court from a determination of the Board of Tax Assessment Appeals involving a claimed exemption from real estate tax shall be accompanied by the full and complete transcript of the hearing before the Board, together with all documentary evidence entered as part of that record and the Board's Findings of Fact and Conclusions of Law in support of its decision.

2. In any appeal to the Board or to Court involving a claimed exemption from real estate taxation, the property owner claiming tax exemption shall be subject to such relevant discovery by written interrogatories, deposition and production of documentary evidence as reasonably bears on the property owner's claim of tax exemption. Discovery shall be requested and completed within one hundred twenty (120) days from the requesting party's receipt of notice of the initial application to the Board. Except in cases where such discovery request has not been complied with prior to the Board's hearing, no additional discovery shall be permitted on appeal to Court from the Board's decision, except by leave of court.

**Comment**

This rule specifically does not require simultaneous exchange of information; instead the entity filing an appeal should bear the initial expense and burden of producing an appraisal. This rule should then conserve resources by giving the respondent the opportunity to accept the appellant's appraisal as satisfactory before ordering his or its own appraisal.

[Pa.B. Doc. No. 13-2311. Filed for public inspection December 13, 2013, 9:00 a.m.]



# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

### ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 127 ]

#### Air Quality Title V Fee Amendment

The Environmental Quality Board (Board) amends Chapter 127, Subchapter I (relating to plan approval and operating permit fees) to read as set forth in Annex A. This final-form rulemaking satisfies Federal and State obligations to establish a Title V annual emission fee sufficient to cover the reasonable direct and indirect costs of administering the operating permit program and other related requirements mandated under Title V of the Clean Air Act (CAA) (42 U.S.C.A. §§ 7661—7661f).

This final-form rulemaking was adopted by the Board at its meeting of September 17, 2013.

#### A. *Effective Date*

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

The final-form rulemaking will be submitted to the United States Environmental Protection Agency (EPA) upon publication for approval as a revision to the Commonwealth's State Implementation Plan (SIP) and as an amendment to the Title V Program Approval codified in 40 CFR Part 70, Appendix A (relating to approval status of state and local operating permits programs).

#### B. *Contact Persons*

For further information, contact Dean Van Orden, Assistant Director, Bureau of Air Quality, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 783-9264; or Robert "Bo" Reiley, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

#### C. *Statutory Authority*

This final-form rulemaking is authorized under section 6.3 of the Air Pollution Control Act (act) (35 P.S. § 4006.3), which grants to the Board the authority to adopt regulations to establish fees to cover the indirect and direct costs of administering the air pollution control program, operating permit program required under Title V of the CAA, other requirements of the CAA (42 U.S.C.A. §§ 7401—7671q) and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, the Small Business Compliance Advisory Committee and the Office of Small Business Ombudsman.

#### D. *Background and Purpose*

Title V annual emission fees are payable by the owners and operators of facilities in this Commonwealth that are classified as major sources of air pollution under section 501 of the CAA (42 U.S.C.A. § 7661) and are subject to the permitting provisions of Title V of the CAA. Section

502(b) of the CAA (42 U.S.C.A. § 7661a(b)) required the EPA to adopt rules establishing the minimum elements of Title V operating permit programs including a requirement that the owner or operator of all sources subject to the requirements obtain a permit under Title V of the CAA and pay an annual emission fee to state and local agencies sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the permit program requirements of Title V of the CAA.

On July 30, 1996, the EPA granted full approval of the Commonwealth's Title V Operating Permits Program in accordance with Title V of the CAA and implementing regulations in 40 CFR Part 70 (relating to state operating permit programs). See 61 FR 39597 (July 30, 1996). Under 40 CFR 70.9(a) and (b) (relating to fee determination and certification), the state program must "require that the owners or operators of part 70 sources pay annual fees, or the equivalent over some other period, that are sufficient to cover the permit program costs and shall ensure that any fee required by this section will be used solely for permit program costs." The fee schedule must result in the collection and retention of revenues sufficient to cover the permit program costs.

In addition to authorizing the establishment of fees sufficient to cover the permitting program required under Title V of the CAA, section 6.3(a) of the act also authorizes the Board to adopt regulations to establish fees to support the air pollution control program authorized by the act and not covered by fees required under section 502(b) of the CAA. The emission fees currently apply to emissions of up to 4,000 tons of any regulated pollutant. For Title V annual emission fee purposes, "regulated pollutant," as defined in section 502 of the CAA and § 127.705(d) (relating to emission fees), means a volatile organic compound, each pollutant regulated under sections 111 and 112 of the CAA (42 U.S.C.A. §§ 7411 and 7412) and each pollutant for which a National Ambient Air Quality Standard (NAAQS) has been promulgated, except that carbon monoxide shall be excluded from this reference.

The final-form rulemaking amends the Title V annual emission fee requirements in § 127.705. An adequate fee must result in the collection and retention of revenue sufficient to cover the costs of administering the air permit program as required under section 6.3 of the act. The Department has established a uniform Title V annual emission fee across this Commonwealth. The local air pollution control agencies in Allegheny and Philadelphia Counties collect the Title V annual emission fee revenue for sources under their jurisdictions. Minor clarifying amendments are made to § 127.701 (relating to general provisions).

The final-form amendment to the existing Title V annual emission fee is designed to cover all reasonable costs required to develop and administer the Title V permit requirements. These reasonable costs include the cost for certain activities related to major facility operations, including the review and processing of plan approvals and operating permits; emissions and ambient air monitoring; preparing applicable regulations and guidance; modeling, analyses and demonstrations; and preparing emission inventories and tracking emissions. Direct and indirect program costs include personnel costs, operating expenses such as telecommunications, electricity,

travel, auto supplies and fuel, and the purchase of fixed assets such as air samplers and monitoring equipment, vehicles and trailers.

To meet these obligations, the final-form rulemaking increases the Title V annual emission fee paid by the owner or operator of a Title V facility to \$85 per ton of emissions of "regulated pollutant" for emissions of up to 4,000 tons of each regulated pollutant beginning with emission fees payable by September 1, 2014, for emissions occurring in calendar year 2013. The initial Title V annual emission fee, established at 24 Pa.B. 5899 (November 26, 1994), was \$37 per ton of regulated pollutant for emissions of up to 4,000 tons of each regulated pollutant per Title V facility. As provided in § 127.705(e), the emission fee imposed under § 127.705(a) has been increased in each year after November 26, 1994, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. Under the existing regulatory framework, the Title V annual emission fee has not been revised since 1994. The current Title V annual emission fee due September 1, 2013, for emissions occurring in calendar year 2012 is \$57.50 per ton of regulated pollutant for emissions of up to 4,000 tons of each regulated pollutant. To collect fees sufficient to cover Title V program costs, the increase to the Title V annual emission fee is an increase of \$27.50 per ton of emissions of each regulated pollutant from 2013 levels.

Title V annual emission fee revenues collected are no longer sufficient to cover program costs. Installation of air pollution control technology over the past 2 decades on major stationary sources, the retirement or curtailment of operations by major sources including certain refineries and coal-fired power plants and the conversion at many major facilities from burning coal or oil to burning natural gas has resulted in the decreased emission of regulated pollutants that are subject to the annual emission fee, and revenues collected have been decreasing as a result. The increase to the Title V annual emission fee considers the impact on collected Title V annual emission fee revenues from the retirement of certain sources and the announced retirement of sources, including certain electric generating units. The decline in interest rates paid on savings account balances has also affected the funds as the investments earn less interest in the current economy compared to the early years of the program.

Failure to adjust the emission fee structure to adequately cover program costs may cause significant reductions in the Title V staffing complement, currently 214 positions, and technical services. Reduced staffing will cause delays in processing and issuing plan approvals for Title V facilities and Title V operating permits, potentially resulting in delays for industry to implement new or improved processes and loss of revenue to industry, loss of jobs for the community and loss of tax revenue for the Commonwealth. New or modified sources of air pollution at Title V facilities cannot be constructed without a plan approval. The installation of air pollution control equipment requires Department approval of a plan approval application prior to the installation. Further, fewer staff to conduct inspections, respond to complaints and pursue enforcement actions will result in less oversight of industry compliance or noncompliance and in reduced protection of the environment and public health and welfare of the citizens of this Commonwealth.

Decreased revenues will also impact the Commonwealth's air monitoring network, which provides the data to substantiate the Commonwealth's progress in attaining

and maintaining the NAAQS instituted by the EPA under the CAA. Decreased revenues could also impact the Small Business Stationary Source Technical and Environmental Compliance Assistance Program by reducing the amounts of grants and number of services available to small businesses. This could potentially lead to fewer viable small businesses and slow the economic recovery of this Commonwealth by reducing the numbers of available jobs. Further, a failure to attain and maintain the NAAQS and to satisfy the Commonwealth's obligations under the CAA could precipitate punitive actions by the EPA.

In accordance with 40 CFR 70.10(b) and (c) (relating to Federal oversight and sanctions), the EPA may withdraw approval of a Title V Permit Program, in whole or in part, if the EPA finds that a state or local agency has not taken "significant action to assure adequate administration and enforcement of the program" within 90 days after the issuance of a notice of deficiency (NOD). The EPA is authorized to, among other things, withdraw approval of the program and promulgate a Federal Title V Permit Program in this Commonwealth that would be administered and enforced by the EPA. In this instance, all Title V emission fees would be paid to the EPA instead of the Department. Additionally, mandatory sanctions would be imposed under section 179 of the CAA (42 U.S.C.A. § 7509) if the program deficiency is not corrected within 18 months after the EPA issues the deficiency notice. These mandatory sanctions include 2-to-1 emission offsets for the construction of major sources and loss of Federal highway funds (\$1.06 billion in 2012 if not obligated for projects approved by the Federal Highway Administration). The increase in the Title V annual emission fee avoids the issuance of a Federal Title V Permit Program NOD; Federal oversight and mandatory CAA sanctions would also be avoided. The EPA may also impose discretionary sanctions which would adversely impact Federal grants awarded under sections 103 and 105 of the CAA (42 U.S.C.A. §§ 7403 and 7405).

The final-form rulemaking does not establish a fee structure for carbon dioxide and other greenhouse gases (GHG) including hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons and sulfur hexafluoride. On June 3, 2010, the EPA finalized the Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (Tailoring Rule). See 75 FR 31514 (June 3, 2010). As the Tailoring Rule relates to the applicability of Title V annual emission fees for a "regulated pollutant" as defined in section 502 of the CAA, the EPA did not mandate revisions to state and local Title V programs to account for these emissions. See 75 FR 31514, 31585. The EPA reasoned that it would be difficult to apply this fee to GHGs, based on the large amount of GHG emissions relative to other pollutants and the need for better data to establish a GHG-specific fee amount. See 75 FR 31514, 31585. However, the EPA did commit to addressing this issue in a future rulemaking and to work with states to develop a workable fee approach. See 75 FR 31514, 31586. The EPA has not yet proposed a fee schedule under the CAA for GHG emissions. Consequently, the Board did not impose Title V emission fees for GHG emissions from stationary sources in this Commonwealth.

The Department consulted with the Air Quality Technical Advisory Committee (AQTAC) in the development of this final-form rulemaking. At its June 13, 2013, meeting, the AQTAC concurred with the Department's recommendation to advance the rulemaking to the Board for consideration as a final-form rulemaking.

The Department also conferred with the Citizens Advisory Council concerning the final-form rulemaking on July 16, 2013, and with the Small Business Compliance Advisory Committee on July 24, 2013.

*E. Summary of the Final-Form Rulemaking and Changes from Proposed to Final-Form Rulemaking*

The Board did not make changes to the rulemaking from proposed to final-form.

The final-form rulemaking amends § 127.701 to clarify that fees paid to the Department are deposited into the Pennsylvania Clean Air Fund. The final-form rulemaking also retained some additional editorial changes to this section.

The final-form rulemaking revises § 127.705 to establish a Title V annual emission fee of \$85 per ton for emissions of up to 4,000 tons of regulated pollutant, beginning with the fees due by September 1, 2014, for emissions from Title V facilities occurring in the 2013 calendar year.

*F. Summary of Comments and Responses*

*Major comments and responses on the proposed rulemaking*

The Board approved publication of the proposed rulemaking at its November 20, 2012, meeting. The proposed rulemaking was published at 43 Pa.B. 677 (February 2, 2013). Three public hearings were held on March 5, 6, and 7, 2013, in Pittsburgh, Norristown, and Harrisburg, PA, respectively. The public comment period closed on April 8, 2013, for a 66-day public comment period.

Public comments were received from four commentators. The Independent Regulatory Review Commission (IRRC) also provided comments.

A commentator said that the proposed increase in the Title V fee shows that the Department has been operating at a level of insufficient funding. There was a concern about the Bureau of Air Quality's ability to purchase air sampling and monitoring equipment, perform modeling analysis and add monitors in the Marcellus Shale counties.

The Board disagrees. The significant drop in Title V revenue that has occurred recently is due to the installation of air pollution control equipment at Title V facilities, reductions in emissions from Title V facilities and the closure or deactivation of certain large facilities including electric generating units. The Department is able to purchase and operate air monitoring and other equipment using other funds. The Department has recently installed a permanent air monitoring site in Bradford County.

Some commentators opposed the proposed increase in the Title V fee.

The Board understands this resistance. There are both Federal and State obligations to amend the Title V emission fee to maintain the Federally-mandated Title V permitting program. For instance, section 502(b) of the CAA requires the Department to adopt rules to require the owners and operators of sources subject to the requirement to obtain a Title V permit to pay an annual fee sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Title V permit program requirements. Similarly, section 6.3 of the act authorizes the establishment of fees sufficient to cover the indirect and direct costs of administering the air pollution control plan approval process and operating permit program required under Title V of the CAA.

A commentator believed that imposing a spike or jolt in the Title V emissions fee without phasing the increase in is inappropriate.

The Board did investigate the potential for increasing the Title V emission fee in phases. However, a phased-in emission fee increase would not address the projected deficit in the Clean Air Fund Title V Major Emission Facilities Account. A deficit of \$7.235 million is projected for the Title V Major Emission Facilities Account by the end of Fiscal Year (FY) 2015-2016. Funds sufficient to support the program need to be collected before the fund is in deficit.

A commentator said that the current and proposed fee structure assumes that the amount of emissions correlate directly with the amount of resources needed to administer the Title V program. This is not true, as a smaller but more complex source may be more demanding of the Department's resources.

The Board agrees that the Title V annual emission fee is directly related to the quantity of emissions of regulated pollutant released from a facility and that a lower emitting facility may not be paying a fee representative of the administrative resources dedicated to that lower emitting facility. However, the Department has stated that it intends to conduct a comprehensive review of all air quality fees to develop an equitable and sustainable fee program. At this time, the Board thinks the most equitable and feasible approach to this issue is to ensure that the Title V fee revenues adequately cover the expense of the program.

A commentator asserted that the fees are substantially out of line with fees collected in other states with a strong manufacturing base.

The Board disagrees. The fee is similar to those in other states and will not place this Commonwealth at a competitive disadvantage. All states are required under the CAA to collect Title V annual emission fees and to adjust the fees annually based on the Consumer Price Index. Several nearby states have already taken action to address the issue of declining revenues due to declining emissions of regulated pollutants. Connecticut, Maryland, New York and New Jersey no longer limit emission fee applicability to 4,000 tons per regulated pollutant. In 2013, Connecticut's Title V emission fee is \$301.09 per ton of regulated pollutant based on an "Inventory Stabilization Factor," upwards from a fee of \$283.46 per ton imposed in 2012 and with no cap on the amount of emissions of regulated pollutants subject to this fee. In 2012, New York assessed a Title V annual emission fee ranging from \$45 per ton of regulated pollutant for emissions of less than 1,000 tons per year to \$65 per ton of regulated pollutant for emissions of more than 5,000 tons per year; the fee is applied to emissions up to 7,000 tons of any regulated pollutant. The New York Title V emission fee for 2013 has not changed from 2012 levels. For 2013, New Jersey imposes a Title V annual emission fee of \$112.07 per ton of emissions of regulated pollutant with no cap on emissions, upwards from \$106.67 per ton in 2012. Maryland's 2013 Title V fee is \$55.70 plus a \$200 base fee; Maryland does not have a cap on the amount of emissions of regulated pollutants subject to the fee. West Virginia's 2013 Title V annual emission fee is \$31.87 per ton of emissions of regulated pollutant with a 4,000 ton cap. Virginia's 2013 Title V annual emission fee is \$58.88 per ton of emissions of regulated pollutant (4,000 ton cap); further, in 2012 Virginia established additional Title V facility fees including yearly maintenance fees ranging

from \$1,500 to \$10,000 and Title V Permit application and Title V Permit renewal fees of \$20,000 and \$10,000, respectively.

A commentator recommended that the Board consider a facility cap as opposed to a fee per pollutant cap.

The Board disagrees. The fee per pollutant cap of 4,000 tons of a regulated pollutant is established in section 6.3 of the act. A revision to the cap would require legislative action and is beyond the scope of the final-form rulemaking.

The commentator thought that imposing an increase for the current calendar year is essentially a “retroactive tax” because the regulated community did not have prior knowledge of the proposal.

The Board disagrees with the assertion that the Title V annual emission fee is a tax. Neither the Board nor the Department has the authority to establish taxes. The General Assembly retains the authority to propose and pass bills which establish taxes. Moreover, the Department is statutorily mandated under both the act and the CAA to establish fees to ensure the continued viability of the air quality program.

The Board first proposed a Title V fee amendment at 39 Pa.B. 6049 (October 17, 2009). While this proposal was not finalized, the regulated community has been on notice of the need for additional fees. This final-form rulemaking was published as proposed in the early part of 2013, which allowed companies to adequately plan for the increase based on 2013 emissions. Furthermore, the emission fees required by this final-form rulemaking are due on or before September 1 of each year for emissions from the previous calendar year. Consequently, emissions for 2013 do not need to be paid until September 1, 2014. This is not retroactive.

The commentator asserted that the reduction in emissions and the shutdown of sources will reduce the Department’s workload and should reduce the need for additional fees.

The Board disagrees. The announced facility shutdowns will not reduce the Department’s workload. Proposed shutdowns in coal-fired power plants are being offset by the proposed construction of additional natural gas-fired power plants. To date, there are nine plan approval applications in various stages of approval with the Department regarding the construction of new natural gas-fired power plants. Department air program staff continue to implement the air pollution laws and regulations, issue plan approvals and operating permits, including renewals and amendments, conduct facility inspections, respond to complaints, assess the risks of hazardous air pollutant emissions and monitor the ambient air in this Commonwealth. Air program staff operates and maintains a source testing program to ensure compliance with applicable requirements. Significant staff resources have been devoted to permitting and inspection of unconventional natural gas development activities. Further, the Department projects an increased workload due to the implementation of new or revised Federal regulations. Implementation of the new and revised Federal permitting rules will require increased numbers of inspections and permitting actions and outreach to and education of the impacted industry. These Federal rules may require promulgation of new or revision to existing State regulations.

The commentator thought that the Board failed to recognize the inordinate regulatory costs borne by the manufacturing industry.

The Board disagrees. The Board acknowledges the number of new or revised regulations that impact manufacturing facilities. However, the CAA and the act require that a Title V fee structure that is sufficient to cover the cost of the Title V permitting program be established.

The commentator noted that 40% of the Title V fees paid in Allegheny County would be paid by one company and that this is not commensurate with the resources needed to administer the Title V program.

The Board agrees that the commentator is correct that the owners or operators, or both, of a few major emitting facilities will pay a large portion of the Title V emission fees assessed by the air program. However, the commentator’s facilities are also among the highest emitting facilities in Allegheny County. The Board agrees that the fee structure established by the act needs to be reviewed as part of the analysis of all air quality fees that will be conducted over the next 2 years. However, at this time, the most equitable and feasible approach to this issue is to ensure that the Title V annual emission fee revenues adequately cover the expense of the program.

A commentator supported the Board’s decision to not establish a fee structure for carbon dioxide and GHG.

The Board thanks the commentator for the support of the decision. As stated in the proposed rulemaking, this final-form rulemaking does not establish a fee structure for carbon dioxide and other GHG, including hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons and sulfur hexafluoride. On June 3, 2010, the EPA finalized the Tailoring Rule. As the Tailoring Rule relates to the applicability of Title V annual emission fees for a “regulated pollutant” as defined in section 502 of the CAA, the EPA did not mandate revisions to state and local Title V programs to account for these emissions. The EPA reasoned that it would be difficult to apply the Title V fee to GHG gases, based on the large amount of GHG emissions relative to other pollutants and the need for better data to establish a GHG-specific fee amount. However, the EPA did commit to addressing this issue in a future rulemaking and to work with states to develop a workable fee approach. The EPA has not yet proposed a fee schedule under the CAA for GHG emissions. Consequently, the Board did not propose to impose Title V emission fees for GHG emissions from stationary sources in this Commonwealth.

The commentator urged the Board to make any Title V emission fee increase temporary, because the Title V fee revenue will return once the economy improves.

The Board disagrees. The reduction in Title V emission fee revenue is expected to continue to decline due mainly to the closure of certain large coal-fired electric generating units. As a result, Title V fee revenue is not expected to return to previous levels once the economy improves. Therefore, the Title V fee revision must be promulgated to cover the cost of administering the Title V program.

The commentator questioned why the same numbers of Department staff are needed for inspections when the number of Title V facilities is decreasing.

The Board agrees that there has been a reduction in the number of Title V facilities. However, this reduction in the number of Title V facilities does not have a direct impact on the number of inspectors needed. This is because the inspections have become more complex, tak-

ing longer to conduct and to document than inspections that occurred at the start of the program in the early 1990s.

The commentator requested that the Board consider delaying implementation of the fee by 1 year or implementing the increase over several years.

The Board analyzed the solvency of the Clean Air Fund Title V Major Emission Facilities Account and determined that there will not be sufficient funds to sustain the Title V permitting program beginning in FY 2015-2016. Failure to address the Title V revenue shortfall now will result in a program without sufficient funds to operate. This in turn will have significant impacts on regulated industry, including the delay in revising and addressing plan approvals and operating permits including renewals and amendments.

A commentator thought that the Board could impose a fee higher than \$85 per ton and still remain below the level charged by several other states.

The Board agrees that a higher fee could have been proposed. The Title V fee of \$85 per ton of emissions of up to 4,000 tons of regulated pollutant provides a bridge to allow additional time for the development of a comprehensive fee structure for the air quality program.

A commentator asked whether the regulation will result in the air quality program operating at a loss again in just 2 years.

The Board agrees that the increase to the Title V annual emission fee is not a permanent solution to funding the air quality program. The current Comparative Financial Statement for the Clean Air Fund shows that the Title V Major Emission Facilities Account will have a negative balance at the end of FY 2015-2016. As noted in the minutes of the November 20, 2012, Board meeting, the final-form rulemaking provides a "bridge" for the Department to address its imminent budget needs while allowing the Department and interested stakeholders sufficient time to examine the most appropriate means to support the Title V program in the future as new air pollution control technologies, the abundance of natural gas and the retirement of coal-fired power plants continue to reduce emissions of regulated pollutants.

The commentator wanted to know whether the Board explored offsetting all or a portion of the proposed increase through cost reductions.

The Board believes that the Department has made significant cost reductions in the Title V program. The Department has eliminated or postponed the purchase of fixed assets. The Department has reallocated program costs to the Mobile and Area Facilities Account of the Clean Air Fund when permissible to prolong the solvency of the Title V Major Emission Facilities Account. For example, the Department transferred \$485,000 of expenditures from the Title V Major Emission Facilities Account to the Mobile and Area Facilities Account of the Clean Air Fund in FY 2012-2013. These expenditures included staff training, certain travel expenses, computer and computer software purchases, health certifications and certain utility charges. For FY 2013-2014, the Department will transfer \$240,000 in operating expenses to the Mobile and Area Facilities Account of the Clean Air Fund and reduce computer systems support spending by \$150,000. The Department will continue to look for cost reductions that can be implemented without negatively impacting the Title V permitting program.

The commentator asked how the fee increase will affect employment.

The Board considered whether an increase to the Title V annual emission fee would put businesses in this Commonwealth at a competitive disadvantage with comparable businesses in the surrounding states or draw business and employment opportunities away from this Commonwealth.

The Board finds that in some cases, this Commonwealth would be very competitive and may be able to draw new industry on the basis of having a lower Title V annual emission fee than nearby states.

The commentator wondered whether the Board considered a delay or phase-in of the increase to allow businesses time to accommodate the full impact and whether it is reasonable to impose the fee increase on emissions that already occurred in 2013.

The Board did consider a delay and different years for the implementation of the Title V fee increase. However, assessing the revised fee on emissions of regulated pollutants occurring in calendar year 2013, due and payable by September 1, 2014, was chosen due to the projected budget deficit and anticipated retirement or deactivation of electric generating units that will have a significant negative impact on the Title V permitting program. Because of declining Title V emission fee revenue due to the installation of air pollution control technology on stationary sources and the retirement or curtailment of operations by major sources including coal-fired power plants, deficits of \$7.235 million and \$19.406 million in FYs 2015-2016 and 2016-2017, respectively, are projected for the Title V Major Facilities Account.

The Board analyzed the solvency of the Clean Air Fund Title V Major Emission Facilities Account and determined that there will not be sufficient funds to sustain the Title V permitting program beginning in FY 2015-2016. Failure to address the Title V revenue shortfall now will result in a program without sufficient funds to operate. This will have significant impacts on industry, including the delay in revising and addressing plan approvals and operating permits including renewals and amendments since the Department will necessarily be forced to reduce staff in order to balance the budget. There will not be sufficient staff to conduct facility inspections, respond to complaints, assess the risks of hazardous air pollutant emissions, monitor the ambient air in this Commonwealth and operate and maintain a source testing program to ensure compliance with applicable requirements. These factors could contribute to a loss of employment opportunities and slow the economic recovery in this Commonwealth. The Board first proposed a Title V annual emission fee increase in 2009, thereby providing notice to the affected owners and operators of Title V facilities of the need to address the revenue shortfall. Further, payment of the emission fees for emissions occurring in calendar year 2013 will not be due until September 1, 2014, 19 months after publication of the proposed rulemaking at 43 Pa.B. 677 to increase to the Title V annual emission fee.

The commentator asked the Board to explain how the costs imposed by the fee increase are justifiable compared to the benefits the fees produce.

Retaining sufficient staff (including permitting, monitoring, enforcement, source testing and legal personnel) to support the Title V permitting program is a critical component of improving air quality and assuring compliance with the NAAQS. The benefits of attaining and

maintaining the NAAQS are significant. The EPA has estimated the monetized health benefits of attaining ambient air quality standards. For example, the EPA estimated that the monetized health benefits of attaining the 8-hour ozone standard of 0.075 ppm range from \$8.3 billion to \$18 billion on a National basis. See Regulatory Impact Analysis, Final National Ambient Air Quality Standard for Ozone, July 2011, [http://www.epa.gov/glo/pdfs/201107\\_OMBdraft-OzoneRIA.pdf](http://www.epa.gov/glo/pdfs/201107_OMBdraft-OzoneRIA.pdf). Prorating that benefit to this Commonwealth, based on population, results in a public health benefit of \$337 million to \$732 million. The projected costs to the regulated industry Commonwealth-wide in increased fees ranging from \$5,830,000 in FY 2014-2015 to \$4,237,000 in FY 2018-2019 pale by comparison.

The Board is not stating that these estimated monetized health benefits would all be the result of implementing the increase to the Title V annual emission fee, but the EPA estimates are indicative of the benefits of attaining the NAAQS. Ensuring that there are sufficient staff and resources to implement the Title V permitting program is one part of the overall air quality program to attain and maintain the NAAQS in this Commonwealth. Adequate funding will assure the regulated industry that their plan approval applications and permits will be reviewed in a timely manner, sustaining their profitable business and maintaining jobs. Attaining and maintaining public health and welfare goals will attract and retain residents needed to fill the jobs created by the regulated industries and small businesses. Maintaining a healthy environment will benefit the agricultural and tourism industries, both of which provide many jobs. These situations will increase tax revenues to the Commonwealth.

Implementing the increase to the Title V annual emission fee will assure the residents of this Commonwealth that the Commonwealth's air pollution control program is adequately funded for the next few years. The anticipated increased revenues will allow the Department and approved local air pollution control agencies to continue providing adequate oversight of the air pollution sources in this Commonwealth and take action, when necessary, to reduce emissions to achieve healthful air quality and ensure continued protection of the environment and the public health and welfare of the residents of this Commonwealth.

#### *G. Benefits, Costs and Compliance*

##### *Benefits*

The increased Title V annual emission fee revenue will be used to adequately fund the Commonwealth's air quality Title V permit programs as authorized by the act. Without an increase in the annual emission fee, Clean Air Fund Title V Major Emission Facilities Account deficits of \$7.235 million, \$19.406 million, \$32.001 million and \$45.028 million are projected for the Department's Title V program for FYs 2015-2016, 2016-2017, 2017-2018 and 2018-2019, respectively. Revenue to the Department from the fee increase will be used solely to address the projected deficits in the Title V Major Emission Facilities Account in the Clean Air Fund.

The Title V annual emission fee of \$85 per ton for emissions of up to 4,000 tons of each regulated pollutant will result in projected increased revenue to the Department of \$5.1 million in the Title V Account for FYs 2014-2015 and 2015-2016 and \$3.5 million for FYs 2016-2017, 2017-2018 and 2018-2019 if the fee is imposed

beginning with emissions occurring in calendar year 2013 and payable by September 1, 2014. An increase in the Title V annual emission fee will provide projected increased emission fee revenue of approximately \$570,000 and \$167,000 for the approved local air pollution control agency Title V programs in Allegheny County and Philadelphia County, respectively. The increase in the Title V annual emission fee will result in a combined projected increase of revenue to the three agencies of \$5.8 million in FY 2014-2015.

The increase to the Title V annual emission fee will assure the regulated industry that their plan approval applications and permits are reviewed in a timely manner, sustaining their business and maintaining jobs. Adoption of the revised Title V emission fee will ensure that the Commonwealth's Title V air pollution control permit program is adequately funded for the next few years. The anticipated increased revenue will allow the Department and approved local air pollution control agencies to continue providing adequate oversight of the air pollution sources in this Commonwealth and take action, when necessary, to further reduce emissions of regulated pollutants to achieve healthful air quality and ensure continued protection of the environment and the public health and welfare of the residents of this Commonwealth.

##### *Compliance costs*

The owners and operators of approximately 560 Title V facilities in this Commonwealth, including facilities in Allegheny and Philadelphia Counties, will be required to comply with the revised Title V annual emission fee on emissions of up to 4,000 tons of each regulated pollutant. The financial impact on the owners and operators of Title V facilities regulated by the Department, collectively, will be additional annual emission fee costs of approximately \$5.1 million per year for FYs 2014-2015 and 2015-2016; additional annual emission fee costs in FYs 2016-2017, 2017-2018 and 2018-2019 for these owners and operators are expected to be about \$3.5 million per year due to decreasing amounts of emissions of regulated pollutants as major sources install additional air pollution controls, convert to burning natural gas (a cleaner energy source) instead of coal or oil, or shut down certain facilities. Costs to the owners and operators of Title V facilities regulated by the approved local air pollution control agencies are expected to be about \$570,000 and \$167,000 in FY 2014-2015 in Allegheny County and Philadelphia County, respectively. The revised Title V annual emission fee will result in total projected increased costs of \$5.8 million for the regulated community in Title V emission fee payments to the three agencies in FY 2014-2015.

New legal, accounting or consulting procedures would not be required.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This outreach initiative will be accomplished through the Department's ongoing compliance assistance program.

##### *Paperwork requirements*

There are not additional paperwork requirements associated with this final-form rulemaking with which the industry would need to comply.

### H. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. The anticipated increased revenues will allow the Department and approved local air pollution control agencies to continue providing adequate oversight of the air pollution sources in this Commonwealth, sustain the gains made in healthful air quality and ensure continued protection of the environment and the public health and welfare of the residents of this Commonwealth.

### I. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

### J. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on January 22, 2013, the Department submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 677, to IRRC and the Chairpersons of the House and Senate Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 6, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-form rulemaking.

### K. *Findings*

The Board finds that:

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

(2) At least a 60-day public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking does not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 677.

(4) These regulations are necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

(5) These regulations are reasonably necessary to cover the indirect and direct costs of administering the air

pollution control program, operating permit program required under Title V of the CAA, other requirements of the CAA and the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Small Business Compliance Advisory Committee and Office of Small Business Ombudsman.

### L. *Order*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 127, are amended by amending §§ 127.701 and 127.705 to read as set forth in Annex A.

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

(c) The Chairperson of the Board shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

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

(e) This final-form rulemaking will be submitted to the EPA as an amendment to the Pennsylvania SIP.

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

E. CHRISTOPHER ABRUZZO,  
*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:** Fiscal Note 7-478 remains valid for the final adoption of the subject regulations.

## Annex A

### TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION Subpart C. PROTECTION OF NATURAL RESOURCES

#### ARTICLE III. AIR RESOURCES

#### CHAPTER 127. CONSTRUCTION, MODIFICATION, REACTIVATION AND OPERATION OF SOURCES

##### Subchapter I. PLAN APPROVAL AND OPERATING PERMIT FEES

#### § 127.701. General provisions.

(a) This subchapter establishes fees to cover the direct and indirect costs of administering the air pollution control planning process, operating permit program required by Title V of the Clean Air Act (42 U.S.C.A. §§ 7661—7661f), other requirements of the Clean Air Act, the indirect and direct costs of administering the Small Business Stationary Source Technical and Environmental Compliance Assistance Program, Compliance Advisory Committee and the Office of Small Business Ombudsman and the costs to support the air pollution control program authorized by the act.

(b) The fees collected under this subchapter shall be made payable to the Pennsylvania Clean Air Fund and deposited into the Clean Air Fund established under section 9.2 of the act (35 P.S. § 4009.2).

(c) Fees collected under this subchapter to implement the requirements of Title V of the Clean Air Act and the Small Business Stationary Source Technical and Environmental Compliance Assistance, Compliance Advisory Committee and the Office of Small Business Ombudsman shall be made payable to the Pennsylvania Clean Air Fund and deposited into a restricted revenue account within the Clean Air Fund.

**§ 127.705. Emission fees.**

(a) The owner or operator of a Title V facility including a Title V facility located in Philadelphia County or Allegheny County, except a facility identified in subparagraph (iv) of the definition of a Title V facility in § 121.1 (relating to definitions), shall pay an annual Title V emission fee of \$85 per ton for each ton of a regulated pollutant actually emitted from the facility. The owner or operator will not be required to pay an emission fee for emissions of more than 4,000 tons of each regulated pollutant from the facility. The owner or operator of a Title V facility located in Philadelphia County or Allegheny County shall pay the emission fee to the county Title V program approved by the Department under section 12 of the act (35 P.S. § 4012) and § 127.706 (relating to Philadelphia County and Allegheny County financial assistance).

(b) The emissions fees required by this section shall be due on or before September 1 of each year for emissions from the previous calendar year. The fees required by this section shall be paid for emissions occurring in calendar year 2013 and for each calendar year thereafter.

(c) As used in this section, the term “regulated pollutant” means a VOC, each pollutant regulated under sections 111 and 112 of the Clean Air Act (42 U.S.C.A. §§ 7411 and 7412) and each pollutant for which a National ambient air quality standard has been promulgated, except that carbon monoxide shall be excluded from this reference.

(d) The emission fee imposed under subsection (a) shall be increased in each calendar year after December 14, 2013, by the percentage, if any, by which the Consumer Price Index for the most recent calendar year exceeds the Consumer Price Index for the previous calendar year. For purposes of this subsection:

(1) The Consumer Price Index for a calendar year is the average of the Consumer Price Index for All-Urban Consumers, published by the United States Department of Labor, as of the close of the 12-month period ending on August 31 of each calendar year.

(2) The revision of the Consumer Price Index which is most consistent with the Consumer Price Index for calendar year 1989 shall be used.

[Pa.B. Doc. No. 13-2312. Filed for public inspection December 13, 2013, 9:00 a.m.]

that the incombustible content of coal dust, rock dust and other dust will not be less than 80% in bituminous coal mines.

This final-form rulemaking was given under Board order at its meeting of September 17, 2013.

**A. Effective Date**

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

**B. Contact Persons**

For further information, contact Joe Sbaffoni, Director, Bureau of Mine Safety, Fayette County Health Center, 100 New Salem Road, Room 167, Uniontown, PA 15401, (724) 439-7469, jsbaffoni@pa.gov; or Susana Cortina de Cárdenas, Assistant Counsel, Bureau of Regulatory Counsel, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, P.O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060, scortina@pa.gov. Persons with a disability may use the Pennsylvania AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection’s (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us).

**C. Statutory Authority**

This final-form rulemaking is authorized under sections 106 and 106.1 of the Bituminous Coal Mine Safety Act (BCMSA) (52 P.S. §§ 690-106 and 690-106.1), which grant the Board the authority to adopt regulations implementing the BCMSA, including additional safety standards. The Board is authorized to promulgate regulations that are necessary or appropriate to implement the BCMSA and to protect the health, safety and welfare of miners and other individuals in and about mines.

**D. Background and Purpose**

This final-form rulemaking requires that where rock dust is to be applied in bituminous underground coal mines in this Commonwealth, the incombustible content of the combined coal dust, rock dust and other dust that is present in a mine’s intake and return airways may not be less than 80%.

On September 23, 2010, the United States Department of Labor and the Federal Mine Safety and Health Administration (MSHA) issued an emergency temporary standard (ETS) under section 101(b) of the Federal Mine Safety and Health Act of 1977 (30 U.S.C.A. § 811(b)) in response to the grave danger that miners in underground bituminous coal mines throughout the country face when accumulations of coal dust are not made inert. See 75 FR 57849 (September 23, 2010). MSHA concluded, from investigations of mine explosions and other reports, that immediate action was necessary to protect miners.

The ETS served as an emergency temporary final rule with immediate effect and provided an opportunity for notice and comment, after which time a final rule would be issued. The National Institute for Occupational Safety and Health (NIOSH) conducted a series of large-scale dust explosion tests at the NIOSH Lake Lynn Experimental Mine using the dust survey results to determine the incombustible content necessary to prevent explosion propagation. Based on the results of this testing, NIOSH recommended an 80% total incombustible content in both intake and return airways of bituminous coal mines in the ETS. In addition, the incombustible content of the dust shall be increased to 0.4% for each 0.1% of methane present.

**BOARD OF COAL MINE SAFETY  
[ 25 PA. CODE CH. 208 ]**

**Maintenance of Incombustible Content of Rock Dust**

The Board of Coal Mine Safety (Board) adds § 208.71 (relating to maintenance of incombustible content of rock dust). The final-form rulemaking conforms Pennsylvania regulations to Federal regulations, thereby establishing



Based on NIOSH's data and recommendations and MSHA data and experience, the United States Secretary of Labor determined that miners were exposed to grave danger in areas of underground bituminous coal mines that were not properly and sufficiently rock dusted in accordance with the ETS and that the ETS was necessary to protect miners from this danger. The final MSHA rule retained the verbatim requirements of the ETS to ensure continuous protection for underground bituminous coal miners from grave danger due to hazards of coal dust explosions. See 76 FR 35968 (June 21, 2011).

In developing the final Federal rule, MSHA considered the following: its accident investigation reports of mine explosions in intake air courses that involved coal dust; the NIOSH Report of Investigations entitled "Recommendations for a New Rock Dusting Standard to Prevent Coal Dust Explosions in Intake Airways"; MSHA's experience and data; public comments on the ETS; and testimony provided at the public hearings. MSHA believes that the requirements of the final rule are necessary to continue to protect underground bituminous coal miners from grave danger. These regulations are codified at 30 CFR 75.403 and 75.403-1 (relating to maintenance of incombustible content of rock dust; and incombustible content).

The percentage of incombustible content of rock dust plays an important role in the probability and severity of explosions in bituminous coal mines. Rock dust has been used for 100 years as a precautionary measure to prevent explosions. The workings of these mines lead to the production of explosive coal dust and adding rock dust with an incombustible content of a certain percentage reduces the potential, as well as the severity, of explosions. This has been amply documented by the previously-referenced studies. Inert rock dust acts as a heat sink, that is, a source that absorbs and dissipates heat, so that a certain amount of inert rock dust with coal dust is likely to prevent or reduce the potential for coal dust explosions. For that reason, the Federal regulation mandates that the incombustible content of the combined coal, rock and any other type of dust used in bituminous coal mines may not be less than 80%.

The BCMSA is the first significant update of the Commonwealth's underground bituminous coal mine safety laws since 1961. See section 103(a) of the BCMSA (52 P. S. § 690-103(a)). One of the significant changes made by the BCMSA is the authority to promulgate regulations for mine safety. The General Assembly established the Board to promulgate the regulations. This seven-member board consists of the Department's Secretary as Chairperson, three members representing the viewpoint of mine workers and three members representing the viewpoint of underground bituminous coal mine operators. See section 106 of the BCMSA.

A significant problem with the pre-existing law was that its safety standards were becoming outdated. There was not an effective mechanism to modify existing standards or to adopt new safety standards to address changes in technology or other hazards. To rectify this problem, the BCMSA contains broad rulemaking authority to adopt regulations to either modernize safety standards in the BCMSA or adopt new safety standards not in the BCMSA. The Board was directed to consider whether to adopt Federal mine safety standards not in the BCMSA. See section 106.1 of the BCMSA.

After learning of the more stringent MSHA requirements under 30 CFR 75.403 and 75.403-1 for the maintenance of incombustible content of rock dust, the Board determined that the Commonwealth should incorporate

the Federal standards into State regulation and provide the Department the necessary independent authority to enforce those standards. Accordingly, at 43 Pa.B. 2587 (May 11, 2013), the Board proposed these requirements for a 30-day public comment period. The Board received comments from the United Mine Workers of America, who fully supported the rulemaking. The Independent Regulatory Review Commission (IRRC) provided notice to the Board that it reviewed the proposed rulemaking and did not have objections, comments or recommendations to offer. IRRC noted that if the Board delivered the final-form rulemaking without revisions, and the standing committees did not take any action on the final rulemaking, the final-form rulemaking would be deemed approved by IRRC. Changes were not made between the proposed and final-form rulemakings. Therefore, this final-form rulemaking is adopted as proposed.

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

The United Mine Workers wholeheartedly supported the rulemaking. The commentator believed that this rulemaking, which is consistent with the Federal standards, will save lives.

The Board agrees and appreciates the commentator's support of the rulemaking. The Board believes that the final-form rulemaking will enhance the Department's ability to ensure the safety of miners by reducing the potential or severity of explosions in bituminous coal mines and by allowing the Department to have independent authority to enforce the Federal requirement. This final-form rulemaking conforms State regulations to Federal regulations that are already in place.

#### *F. Summary of Final Regulatory Requirements*

The Board adds § 208.71 to require the use of additional rock dust to reduce the possibility and severity of explosions that may cause bodily harm or loss of life while working underground, as well as prevent property loss. Changes were not made from proposed to final-form rulemaking.

Subsection (a) provides that, among other things, the incombustible content of the combined coal dust, rock dust and other dust may not be less than 80%.

Subsection (b) provides that where methane is present, the percent of incombustible content of combined dust shall be increased 0.4% for each 0.1% of methane.

Subsection (c) provides that moisture in the combined coal dust, rock dust and other dusts shall be considered a part of the incombustible content of the mixture.

#### *G. Benefits and Costs*

##### *Benefits*

The final-form rulemaking will reduce the possibility and severity of explosions that may cause bodily harm, loss of life or property. The final-form rulemaking incorporates Federal regulations into the Commonwealth's regulations, thus enhancing the Commonwealth's mine safety program and its reputation for excellence.

##### *Compliance Costs*

The final-form rulemaking will not add compliance costs to those already existing, as a Federal regulation is already in place in this regard. This final-form rulemaking imposes standards already imposed by MSHA.

##### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the final-form

rulemaking and how to comply with it. This will be accomplished through the Department's ongoing compliance assistance program.

*Paperwork Requirements*

The final-form rulemaking will not increase the paperwork that is already generated because of the existing Federal regulation that is already in place.

*H. Sunset Review*

This regulation will be reviewed in accordance with the sunset review schedule published by the Department to determine whether it effectively fulfills the goals for which it was intended.

*I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on May 1, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2587, to IRRC and the Chairpersons of the Senate and House Environmental Resources and Energy Committees for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 6, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5(g) of the Regulatory Review Act, the final-form rulemaking was deemed approved by IRRC effective November 6, 2013.

*J. Findings*

The Board finds that:

- (1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.
- (2) A public comment period was provided as required by law and all comments were considered.
- (3) These regulations do not enlarge the purpose of the proposed rulemaking published at 43 Pa.B. 2587.
- (4) This regulation is necessary and appropriate for administration and enforcement of the authorizing acts identified in Section C of this preamble.

*K. Order*

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

- (1) The regulations of the Department, 25 Pa. Code Chapter 208, are amended by adding § 208.71 to read as set forth at 43 Pa.B. 2587.
- (2) The Chairperson of the Board shall submit this order and 43 Pa.B. 2587 to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.
- (3) The Chairperson of the Board shall submit this order and 43 Pa.B. 2587 to IRRC and the Senate and House Environmental Resources and Energy Committees as required by the Regulatory Review Act.

(4) The Chairperson of the Board shall certify this order and 43 Pa.B. 2587 and deposit them with the Legislative Reference Bureau as required by law.

(5) This order shall take effect immediately.

E. CHRISTOPHER ABRUZZO,  
*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:** Fiscal Note 7-481 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-2313. Filed for public inspection December 13, 2013, 9:00 a.m.]

## Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

### STATE BOARD OF FUNERAL DIRECTORS

#### [ 49 PA. CODE CH. 13 ]

#### Fees

The State Board of Funeral Directors (Board) amends § 13.12 (relating to fees).

*Effective Date*

This final-form rulemaking will be effective upon publication in the *Pennsylvania Bulletin*. It is anticipated that the increased biennial renewal fees will be implemented with the January 31, 2014, biennial renewal.

*Statutory Authority*

Section 18.1 of the Funeral Director Law (act) (63 P. S. § 479.18.1) requires the Board to increase fees by regulation to meet or exceed projected expenditures if the revenues raised by fees, fines and civil penalties are not sufficient to meet expenditures over a 2-year period.

*Background and Need for Amendment*

Under section 18.1 of the act, the Board is required by law to support its operations from the revenue it generates from fees, fines and civil penalties. In addition, the act provides that the Board must increase fees if the revenue raised by fees, fines and civil penalties is not sufficient to meet expenditures over a 2-year period. The Board raises the majority of its revenue through biennial renewal fees. A small percentage of its revenue comes from other fees, fines and civil penalties. In 2006, facing rising deficits for the foreseeable future, the Board undertook a proposed rulemaking to implement a fee increase in an attempt to avoid continued deficits and restore the Board's fiscal integrity. At the time, it was anticipated that the increase would be implemented in time for the 2008 biennial renewal. See 37 Pa.B. 1868 (April 21, 2007). Unfortunately, due to circumstances beyond the Board's control, the final-form rulemaking was not published until January 24, 2009, at 39 Pa.B. 414, and was not implemented until the 2010 biennial renewal. This delay caused additional deficits to accrue. For that reason, the Board recognized that it might have to look into the possibility of another fee increase to address the lingering deficits.

At the December 7, 2011, Board meeting, representatives from the Department of State's Bureau of Finance and Operations (BFO) presented a summary of the Board's revenue and expenses for Fiscal Years (FY) 2009-2010 and 2010-2011, and projected revenue and expenses through FY 2014-2015. By the beginning of FY 2009-2010, the Board accrued a deficit of over \$1 million. At the end of FY 2010-2011, in spite of the implementation of the fee increase, the BFO reported that the Board continued to run a deficit of \$790,540.68. At the current fee levels, the Board receives revenue of approximately \$2,152,000 over a 2-year period (consisting of a renewal year and a nonrenewal year). Budgeted expenditures for the next 2 fiscal years (FYs 2013-2014 and 2014-2015) are approximately \$2,322,000. Therefore, the Board determined that it was necessary to raise fees to meet or exceed projected expenditures in compliance with section 18.1 of the act and to eliminate the existing deficit. At the time, the Board determined to wait until the close of FY 2011-2012 and review revenue and expenditure projections at that time. In June 2012, the BFO returned with revised estimates and recommended a \$75 increase to the biennial renewal fees as sufficient to eliminate the existing deficit, provide for the current level of operations and return the Board to firm financial ground. As a result, the Board voted at its July 5, 2012, meeting to increase biennial renewal fees from \$325 to \$400.

#### *Summary of Comments and the Board's Response*

The Board published a proposed rulemaking at 43 Pa.B. 2044 (April 13, 2013) with a 30-day public comment period. Public comments were not received. On May 24, 2013, the House Professional Licensure Committee (HPLC) sent a request for information pertaining to the major cost centers of the Board and any significant increases in its expenditures. On June 12, 2013, the Independent Regulatory Review Commission (IRRC) sent a letter to the Board indicating that it would review the Board's response to the HPLC's comment as part of IRRC's determination of whether this final-form rulemaking is in the public interest.

The three major cost centers of the Board are Board administration, the legal office, and enforcement and investigation. These three areas comprise 90% of the Board's budget. Board administration expenses are relatively stable, averaging approximately \$146,000 each year since FY 2006-2007 (higher in renewal years and less in nonrenewal years). Enforcement and investigation is by far the largest cost center. These costs include those associated with routine inspections of funeral homes as well as investigations regarding complaints filed against licensed funeral directors and funeral entities. Enforcement and investigation has averaged approximately \$480,000 each year since FY 2006-2007 (from a low of \$425,065.23 to a high of \$521,510.76). Legal office costs have fluctuated from a low of \$120,882.07 in FY 2011-2012 to a high of \$252,994.35 in FY 2007-2008, averaging about \$173,500 in most years.

Enforcement and investigation and legal costs are all dependent upon the number of inspections conducted, the number of complaints filed, the number of those complaints that merit investigation, and the number of inspections and investigations that result in prosecutions. Costs also depend to a degree on the number of matters that are resolved through consent agreements and those that require hearings to be conducted. The complexity and seriousness of the matters also affect the costs. The Board averages approximately 200 new cases opened against its licensees each year. Each complaint is re-

viewed or investigated to determine if a violation of the act or regulations has occurred. The legal office then prosecutes those matters when a violation is alleged. The Board incurs hearing expenses for each matter actually prosecuted and the Board incurs additional legal costs defending any appeals. Ultimately, the number of complaints and disciplinary actions drive the bulk of the Board's costs and the Board does not have control over the number of complaints filed against its licensees or the number of disciplinary actions brought by the Commonwealth.

Because it has been 1 year since the Board last considered the fee increase, and to fully inform its deliberations regarding the final-form rulemaking, the Board asked the BFO for an updated financial picture. The Board again reviewed its financial condition at its meeting on August 7, 2013, and the situation has not changed dramatically. One notable change is that the renewable license count has increased slightly from 6,248 last year to 6,425 this year, which affects the amount of revenue that will be generated from the fee increase, however, this increase is not significant enough to impact the proposed increase at this time. Still, without the increase, the Board anticipates that its deficits will continue to mount. Additionally, the Board has been engaged in protracted litigation regarding the constitutionality of the act that has resulted at the trial level in a judgment (liability) in excess of \$1 million. While the payment of the judgment has been stayed pending appeal, the liability must be considered in calculating the fee. According to the BFO, the new fee will allow the Board to recoup the remaining deficits, produce adequate revenue to pay the judgment if necessary and help the Board return to firm financial footing. For that reason, the Board voted at its August 7, 2013, meeting to promulgate the final-form rulemaking as proposed. Specifically, the biennial renewal fee for all classes of licensee will increase from \$325 to \$400, an increase of \$75 each biennium.

#### *Fiscal Impact*

The final-form rulemaking increases the biennial renewal fees for licensees of the Board. There are currently approximately 6,425 licensees that will be required to pay more to renew their licenses when they expire in 2014 and every 2 years thereafter. The final-form rulemaking should not have other fiscal impact on the private sector, the general public or political subdivisions of this Commonwealth.

#### *Paperwork Requirements*

The final-form rulemaking will require the Board to alter some of its forms to reflect the new fees. However, the final-form rulemaking will not create additional paperwork for the regulated community or for the private sector.

#### *Sunset Date*

The act requires the Board to monitor its revenue and costs on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 2, 2013, the Board submitted a copy of the notice of proposed rulemaking, published at 43 Pa.B. 2044, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on October 9, 2013, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-form rulemaking.

*Contact Person*

Further information may be obtained by contacting Heidi Weirich, Board Administrator, State Board of Funeral Directors, P. O. Box 2649, Harrisburg, PA 17105-2649.

*Findings*

The Board finds that:

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

(2) A public comment period was provided as required by law and no public comments were received.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

*Order*

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

(a) The regulations of the Board, 49 Pa. Code Chapter 13, are amended by amending § 13.12 to read as set forth at 43 Pa.B. 2044.

(b) The Board shall submit this order and 43 Pa.B. 2044 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and 43 Pa.B. 2044 and deposit them with the Legislative Reference Bureau as required by law.

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

DONALD J. MURPHY,  
*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:** Fiscal Note 16A-4822 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-2314. Filed for public inspection December 13, 2013, 9:00 a.m.]

**BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS**

[ 49 PA. CODE CH. 43b ]

**Schedule of Civil Penalties—Social Workers, Marriage and Family Therapists and Professional Counselors**

The Commissioner of Professional and Occupational Affairs (Commissioner) adds § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors) to read as set forth in Annex A.

*Effective Date*

The civil penalty schedule will be effective upon publication in the *Pennsylvania Bulletin* and will apply to violations that occur on or after the effective date.

*Statutory Authority*

Section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)) authorizes the Commissioner, after consultation with licensing boards and commissions in the Bureau of Professional and Occupational Affairs (Bureau), to promulgate regulations setting forth a schedule of civil penalties, guidelines for their imposition and procedures for appeal for: (1) operating without a current and valid license, registration, certificate or permit; and (2) violating an act or regulation of a licensing board or commission regarding the conduct or operation of a business or facility licensed by a board or commission.

*Background and Purpose*

Act 48 authorizes agents of the Bureau to issue citations and impose civil penalties under schedules adopted by the Commissioner in consultation with the Bureau's boards and commissions. Act 48 citations streamline the disciplinary process by eliminating the need for formal orders to show cause, answers, adjudications and orders, and consent agreements. At the same time, licensees who receive Act 48 citations retain their due process right of appeal prior to the imposition of discipline. The use of Act 48 citations has increased steadily since 1996, when the program was first implemented. Act 48 citations have become an important part of the Bureau's enforcement efforts.

Upon consultation with a representative of the Commissioner, the State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) determined that it should utilize the Act 48 citation process to decrease costs to its licensees and more efficiently conduct its duties. To that end, the final-form rulemaking adds § 43b.24 to establish a schedule of civil penalties for three general categories of matters that routinely arise before the Board: cases involving unlicensed individuals holding out as licensed; lapsed license cases; and cases involving violations of the continuing education requirements.

*Summary of Comments and the Commissioner's Response*

The Commissioner published the proposed rulemaking at 42 Pa.B. 5742 (September 8, 2012) with a 30-day public comment period. On October 8, 2012, the Commissioner received a comment from the Pennsylvania Association for Marriage and Family Therapists (PAMFT). Generally, PAMFT agreed with the schedule of civil

penalties and asked that the Commissioner consider additional language restricting the use of the term “family therapist” to individuals with appropriate training and education, similar to the protection accorded to the term “social worker” in section 20(a.1) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P.S. § 1920(a.1)). Unfortunately, neither the Commissioner nor the Board has the statutory authority to restrict the use of the term “family therapist” or to impose civil penalties for the use of that term. It would take an act of the General Assembly to provide title protection to the use of the term “family therapist.” For this reason, a change has not been made to the final-form rulemaking based on this comment.

On October 22, 2012, the House Professional Licensure Committee (HPLC) submitted comments to the Commissioner on the proposed rulemaking. The HPLC suggested deleting a duplicate word. The Legislative Reference Bureau deleted the duplicate word when the proposed rulemaking was published and the Commissioner has likewise removed the word from the final-form rulemaking. In addition, the HPLC suggested describing the violation under section 20(a.1) of the act as holding oneself out as a social worker without meeting “the criteria set forth in” the definition of “social worker” in section 3 of the act (63 P.S. § 1903). The Commissioner found this suggestion reasonable and made the amendment to the final-form rulemaking.

On November 8, 2013, the Independent Regulatory Review Commission (IRRC) sent a letter to the Commissioner indicating that it did not have objections, comments or recommendations to offer on the proposed rulemaking.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions and will reduce the paperwork requirements of both the Commonwealth and the regulated community by eliminating the need for orders to show cause, answers, consent agreements and adjudications/orders for those violations subject to the Act 48 citation process.

#### *Sunset Date*

The Commissioner continuously monitors the effectiveness of Bureau regulations on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 28, 2012, the Commissioner submitted a copy of the proposed rulemaking, published at 42 Pa.B. 5742, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

the final-form rulemaking, the Commissioner has considered all comments from IRRC, the HPLC, the SCP/PLC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 6, 2013, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-form rulemaking.

#### *Contact Person*

Further information may be obtained by contacting Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649.

#### *Findings*

The Commissioner finds that:

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

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 5742.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

#### *Order*

The Commissioner, acting under the authority of Act 48, orders that:

(a) The regulations of the Commissioner, 49 Pa. Code Chapter 43b, are amended by adding § 43b.24 to read as set forth in Annex A.

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

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

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

KATIE TRUE,  
*Commissioner*

(*Editor's Note:* See 43 Pa.B. 7282 (December 14, 2013) for a final-form rulemaking by the Board relating to this final-form rulemaking.)

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

**Fiscal Note:** Fiscal Note 16A-6917 remains valid for the final adoption of the subject regulation.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 43b. COMMISSIONER OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

SCHEDULE OF CIVIL PENALTIES, GUIDELINES FOR IMPOSITION OF CIVIL PENALTIES AND PROCEDURES FOR APPEAL

§ 43b.24. Schedule of civil penalties—social workers, marriage and family therapists and professional counselors.

STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

<i>Violation under 63 P. S.</i>	<i>Title/Description</i>	<i>Penalties</i>
Sections 1904 and 1916	Holding oneself out as a licensed social worker, using the letters L.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed social worker without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Sections 1904 and 1916.1	Holding oneself out as a licensed clinical social worker, using the letters L.C.S.W. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed clinical social worker without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Sections 1904 and 1916.2	Holding oneself out as a licensed marriage and family therapist, using the letters L.M.F.T. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed marriage and family therapist without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Sections 1904 and 1916.3	Holding oneself out as a licensed professional counselor, using the letters L.P.C. in connection with one's name or using words or symbols indicating or tending to indicate that one is a licensed professional counselor without first having obtained a license from the Board	1st offense—\$500 2nd and subsequent offenses—formal action
Section 1920(a)	Holding oneself out as a licensed social worker, licensed clinical social worker, licensed marriage and family therapist or licensed professional counselor on a lapsed or expired license	1st offense—0 to 12 months—\$100 per month up to \$1,000; over 12 months—formal action 2nd and subsequent offense—formal action
Section 1920(a.1)	Holding oneself out as a social worker, using the title of "social worker" or using the abbreviation "S.W." without meeting the criteria in the definition of "social worker" in 63 P. S. § 1903	1st offense—\$500 2nd and subsequent offenses—formal action
<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 47.32(a)	Failure of a licensed social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action
Section 47.32(b)	Failure of a licensed clinical social worker to complete 30 clock hours of continuing education in acceptable courses and programs in social work offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action
Section 48.32	Failure of a licensed marriage and family therapist to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action

<i>Violation under 49 Pa. Code</i>	<i>Title/Description</i>	<i>Penalties</i>
Section 49.32	Failure of a licensed professional counselor to complete 30 clock hours of continuing education in acceptable courses and programs offered by approved providers during the preceding biennium as a condition of renewal, including at least 3 clock hours in ethical issues	1st offense—less than 3 hours deficient—warning; 3 to 10 hours deficient—\$100 per hour; over 10 hours deficient—formal action 2nd and subsequent offenses—formal action

[Pa.B. Doc. No. 13-2315. Filed for public inspection December 13, 2013, 9:00 a.m.]

## STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS

[ 49 PA. CODE CHS. 47—49 ]

### Continuing Education Audit and Enforcement

The State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) amends §§ 47.37, 48.38 and 49.38 (relating to reporting by licensee of hours spent in continuing education; continuing education audit and enforcement) to read as set forth in Annex A.

#### *Statutory Authority*

Section 18(a) of the Social Workers, Marriage and Family Therapists and Professional Counselors Act (act) (63 P. S. § 1918(a)) authorizes the Board to promulgate regulations regarding continuing education.

#### *Background and Purpose*

The Board has determined that to be more efficient and cost-effective in handling certain classes of disciplinary matters, including those regarding some continuing education violations, the Board should make use of the citation process provided by section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (Act 48) (63 P. S. § 2205(a)). A companion final-form rulemaking promulgated by the Commissioner of Professional and Occupational Affairs sets forth a schedule of civil penalties to allow agents of the Bureau of Professional and Occupational Affairs (Bureau) to issue citations imposing monetary civil penalties for continuing education violations involving deficiencies of 10 hours or less. Violations of more than 10 hours will still be handled through formal disciplinary proceedings. Historically, when the Board determined a continuing education violation had occurred, the Board would issue an order imposing discipline and directing that the deficiency be made up within 6 months. The Board has now determined that it is necessary to codify this practice to be able to make use of the more streamlined citation process and still ensure that continuing education deficiencies are remedied in a timely manner.

#### *Summary of Comments and the Board's Response*

The Board published a proposed rulemaking at 42 Pa.B. 5744 (September 8, 2012) with a 30-day public comment period. The Board did not receive comments from the public. On October 23, 2012, the Board received comments from the House Professional Licensure Committee (HPLC). On November 8, 2012, the Board received comments from the Independent Regulatory Review Commission (IRRC). The HPLC and IRRC both commented on the continuing education audit process. The HPLC asked for an explanation regarding at what point in the biennial period the continuing education audits are expected to be

conducted. IRRC asked the Board to provide a more detailed explanation for how the Board conducts these random audits, including an average time frame necessary to complete an audit, and the impact an audit will have on a licensee's ability to practice.

Generally, continuing education audits are expected to begin approximately 90 days after the end of the biennial period. The licensure database contains a program that generates a list of licensees selected randomly for audit. An audit letter is generated and sent by first class mail to each licensee selected for audit to the licensee's last address on file with the Board. The letter directs the licensee to provide documentation evidencing completion of the required continuing education for the prior biennial period within 30 days. If a licensee fails to respond to the first notice, a second notice is sent by certified mail, with return receipt requested, again requesting the required documentation. The documentation received is reviewed by Bureau staff to determine if it appears to comply with the continuing education regulations. Bureau staff may correspond with a licensee to resolve any issues. This process can take another 60 to 90 days. Ultimately, if a suspected deficiency is identified and remains unresolved, the audit file is referred to the Bureau's Professional Compliance Office to be reviewed for possible disciplinary action. The audit process does not impact the licensee's ability to practice.

Possible continuing education deficiencies are then reviewed by the paralegals and attorneys in the Professional Compliance Office/Prosecution Division to determine if there has been a violation of the continuing education regulations. If a violation is identified, one of three possible actions will be taken: 1) a warning letter may be issued; 2) a citation may be issued imposing a monetary civil penalty; or 3) formal disciplinary action may be started by the filing of an order to show cause. IRRC asked under what circumstances a warning letter would be sent. Under the schedule of civil penalties promulgated by the Commissioner of Professional and Occupational Affairs, a warning letter may be appropriate if the deficiency amounts to 1 or 2 credit hours. This often occurs when a licensee documents 30 hours of continuing education, however a particular course may not have been given by an approved provider, or a licensee may exceed the cap on the number of hours that are permitted to be taken in home study courses. It can also occur when a licensee submits documentation of a course completed outside of the applicable biennial renewal period. The warning letter will direct the licensee to make up the deficiency within 6 months as required under § 47.37(d), § 48.38(d) or § 49.38(d), as applicable.

A citation may be issued under the civil penalty schedule for deficiencies of 3 to 10 credit hours. Under the civil penalty schedule in § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family

therapists and professional counselors), a citation of \$100 per credit hour would be issued to the licensee along with a notice to make up the deficiency, as required. Upon receipt of the citation, the licensee could simply pay the civil penalty and make up the deficiency within 6 months or dispute the violation and request a hearing. Hearings on citations are conducted on the first Tuesday of each month before a hearing examiner. If a licensee is aggrieved by a decision of the hearing examiner, the licensee may appeal it to the Board. The Board members will then review the record made before the hearing examiner and determine whether to uphold or dismiss the citation, and a final order would be issued.

Finally, if the identified deficiency is between 11 and 30 credit hours, formal disciplinary action could be initiated by the filing of an order to show cause. Under the General Rules of Administrative Practice and Procedure (GRAPP), the licensee has 30 days to file an answer to the order to show cause and may request a hearing. The Board may hear the matter or delegate it to be heard by a hearing examiner. A formal hearing is conducted and ultimately a final adjudication and order is issued either finding a violation and imposing discipline, or dismissing the matter. If discipline is imposed, it will include an order to make up the deficient continuing education hours within 6 months. It should be noted, however, that the vast majority of formal disciplinary proceedings for continuing education violations are resolved by consent agreement and order.

The HPLC asked whether 1 year or more of the licensure period passes before an audit is completed and a citation or other sanctions are imposed. It is possible that an audit and the resulting action by the legal office could take 1 year or more to complete. The audit is not started until at least 90 days after the close of the biennial renewal period. The audit itself can take up to 6 months to complete. Review and action by the legal office staff adds additional time to the overall process. Formal disciplinary action takes much longer than the citation process which, in turn, takes longer than the warning letter process.

IRRC recommended, to aid clarity, that the Board add a cross reference to the schedule of civil penalties promulgated by the Commissioner to §§ 47.37(c), 48.38(c) and 49.38(c). The Board agrees that a cross-reference to § 43b.24 would aid clarity and has made that amendment to the final-form rulemaking. IRRC also recommended that §§ 47.37(c), 48.38(c) and 49.38(c) specifically reference the subsections of section 11 of the act (63 P. S. § 1911) that apply to authorize formal disciplinary action. Section 11(a) of the act authorizes the Board to discipline a licensee for a variety of reasons including those that may be applicable to a continuing education deficiency. The discretion as to which grounds to charge in the order to show cause lies exclusively with the prosecuting attorney. The Board cannot be involved in the decision to prosecute or otherwise direct the prosecution of continuing education violations. Section 11(b) of the act sets forth the panoply of sanctions available to the Board and section 11(c) of the act provides the requirement that the actions of the Board be taken subject to the right of notice, hearing, adjudication and appeal in accordance with GRAPP. Section 11(d) and (e) of the act, regarding temporary suspension and automatic suspension, does not apply to continuing education violations. Therefore, to aid clarity, the Board amended the final-form rulemaking to refer to section 11(a)—(c) only.

The HPLC asked how the 6-month deficiency correction period will be monitored. Once the warning letter, citation

or final order imposing formal discipline is issued advising the licensee of the need to make up the deficiency, Board staff will receive the documentation required under subsection (d) and it will be reviewed. If a licensee fails to submit documentation within 6 months as directed, the matter will be referred again to the Professional Compliance Office for consideration as to whether additional disciplinary action should be initiated. With reference to subsection (e) which pertains to “additional disciplinary action under section 11 of the act,” IRRC asked the Board to include specific cross references to the relevant provisions in the act. The Board’s reference to “additional disciplinary action” was meant to refer to the possibility of a second disciplinary action being brought for violating a regulation promulgated by the Board or for violating an order of the Board previously entered in a disciplinary proceeding. Again, the specific provisions of section 11 that would apply to a disciplinary proceeding are in section 11(a)—(c) of the act. Therefore, the Board amended the final-form rulemaking to refer only to these subsections.

#### *Description of Amendments*

Based on the comments received, §§ 47.37(c) and (e), 48.38(c) and (e) and 49.38(c) and (e) have been amended to clarify the relevant provisions of section 11 of the act that authorize disciplinary action for continuing education violations and to provide a cross reference to the applicable civil penalty schedule for social workers, marriage and family therapists and professional counselors.

#### *Fiscal Impact and Paperwork Requirements*

The final-form rulemaking should not result in additional legal, accounting or reporting requirements for the Commonwealth or the regulated community.

#### *Sunset Date*

The Board continuously monitors the effectiveness of its regulations on a fiscal year and biennial basis. Therefore, a sunset date has not been assigned.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 28, 2012, the Board submitted a copy of the proposed rulemaking, published at 42 Pa.B. 5744, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on November 6, 2013, the final-form rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 7, 2013, and approved the final-form rulemaking.

#### *Contact Person*

Further information may be obtained by contacting Beth Michlovitz, Counsel, State Board of Social Workers, Marriage and Family Therapists and Professional Counselors, P. O. Box 2649, Harrisburg, PA 17105-2649.



*Findings*

The Board finds that:

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

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

(3) The amendments to the final-form rulemaking do not enlarge the purpose of the proposed rulemaking published at 42 Pa.B. 5744.

(4) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified this preamble.

*Order*

The Board, acting under the authority of its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 47—49, are amended by amending §§ 47.37, 48.38 and 49.38 to read as set forth in Annex A.

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

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

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

LAURA L. HINDS, LSW,  
*Chairperson*

*(Editor's Note:* See 43 Pa.B. 7279 (December 14, 2013) for a final-form rulemaking by the Bureau relating to this final-form rulemaking.)

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

**Fiscal Note:** Fiscal Note 16A-6918 remains valid for the final adoption of the subject regulations.

**Annex A****TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS****PART I. DEPARTMENT OF STATE****Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS****CHAPTER 47. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS****CONTINUING EDUCATION****§ 47.37. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.**

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met. The certification statement will be included on the application form for renewal of licensure.

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to

document the licensee's completion of required continuing education. The information must include the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of course or program and description of content.
- (4) The school, hospital, medical center or organization which sponsored the course or program.
- (5) The instructor.
- (6) The location of course or program.
- (7) The Board approval number assigned to the course or program unless the provider is preapproved under § 47.36(a) (relating to preapproved providers of continuing education courses and programs for social workers and clinical social workers).

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11(a)—(c) of the act (63 P. S. § 1911(a)—(c)) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) as provided in § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to additional disciplinary action under section 11(a)—(c) of the act.

**CHAPTER 48. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF MARRIAGE AND FAMILY THERAPISTS****CONTINUING EDUCATION****§ 48.38. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.**

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met. The certification statement will be included on the application form for renewal of licensure.

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's completion of required continuing education. The information must include the following:

- (1) The date attended.
- (2) The clock hours claimed.
- (3) The title of course or program and description of content.
- (4) The school, hospital, medical center or organization which sponsored the course or program.

(5) The instructor.

(6) The location of course or program.

(7) The Board approval number assigned to the course or program unless the provider is preapproved under § 48.36(a) (relating to preapproved providers of continuing education courses and programs for marriage and family therapists).

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11(a)—(c) of the act (63 P. S. § 1911(a)—(c)) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) as provided in § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to further disciplinary action under section 11(a)—(c) of the act.

**CHAPTER 49. STATE BOARD OF SOCIAL WORKERS, MARRIAGE AND FAMILY THERAPISTS AND PROFESSIONAL COUNSELORS—LICENSURE OF PROFESSIONAL COUNSELORS**

**CONTINUING EDUCATION**

**§ 49.38. Reporting by licensee of hours spent in continuing education; continuing education audit and enforcement.**

(a) Applicants for license renewal shall provide a signed statement certifying that the continuing education requirements have been met. The certification statement will be included on the application form for renewal of licensure.

(b) The Board will randomly audit licensees to ensure compliance with the continuing education requirements. A licensee selected for audit shall provide information to document the licensee's completion of required continuing education. The information must include the following:

(1) The date attended.

(2) The clock hours claimed.

(3) The title of course or program and description of content.

(4) The school, hospital, medical center or organization which sponsored the course or program.

(5) The instructor.

(6) The location of course or program.

(7) The Board approval number assigned to the course or program unless the provider is preapproved under § 49.36(a) (relating to preapproved providers of continuing education courses and programs for professional counselors).

(c) A licensee who, as a result of an audit, is determined to be deficient in continuing education hours is subject to formal disciplinary action under section 11(a)—(c) of the act (63 P. S. § 1911(a)—(c)) or the issuance of a citation under section 5(a) of the act of July 2, 1993 (P. L. 345, No. 48) (63 P. S. § 2205(a)) as provided in § 43b.24 (relating to schedule of civil penalties—social workers, marriage and family therapists and professional counselors).

(d) Notwithstanding other action taken as set forth in subsection (c), a licensee who is determined to be deficient in continuing education hours is required to make up deficient hours of continuing education and submit documentation containing the information in subsection (b) to the Board within 6 months from the issuance of a warning letter, the issuance of a citation or the imposition of discipline. Hours of continuing education submitted to the Board to make up for a deficiency may not be used by the licensee to satisfy the continuing education requirement for the current biennium.

(e) Failure to make up the deficiencies in subsection (d) will subject the licensee to further disciplinary action under section 11(a)—(c) of the act.

[Pa.B. Doc. No. 13-2316. Filed for public inspection December 13, 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 Education

The Executive Board approved a reorganization of the Department of Education effective November 26, 2013.

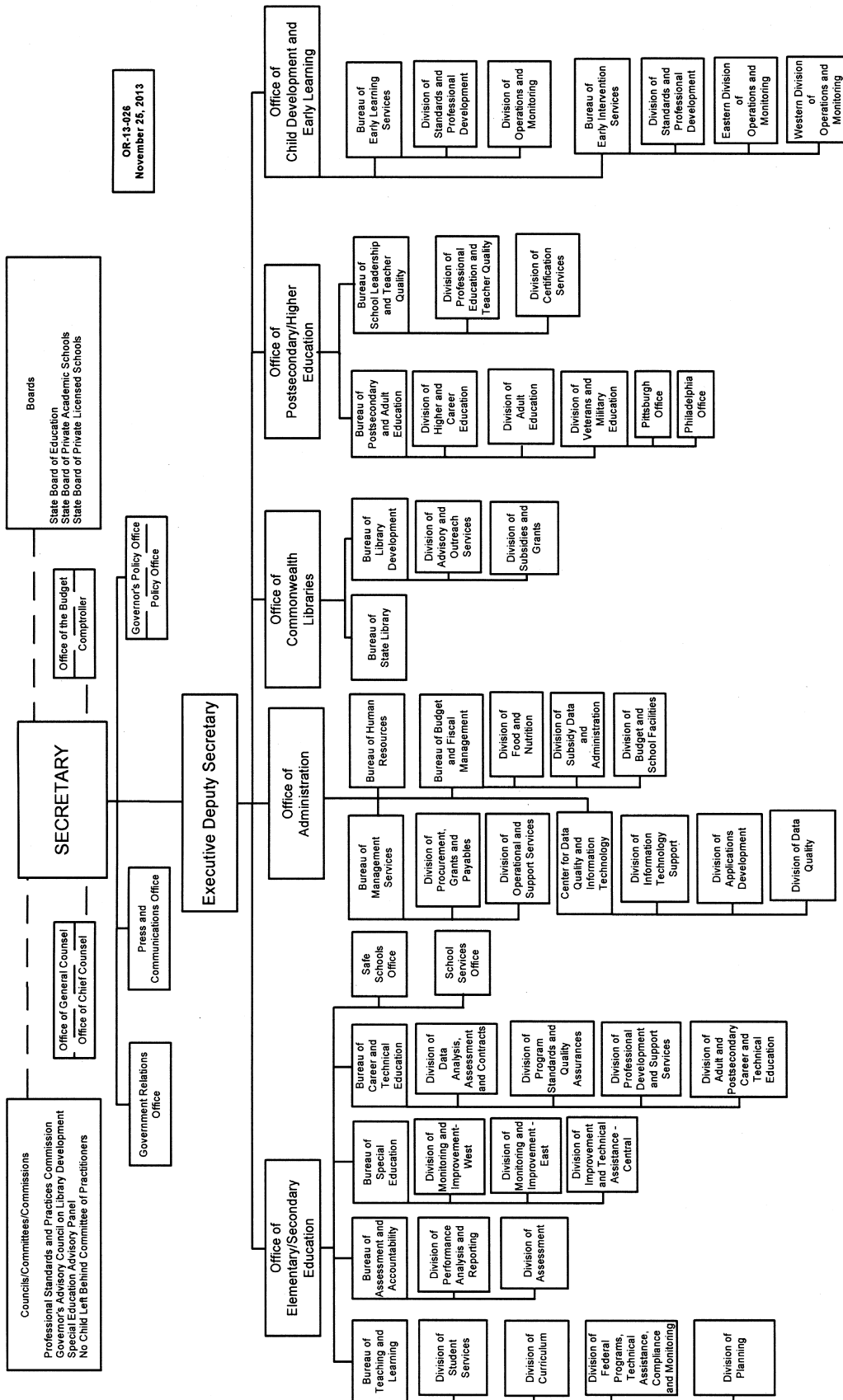
The organization chart at 43 Pa.B. 7287 (December 13, 2013) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(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. 13-2317. Filed for public inspection December 13, 2013, 9:00 a.m.]

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DEPARTMENT OF EDUCATION



# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 3, 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

#### Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-29-2013	Bank of Bird-in-Hand Bird-in-Hand Lancaster County	Effective

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-25-2013	<p><i>From:</i> ESSA Bank and Trust Stroudsburg Monroe County</p> <p><i>To:</i> ESSA Bank and Trust Stroudsburg Monroe County</p>	Filed

Application for approval to convert from a Pennsylvania State-chartered savings and loan association to a Pennsylvania State-chartered savings bank.

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-1-2013	<p>Peoples Financial Services Corp Hallstead Susquehanna County</p> <p>Application for approval to acquire 100% of Penseco Financial Services Corporation, Scranton, and thereby indirectly acquire 100% of Penn Security Bank and Trust Company, Scranton.</p>	Effective

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-1-2013	<p>Peoples Neighborhood Bank Hallstead Susquehanna County</p> <p>Merger of Penn Security Bank and Trust Company, Scranton, with and into Peoples Neighborhood Bank, Hallstead, with a change in corporate title to "Peoples Security Bank and Trust Company" which became a bank and trust company and relocated its principal place of business to Scranton, PA.</p> <p>All branch offices of Penn Security Bank and Trust Company will become branch offices of Peoples Security Bank and Trust Company.</p>	Effective

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-18-2013	Somerset Trust Company Somerset Somerset County	300 Laurel Drive Connellsville Fayette County	Opened

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-3-2013	Royal Bank America Narberth Montgomery County	<i>To:</i> 124 Main Street Phoenixville Chester County  <i>From:</i> 808 Valley Forge Road Phoenixville Chester County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
11-25-2013	Beneficial Mutual Savings Bank Philadelphia Philadelphia County  Amendment to Article I of the institution's Articles of Incorporation to be amended and restated in their entirety, provides for a change in their principal place of business from 510 Walnut Street, Philadelphia, Philadelphia County to 1818 Market Street, Philadelphia, Philadelphia County.	Filed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
11-27-2013	PPL Gold Credit Union Allentown Lehigh County  Application for approval to merge Keystone First Federal Credit Union, Hazleton, with and into PPL Gold Credit Union, Allentown.	Filed

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2318. Filed for public inspection December 13, 2013, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of January 2014**

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of January, 2014, is 5 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and

which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.34 to which was added 2.50 percentage points for a total of 5.84 that by law is rounded off to the nearest quarter at 5 3/4%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-2319. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Manufactured Home Community Rights Act; Maximum Relocation Fees Payable in the Event of Community Closure

Section 11.2(c) of the Manufactured Home Community Rights Act (act) (68 P. S. § 398.11.2) requires that the Department of Community and Economic Development annually adjust relocation fees that may be owed to manufactured home owners in the event that the community closes. The fees are adjusted based on an increase on the Consumer Price Index.

The base amount of this fee in effect for calendar year 2013 was \$4,000 for single section manufactured homes and \$6,000 for multisection manufactured homes. The Consumer Price Index as established by the United States Department of Labor, released on October 30, 2013, established an "all items" increase of 1.2%. As a result, the adjusted amount for calendar year 2014 is \$4,048 for single section manufactured homes and \$6,072 for multisection manufactured homes.

Inquiries regarding the act should be directed to the Office of the Attorney General.

C. ALAN WALKER,  
*Secretary*

[Pa.B. Doc. No. 13-2320. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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### APPLICATIONS

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### 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**

*Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401. Phone: 484.250.5970*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed No.)	EPA Waived Y/N?
PA0052787 (SFTF Sewage)	Quakertown United Mennonite Church STP 180 West Thatcher Road Quakertown, PA 18951	Bucks County Richland Township	Tohickon Creek (2-D)	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N?
PA0084565 (Sew), Transfer	The York Water Company— (East Prospect STP) 130 East Market Street York, PA 17401	York County / East Prospect Borough & Lower Windsor Township	Cabin Creek / 7-I	Y
PA0261122 (Sew)	Train Collectors Association— Toy Train Museum PO Box 248 Strasburg, PA 17579-0248	Lancaster County / Paradise Township	UNT Pequea Creek / 7-K	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed#)	EPA Waived Y/N?
PA0100960 (Sewage)	Bloomfield Township STP 22978 Shreve Ridge Road Union City, PA 16438-3550	Crawford County Bloomfield Township	Oil Creek (16-E)	Y

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

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

**PA0062103**, Sewage, SIC Code 4952, **Spring Brook Township Sewer Authority**, P.O. Box 1100, Moscow, PA 18444. Facility Name: Spring Brook Township Sewer Authority WWTP. This existing facility is located in Roaring Brook Township, **Lackawanna County**.

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

The receiving stream, Green Run, is located in State Water Plan watershed 05A and is classified for High Quality Waters—Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.160 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	7.0	XXX	XXX	XXX
CBOD <sub>5</sub>	33.4	53.4	XXX	25.0	40.0	50.0
		Wkly Avg				
BOD <sub>5</sub> Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	40.0	60.0	XXX	30.0	45.0	60.0
		Wkly Avg				



Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
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
Nitrate-Nitrite as N	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Final)	4.0	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30 (Final)	12.0	XXX	XXX	9.0	XXX	18.0
Total Kjeldahl Nitrogen	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX
Total Phosphorus	Report Annl Avg	XXX	XXX	Report Annl Avg	XXX	XXX

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

- Solids Management
- Instream monitoring requirements
- Compliance Schedule for achieving Ammonia-Nitrogen effluent limitations

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.

**PA0065528**, SIC Code 8811, **Herbert Glen & Joy**, 3033 Teakwood Drive, Coopersburg, PA 18036. Facility Name: Herbert Glen & Joy SRSTP. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage for an existing single family home.

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

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

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

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.

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

**PA0262111**, SIC Code 6514, **Reliance Bank**, 1119 12th Street, Altoona, PA 16601. Facility Name: Reliance Bank SFTF. This proposed facility is located in Freedom Township, **Blair County**.

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

The receiving stream(s), Unnamed Tributary to South Dry Run, is located in State Water Plan watershed 11-A and is classified for Warm 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 0.0004 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Minimum	Minimum	Average Monthly	Geo Mean	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
CBOD <sub>5</sub>	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

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.

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*Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448, Telephone: 570.327.3664.*

**PA0232416**, SIC Code 1389, **Carol Phillips**, 22861 Route 287, Morris, PA 16938. Facility Name: Inn 287. This proposed facility is located in Pine Township, **Lycoming County**.

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

The receiving stream(s), Hughes Run, is located in State Water Plan watershed 9-A and is classified for High Quality Waters—Cold Water 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 are based on a design flow of 0.0012 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Weekly Average	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
UV Transmittance	XXX	XXX	XXX	Report	XXX	Report
BOD <sub>5</sub> (mg/L)	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids (mg/L)	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (No./100 ml)	XXX	XXX	XXX	200	XXX	XXX

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

The EPA Waiver is in effect.

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### 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. 3913405**, Sewage, **Herbert Glen & Joy**, 3033 Teakwood Drive, Coopersburg, PA 18036.

This proposed facility is located in Upper Saucon Township, **Lehigh County**.

Description of Proposed Action/Activity: Installation of a single family wastewater treatment facility for an existing three bedroom home. This installation will refurbish an existing failed on-lot system. The discharge sewage system will consist of a 1,250 gallon dual chambered septic tank, Zabel filter, dosing tank and pump to three Puraflo peat filters, UV disinfection, 500 gallon lift pump station, and a 2" PVC discharge pipe to a drainage swale.

**WQM Permit No. 3913406**, Sewage, **Lehigh County Authority**, 1053 Spruce Street, Allentown, PA 18106.

This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Replacement of the existing Wynnewood Terrace primary pump station and the force main that discharges into the existing wastewater treatment facility.

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

**WQM Permit No. 2813404**, Sewerage, **Chambersburg Borough**, 100 South Second Street, Chambersburg, PA 17201.

This proposed facility is located in Chambersburg Borough, **Franklin County**.

Description of Proposed Action/Activity: Seeking permit approval for the replacement of approximately 1,300 linear feet of interceptor (Plant Approach Interceptor Replacement Project).

**WQM Permit No. 6706411 & 6791403**, Transfer, Sewerage, **The York Water Company**, 130 East Market Street, York, PA 17401.

This proposed facility is located in East Prospect Borough & Lower Windsor Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for transfer of permits from East Prospect Borough Authority.

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

**WQM Permit No. 6299401**, Sewage, Amendment No. 1, **Miracle Mountain Ranch Missions, Inc.**, 101 Rodeo Drive, Spring Creek, PA 16436.

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

Description of Proposed Action/Activity: Amendment to create an as-built condition and update WQM to match existing conditions.

#### **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.*

**PAI132236**, MS4, **Weisenberg Township**, 2175 Seipstown Road, Fogelsville, PA 18051-2022. 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 Weisenberg Township, **Lehigh County**. The receiving streams, Haasen 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 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513028	Brandywine Grande B, L.P. 555 East Lancaster Avenue Suite 100 Radnor, PA 19087	Chester	Tredyffrin Township	Little Valley Creek EV
PAI012313006	Rescom Real Estate 33 Gallant Fox Drive Media, PA 19063	Delaware	Edgmont Township	Ridley Creek HQ-TSF-MF Chester 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021313005	Big Boulder Corporation P.O. Box 707 Blakeslee, PA 18610	Carbon	Kidder Township	Tunkhannock 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024813008	PPL Electric Utilities Corporation Two North Ninth Street (GENN3) Allentown, PA 18101	Northampton	Freemansburg Borough, City of Bethlehem, Lower Saucon Township	Lehigh River (WWF, MF) Saucon Creek (HQ-CWF, MF) Saucon Creek (CWF, MF) Unnamed tributaries to Saucon Creek (CWF, MF)

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041413007	Centre County Airport Auth 2493 Fox Hill Rd State College PA 16803	Centre	Benner Township	Buffalo Run HQ-CWF

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

Permit No.	Applicant & Address	County	Municipality	Stream Name
PAI052613003	NWL Corporation 1001 LaFayette Drive Farmington, PA 15437	Fayette	Wharton Township	Deadman Run (HQ-CWF)

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

Forest County Conservation District, 526 Elm Street, Tionesta PA 16353

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI062713001	USDA Forest Service 4 Farm Colony Drive Warren PA 16365	Forest	Jenks Township	Wolf Fun 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**

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Renewal/New
Aspen Perry Farm 2127 Oak Hall Road Newport, PA 17074	Perry	85.9	1,865	Swine	HQ-CWF	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

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 6513523**, Public Water Supply.

Applicant	<b>Meadows Mobile Home Park, LLC</b> 6557 Alakoko Drive Diamonhead, MS 39525
[Township or Borough]	Washington Township
Responsible Official	Mike Conley, Managing Partner Meadows Mobile Home Park, LLC 6557 Alakoko Drive Diamonhead, MS 39525
Type of Facility	Water system
Consulting Engineer	William P. Deemer & Associates 205-B South Duffy Road Butler, PA 16001
Application Received Date	November 15, 2013
Description of Action	Installation of pressure filtering equipment, replacement of pressure softeners and revising the piping at the existing water treatment plant.

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

**Permit No. 3713506**, Public Water Supply

Applicant	<b>Pennsylvania American Water Company</b>
Township or Borough	Ellwood City Borough
County	<b>Lawrence</b>
Responsible Official	David R. Kaufman
Type of Facility	Public Water Supply
Consulting Engineer	Jerry Hankey, P.E. Pennsylvania American Water Company 1909 Oakland Avenue Indiana, PA 15701
Application Received Date	October 25, 2013
Description of Action	Construct a new booster station to replace the existing station.

**Permit No. 4313507**, Public Water Supply

Applicant	<b>Pennwood Estates</b>
Township or Borough	Lackawannock Township

County	<b>Mercer</b>
Responsible Official	Ryan D. Cook
Type of Facility	Public Water Supply
Consulting Engineer	Thomas Thompson, P.E. Gannett Fleming, Inc. 554 South Erie Street Mercer, PA 16137
Application Received Date	October 24, 2013
Description of Action	The addition of a contact tank to provide more detention time to allow for compliance with the GWR.

**Permit No. 2513503**, Public Water Supply

Applicant	<b>Erie Water Works</b>
Township or Borough	Millcreek Township
County	<b>Erie</b>
Responsible Official	Craig Palmer, P.E.
Type of Facility	Public Water Supply
Consulting Engineer	Robert Horvat, P.E. KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Application Received Date	October 25, 2013
Description of Action	Operation of auxiliary lake intake on existing raw water line. Previously installed under emergency permit dated June 22, 2012.

### 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. 4813512, Minor Amendment.**

Applicant	<b>MHC MVPA Utility Systems, LLC. c/o Equity Lifestyle Properties, Inc.</b> Two North Riverside Plaza, Suite 800 Chicago, Il. 60606
[Township or Borough]	Lehigh Township <b>Northampton County</b>
Responsible Official	Mr. Brad Nelson Senior Vice President
Type of Facility	Public Water Supply
Consulting Engineer	James R. Holley & Associates, Inc. Charles A. Kehew, II. PE 18 S George Street York, PA. 17401
Application Received Date	November 8, 2013

Description of Action This project provides for replacement of the chemical feed pumps for both caustic soda and chlorine feed. The new pumps and pump control modules will allow for flow pace control of all chemicals.

**Application No. 4513504**

Applicant **Pennsylvania-American Water Co.**  
 [Township or Borough] Middle Smithfield Township **Monroe County**  
 Responsible Official David R. Kaufman, VP Engineering Pennsylvania-American Water Co. 800 West Hersheypark Drive Hershey, PA 17033  
 Type of Facility Community Water System  
 Consulting Engineer Peter J. Keenan, PE American Water Service Company 1025 Laurel Oak Road Voorhees, NJ 08043 856-727-6112  
 Application Received Date November 21, 2013  
 Description of Action Application for construction of a new water filtration facility at the Fernwood Resort development for manganese treatment of source water from Well No. 9, along with increasing the permitted discharge rate from Well No. 9. The project also provides for installation of a large diameter contact pipe at the site.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Application No. 6513522GWR, Minor Amendment.**

Applicant **Meadows Mobile Home Park, LLC** 6557 Alakoko Drive Diamonhead, MS 39525  
 [Township or Borough] Washington Township  
 Responsible Official Mike Conley, Managing Partner Meadows Mobile Home Park, LLC 6557 Alakoko Drive Diamonhead, MS 39525  
 Type of Facility Water system  
 Consulting Engineer William P. Deemer & Associates 205-B South Duffy Road Butler, PA 16001  
 Application Received Date November 15, 2013  
 Description of Action Demonstration of 4-log treatment for groundwater sources

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

**Application No. 3373503-T1-MA2, Minor Amendment.**

Applicant **Pennsylvania American Water Company**  
 Township or Borough McCalmont Township  
 Responsible Official David R. Kaufman  
 Type of Facility Public Water Supply  
 Consulting Engineer Bruce A. Brubaker, P.E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055  
 Application Received Date November 7, 2013  
 Description of Action Blasting and repainting of interior and exterior of the Anita Tank.

**MUNICIPAL WASTE GENERAL PERMITS**

**Application for General Permit Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.**

*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. WMGM017D013. Michael Reskovic, Reskovic Farms, 134 Humbert Lane, Uniontown, PA 15401-6228. Fayette County, Franklin Township.** This permit is for the processing and beneficial use of compost of manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper and source-separated corrugated paper as soil substitute, soil conditioner, fertilizer, mulch or soil amendment. The application was received by the Bureau of Waste Management on November 15, 2013.

Persons with questions may contact 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.

**AIR QUALITY**

**PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS**

**NEW SOURCES AND MODIFICATIONS**

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

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

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

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

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

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

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

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

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

**09-0102E: Clean Earth of Southeast Pennsylvania, Inc.** (7 Steel Road East, Morrisville, PA 19067; Attn: Mr. Joe Siravo) for installation of two (2) indoor diesel powered screens and the modification of an existing indoor diesel powered screen at your Morrisville thermal treatment plant in Falls Township, **Bucks County**. This facility is a non-Title V facility. The following is a summary of potential emissions from this project: NO<sub>x</sub>—2.16 TPY; CO—0.27 TPY; PM—0.10 TPY (includes PM-10 and PM-2.5); VOC—1.93 TPY; SO<sub>x</sub>—0.51 TPY; and HAP—1.17 TPY. This Plan Approval does not trigger NSR or PSD. The sources are not subject to NSPS or NESHAP regulations. 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.

**46-0142D: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) for a baghouse to

replace the existing baghouse on Rotary Dryer in East Greenville Borough, **Montgomery County**. The company provides customized grinding, milling, blending, and drying services of various mineral products. The pollutant of concern is particulate matter. Dust collectors are used on all sources for particulate matter control. The Plan Approval and Operating Permit will include monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

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

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

**12-00008B: GKN Sinter Metals, Inc.** (PO Box 493, Emporium, PA 15834) for a plan approval to install two (2) Donaldson-Torit model DFO 4-64 cartridge collectors (designated as “DC015” and “DC017”) on the existing finishing lines Nos. 4 through 12 and the existing shot blasting operation at their Airport Road facility in Emporium Borough, **Cameron County**. This application is subject to the Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. The total combined particulate matter emissions from the collectors will amount to 4.30 tons per year. The Department has determined that the proposed levels of the air contaminants emissions satisfy the Department’s BAT requirements.

Based on the findings presented above, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions that the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable air quality regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from finishing lines #4, 10A, 11 and 12 and the shot blasting operation shall be controlled by a Donaldson-Torit model DFO 4-64 cartridge collector (DC015) (ID C201) at all times. In addition, the concentration of particulate matter at the exhaust of the cartridge collector (DC015) shall not exceed 0.002 grain per dry standard cubic foot (gr/dscf) at any time.

2. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the particulate matter emissions from finishing lines #5, 6, 7, 8, 9 and 10 shall be controlled by a Donaldson-Torit model DFO 4-64 cartridge collector (DC017) (ID C202) at all times. In addition, the concentration of particulate matter at the exhaust of the cartridge collector (DC017) shall not exceed 0.002 grains per dry standard cubic foot (gr/dscf) at any time.

3. The permittee shall perform a particulate matter stack test at the exhaust of ID C201 associated with finishing lines #4, 10A, 11 and 12 and the shot blasting operation within 180 days of commencing operation of the collector to demonstrate compliance with the particulate matter emission limitations. All testing is to be done while finishing lines #4, 10A, 11 and 12 and the shot blasting operation are operating at their maximum normal production rates and using reference method test procedures acceptable to the Department.

4. At least sixty (60) days prior to the performance of the stack testing required by this plan approval, a test plan shall be submitted to the Department for evaluation. The plan shall contain a description of the proposed test methods and dimensioned drawings or sketches showing the test port locations. The Department shall be given at

least fifteen (15) days advance notice of the scheduled dates for the performance of the stack testing required by this plan approval. Within sixty (60) days of the completion of the stack tests, two copies of the test report shall be submitted to the Department. The report shall contain the results of the tests, a description of the testing and analytical procedures actually used in performance of the tests, all process and operating data collected during the tests, a copy of all raw data, and a copy of all calculations generated during data analysis.

5. Pursuant to the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12, the dust collectors (IDs C201 and C202) shall be equipped with instrumentation to continuously and accurately measure the differential pressure across IDs C201 and C202.

6. A sufficient quantity of spare cartridges shall be kept on site at all times for the dust collectors, in order to immediately replace any cartridges requiring replacement due to deterioration resulting from routine collector operation.

7. The air supplied to the cartridge collectors shall be dry and oil free.

8. Each cartridge collector shall be operated and maintained as per the manufacturer's specifications and recommendations.

9. Dust shall only be removed from the cartridge collector hoppers such that the fugitive emissions from the loading and unloading of hopper comply with 25 Pa. Code § 123.1.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 12-00008B) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

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

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

**AMS 12195: Philadelphia Energy Solutions Refining and Marketing LLC (PES)—formerly Sunoco, Inc.—R&M** (3144 Passyunk Avenue Philadelphia, PA 19145) to replace hourly heat input capacity limits on seven (7) heaters with annual heat input limits and install Ultra Low-NO<sub>x</sub> Burners (ULNBs) on two (2) of the heaters in the City of Philadelphia, **Philadelphia County**. The heaters are limited to refinery fuel gas with individual heat input limits that combine to 730.6 MMBTU/hr. The proposed annual heat input limits total 6,806,000 MMBTU per rolling 12-month period. The increase in potential emissions in the application due to the project are 140.1 tons of Nitrogen Oxides (NO<sub>x</sub>), 23.2 tons of Volatile Organic Compounds (VOCs), 13.2 tons of both Particulate Matter with a diameter of 10 micrometers or less (PM<sub>10</sub>) and Particulate Matter with a diameter of 2.5 micrometers or less (PM<sub>2.5</sub>), 191.6 tons of Carbon Monoxide (CO), 7.1 tons of Sulfur Dioxide (SO<sub>2</sub>), and Greenhouse Gases (GHGs) of 255,372 metric tons Carbon Dioxide equivalent (CO<sub>2</sub>e), all on a rolling 12-month basis. The plan approval will contain work practice, testing, monitoring, recordkeeping, and reporting requirements to ensure operation within all applicable requirements.

The proposed changes to the following are also intended to meet the reasonably available control technology (RACT) requirements of the Clean Air Act (CAA) for the 1997 8-hour ozone National Ambient Air Quality Standard (NAAQS): the removal of the MMBTU/hr heat input limit for each heater, the addition of MMBTU heat input and NO<sub>x</sub> emission limits per rolling 12-month period limit for each heater, the requirement to burn only refinery fuel gas for each heater, and the installation of the addition of ULNBs on two heaters. A more detailed description and analysis can be found in the Statement of Basis. The CAA requires Philadelphia to submit to the U.S. Environmental Protection Agency (EPA) a State Implementation Plan (SIP) revision demonstrating that Philadelphia has implemented all necessary Reasonably Available Control Technology (RACT) controls on all major stationary sources of volatile organic compounds (VOC) and oxides of nitrogen (NO<sub>x</sub>). In 2006, Air Management Services (AMS) developed a RACT SIP revision demonstrating that it implemented required RACT controls on all relevant stationary sources of VOC and NO<sub>x</sub> emissions and that all RACT plans previously approved by EPA under the 1-hour ozone NAAQS were applicable to represent RACT control levels under the new 8-hour ozone NAAQS. The SIP revision relied on the NO<sub>x</sub> SIP Call emissions trading program. On July 10, 2009, the D.C. Circuit Court determined that the NO<sub>x</sub> SIP Call did not meet the specific source RACT requirements as required by the CAA. Accordingly, any air pollution source installed prior to the adoption of the 1997 8-hour Ozone NAAQS that was applicable to the NO<sub>x</sub> SIP Call and did not have to install any controls in the original case-by-case RACT must now conduct a new case-by-case RACT determination to address any changes in technologies that occurred since the prior 1-hour Ozone NAAQS was adopted and implemented. Therefore, this notice is also intended to propose as a revision to the Philadelphia portion of the Pennsylvania SIP changes to NO<sub>x</sub> RACT controls for the seven (7) modified heaters in PES. For each of these heaters RACT is determined to be annual emission limits, throughput limits, refinery fuel gas burning, and, for two heaters, installation of ULNBs, as described above.

Copies of all documents and information concerning this plan approval and SIP revision are available for



review in the offices of AMS, room 218, 321 University Ave., Philadelphia, PA 19104-4543 during normal business hours. Persons wishing to review these documents or to submit written comments should contact Ms. Karen Smith (215-685-7572) at the above address. All written comments must be received by [30 days from publication date]. Comments received by facsimile will not be accepted.

If requested, the Philadelphia Department of Public Health, Air Management Services (AMS) will conduct a public hearing to receive comments on the preliminary determination to approve the application (Plan Approval No. 12195) on Monday, January 13, 2014, at 7 p.m. at the Mercy Wellness Center (2nd Floor), 2821 S. Island Avenue (Island Ave. & Lindbergh Blvd.), Philadelphia, Pa. 19153.

Persons wishing to request a public hearing must submit the request in writing to Source Registration, Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543 by [30 days from publication date]. If AMS does not receive any requests for a public hearing by this date, it will be cancelled. To find out if the public hearing will be held, please visit the AMS web site at <http://www.phila.gov/health/AirManagement/index.html> or call AMS at 215-685-7572.

### OPERATING PERMITS

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

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

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**20-00123: Lord Corporation—Mechanical Products Division** (124 Grant Street, Cambridge Springs, PA 16403) to re-issue a Title V Operating Permit to operate a Fabricated Rubber Products manufacturing facility, in the Borough of Cambridge Springs, **Crawford County**. The primary emissions from this facility are in the form of VOCs from the adhesives used in the bonding of materials. The annual potential emissions from the facility are as follows: NO<sub>x</sub>—1.1 ton, SO<sub>x</sub>—0.006 ton, CO—0.92 ton, VOC—25.5 tons, PM<sub>10</sub>—0.033 ton, Total HAPs—8.7 tons, and Individual HAPs (greater than 10 TPY)—none.

An Emergency Water Tank Pump at this facility is now subject to the requirements of 40 CFR 63—Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The two boilers at this facility are now subject to the requirements of 40 CFR 63—Subpart DDDDD, National Emissions Standards for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

Plan Approval Number 20-123E authorizing the installation of a stainless steel parts etching and passivation process (Source ID: 125—Stainless Steel Passivation Tank Line) has been incorporated into the operating permit to account for this newly added source.

**62-00141: National Fuel Gas Supply Corp.—Roystone Compressor Station** (PO Box 2081 Erie, PA 16512-2081) to modify a Title V Operating Permit for their compressor station in Sheffield Township, **Jefferson County**.

The modification is in accordance with 25 Pa. Code §§ 127.463 and 127.521. The modification addresses the

requirements of 40 CFR 63 Subpart DDDDD and Subpart JJJJJJ (Major & Area Source Boiler MACTs), the requirements of 40 CFR 60 Subparts JJJJ (SI ICE), the requirements of 40 CFR 60 Subpart OOOO (Transmission & Distribution), the requirements of 40 CFR 63 Subpart HHH (Natural Gas Transmission), the requirements of 40 CFR 63 Subpart ZZZZ (Stationary RICE), and incorporates the applicable requirements of plan approvals 62-141F and 62-141G. Source 045—Boiler 1 was removed from the facility and has therefore been removed from the permit.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information that they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit # TV 62-00141) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. John Guth, Regional Air Quality Program Manager, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew Williams, Facilities Permitting Chief, Air Quality Program, at the same address or phone at (814) 332-6940.

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

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

**V06-002: Northeast Water Pollution Control Plant** (3899 Richmond Street, Philadelphia, PA 19137) for operation of a water treatment plant in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include liquid treatment processes, solids treatment processes, four (4) boilers less than 24 MMBTU/hr each burning natural gas or digester gas, two (2) boilers <15 MMBTU/hr burning #2 fuel oil or digester gas, five (5) boilers less than 16 MMBTU/hr burning natural gas or digester gas, four (4) digester gas flares, one (1) siloxane removal system and flare, a cold degreaser, and co-generation plant with five (5) generators and five (5) SCRs.

The operating permit will be issued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

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

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*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.*

**06-05106: SFS Intec, Inc.** (41 Dennis Drive, Reading, PA 19606) for the fastener coating facility in Exeter 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 subject facility has actual emissions of 7 tpy 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 25 Pa. Code § 129.63

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.

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

**36-05107: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) for their bakery facility that produces bread, rolls, cookies and crackers in East Cocalico Township, **Lancaster County**.

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

The subject facility had actual emissions in 2012 of 6.3 tpy of CO, 8.2 tpy of NO<sub>x</sub>, 0.2 tpy of PM, 34.9 tpy of VOCs, 2.1 tpy of HAPs and 9,882.1 tpy of CO<sub>2</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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**36-03034: Purina Mills, LLC** (3029 Hempland Road, Lancaster, PA 17601) for the animal feed manufacturing facility in East Hempfield Township, **Lancaster County**.

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

The subject facility has potential emissions of 4.9 tpy of NO<sub>x</sub>, 1.2 tpy of CO, 23.3 tpy of PM and 0.1 tpy of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63 Subpart DDDDDDD—National Emissions Standards for Hazardous Air Pollutants for Area Sources: Prepared Feeds Manufacturing.

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

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

statement regarding the relevancy of the information or objections to the issuance of the permit.

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

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

**06-03028: Berks Can Company, Inc.** (3723 Pottsville Pike, Reading, PA 19605) for the operation of a can manufacturing plant in Muhlenberg Township, **Berks County**. This is a renewal of the State-Only Operating Permit issued in 2008.

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

The subject facility has annual emissions of approximately 1.73 tons of VOCs and 0.27 tons of NO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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.

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

**06-03063: East Penn Manufacturing Co., Inc.** (P. O. Box 147, Lyon Station, PA 19536) for their small lead parts casting facility in the Borough of Kutztown, **Berks County**.

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

The subject facility has actual emissions of 1.2 tpy of NO<sub>x</sub> and 8.2 tpy 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 ZZZZ and 25 Pa. Code § 129.63.

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.

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

**28-05047: Johnson Controls, Inc.** (100 CV Avenue, P. O. Box 997, Waynesboro, PA 17268-0997) for operation of their commercial refrigeration and air conditioning equipment plant in the Borough of Waynesboro, **Franklin 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.

Actual emissions at the facility for 2012 are estimated to be 18.93 tons of VOCs, 8.84 tons of combined HAPs and less than one ton each of CO, NO<sub>x</sub>, PM-10 and SO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units and 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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, protests or requests for a public hearing.

Gary Helsel, P.E., 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, protests or requests for a public hearing.

**38-03028: Brentwood Industries, Inc.** (2101 Lehman Street, Lebanon, PA 17046-2757) for their thermoforming manufacturing operation in West Lebanon Township, **Lebanon 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.

Actual inlet and outlet PM emission estimates from the extrusion lines are 0.64 ton per year (tpy) and 0.0002 tpy, respectively. The estimated VOC emissions are 1.5 tpy before control and 0.015 tpy after control. Potential uncontrolled VOC and PM emissions are less than 3 tpy and 1 tpy, respectively.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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

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

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

**36-05155: Colonial Metals Co.** (217 Linden Street, Columbia, PA 17512) for the secondary non-ferrous metal processing facility in Columbia 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 for the abovementioned facility.

The subject facility had 2011 actual emissions of 26.2 tpy of PM<sub>10</sub>, 26.9 tpy of VOCs, 16.6 tpy of CO and 0.9 tpy of NO<sub>x</sub>. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 60, Subpart M—

Standards of Performance for Secondary Brass and Bronze Production Plants, 40 CFR Part 63, Subpart TTTTTT—National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources and 40 CFR Part 63, Subpart ZZZZ—National Emission 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 the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

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

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

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**56-00158: Turkeyfoot Valley Area School District** (172 Turkeyfoot Road, Confluence, PA 15424) for a coil-fired boiler at Turkeyfoot Valley High School in Lower Turkeyfoot Township, **Somerset County**. This is a State Only Operating Permit renewal application submittal.

**63-00984: FML Terminal Logistics, LLC / 84 Plant** (1492 Route 519, Eighty Four, PA 15330) for the operation of a sand storage facility for the oil and gas industry located in North Strabane Township, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing notice that it intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of four sand storage silos, rail unloading, deck screen, and a 5,000 cfm dust collector. The facility has the potential to emit: 9.72 tpy PM and 7.95 tpy PM<sub>10</sub>. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. The facility is also required to water all in-plant roads as needed, dependent on the weather, maintain a set vehicle pattern, post speed limit sign of 15 mph as well as promptly remove earth or other material from paved roads onto which earth or other material has been transported by trucking or earth moving equipment, or other means. Particulate matter emissions are not to

exceed 0.04 gr/dscf. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments or object to the operating permit or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 63-00984) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

**63-00901: Allegheny Millwork / Lawrence Plant** (104 Commerce Blvd., Lawrence, PA 15055) for the manufacturing laminated wood cabinets, doors, windows, bars, and running trim located Cecil Township, **Washington County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and is providing public notice that it intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of sawing, grinding, sanding, staining, painting, and finishing of wooden parts or units. Air emission sources, exhausting to the atmosphere, consist of two spray booths, a hand-wipe booth a 750,000 Btu/hr drying oven and a 1 MM Btu/hr natural gas boiler. The saws, grinders, and sanders are controlled by a small dust collector that exhaust indoors. The facility's actual emissions for 2012 were calculated at 10.77 tons VOC, 0.63 ton HAPs, and less than 1 ton for all other criteria pollutants. The facility is limited to 24 tons per year VOC and 9 tons per year for a single HAP and 24 tons per year combined HAPs. The facility is required to maintain daily records of the volume used, mix ratio, density or specific gravity, weight percent of

total volatiles, water, solids and exempt solvents and VOC content of each coating as supplied and applied. The facility is limited to 0.04 gr/dscf particulate and 500 ppm<sub>dv</sub> SO<sub>x</sub>. The proposed authorization is subject to State and Federal Regulations. The permit includes operational requirements, monitoring requirements, and recordkeeping requirements as follows:

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a review must be made by calling 412-442-4000.

Any person may submit comments or object to the operating permit or a proposed condition thereof by filing a written protest with the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

A protest to a proposed action shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest shall include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Operating Permit 63-00901) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

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

Written comments, protests and requests for a public hearing should be directed to Sheila Shaffer, Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Sheila Shaffer at (412) 442-5227.

**11-00003: Westmont Hilltop School District** (827 Diamond Blvd., Johnstown, PA, 15905) Operating Permit renewal for the Goucher St. Elementary School in Upper Yoder Township, **Cambria County**. Equipment at this facility includes two 3.1 mmbtu/hr tri-fuel boilers and a diesel-fired, 60 kilowatt emergency generator. However, the permittee has committed to burning only natural gas in those boilers in the future. Potential emissions from the emission sources at this facility are therefore based on burning natural gas in the boilers for 8,760 hours per year and low sulfur diesel fuel in the emergency generator. Emissions are estimated to be 2.7 tons NO<sub>x</sub>, 0.1 ton VOCs, 2.3 tons CO, and 0.2 ton particulate matter. Actual emissions from the facility are even lower considering the boilers do not operate at full rated capacity. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

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

**37-00328: Resco Products—New Castle Plant** (606 McCleary Drive New Castle, PA 16101-7502) for renewal of the Natural Minor Operating Permit for the clay refractory manufacturing operations in New Castle City, **Lawrence County**. The primary sources include the clay mix line, a shuttle kiln, a bell kiln, Ware Dryers 1—4, a mold dryer / ware dryer and a clay graphite mixer. The facility also has a parts washer and natural gas fired space heaters. The facility-wide potential particulate emissions are less than 15 TPY. The potential NO<sub>x</sub> and CO emissions are less than 10 TPY each. The potential SO<sub>x</sub> and VOC emissions are less than 2 TPY each. Potential HAP emissions are less than 3 TPY. The conditions of the previous operating permit are incorporated into the renewal permit.

#### 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 (35 P.S. §§ 4001—4015) 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*

**48-00102A: BioSpectra, Inc.** (100 Majestic Way, Bangor, PA 18013-2860) for their facility in Bangor Borough and Washington Twp., **Northampton County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), that the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to BioSpectra, Inc. (100 Majestic Way, Bangor, PA 18013-2860) for the facility located in Bangor Borough and Washington Twp., Northampton County. This Plan Approval No. 48-00102A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 48-00102A is for the installation of a new dust collection system. Particulate emissions will not exceed 0.02 grains/dscf. 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. Emissions will be controlled by the use of a baghouse/cyclones. These limits will meet BAT requirements for this source. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding para-

graph. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit No. 48-00102A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

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

#### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

*Coal Applications Received*

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

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Rd., Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit to install the Gypsy Camp to Crabapple Belt 56 Drive Waterline. No additional discharges. The application was considered administratively complete on November 22, 2013. Application received September 18, 2013.

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

**26030102 and NPDES Permit No. PA0250457. Steve Patterson Excavating** (170 Yasenosky Road, Smithfield, PA 15478). Renewal application for continued operation and reclamation to an existing bituminous surface mine, located in Dunbar Township, **Fayette County**, affecting 75.5 acres. Receiving stream: unnamed tributary to Gist Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: November 20, 2013.

*Noncoal Applications Received*

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

Table 2

Parameter	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.

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

**65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Conellsville, PA 15425). Revision application to add underground acres to an existing large noncoal surface mine, located in Derry and Fairfield Townships, **Westmoreland County**, affecting acres. Receiving streams: Dry Run, unnamed tributaries to Conemaugh River, Harbridge Run, and Freeman Run, unnamed tributary to Tannery Hollow, classified for the following use: HQ-CWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Torrance and Bolivar reservoirs. Application received: November 19, 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:

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0212415 (Mining permit no. 56930104), Rosebud Mining Company**, 301 Market Street Kittanning, PA 16201, renewal of an NPDES permit for surface coal mining in Brothersvalley Township, **Somerset County**, affecting 129.0 acres. Receiving streams: unnamed tributaries to/and Buffalo Creek, classified for the following use: cold water fisheries. This receiving stream is included in the Casselman River TMDL. Application received: September 23, 2013.

The outfall(s) listed below discharge to Unnamed Tributaries to Buffalo Creek:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
001	N
002	N
003	N



<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
004	N
005	N
006	N
007	N

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Outfalls: 001, 003, &amp; 004 (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)	2.5	5.0	5.8
Manganese (mg/l)	1.7	3.4	4.3
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
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: 002 (Treatment Pond)</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)	2.3	4.6	5.3
Manganese (mg/l)	1.5	3.0	3.8
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)	50.0	50.0	50.0
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: 005, 006, &amp; 007 (Sediment Ponds, dry weather)</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			

<i>Outfalls: 005, 006, &amp; 007 (Sediment Ponds, ≤10/24 Precip.)</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)	N/A	N/A	7.0
Settleable Solids (ml/l)	N/A	N/A	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			

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

**NPDES No. PA0259471 (GFCC No. 33-13-18). P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) New NPDES permit for a Government Financed Construction Contract in Winslow Township, **Jefferson County**. Receiving streams: Unnamed tributary to Fehley Run, classified for the following uses: CWF. TMDL: None. Application received: October 31, 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 tributary "C" to Fehley Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TB-1	Y

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i>	<i>Daily</i>	<i>Instant.</i>
		<i>Average</i>	<i>Maximum</i>	<i>Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		2.7	5.4	6.75
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

**NPDES No. PA0257978 (Permit No. 33990102). McKay Coal Company, Inc.** (P.O. Box 343, Punxsutawney, PA 15767) Renewal of an NPDES permit for a bituminous surface and auger mine in Perry Township, **Jefferson County**, affecting 81.7 acres. Receiving streams: Two unnamed tributaries to Foundry Run and Perryville Run, both classified for the following uses: CWF. TMDL: None. Application received: November 15, 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 tributary No. 1 to Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TA	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 <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary No. 2 to Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	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 <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		1.7	3.4	4.25
Manganese (mg/l)		1.1	2.2	2.75
Aluminum (mg/l)		0.8	1.6	2.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary No. 1 to Foundry Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
B	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 <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

#### *Noncoal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0123811 (Mining permit no. 28010301), RA Hill, Inc.**, 1364 Lincoln Way Chambersburg, PA 17202, renewal of an NPDES permit for surface shale mining in Hamilton Township, **Franklin County**, affecting 31.54 acres. Receiving stream(s): Unnamed Tributary to Conococheague Creek classified for the following use(s): Warm Water Fishes. Application received: September 30, 2013.

The outfall(s) listed below discharge to Unnamed Tributary to Conococheague 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: 001</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E40-749. Pennsylvania Department of Transportation Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512, in Kingston Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To remove the existing structure; and to construct and maintain a 662-foot long, varying in height up to 11.5 feet cast in place concrete pile supported retaining wall along the right bank of Toby Creek (TSF, MF). The project is

located along S.R. 309, Section 390, Segment 0681, Offset 0053; and to relocate an existing 30-inch CMP water line approximately 500 feet downstream (Kingston, PA Quadrangle, Latitude: 41°17'43"; Longitude: -75°55'20").

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

**E19-302. Town of Bloomsburg**, 301 E Second Street, Bloomsburg, PA 17815. Town of Bloomsburg, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Catawissa, PA Quadrangle Latitude: 40° 59' 31"; Longitude: -76° 26' 57").

The applicant is applying for a Chapter 106 flood fringe permit. The applicant proposes to construct a new playground facility for the residents of the Town of Bloomsburg. The permit proposes to remove the existing impervious surface, removal of existing equipment, drilling of playground structure footings that are three feet deep, placement of equipment and installation of safety surfacing, 6 inches of stone base, geotextile and 12 inches of compacted wood carpet (mulch) at existing grade. The project is located within the 100-yr flood fringe of the Susquehanna River. The proposed amenities include playground structures and accessible walkways connecting the playground to the existing restroom and parking facilities. The project will disturb less than an acre and does not propose any increase in any water surface elevations. Additionally, this project will reduce runoff from the removal of the impervious paved court surface and converting it to mulch surfacing. This project is located at the corner of Market Street and 15th Street in the Town of Bloomsburg.

**E47-096. Washingtonville Municipal Authority**, PO Box 147, Washingtonville, PA 17880. Rt 54 Pump Station in Washingtonville Borough, **Montour County**, ACOE Baltimore District (Washingtonville, PA Quadrangle Latitude: 41-3-14.4; Longitude: -76-40-37.4).

The Washington Municipal Authority is applying for a Chapter 106 permit to complete repairs to the Route 54 pump station and control panel box along with raising the platform above the 100 year water surface elevation. The platform will contain the electrical wiring, control panel box, the pump station, bypass valve and flow meter with totalizer. This project is located at the intersection of SR 0054 and Strawberry Ridge Road in the Borough of Washingtonville, Montour County.

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

**E4129-037: PVR Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline, one 12 inch water line, and a timber mat bridge impacting 66 linear feet of an unnamed tributary to Blockhouse Creek (CWF) and

213 square feet of adjacent palustrine emergent (PEM) wetland (Liberty Quadrangle 41°30'53"N 77°05'17"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 50 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°31'06"N 77°04'32"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 122 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°31'11"N 77°04'26"W);

(4) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 380 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°31'42"N 77°04'13"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 26,988 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°31'51"N 77°04'11"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 205 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°31'59"N 77°04'09"W);

(7) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 55 linear feet of Roaring Branch (EV, MF) and 5044 square feet of adjacent palustrine emergent (PEM) wetlands (Liberty Quadrangle 41°32'00"N 77°04'08"W);

(8) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 51 linear feet of an unnamed tributary to Roaring Branch (EV, MF) (Liberty Quadrangle 41°32'19"N 77°04'17"W);

(9) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 217 linear feet of Little Elk Run (EV, MF), 261 square feet of adjacent palustrine emergent (PEM) wetland, and 2193 square feet of adjacent palustrine forested (PFO) wetland (Liberty Quadrangle 41°32'44"N 77°03'41"W);

(10) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,732 square feet of palustrine forested (PFO) wetland (Liberty Quadrangle 41°32'44"N 77°03'38"W);

(11) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 43 linear feet of an unnamed tributary to Little Elk Run (EV, MF) (Liberty Quadrangle 41°32'51"N 77°03'25"W).

The project will result in 604 linear feet of stream impacts and 0.85 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E5929-030 and E0829-039 and the impacts previously published on 05/19/12.

**E0829-039: PVR Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Canton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,340 square feet of palustrine emergent (PEM) wetlands (Grover Quadrangle 41°36'30"N 76°52'14"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 6,728 square feet of palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°36'30"N 76°52'11"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 15,024 square feet of palustrine emergent (PEM) wetlands (Grover Quadrangle 41°36'27"N 76°52'01"W);

(4) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 339 linear feet of an unnamed tributary to Towanda Creek (CWF, MF) and 12,100 square feet of palustrine scrub-shrub (PSS) wetland (Grover Quadrangle 41°36'26"N 76°51'48"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,542 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°36'21"N 76°51'28"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 38 linear feet of an unnamed tributary to Towanda Creek (CWF, MF), 820 square feet of palustrine forested (PFO) wetland, and 1,096 square feet of palustrine emergent (PEM) wetland (Grover Quadrangle 41°36'22"N 76°51'27"W).

The project will result in 377 linear feet of stream impacts and 0.91 acre of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E5929-030 and the impacts previously published on 05/19/12.

**E5929-030: PVR Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Liberty & Union Townships, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 30 inch natural gas pipeline, one 12 inch water line, and a timber mat bridge impacting 988 square feet of palustrine emergent (PEM) wetland and 9,518 square feet of palustrine forested (PFO) wetland (Liberty Quadrangle 41°33'15"N 77°02'40"W);

(2) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 60 linear feet of an unnamed tributary to Brion Creek (EV, MF) (Liberty Quadrangle 41°33'19"N 77°02'33"W);

(3) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 337 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'20"N 77°02'31"W);

(4) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 83 linear feet of Brion Creek (EV, MF) and 45 linear feet of an unnamed tributary to Brion Creek (EV, MF) (Liberty Quadrangle 41°33'20"N 77°02'30"W);

(5) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,433 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'21"N 77°02'27"W);

(6) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,122 square feet of palustrine forested (PFO) wetland (Liberty Quadrangle 41°33'40"N 77°01'48"W);

(7) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 10,272 square feet of palustrine scrub-shrub (PSS) wetland and 27,516 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°33'49"N 77°01'31"W);

(8) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 58 linear feet of an unnamed tributary to Salt Spring Run (EV, MF) (Liberty Quadrangle 41°34'00"N 77°01'10"W);

(9) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 110 linear feet of Salt Spring Run (EV, MF), 272 linear feet of unnamed tributaries to Salt Spring Run (EV, MF), 777 square feet of palustrine forested (PFO) wetland, and 1,367 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°34'04"N 77°00'46"W);

(10) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 458 linear feet of unnamed tributaries to Salt Spring Run (EV, MF) and 184 square feet of palustrine emergent (PEM) wetland (Liberty Quadrangle 41°34'05"N 77°00'43"W);

(11) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,263 square feet of palustrine scrub-shrub (PSS) wetland (Liberty Quadrangle 41°34'05"N 77°00'40"W);

(12) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3 linear feet of an unnamed tributary to French Lick Run (EV, MF) and 10,510 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'12"N 76°59'43"W);

(13) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 52 linear feet of French Lick Run (EV, MF) (Ralston Quadrangle 41°34'14"N 76°59'06"W);

(14) a temporary mat bridge impacting 260 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'19"N 76°58'43"W);

(15) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 35,192 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'26"N 76°58'41"W);

(16) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 79 linear feet of an unnamed tributary to French Lick Run (EV, MF) (Ralston Quadrangle 41°34'26"N 76°58'38"W);

(17) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,594 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'29"N 76°58'24"W);

(18) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 6,211 square feet of palustrine forested (PFO) wetland (Ralston Quadrangle 41°34'33"N 76°58'18"W);

(19) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,552 square feet of palustrine forested (PFO) wetland (Ralston Quadrangle 41°34'34"N 76°58'15"W);

(20) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 62 linear feet of West Mill Creek (HQ-CWF, MF) (Ralston Quadrangle 41°34'41"N 76°57'46"W);

(21) a temporary mat bridge impacting 37 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'45"N 76°57'30"W);

(22) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 110 linear feet of an unnamed tributary to Mill Creek (HQ-CWF, MF) (Ralston Quadrangle 41°34'49"N 76°57'10"W);

(23) a temporary mat bridge impacting 19 linear feet of an unnamed tributary to Mill Creek (HQ-CWF, MF) (Ralston Quadrangle 41°34'51"N 76°57'10"W);

(24) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 61 linear feet of Mill Creek (HQ-CWF, MF) (Ralston Quadrangle 41°34'50"N 76°57'07"W);

(25) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 6,234 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°34'56"N 76°56'44"W);

(26) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 11,913 square feet of palustrine emergent (PEM) wetland and 276 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'07"N 76°56'24"W);

(27) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 7,999 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'08"N 76°56'09"W);

(28) Zone 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 173 linear feet of an unnamed tributary to Sugar Works Run (HQ-CWF, MF) (Ralston Quadrangle 41°35'10"N 76°55'53"W);

(29) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 77 linear feet of Sugar Works Run (HQ-CWF, MF) (Ralston Quadrangle 41°35'12"N 76°55'52"W);

(30) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 113 linear feet of unnamed tributaries to Lycoming Creek (HQ-CWF, MF) and 1,715 square feet of adjacent palustrine forested (PFO) wetland (Ralston Quadrangle 41°35'18"N 76°55'31"W);

(31) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 7,319 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'21"N 76°55'22"W);

(32) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 89 linear feet of unnamed tributaries to Lycoming Creek (HQ-CWF) and 8,684 square feet of adjacent palustrine forested (PFO) wetland (Ralston Quadrangle 41°35'23"N 76°55'15"W);

(33) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 8,456 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'25"N 76°55'09"W);

(34) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 6,635 square feet of palustrine emergent (PEM) wetland and 3,718 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'30"N 76°54'50"W);

(35) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 145 linear feet of unnamed tributaries to Lycoming Creek (HQ-CWF, MF) (Ralston Quadrangle 41°35'33"N 76°54'41"W);

(36) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 67 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) and 143 square feet of adjacent palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'34"N 76°54'36"W);

(37) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 10,391 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'38"N 76°54'22"W);

(38) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 304 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'39"N 76°54'18"W);

(39) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 3,081 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'43"N 76°54'12"W);

(40) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 8,263 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'44"N 76°54'07"W);

(41) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 50 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) (Ralston Quadrangle 41°35'50"N 76°54'05"W);

(42) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,446 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'52"N 76°54'05"W);

(43) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 199 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF) and 4,874 square feet of adjacent palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'55"N 76°54'04"W);

(44) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 1,782 square feet of palustrine forested (PFO) wetland (Ralston Quadrangle 41°35'55"N 76°54'01"W);

(45) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 78 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) and 1,336 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'54"N 76°53'59"W);

(46) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 79 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) and 12,172 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°35'55"N 76°53'55"W);

(47) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 60 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) and 19,269 square feet of adjacent palustrine emergent (PEM) wetland (Ralston Quadrangle 41°35'58"N 76°53'29"W);

(48) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 4,361 square feet of palustrine scrub-shrub (PSS) wetland (Ralston Quadrangle 41°36'11"N 76°53'00"W);

(49) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 54 linear feet of an unnamed tributary to Lycoming Creek (HQ-CWF, MF) (Ralston Quadrangle 41°36'11"N 76°52'58"W);

(50) one 30 inch natural gas pipeline, one 12 inch water line, and a temporary mat bridge impacting 2,570 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°36'20"N 76°52'51"W);

(51) a temporary mat bridge impacting 3,992 square feet of palustrine emergent (PEM) wetland (Ralston Quadrangle 41°36'32"N 76°52'49"W).

The project will result in 2,644 linear feet of stream impacts and 5.79 acres of wetland impacts, all for the purpose of installing a natural gas gathering line and water line with associated access roadways for Marcellus well development. These impacts are associated with the impacts of E4129-037 and E0829-039 and the impacts previously published on 05/19/12.

**E5729-069: Appalachia Midstream Services, LLC**, 100 IST Center, Horseheads, NY 14845, Elkland Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) An 8 inch diameter well line impacting 321 square feet of an exceptional value palustrine forested (EV-PFO) wetland, 30 linear feet of Kings Creek, 4 linear feet of an unnamed tributary to Kings Creek (EV), and 4 linear feet of an unnamed tributary to Kings Creek (EV) (Overton, PA Quadrangle 41°33'54"N, 76°37'11"W);

2) A temporary access road using timber mats and an 8 inch diameter well line impacting 140 linear feet of an unnamed tributary to Kings Creek (EV) and 2,660 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Overton, PA Quadrangle 41°33'45"N, 76°34'02"W);

3) A temporary access road using timber mats and an 8 inch diameter well line impacting 15,005 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 1,562 square feet of an exceptional value palustrine scrub shrub (EV-PSS) wetland (Overton, PA Quadrangle 41°33'45"N, 76°36'57"W);

The project will result in 178 linear feet of temporary stream impacts, 19,548 square feet (0.45 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.

**E5929-045: SWEPI LP.**, 2100 Georgetown Drive, Suite 400, Sewickley, PA 15143, Sullivan Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain a permanent access road impacting 3,050 square foot of a palustrine forested (PFO) wetland (Mansfield, PA Quadrangle 41°47'58"N 76°58'08"W).

This application is in response to a Notice of Violation from well pad and site access construction that resulted in approximately 0.91 acre of permanent wetland impacts. The applicant has implemented 1.77 acres of wetland mitigation on site and 1.87 acres will be created

at an offsite location (Mansfield, PA Quadrangle 41°48'12"N 76°58'05"W) in Sullivan Township, Tioga County.

**E5829-063. Talisman Energy USA, Inc.;** 337 Daniel Zenker Drive, Horseheads, NY 14845; Apolacon and Choconut Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 18,274 square feet (0.42 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 06" Lat., W - 76° 04' 00" Long.),

2) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 248 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 14" Lat., W - 76° 03' 53" Long.),

3) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 471 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 03' 56" Long.),

4) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 4,223 square feet (0.10 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 05" Long.),

5) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 6,156 square feet (0.14 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 10" Long.),

6) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,338 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 06" Lat., W - 76° 04' 00" Long.),

7) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,323 square feet (0.08 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 23" Long.),

8) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,615 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 24" Long.),

9) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 367 square feet (0.01 acre) of palustrine forested wetland (PFO) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 24" Long.),

10) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 160 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W - 76° 04' 28" Long.),

11) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 407 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 38" Lat., W - 76° 04' 29" Long.),

12) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 199 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 38" Lat., W - 76° 04' 29" Long.),

13) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,844 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W - 76° 04' 33" Long.),

14) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,981 square feet (0.05 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 47" Lat., W - 76° 05' 01" Long.),

15) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 914 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 48" Lat., W - 76° 05' 02" Long.),

16) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 674 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 53" Lat., W - 76° 05' 04" Long.),

17) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 2,279 square feet (0.05 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 53" Lat., W - 76° 05' 04" Long.),

18) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,742 square feet (0.04 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 57' 56" Lat., W - 76° 05' 07" Long.),

19) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 645 square feet (0.01 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 58' 05" Lat., W - 76° 05' 14" Long.),

20) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 368 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 58' 05" Lat., W - 76° 05' 14" Long.),

21) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 1,757 square feet (0.04 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 58' 06" Lat., W - 76° 05' 15" Long.),

22) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 621 square feet (0.01 acre) of palustrine scrub shrub wetland (PSS) (Friendsville, PA Quadrangle; N 41° 58' 06" Lat., W - 76° 05' 15" Long.),

23) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 967 square feet (0.02 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 43" Lat., W - 76° 03' 23" Long.),

24) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 3,008 square feet (0.07 acre) of palustrine emergent wetland (PEM) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 03' 32" Long.),

25) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 75 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 07" Lat., W - 76° 03' 59" Long.),

26) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 71 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 03' 56" Long.),

27) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 120 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 39" Lat., W - 76° 04' 13" Long.),

28) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 67 lineal feet of Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 37" Lat., W - 76° 04' 29" Long.),

29) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 96 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 56" Lat., W - 76° 05' 07" Long.),

30) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 72 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 57" Lat., W - 76° 05' 08" Long.),

31) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 70 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 57' 59" Lat., W - 76° 05' 12" Long.),

32) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 124 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 58' 02" Lat., W - 76° 05' 14" Long.),

33) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 102 lineal feet of an unnamed tributary to Bowbridge Creek (HQ-CWF, MF) (Friendsville, PA Quadrangle; N 41° 58' 04" Lat., W - 76° 05' 14" Long.),

34) a 12-inch diameter natural gas pipeline, one 6-inch waterline, and one timber structure crossing impacting 78 lineal feet of an unnamed tributary to Choconut Creek (WWF) (Friendsville, PA Quadrangle; N 41° 57' 44" Lat., W - 76° 03' 21" Long.).

The project consists of constructing approximately 3.57 miles of 12" steel natural gas gathering line and a 6" flex-steel waterline connecting the three well sites located in Apolacon and Choconut Townships, Susquehanna County. The project will result in 875 lineal feet of temporary stream impacts, 5,576 square feet (0.13 acre) of wetland conversion impacts, and 50,005 square feet (1.15 acre) of temporary wetland impacts, all for the purpose of conveyance of Marcellus Shale natural gas to market.

**E0829-087: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 10,844 square feet of a Palustrine Emergent and Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'54", Longitude: -76°20'12");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 24 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) and impacting 3,110 square feet of an adjacent Palustrine Forested Wetland (Colley, PA Quadrangle, Latitude: 41°33'55", Longitude: -76°20'18");

3. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,073 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'55", Longitude: -76°20'33");

4. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,420 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°33'57", Longitude: -76°20'45");

The project will result in 24 linear feet or 172 square feet of temporary stream impacts and impacts 16,447 square feet (0.38 acre) of temporary PEM and PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Wilmot Township, Bradford County.

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460*

**D30-020EA. Lisa Dorman, P.E., Bureau of Facility Design and Construction, Department of Conservation and Natural Resources**, P.O. Box 8451, Harrisburg, PA 17105-8451. Richhill Township, **Greene County**, USACOE Pittsburgh District.

Project proposes to remove approximately 60 acres of accumulated silts and sediments from the reservoir impounded by the Ryerson Station Dam located across the North Fork of Dunkard Fork of Wheeling Creek (WWF) (Wind Ridge, PA Quadrangle, Latitude: 39.8879; Longitude: -80.4456).

**D54-185EA. Mitzi L. Montz, Administrator, Pinebrook Personal Care**, 2 Woodbridge Road, Orwigsburg, PA 17961. West Brunswick Township, **Schuylkill County**, USACOE Philadelphia District.

Project proposes to remove the C. J. Huether Dam and an upstream culverted roadway for the purpose of eliminating a threat to public safety and restore the stream to a free-flowing condition. The project is located across a tributary to Pine Creek (CWF) (Orwigsburg, PA Quadrangle, Latitude: 40.6421; Longitude: -76.0749).

**D61-024EA. Ms. Debra D. Sobina, Venango Campus of Clarion University**, 1810 West First Street, Oil City, PA 16301. Oil City, **Venango County**, USACOE Pittsburgh District.

Project proposes to remove approximately two acres of accumulated silts and sediments from the reservoir impounded by the Clarion University-Venango Campus West End Dam located across a tributary to the Allegheny River (CWF) (Oil City, PA Quadrangle, Latitude: 41.4111; Longitude: -79.7277).



**DAM SAFETY**

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

**Permit # 95-7-37312-14A. CNX Gas Company LLC**, 200 Evergreene Dr., Waynesburg, PA 15370. Proposes a project to amend the location of the currently existing pump building to operate and maintain the approved Mor9SH Centralized Pit as a centralized impoundment to collect and store 4.33 MG fracturing fluids from the NV-34A~H and K Well Site (Permit # 125-24923~24931), NV-55A~F and M Well Site (Permit # 125-24824, 24881, 24882, 24916, 24917, 24880, 24918), NV-56A~F Well Site

(Permit # 125-24822, 24829, 24835, 24836~24838), NV-57A~C, F~H, and J~K Well Site (Permit # 125-24866, 24867, 24841, 24868, 24869, 24842, 24898, 24899), NV-58A~H, and J~K Well Site (Permit # 125-24816~24819, 24827, 24828, 24855, 24856, 24820, 24821), NV-60D~H and J Well Site (Permit # 125-27071, 27080, 27078, 27079, 27081, 27082) and future wells in the area (PA Quadrangle; Rogersville, Latitude: N 39° 58' 50.15", Longitude: W 80° 21' 37.83"), Morris Township, **Greene County**, Pittsburgh ACOE District, State Water Plan Subbasin 20-E, Wheeling-Buffalo Creeks Watershed (WWF).

**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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PAS232208 (Industrial Stormwater)	Carpenter Co. Fogelsville Plant 57 Olin Way Fogelsville, PA 18051	Lehigh County Upper Macungie Township	Iron Run (02C)	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0062634 (Sewage)	Larry L. Luckenbill Sammy's Mobile Home Park Route 61 South Schuylkill Haven, PA 17972	Schuylkill County North Manheim Township	Unnamed Tributary to Mahorney Creek (3-A)	Y
PA0065218 (Sewage)	TRM Investments, LLC Ziegler Residence SRSTP (Formerly Mr. & Mrs. Paul Geiger) 8393 Hawkview Road Germansville, PA 18053	Lehigh County Heidelberg Township	Unnamed Tributary to Jordan 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080721— Sewage	Frank T. Perano GSP Management Company— (Cedar Manor MHP) PO Box 677 Morgantown, PA 19543	Dauphin County / Londonderry Township	UNT Conewago Creek / 7G	Y

*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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0115207 (Sewage)	Orangeville Borough Sewer System STP End Of Pine Street Orangeville, PA 17859	Columbia County Orangeville Borough	Fishing Creek (5-C)	Y
PA0115266 (Sewage)	Gregg Township Sewer Authority Wastewater Treatment Plant 259 Kline Road Spring Mills, PA 16875	Centre County Gregg Township	Penns Creek (6-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0046671 (Sewage)	Linden Hall STP 432 Linden Hall Road Dawson, PA 15428	Fayette County Lower Tyrone Township	Youghioghney River (19-D)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209988 (Industrial Waste)	PA Department of Public Welfare Polk Center 63 Pump Street Road Polk, PA 16342	Venango County Polk Borough	Little Sandy Creek (16-G)	Y
PA0239046 (Industrial Waste)	Ridgway Powdered Metals (3 Miles East of Ridgway on US Route 120) P.O. Box 398, Ridgway, PA 15853	Elk County Ridgway Township	Elk Creek (17-A)	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. PA0052744**, Sewage, **Concordville Hotel, Inc.**, 780 Baltimore Pike, P.O. Box 607, Concordville, PA 19331-0607.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Concordville Hotel STP to Unnamed Tributary to West Branch Chester Creek in Watershed 3-G.

**NPDES Permit No. PA0053783 A-1**, Sewage, **Avon Grove School District**, 375 South Jennersville Road, West Grove, PA 19390-8401.

This proposed facility is located in New London Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the extension of current limits of an NPDES permit to discharge from a facility known as Penn London Elementary School to West Branch White Clay Creek in Watershed 3-I.

**NPDES Permit No. PA0052868**, Industrial, **BAE Systems**, P.O. Box 868, MER 12-1506, Nashua, NH 03061-0868.

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

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated groundwater from a facility known as BAE Systems GWCU to Unnamed Tributary to West Branch Neshaminy Creek in Watershed 2F-Neshaminy.

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

**NPDES Permit No. PA0026549**, Sewage, **Ralph Johnson**, Reading City, 815 Washington Street, Reading, PA 19601.

This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Schuylkill River in Watershed 3-C.

**NPDES Permit No. PA0248142**, Sewage, **Rodger Petrone**, 3920 Market Street, Camp Hill, PA 17011.

This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Permit Termination—Lot #14.

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

**PA0020605**, Sewage, SIC Code 4952, **Union City Borough Municipal Authority**, 29 South Main Street, Union City, PA 16438-1331. Facility Name: Union City STP. This existing facility is located in Union Township, **Erie County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated sewage and stormwater.

**PA0026204**, Sewage, SIC Code 4952, **City of Oil City**, 21 Seneca Street, Oil City, PA 16301-1379. Facility Name: Oil City STP. This existing facility is located in Oil City, **Venango County**.

Description of Existing Activity: Renewal of an NPDES permit for an existing discharge of treated sewage.

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

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

**WQM Permit No. 3908402 T-1**, Sewage, **TRM Investments, LLC**, 7808 Wimmer Road, Bethlehem, PA 18015.

This existing facility is located in Heidelberg Township, **Lehigh County**.

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

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

**WQM Permit No. 2285419, Amendment #3**, Sewerage, **Frank T. Perano**, PO Box 677, Morgantown, PA 19543-0677.

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

Description of Proposed Action/Activity: Permit amendment approval for the modifications/operation of sewage facilities consisting of: The installation of liquid sodium bisulfate dechlorination system and post aeration at Cedar Manor Mobile Home Park.

**WQM Permit No. 6706403**, Sewerage, **Rodger C. Petrone**, 3920 Market Street, Camp Hill, PA 17011.

This proposed facility is located in Carroll Township, **York County**.

Description of Proposed Action/Activity: Permit Termination—Lot #14.

**WQM Permit No. 3899401, Amendment #1**, Industrial Waste, **Mr. Michael Good, Farmers Pride, Inc.**, PO Box 39, 154 West Main Street, Fredericksburg, PA 17026.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit amendment approval for the modifications/operation of industrial wastewater facilities consisting of: Construction of a new 3.18MG and 0.8MG reactors and conversion of the existing complex mix activated sludge tank to two 0.31MG reactors to provide a 4-stage Bardenpho Biological Nutrient Removal; Modifications to DAF cell flow equalization basin, construction of DAF influent pump station and upgrading of DAF effluent pumps; Installation of chemical storage and feed systems; Construction of new equipment building to house controls, blowers, pumps, chemical storage and feed systems at Farmer's Pride Poultly.

**WQM Permit No. 3699202, Amendment #1**, Industrial Waste, **Brad Osevala, Corixa Corporation**, 325 North Bridge Street, Marietta, PA 17547.

This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit amendment approval for the modification/operation of industrial wastewater facilities consisting of: Addition of Muffin Monster and flow meter on influent to EQ tanks, replacement of aeration mixers in EQ tanks, installation of UV disinfection system, and pH diversion system to direct effluent with pH excursions back to IWTP at GlaxoSmithKline Vaccines.

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

**WQM Permit No. 1412402 Amendment No. 1**, Sewerage, SIC Code 4952, **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 16801.

This existing facility is located in Ferguson Township, **Centre County**.

Description of Proposed Action/Activity: Addition to the sanitary sewer extension permitted under WQM Permit No. 1412402 for additional sewers associated with 60 additional EDUs.

*Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WQM Permit No. 6313402**, Sewage, **Burgettstown Smith Township Joint Sewer Authority**, Po Box 358, Atlasburg, PA 15004-0358.

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

Description of Proposed Action/Activity: This project involves the construction of approximately 6,965 L.F. of 8-inch PVC gravity sewer.

**WQM Permit No. 6313400, Peters Creek Sanitary Authority**, 3502 Lincoln Avenue, Finleyville, PA 15332.

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

Description of Proposed Action/Activity: Replacement and Improvement of the Venetia Road and Bower Hill Road Sewer Lines.

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

**WQM Permit No. WQG01251312**, Sewage, **Kenneth A. Pollard**, 8150 Franklin Road, Girard, PA 16417.

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

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant to replace a malfunctioning on-lot system.

**WQM Permit No. WQG02621301**, Sewage, **Sheffield Township Municipal Authority**, P.O. Box 821, Sheffield, PA 16347.

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

Description of Proposed Action/Activity: This permit approves the construction of sewage facilities consisting of a new three inch force main with an approximate length of 1,760 feet on the North side of US Route 6. The force main will serve six residences that will each have a grinder pump.

**WQM Permit No. 2074405**, Sewage, Amendment No. 1, **Penncrest School District**, P.O. Box 808, 18741 Highway 198, Saegertown, PA 16433-0808.

This existing facility is located in Randolph Township, **Crawford County**.

Description of Proposed Action/Activity: Amendment to remove phosphorus removal and dechlorination/post aeration equipment from the WQM permit for Maplewood Jr./Sr. High School.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 11508066-R	Greenpoint Farm, Inc. 402 Bayard Road, Suite 100 Kennett Square, PA 19348	Chester	East Nottingham Township	Little Elk Creek HQ—TSF—MF
PAI01 151230	Ms. Carol Altemose 4326 White Horse Road Malvern, PA 19355	Chester	Charlestown Township	Unnamed Tributary to Pickering Creek HQ—TSF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 2313003	Brasalind Properties, Inc. 10 Springhouse Lane Media, PA 19063	Delaware	Middletown Township	Rocky Run HQ—CWF
PAI01 5113012	Sevenyard, LP 795 East Lancaster Avenue Suite 200 Villanova, PA 19085	Philadelphia	City of Philadelphia	Delaware River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913004	N17 Property, L.P. One Bala Avenue, Suite 502 Bala Cynwyd, PA 19004	Lehigh	Lower Macungie Township	Little Lehigh Creek (HQ-CWF, MF)
PAI023913005	Mr. Steven R. Moneymaker 416 Grange Road Allentown, PA 18106	Lehigh	Lowhill Township	Cherith Brook (HQ-CWF, MF); UNT to Jordan Creek (HQ-CWF, MF)

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017(3) Phase #40 Revision	Penn State University 101P Physical Plant Bldg University Park PA 16802	Centre	State College Borough	UNT to Thompson Run HQ-CWF Trib to Spring Creek MF

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041713002	Boggs Township PO Box 69 West Decatur PA 16878	Clearfield	Boggs Township	UNT Morgan Run CWF Simeling Run HQ-CWF

*Clinton County Conservation District: 45 Cooperation Lane, Mill Hall, PA 17751, (570) 726-3798*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041813004	Sugar Valley Concerned Citizens Peggy Barner PO Box 8 Loganton PA 17747	Clinton	Loganton Borough	Fishing Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site

PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges From the Application of Pesticides

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

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bristol Township Bucks County	PAG0200 0913067	Ralph Waldo Emerson Elementary School 6401 Mill Creek Road Levittown, PA 19057	Unnamed Tributary Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Newtown Township Bucks County	PAG0200 0906018-R	Toll PA VII, LP 250 Gibraltar Road Horsham, PA 19044	Tributary to Neshaminy Creek WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG0200 0911060-R	Royal Bank America 732 Montgomery Avenue Narberth, PA 19072	Morgan Creek and Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4613077	Whitpain Township Kurt Baker Director Parks & Recreation 960 Wentz Road Blue Bell, PA 19422	Prophecy Creek to Wissahickon Creek TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Salford Township Montgomery County	PAG0200 4613055	Smile Realty, LP 775 Route 113 Souderton, PA 18964	Tributary of Pennypack Creek Tributary #1 TSF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Worcester Township Montgomery County	PAG0200 4613085	Sparango Construction Company, Inc. 506 Bethlehem Pike Fort Washington, PA 19034	Unnamed Tributary to Zacharis Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 511327	University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104	Schuylkill River WWF—MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Jessup Borough Lackawanna County	PAG02003513015	IEP411 LLC 411 Gravel Pond Road Clarks Summit, PA 18411	Sterry Creek (CWF, MF)	Lackawanna County Conservation District 570-392-3086
Whitehall Township Lehigh County	PAG02003913012	Frederick Chowns The Chowns Group 2053 Cressman Road Skippack, PA 19474	Jordan Creek (TSF, MF)	Lehigh County Conservation District 610-391-9583
Lehman Township Luzerne County	PAG02004013012	Back Mountain Regional Fire and EMS Mark Van Etten 184 East Center Hill Road Dallas, PA 18612-1154	Huntsville Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

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

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township, Mifflin County	PAG02004410001 (Issued)	Blossom Hill Gary McEwen 3335 Morgantown Road Mohnton, PA 19540	Kishacoquillas Creek (TSF)	Mifflin Co. Conservation District 20 Windmill Hill #4 Burnham, PA 17009 717.248.4695
Montgomery Township, Franklin County	PAG02002813006 (Issued)	Jeff Piper 13520 Chad's Terrace Hagerstown, MD 21742	Licking Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Waynesboro Borough, Franklin County	PAG02002813039 (Issued)	Waynesboro Hospital 501 East Main Street Waynesboro, PA 17268	East Branch of Antietam Creek (CWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Guilford Township, Franklin County	PAG02002813037 (Issued)	Mountain View Farm & Garden Supply Lyle Diller 5045 Molly Pitcher Highway Chambersburg, PA 17202	Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Antrim Township, Franklin County	PAG02002813042 (Issued)	Steve Wood Food Lion LLC PO Box 790 Greencastle, PA 17225	UNT to Conococheague Creek (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Antrim Township, Franklin County	PAG02002813038 (Issued)	Mike Gillespie PA DOT 2140 Herr Street Harrisburg, PA 17103	Paddy Run (WWF)	Franklin Co Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 717.264.5499
Upper Tulpehocken Township, Berks County	PAG02000613016 (Issued)	Lamar Lehman 161 Manbeck Road Bernville, PA 19506	Tulpehocken Creek (WWF, MF)	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Greenwich Township, Berks County	PAG02000613042 (Issued)	Stephanie Williams 6730 Pioneer Drive Macungie, PA 18062	UNT to Maiden Creek & Maiden Creek	Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142
Middle Paxton Township, Dauphin County	PAG02002213037 (Issued)	Rodd J. Melzer 320 Fishing Creek Valley Road Harrisburg, PA 17110	Fishing Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
City of Harrisburg, Dauphin County	PAG02002213041 (Issued)	SYGMA Network 4000 Industrial Road Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

## NOTICES

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<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Rapho Township, Lancaster County	PAG02003613071 (Issued)	Keystone Chapter Of Associate Builders 135 Shellyland Road Manheim, PA 17545	Little Chickies Creek (TSF, MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Ephrata Township, Lancaster County	PAG02003613079 (Issued)	New Life Fellowship of Ephrata 420 East Fulton Street Ephrata, PA 17522	UNT to Cocalico Creek & UNT to Conestoga River (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Ephrata Township, Lancaster County	PAG02003613080 (Issued)	Justin Oberholtzer 129 West Lexington Road Lititz, PA 17543	Hammer Creek (TSF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Millcreek Township, Lebanon County	PAG02003813033 (Issued)	Matthew Nolt 131 Krumstown Road Myerstown, PA 17067	Tributary 01968 to Tulpehocken Creek (TSF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Jackson Township, Lebanon County	PAG0200381308 (Issued)	Steve Martin 71 Williams Road Myerstown, PA 17067	Tributary 09918 to Little Swatara Creek (WWF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Palmyra Borough, Lebanon County	PAG02003813032 (Issued)	Brian Soyka 5700 Sixth Avenue Altoona, PA 16602	Killinger Creek (TST, MF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Lebanon City, Lebanon County	PAG02003811016 (Issued)	Jack Keener PO Box 309 Newmanstown, PA 17073	Quittapahilla Creek (TSF, MF)	Lebanon Co Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717.272.3908, Ext. 4
Dover Township, York County	PAG02006708057R (Issued)	Glen P. & Bonny Myers 4220 Davidsburg Road Dover, PA 17315	UNT to Little Conewago Creek (TSF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township, York County	PAG02006713039 (Issued)	K E Colony LLC Mike Jeffers 6259 Reynolds Mill Road York, PA 17360	Willis Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430



*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Shrewsbury Township, York County	PAG02006705114R (Issued)	Messina Highlands LP Joseph Messina 20 Hunting Park Court York, PA 17402	Deer Creek (CWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Penn Township, York County	PAG02006711052R (Issued)	Yazoo Mills, Inc. Troy E. Eckert 305 Commerce Street New Oxford, PA 17350-1724	UNT to Oil Creek (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Wyalusing Borough Bradford County	PAG02000813022	Jay Chadwick Tuscarora Wayne Group of Companies PO Box 7 Wyalusing PA 18853	Wyalusing Creek WWF Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center RR 5, Box 5030C Towanda, PA 18848 (570) 265-5539, X 6
Harris Township Centre County	PAG02001413010	Rittenhouse Real Estate Ventures Inc 401 Mountain Rd State College PA 16801	UNT to Roaring Run CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre Hall Borough Centre County	PAG02001413013	Centre Hall Fire Co 207 N PA Ave Centre Hall Borough PA 16828	Trib to Sinking Creek CWF, MF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817
Ralpho Township Northumberland County	PAG02004911006R	Rose View Estates Intersection of Blue Church Rd & Moore Rd	UNT to Shamokin Creek CWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
Northumberland Borough Northumberland County	PAG02004913011	Northumberland Borough WWTP 100 Water St Northumberland PA 17857	N B Susquehanna River WWF, MF	Northumberland County Conservation District 441 Plum Creek Rd Sunbury, PA 17801 Phone: (570) 286-7114 ext. 4
East Buffalo Township Union County	PAG02006013010	Todd Ross PO Box 70 Montandon PA 17850	Limestone Run WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

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

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Franklin Township Butler County	PAG02001008026R	E & E Developers Inc 198 Saxonburg Road Butler PA 16002	Mulligan Run CWF	Butler County Conservation District 724-284-5270
Harborcreek Township Erie County	PAG02002513018	Economic Development Corporation of Erie County 5240 Knowledge Parkway Erie PA 16510	Unt Four Mile Creek	Erie County Conservation District 814-825-6403
Young Township Jefferson County	PAG02003313005	Brimark Builders 980 American Drive Neenah WI 54956 and Dobson Incorporated 78 Notary Lane Punxsutawney PA 15767	Painter Run CWF	Jefferson County Conservation District 814-849-7463

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Bell Township Jefferson County	PAR808371	Punxsutawney Borough Municipal Airport Authority PO Box 365 Punxsutawney, PA 15767	Unnamed Tributary to Graffius Run 17-D	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Wheatland Borough Mercer County	PAR338301	PM KALCO, Inc. PO Box 399 40 Council Avenue, Wheatland, PA 16161	Shenango River 20-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Beaver Township Jefferson County	PAR118324	Stanton Dynamics 7032 Pansy Ringgold Road, Brookville, PA 15825	Beaver Run 17-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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Fairview Township Erie County	PAG041123	Kenneth A. Pollard 8150 Franklin Road, Girard, PA 16417	Unnamed Tributary to Brandy Run 15-A	DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Forks Township  
Northampton  
CountyPAG08-2203  
PAG07-0003  
PAG08-0008  
PAG08-3501  
PAG08-0002  
PAG08-3535  
PAG08-3551  
PAG08-3517  
PAG08-9903  
PAG08-3596  
PAG08-3510  
PAG08-2211  
PAG08-3506  
PAG08-3522  
PAG08-3515  
PAG08-9904  
PAG08-0006  
PAG08-3540  
PABIG-9903  
PAG08-3547  
PAG08-3600  
PAG08-3565  
PAG07-3508  
PAG07-0005  
PAG08-0003  
PAG08-3825  
PAG08-3542  
PAG08-0004  
PAG08-3518  
PAG08-9905  
PAG08-3556  
PAG08-0018  
PAG08-3573  
PAG08-3597  
WMGR-099  
PAG08-3567  
PAG08-2219  
PAG08-0021  
PAG08-0011  
PAG08-3605  
PAG08-0005  
PAG08-3502Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160Keifer IV Richmond  
Road and Padula  
RoadPA DEP NERO  
2 Public Square  
Wilkes-Barre, PA  
18701-1915  
570-826-2511*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Franklin County /  
St. Thomas  
Township

PAG083560

St. Thomas Township  
Municipal Authority  
4500 Gary Way Ext  
Chambersburg, PA 17201

Crouse Farm

DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717-705-4707Franklin County /  
St. Thomas  
Township

PAG083560

St. Thomas Township  
Municipal Authority  
4500 Gary Way Ext  
Chambersburg, PA 17201

Strite Farm

DEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
717-705-4707

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

Conway Borough  
Beaver County

*Permit No.*  
PAG106172

*Applicant Name &  
Address*  
Norfolk Southern Corp  
425 Holiday Drive  
Pittsburgh, PA  
15220-2714

*Receiving  
Water / Use*  
Ohio River—20-G

*Contact Office &  
Phone No.*  
DEP Southwest  
Regional Office  
Clean Water Program  
400 Waterfront Drive,  
Pittsburgh, PA 15222-4745  
412.442.4000

*General Permit Type—MS4 PAG13 Waiver*

*Facility Location:  
Municipality &  
County*

Sewickley Heights  
Borough,  
Allegheny County

*Permit No.*  
PAI136137  
(Waiver)

*Applicant Name &  
Address*  
Sewickley Heights  
Borough  
238 Country Club Road  
Sewickley, PA 15143

*Receiving  
Water / Use*  
Little Sewickley  
Creek/Ohio River  
HQ-TSF and WWF

*Contact Office &  
Phone No.*  
DEP Southwest  
Regional Office,  
Clean Water Program,  
400 Waterfront Drive,  
Pittsburgh, PA 15222-4745  
412.442.4000

*General Permit Type—PAG-13*

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

*NPDES  
Permit No.*

PAG138309

*Applicant Name &  
Address*

Ellport Borough  
Lawrence County  
313 Burns Avenue,  
Ellwood City, PA 16117

*County*

Lawrence  
County

*Municipality*

Ellport Borough

*Receiving  
Water/Use*

Slippery Rock  
Creek WWF

*DEP Protocol  
(Y/N)*

Y

**STATE CONSERVATION COMMISSION**

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES PERMITS FOR CAFOs**

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

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

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

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

**ACTIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

**CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Philadelphia Park Casino and Racetrack (d/b/a PARX); 3001 Street Road Bensalem, PA 19020	Bucks	452.4	1500	Horses	NA	Approved

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Beaver Ridge Farm, Inc 1400 Fowler Hollow Rd Blain, PA 17006	Perry	213.47	386.15	Swine	HQ-CWF	Approved

### PUBLIC WATER SUPPLY PERMITS

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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*

**Operations Permit # 0913519** issued to: **North Penn Water Authority** 300 Forty Foot Road Lansdale, PA 19446 [(PWSID)] Sellersville Borough, **Bucks County** on November 22, 2013 for the operation of Sellersville Portable Water Storage Tank Repainting.

**Operations Permit # 4613512** issued to: **Schwenksville Borough Authority** 298 Main Street Schwenksville, PA [(PWSID)] Schwenksville Borough, **Montgomery County** on November 22, 2013 for the operation Zieglerville Road Portable Water Storage Tank No. 4 Repainting.

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

**Operations Permit** issued to: **Huntingdon Borough**, 4310012, Huntingdon Borough, **Huntingdon County** on 11/21/2013 for the operation of facilities approved under Construction Permit No. 3112502.

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

**Permit No. 4189512-T2**—Operation Public Water Supply.

Applicant	<b>Fairlawn Trailer Court</b>
Township/Borough	Old Lycoming Township
County	<b>Lycoming</b>
Responsible Official	Mr. Matthew Cowden Fairlawn Trailer Court 3663 Lycoming Creek Road Cogan Station, PA 17728
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	11/26/13
Description of Action	Operation of the existing water system, including Well No. 1, disinfection, corrosion control, hydropneumatic tanks, detention tanks, and the distribution system.

**Permit No. MA-GWR-T1**—Operation Public Water Supply.

Applicant	<b>Fairlawn Trailer Court</b>
Township/Borough	Old Lycoming Township
County	<b>Lycoming</b>
Responsible Official	Mr. Matthew Cowden Fairlawn Trailer Court 3663 Lycoming Creek Road Cogan Station, PA 17728
Type of Facility	Public Water Supply
Consulting Engineer	N/A
Permit Issued	11/26/13
Description of Action	4-log inactivation of viruses at Entry Point 100.

**Permit No. 4113508-MA**—Operation Public Water Supply.

Applicant	<b>Williamsport Municipal Water Authority</b>
Township/Borough	City of Williamsport
County	<b>Lycoming</b>

Responsible Official Douglas E. Keith, Executive Director  
Williamsport Municipal Water Authority  
253 West Fourth Street  
Williamsport, PA 17701

Type of Facility Public Water Supply

Consulting Engineer Charles Hauser, P.E. Douglas E. Keith, Executive Director  
Williamsport Municipal Water Authority  
253 West Fourth Street  
Williamsport, PA 17701

Permit Issued 11/25/13

Description of Action Approves request to reduce the range of fluoride residual in drinking water from between 0.8 mg/L and 1.2 mg/L, as specified in condition D of PWS permit no. 4189510-Operation, to a range of fluoride residual in drinking water between 0.5 mg/L and 0.9 mg/L, at the Williamsport Municipal Water Authority drinking water filtration plant.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745*

**Permit No. 2613507**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County**  
124 Park & Pool Road  
New Stanton, PA 15672

[Borough or Township] North Huntingdon Township

County **Westmoreland**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued November 26, 2013

**Operations Permit** issued to: **Somerset County General Authority**, 300 North Center Avenue, Suite 500, Somerset, PA 15501, (PWSID #4560009) Jenner Township, **Somerset County** on November 26, 2013 for the operation of facilities approved under Construction Permit # 5613503.

**Permit No. 0213532MA, Minor Amendment.** Public Water Supply.

Applicant **Findlay Township Municipal Authority**  
1271 Route 30  
PO Box 409  
Clinton, PA 15026

[Borough or Township] Findlay Township

County **Allegheny**

Type of Facility Water system

Consulting Engineer NIRA Consulting Engineers, Inc.  
950 Fifth Avenue  
Coraopolis, PA 15108

Permit to Construct Issued November 26, 2013

**Permit No. 0213531MA, Minor Amendment.** Public Water Supply.

Applicant **Pittsburgh Water & Sewer Authority**  
Penn Liberty Plaza I  
1200 Penn Avenue  
Pittsburgh, PA 15222

[Borough or Township] City of Pittsburgh

County **Allegheny**

Type of Facility Water system

Consulting Engineer

Permit to Construct Issued November 26, 2013

**Permit No. 6513512MA, Minor Amendment.** Public Water Supply.

Applicant **Highridge Water Authority**  
17 Maple Avenue  
Blairsville, PA 15717

[Borough or Township] Derry Township

County **Westmoreland**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
PO Box 853  
Latrobe, PA 15650

Permit to Construct Issued November 26, 2013

**Permit No. 0313505MA, Minor Amendment.** Public Water Supply.

Applicant **South Buffalo Township Municipal Authority**  
382 Iron Bridge Road  
Freeport, PA 16629

[Borough or Township] South Buffalo Township

County **Armstrong**

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
Indianola, PA 15051

Permit to Operate Issued November 26, 2013

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

**Permit No. 3313501-C** Public Water Supply

Applicant **Winslow Township**

Township or Borough Winslow Township

County **Jefferson**

Type of Facility Public Water Supply

Consulting Engineer    Brian S. Sekula, P.E.  
                                   The EADS Group, Inc.  
                                   15392 Route 322  
                                   Clarion, PA 16214

Permit to Construct    November 26, 2013  
 Issued

### STORMWATER MANAGEMENT

#### Action on plans submitted under the Stormwater Management Act (32 P. S. § 680.9)

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19140. Telephone 484-250-5970*

The Act 167 Stormwater Management Plan for Neshaminy Creek Watershed, submitted by Montgomery County was approved on November 22, 2013. This plan applies to the Neshaminy Creek Watershed in the County of Montgomery.

### 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:

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

**Michael Dean residence**, 1653 Westmont Avenue, Mt. Oliver Borough, Allegheny County. Aurora Environmental, Inc. 1031 Third Avenue, New Brighton, PA 15066 on behalf of Michael Dean, 1600 Dormont Avenue, Pittsburgh, PA 15216 has submitted a Final Report concerning the remediation of site soil contaminated with home heating oil. The Final Report was submitted to the Department on November 22, 2013 and intends to demonstrate attainment of residential Statewide Health Standards.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

For further information concerning the plans and reports, contact the environmental cleanup program manager in the Department regional office under which the

notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**Shawnee Investment Corp-Clapper House**, River Road, Smithfield Township, **Monroe County**, Gregg Walters, MEA, Inc., had submitted a Final Report on behalf of this client, Russ Gladd, Shawnee Investment Corp., P.O. Box 67, Shawnee on Delaware, PA 18356, concerning the remediation of soil and groundwater from No. 2 fuel oil due to an overflow to an abandoned tank fill port no longer connected to the tank. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on November 12, 2013.

**Kasper Residence**, 924 State Route 29, Lake Township, **Luzerne County**, James Sposito, James, P. Sposito, Associates, had submitted a Final Report on behalf of his clients, Michael and Barbara Kasper, 924 State Route 29, Sweet Valley, PA 18656, concerning the remediation of soil found to have been impacted by #2 fuel oil from a malfunctioned hose connected to the delivery truck while making a delivery to a 275 gallon aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on October 30, 2013.

**Rosanelli Property**, 190 Schocopee Road, Milford Township, **Pike County**, John Lydzinski, Cardno MM&A, 2 Gunpowder Road, Mechanicsburg, PA 17050, had submitted a Final Report on behalf of this clients, Ken Rosanelli, 190 Schocopee Road, Milford, PA 18337, concerning the remediation of soil found to have been impacted by #2 fuel oil from seepage caused by the threaded fittings of two interior aboveground storage tanks. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on November 1, 2013.

**Williams Dehydration Facility**, 80 Depue Road, Liberty Township, **Susquehanna County**, Steven Vedder, Environmental Project & Services, had submitted a Final Report on behalf of his clients, Phillip and Michele Depue, 24 Depue Road, Montrose, PA 18801, concerning the remediation of soil due to a clogged burner filtering unit system from triethylene glycol. The report documented attainment of the Site Specific Standard for soil on October 30, 2013.

**Harry Corvi Property**, 1343 Neola Road, Jackson Township, **Monroe County**, Richard Trimpi, Trimpi Associates, have submitted a Final Report on behalf of his client, Harry Corvi, 1343 Neola Road, Stroudsburg, PA 18360, concerning the remediation of soil and groundwater found to have been impacted by kerosene as a result from an open bleed valve on an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and groundwater and was approved on October 29, 2013.

**Saputo Cheese (a.k.a. ConAgra Foods)**, 1002 MacArthur Road, Whitehall Township, **Lehigh County**, Susan Cummins, Geologic NY, Inc., PO Box 350, 37 Copeland Avenue, Homer, NY 13077, has submitted a

Final Report on behalf of her client, Mr. James F. Duffy, Duffy Real Estate, LLC, 129 Avondale Drive, N. Wales, PA 19454-3927, concerning the remediation of soil and groundwater found to have been impacted by the release of #2, #4 and #6 fuel oil compounds related to an underground storage tank system adjacent to the cheese plant building. The report documented attainment of the Site-Specific and Statewide Health Standard for soil and Statewide Health Standard for groundwater and was approved on October 2, 2013.

**Carbondale Former Manufactured Gas Plant**, 8th Avenue at Mill Street, City of Carbondale, **Lackawanna County**, Bruce Middleman, Stantec Consulting Services Inc., has submitted a Cleanup Plan on behalf of his clients, Anthony Rymar, UGI Penn Natural Gas, Inc., 2525 North 12th Street, Reading, PA 19612, concerning the remediation of soil and groundwater found to have been impacted by polycyclic aromatic hydrocarbons (PAH), volatile organic compounds (VOC) and lead caused from historical operations used for the manufacture of coal gas. The Clean Up plan for Residential Statewide Health Standards for soil and the Site Specific Standards for soil and groundwater was approved on September 21, 2013.

**K-Mart #3266**, 18 Mark Plaza, Edwardsville Borough, **Luzerne County**, Jason Floyd, Mountain Research, LLC, had submitted a NIR and Final Report on behalf of his client, John Christodoulou, property owner, Mark P. Plaza Fifty, LP, 1311 Mamaroneck Avenue, Suite 260, White Plains, NY 10605, concerning the remediation of soil found to have been impacted by 200 gallons of diesel fuel released from a trailer mounted generator located at the rear of the facility. A public notice regarding the submission of the NIR and Final Report was published in *The Citizens Voice* on October 29, 2013. The report documented attainment of the Residential Statewide Health Standards for soil on November 20, 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 report documented attainment of the Statewide Health Standard for soil and was approved on November 21, 2013.

**PPL Pole 62054N52745**, John Avenue, Fell Township, **Lackawanna County**, Jennifer Sedora, PP L Electric Utilities, 1639 Church Road (WALO), Allentown, PA 18104, has submitted a Final Report concerning the remediation of soil from transformer oil due to a tree coming into contact and damaged a 50 Kva overhead transformer. The report documented attainment of the Statewide Health Standard for soil and was approved on November 14, 2013. The report was originally submitted within 90 days of the release.

**Castrogiovanni 4H Well Pad**, 1308 Post Pond Road, Bridgewater Township, **Susquehanna County**, Dawn Washo, Resource Environmental, 36 Taylor Lane, Montrose, PA 18801, has submitted a Final Report on behalf of her client, Alice Jean Castrogiovanni, 3870 Turnpike Road, Montrose, PA 18801, concerning the remediation soil due to off-road diesel fuel released impacted surficial soils on the well pad. The report



documented attainment of the Statewide Health Standard for soil and was approved on November 13, 2013. The report was originally submitted within 90 days of the release.

**A&M Hibbard 2H/4H Well Site**, State Route #29, Dimock Township, **Susquehanna County**, CEC, Inc., has submitted a Final Report on behalf of their client, Andy Mehalko, Cabot Oil & Gas, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, concerning the remediation of soil from well pit/reserve pit resulting from a release of discharges and seeping. The report documented attainment of the Residential Statewide Health Standards for soil and groundwater and was approved on November 19, 2013.

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

**Mount Penn CVS Store # 10045**, Route 422, Howard Boulevard and Fern Street NWC, Reading, PA, Mount Penn Borough, **Berks County**. RT Environmental Services, Inc., 591 East Maiden Street, Washington, PA 15301, on behalf of Pennsylvania CVS Pharmacy, LLC, c/o Summit Realty Advisors, LLC, 201 South Maple Avenue, Suite 100, Ambler, PA 19002, submitted a Final Report concerning remediation of site soils contaminated with VOCs and PAHs. The report did not demonstrate attainment a combination of Residential and Nonresidential Statewide Health standards, and was disapproved by the Department on November 25, 2013.

**Former Littonian Shoe Factory**, 31 Keystone Street, Littlestown Borough, **Adams County**. Kelly-Buck Company, 1048 Literary Road, Cleveland, OH 44114, on behalf of MasterBrand Cabinets, Inc., PO Box 420, Jasper, IN 47547-0420, submitted a Final Report concerning remediation of site soils and groundwater contaminated with TCE. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on November 26, 2013.

**Conestoga Wood Specialties**, 245 Reading Road, East Earl Township, **Lancaster County**. Hafer Environmental Services, Inc., PO Box 4418, Reading, PA 19606, on behalf of Conestoga Wood Specialties, PO Box 158, Earl, PA 17519-0158, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of a combination of the Residential Statewide Health and Site Specific standards, and was approved by the Department on November 26, 2013.

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

**Former ABC Motel**, Ligonier Township, **Westmoreland County**. Insite Group, Inc., 611 S. Irvine Ave., Sharon, PA 16146 on behalf of Western Pennsylvania Conservancy, 800 Waterfront Drive, Pittsburgh, Pa 15222 submitted a Final Report concerning the remediation of soil contaminated with BTEX, MTVE, Cumene, Napthalene, 1,2,4, -Trimethybenzene and 1,3,5, -Trimethybenzene. The final report demonstrated attainment of non-residential statewide health standard for soils and was approved by the Department on November 26, 2013.

## AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP3-09-0115: Haines & Kibblehouse, Inc** (2052 Lucon Road, Skippack, PA 19474) on December 2, 2013, was authorized to operate portable nonmetallic mineral processing plant in West Rockhill Township, **Bucks County**.

**GP9-09-0044: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on December 2, 2013, was authorized to operate diesel/#2 fuel-fired internal combustion engine in West Rockhill Township, **Bucks 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.*

**GP6-22-03086A: Riverside Cleaners** (3114 Hoffman Street, Harrisburg, PA 17110) on November 21, 2013, for two (2) existing petroleum dry-cleaning units, under GP6, at their dry cleaning facility in Harrisburg City, **Dauphin County**. The general permit authorization was renewed.

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

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

**GP5-41-698A: PVR Marcellus Gas Gathering, LLC** (101 West Third Street, Williamsport, PA 17701) on November 22, 2013, to construct and operate five (5) 1380 bhp natural-gas-fired Caterpillar model G3516B ultra-lean-burn compressor engines (Engines 4-8) each equipped with a Miratech model ZXS-RE-FULL354XH oxidation catalyst, one 85 MMscf/day dehydrator equipped with a 2.0 MMBtu/hr reboiler and controlled by a 2.1 MMBtu/hr Superior Fabrication enclosed flare, and two 10,000-gallon produced-water tanks under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities (BAQ-GPA/GP-5) at their Quaker Compressor Station in Fairfield Township, **Lycoming County**.

**GP1-19-176: Windsor Foods** (595 West 11th Street, Bloomsburg, PA 17815) on November 21, 2013, to authorize the operation of one (1) natural gas fired Johnston model PFTE500-4G150S boiler with a rated heat input capacity of 20.92 MMBtu per hour pursuant to the General Plan Approval and General Operating Permit for Small Gas and No. 2 Oil Fired Combustion Units (BAQ-GPA/GP-1) in the Town of Bloomsburg, **Columbia County**.

**GP9-14-00003A: Pennsylvania State University** (101 Physical Plant Building, University Park, PA 16802-1119) on November 19, 2013, to authorize the construction of one 2695 bhp diesel-fired engine associated with a

2000 ekW generator pursuant to the General Plan Approval and/or General Operating Permit for Diesel or #2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their East Campus Steam Plant in College Township, **Centre County**.

**GP9-14-00003B: Pennsylvania State University** (101 Physical Plant Building, University Park, PA 16802-1119) on November 19, 2013, to authorize construction of one 2695 bhp diesel-fired engine associated with a 2000 ekW generator pursuant to the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at their West Campus Steam Plant in State College Borough, **Centre County**.

**GP3-49-341: Blue Ridge Mining, LP** (123 Iris Road, Shamokin, PA 17872) on November 21, 2013, to authorize construction and operation of a portable nonmetallic mineral processing plant pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at the Blue Ridge Mine in Coal Township, **Northumberland County**.

**GP9-49-341: Blue Ridge Mining, LP** (123 Iris Road, Shamokin, PA 17872) on November 21, 2013, to authorize construction and operation of one (1) Caterpillar model C-9 engine rated at 300 brake horsepower-hour (bhp-hr) and one (1) diesel-fired Deutz model BF4M2012 engine rated at 100 bhp-hr pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP9) at the Blue Ridge Mine located in Coal 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*

**GP5-30-00190B: PVR NEPA Gas Gathering, LLC** (101 West 3rd Street, Williamsport, PA 17701) on November 26, 2013, to authorize installation and/or operation of one (1) natural gas-fired compressor engines rated at 690 bhp controlled by an oxidation catalyst, one (1) 12 MMscfd dehydrator controlled by a flare, and storage tanks at the Greene County South Compressor Station in Gilmore Township, **Greene County**.

**GP5-32-00355C: Peoples Natural Gas Company, LLC** (1201 Pitt Street, Pittsburgh, PA 15221-2029) on December 2, 2013, to authorize the continued operation of the Egry Compressor Station consisting of one lean burn natural gas-fired compressor engine rated at 810 bhp, one tri ethylene glycol dehydrator (including reboiler) rated for 5.2 MMSCF/day and controlled by a thermal oxidizer, and one 5,000 gallon produced fluids tank located in Conemaugh Township, **Indiana County**.

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

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

**GP1-37-144B: Jameson Memorial Hospital** (1211 Wilmington Avenue, New Castle, PA 16105) on November 15, 2013, for operation of two (2) 12.6 MMBtu/hr natural gas and #2 fuel oil fired boilers (BAQ-GPA/GP-1) in City of New Castle, **Lawrence County**.

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**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.**

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

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

**09-0053B: Greif Packaging LLC** (695 Louis Drive, Warminster, PA 18974) on November 26, 2013, for the following changes at its existing steel drum manufacturing facility in Warminster Township, **Bucks County**:

- Modification of the volatile organic compound (“VOC”) hazardous air pollutant (“HAP”) emission capture and control system

- Installation of a new regenerative thermal oxidizer (“RTO”) and the removal of an existing RTO (Source ID C05 in State Only Operating Permit No. 09-00053).

- An increase to the total operating time for the three spray booths and three associated (dedicated) bake ovens from 5,600 hours per year (on a 12-month rolling basis) to 6,600 hours per year (on a 12-month rolling basis).

The facility is currently permitted under State Only (Synthetic Minor) Operating Permit No. 09-00053. Since the DEP renewed the State Only Operating Permit (“SOOP”) in 2008, Greif Packaging LLC modified the VOC emission capture and control system at the facility, such that the actual emissions of xylene, a HAP, have exceeded 10 tons/yr (on a 12-month rolling basis), the major facility threshold. As a result, the facility’s status has changed from State Only to Title V, and the affected coating operations at the facility (i.e., the aforementioned spray booths and bake ovens, a silk screen machine, an inkjet printer, an adhesives operation, and all associated cleanup operations) have become subject to the provisions of 40 CFR Part 63, Subpart M. These changes will be reflected in the Plan Approval, which is intended to supersede the SOOP for all sources except the existing RTO.

To demonstrate compliance with the applicable organic HAP emission restriction from 40 CFR Part 63, Subpart M (i.e., 0.31 kg/L coating solids [2.6 lbs/gal coating solids] for general use coatings), for the affected coating operations at the facility, Greif Packaging LLC has elected to use the emission rate without add-on controls option as the compliance option for all affected coating operations. Greif Packaging LLC’s subsequent conversion (from when the VOC/HAP emission capture and control system at the facility was modified) to lower-VOC/HAP-content coatings is integral to the affected coating operations complying with the organic HAP emission restriction.

Greif Packaging LLC has elected to restrict VOC emissions from the facility to less than 21 tons/yr and HAP emissions from the facility to less than 10 tons/yr for any individual HAP and less than 21 tons/yr for total HAPs. While this will not serve to change the facility’s status as Title V or being subject to the provisions of 40 CFR Part 63, Subpart M, it will ensure that the facility will not be subject to the Compliance Assurance Monitoring (“CAM”) requirements of 40 CFR Part 64 whenever the Plan Approval is incorporated into a Title V Operating Permit.

The Plan Approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0020J: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on November 27, 2013, to revise the hydrofluoric acid emissions limit from 0.54 lb/hr to 1.13 lb/hr of existing pickling operation controlled by a mist eliminator located in Lower Providence Township, **Montgomery County**. There will be no change in other air pollutant emissions due to this modification. This facility is a Title V facility. The Plan approval will contain record keeping and operating restriction 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*

**39-00100A: PPL Electric Utilities Corp.** (2 North 9th Street, Allentown, PA 18101) on November 25, 2013, to issue for the increase in operating hours of their emergency generators at their facility in Upper Macungie Twp., **Lehigh County**.

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

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

**14-00002O: Graymont (PA), Inc.** (194 Match Factory Place, Bellefonte, PA 16823) on November 21, 2013, issued plan approval for a burner replacement in the rotary dryer associated with the pulverized limestone system (PLS) located in Spring Township, **Centre County** at the Pleasant Gap plant. The plan approval included testing, monitoring, recordkeeping and reporting conditions to verify compliance with all applicable state and federal regulatory requirements.

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

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

**16-132J: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16254) on November 27, 2013, for modification of destruction efficiencies associated with the RTO in Paint Township, **Clarion County**. This is a Title V facility.

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**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.**

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

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

**46-0029E: Glasgow, Inc.** (P.O. Box 1089, Glenside, PA 19038) on November 22, 2013, for operation of a crusher/conveyors in Montgomery Township, **Montgomery County**.

**09-0186D: Kinder Morgan Bulk Terminals, Inc.** (1000 South Port Road, Fairless Hills, PA 19030) on November 22, 2013, for operation of a coal and coke import/export in Falls Township, **Bucks County**.

**09-0186E: Kinder Morgan Bulk Terminals, Inc.** (1000 South Port Road, Fairless Hills, PA 19030) on November 22, 2013, for operation of a fertilizer transfer and storage process in Falls Township, **Bucks County**.

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

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

**36-05156A: L & S Sweeteners, Inc.** (388 East Main Street, Leola, PA 17540-1925) on November 21, 2013, for construction and temporary operation of two (2) landfill gas-fired engine generator sets at their facility in Upper Leacock Township, **Lancaster County**. The plan approval was extended.

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

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

**59-00005J: Dominion Transmission, Inc.** (445 West Main St., Clarksburg, WV 26301) on November 22, 2013, to extend the authorization for the construction of a 12.07 million Btu per hour ETI model THE-1207 natural-gas fired salt bath heater (Source ID 044) and a 3.0 million Btu per hour Ajax model WRF-3000 natural-gas fired boiler (Source ID 045) at the Sabinsville Compressor Station located in Clymer Township, **Tioga County** to May 23, 2014. The plan approval has been extended.

**59-00002C: Dominion Transmission, Inc.** (445 West Main St., Clarksburg, WV 26301) on November 22, 2013, to extend the authorization for the installation of oxidation catalysts (Control Devices C101 and C102) to control the carbon monoxide and non-methane hydrocarbon emissions from the two (2) existing natural gas-fired compressor engines (Source ID P101 and P102) and to modify the volatile organic compounds emission limitations for Source IDs P101 and P102 at the Dominion Transmission, Inc. Tioga Compressor Station located in Farmington Township, **Tioga County** to May 23, 2014. The plan approval has been extended.

**53-00003D: National Fuel Gas Supply Corp.** (1100 State Street, 2nd Floor, Erie, PA 16512) on November 22, 2013, to construct two (2) natural gas-fired compressor engines (source IDs P124 and P125) with independent oxidation catalysts (IDs C124A and C125A) and selective catalytic reduction (SCR) systems (IDs C124B and C125B) and one (1) natural gas-fired emergency generator (Source ID P201) with a 3-way catalyst (ID C201) to control the air contaminant emissions from these engines at their Ellisburg facility located in Allegany Township, **Potter County** to June 20, 2014. The plan approval has been extended.

**14-00016A: Penns Valley Area School District** (4528 Penns Valley Road, Spring Mills, PA 16875) on November 22, 2013, to extend the authorization for the construction of a wood-fired boiler at their facility in Penn Township, **Centre County** to May 23, 2014. The plan approval has been extended.

**57-00004A: Central New York Oil & Gas, LLC** (800 Robinson Road, Owego, NY 13827-6801) on November 22, 2013, to extend the authorization to operate a natural gas compressor station located in Davidson Township, **Sullivan County** on a temporary basis to May 21, 2014. The plan approval has been extended.

**55-00014A: Bingaman & Son Lumber, Inc.** (1195 Creek Mountain Road, Kreamer, PA 17833) on November 21, 2013, to extend the authorization to operate the sources pursuant to the plan approval an additional 180 days from January 23, 2014 to July 22, 2014, at their facility in Middlecreek Township, **Snyder County**. The plan approval has been extended.

**18-00026D: First Quality Products, Inc.** (121 North Road, McElhattan, PA 17748) on November 26, 2013, to extend the authorization to operate two Curt G. Joa underpad machines (Line 35 and 36) at their facility in Wayne Township, **Clinton County** on a temporary basis to June 3, 2014. 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*

**32-00393B: Prime Metals & Alloys, Inc.** (101 Innovation Drive, P.O. Box 194, Lucernemines, PA 15754) on November 25, 2013, to extend the period of temporary operation of four electric induction furnaces, one argon-oxygen decarburization (AOD) vessel, four natural gas-fired annealing boxes, two natural gas-fired ladle preheaters, ingot and pig pouring, slag handling, and a parts washer at its Homer City Plant in Center Township, **Indiana County**.

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

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

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

**14-00003: Pennsylvania State University** (101 Physical Plant Building, University Park, PA 16802-1119) on November 22, 2013, was issued a renewal Title V operating permit for their facility in State College Borough, **Centre County**. The facility's main sources include boilers at the West Campus Steam Plant, East Campus Steam Plant, and a medical waste incinerator. The facility also utilizes several smaller boilers and emergency generators throughout the facility. The Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

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

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

**39-00057: St. Luke's Hospital of Bethlehem—Allentown Campus** (1736 Hamilton Street, Allentown, PA 18104-5353) on November 26, 2013, to operate a general medical and surgical hospital in Allentown City, **Lehigh County**. The primary sources consist of three (3) boilers and two (2) emergency generators. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), particulate matter (PM<sub>10</sub>), and volatile organic compounds (VOC) emissions. This is a renewal 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.

**64-00015: Bedrock Quarries, Inc.** (PO Box 196, 2052 Lucon Road, Skippack, PA 19474-0196) on November 25, 2013, for mining crushed and broken stone operations in Damascus Township, **Wayne County**. The primary sources consist of crushers, screens, and conveyors. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), 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.

**48-00062: Haines and Kibblehouse, Inc.** (P.O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 21, 2013, for operation of a stone crushing and screening operation in Lower Mount Bethel Township, **Northampton County**. The operation consists of crushers and screens with water sprays for particulate 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.

**48-00059: Keystone Food Products, Inc.** (3767 Hecktown Road, P.O. Box 326, Easton, PA 18044) on November 21, 2013, for operation of a snack food manufacturing facility in Lower Nazareth Township, **Northampton County**. The operation consists of fryers and ovens that have a wet scrubber and bio-filtration unit for control of the emissions. This is a new 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.

**40-00012: Pa. Dept. of Corrections—Retreat SCI** (PO Box 598, Camp Hill, PA 17001-0598) on November 26, 2013, a renewal State Only (Synthetic Minor) Operating Permit was issued for a facility in Newport Township, **Luzerne County**.

**39-00021: Lehigh Valley Hospital** (17th and Chew Streets, Allentown, PA 18102-3649) on November 26, 2013, a renewal State Only (Synthetic Minor) Operating Permit was issued for a hospital facility in the City of Allentown, **Lehigh 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.*

**67-05056: ConAgra Foods Enterprise Service, Inc.** (2800 Black Bridge Road, York, PA 17406-9703) on November 18, 2013, for their flour mill in Manchester Township, **York County**. The State-only permit was renewed.

**01-05030: Hanover Prest Paving Co.** (240 bender Road, Hanover, PA 17331-9079) on November 22, 2013, for their asphalt paver brick and block manufacturing facility in Mount Pleasant Township, **Adams County**. The State-only permit was renewed.

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

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

**41-00080: PVR NEPA Gas Gathering, LLC** (101 West Third Street, Williamsport, PA 17701) on November 22, 2013, for issuance of the State Only (Natural Minor) Operating Permit for their Canoe Run facility in Mifflin Township, **Lycoming County**. The State Only (Natural Minor) operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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

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

**36-05027: RR Donnelley & Sons, Co.** (216 Greenfield Road, Lancaster, PA 17601-5885) on November 19, 2013, for their Lancaster East printing facility in Lancaster

City, **Lancaster County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 36-05027D5.

**67-05007: Adhesives Research, Inc.** (PO Box 100, Glen Rock, PA 17327-0100) on November 19, 2013 for their adhesives manufacturing facility in Springfield Township, **York County**. The Title V permit was administratively amended to incorporate the provisions of Plan Approval No. 67-05007D5.

**28-05002: US Army Letterkenny Army Depot** (AMLD-EN, Chambersburg, PA 17201-4150) on November 25, 2013, for Letterkenny Army Depot in Letterkenny Township, **Franklin County**. The Title V permit was administratively amended to incorporate the requirements of Plan Approval No's. 28-05002F and 28-05002D5.

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

*Contact: Matthew Williams, Facilities Permitting Chief - Telephone: 814-332-6131*

**16-00149: Clarion Laminates, LLC** (PO Box 340, 143 Fiberboard Road Shippensburg, PA 16254) on November 22, 2013, issued an administrative amendment to the State Only Operating Permit for the flooring plant located in Paint Township, **Clarion County**. The amendment incorporates the responsible official change and the permit contact change.

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

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

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

**42-00028: Saint Gobain Containers—Port Allegany** (One Glass Place, Port Allegany, PA 16743) for its facility located in Port Allegany Borough, **McKean County**. The De minimis emission increase is for the addition of Iron Chromite as a new raw material for Furnace 1. In addition, this source is exempt from plan approval as it complies with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 PA Code 127.449(i). This list includes the De minimis emission increases since the Title V Operating Permit issuance on February 24, 2009.

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
6-13-12	Furnace #1	0.08	0.2	0.32	0.02	0.02
9-30-13	Frit Addition	0.071	0.01	0.86	0.05	0.72
11-6-13	Cobalt Oxide	0.056				
11-22-13	Iron Chromite	0.142				
Total Reported Increases		0.349	0.21	1.18	0.07	0.74
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/source 8 tons/facility	1 ton/source 5 tons/facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/facility

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Permits Issued*

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

**30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania**, (308 Dents Run Road, Morgantown, WV 26501). To revise the permit for the 4-West Mine in Perry Township, **Greene County** to add surface acreage to install a new portal site. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provisions of sections 301—303, 306, and 307 of the Federal Water Pollution Control Act (33 USCA § 1341) and will not violate Federal and State water quality standards. Surface Acres Proposed 28.8. No additional discharges. The application was considered administratively complete on January 2, 2013. Application received January 10, 2012. Permit issued November 27, 2013.

**30031301 and NPDES No. PA0235610. Dana Mining Company of Pennsylvania**, (308 Dents Run Rd., Morgantown, WV 26501). To revise the permit for the 4-West Mine in Perry Township, **Greene County** for full extraction mining within the previously permitted subsidence control plan area. Minor forms of stream restoration may occur in any stream overlying the subsidence control plan area. No additional discharges. The application was considered administratively complete on March 5, 2013. Application received November 13, 2012. Permit issued November 27, 2013.

**56100701 and NPDES No. PA0235989. Wilson Creek Energy, LLC**, (609 Georgian Place, Somerset, PA 15501). To revise the NPDES permit for the Milford #3 CRDA in Milford Township, **Somerset County** to add two NPDES outfalls and relocate three NPDES outfalls. Surface Acres Affected 137.1. Receiving stream: Unnamed Tributaries to South Glade Creek, classified for the following use: WWF. The application was considered administratively complete on January 24, 2013. Application received July 24, 2012. Permit issued November 27, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 32100103 and NPDES No. PA0263061. KMP Associates, Inc.**, 3756 State Route 981, Saltsburg,

PA 15681, revision of an existing bituminous surface mine to add auger mining and 5.0 acres to the permit boundary in Young Township, **Indiana County**, affecting 37.0 acres. Receiving streams: Harpers Run to Blacklegs Creek to Kiskiminetas River for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: July 10, 2013. Permit Issued: November 20, 2013.

**Permit No. 11970106 and NPDES No. PA0234591. Laurel Sand and Stone, Inc.**, P.O. Box 556, 210 E. Main Street, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Jackson Township, **Cambria County**, affecting 85.2 acres. Receiving stream: unnamed tributary to South Branch of Blacklick Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: December 3, 2012. Permit Issued: November 20, 2013.

**Permit No. 56120113 and NPDES No. PA0269115. PBS Coals, Inc.**, P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541 commencement, operation and restoration of a bituminous surface mine in Jenner Township, **Somerset County**, affecting 228.7 acres. Receiving streams: unnamed tributaries to Hoffman Run and unnamed tributaries to Quemahoning Creek classified for the following use: cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: August 22, 2012. Permit Issued: November 21, 2013.

**Permit No. 56960107 and NPDES No. PA0234231. PBS Coals, Inc.**, P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, revision of an existing bituminous surface mine to add 9.6 acres to the permit boundary for the area affected for construction of an AMD sump collection system in Jenner Township, **Somerset County**, affecting 129.9 acres. Receiving streams: unnamed tributaries to/and Quemahoning Creek classified for the following use: cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received: November 17, 2011. Permit Issued: November 22, 2013.

**Permit No. 56120111 and NPDES No. PA0269051. PBS Coals, Inc.**, P.O. Box 260, 1576 Stoystown Road, Friedens, PA 15541 commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, **Somerset County**, affecting 91.1 acres. Receiving streams: unnamed tributaries to/and Schrock Run classified for the following used; cold water fishery. There are no potable water supply intakes within 10 miles downstream. This permit includes a Chapter 105 Encroachment Permit to conduct surface mining activities within 100 feet of unnamed tributaries #1 and #3 to Schrock Run. The stream encroachment activity consists of haul road crossings using existing culverts. The permit also authorizes a Chapter 105 Encroachment Permit to impact 0.5 acre of wetlands which will be replaced at a ratio of at least 1:1 with wetlands of similar functions and values. In conjunction with this approval, the Department is granting 401 Water Quality Certification certifying that the approved activities will comply with the applicable provision of sections 301—303, 306 and 307 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: May 30, 2012. Permit Issued: November 21, 2013.

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

**03120103 and NPDES Permit No. PA0252271. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 108.3 acres. Receiving streams: unnamed tributaries to Patterson Creek and Buffalo Creek. Application received: May 20, 2013. Permit issued: November 22, 2013.

**26110101 and NPDES Permit No. PA0252123. Amerikohl Mining, Inc.** (1384 State Route 711, Stahlstown, PA 15687). Permit revision issued for land use change from forestland to pastureland and/or land occasionally cut for hay to an existing bituminous surface mine, located in Wharton Township, **Fayette County**, affecting 95.4 acres. Receiving streams: unnamed tributaries to Stony Fork and Stony Fork. Application received: September 11, 2013. Permit issued: November 22, 2013.

**02070105 and NPDES Permit No. PA0251275. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Permit renewal issued for reclamation only to an existing bituminous surface mine, located in Jefferson Hills Borough, **Allegheny County**, affecting 56.6 acres. Receiving streams: unnamed tributaries to Monongahela River. Application received: August 15, 2013. Renewal permit issued: November 26, 2013.

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

**17803108 and NPDES No. PA0127906. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Transfer of an existing bituminous surface mine from S.R.P. Coal Company. Site is located in Lawrence Township; **Clearfield County** affects 55.0 acres reclamation only. Receiving stream(s): Unnamed Tributary to Montgomery Creek and Montgomery Creek classified for the following use(s): Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2013. Permit issued: November 22, 2013.

**17850145 and NPDES No. PA0596710. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849). Transfer of an existing bituminous surface mine from S.R.P. Coal Company. Site is located in Lawrence Township; **Clearfield County** affects 42.1 acres reclamation only. Receiving stream(s): Unnamed Tributary to Montgomery Creek classified for the following use(s): Cold Water Fishes and Migratory Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2013. Permit issued: November 22, 2013.

**17100110 and NPDES PA0257427. Horton Coal Company** (446 Williams Cemetery Road, Curwensville, PA 16833). Transfer of an existing bituminous surface mine from Allegheny Enterprises, Inc. (3885 Roller Coaster Road, Corsica, PA 15829). This site is located in Brady Township, **Clearfield County** affecting 28.0 acres. Receiving stream(s): Stump Creek classified for the following use(s) Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 25, 2013. Permit issued: November 22, 2013.

**17930103 and NPDES PA0207241. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866). Permit renewal for continued operation and resto-

ration of an existing bituminous surface mine in Decatur Township, **Clearfield County** affecting 309.9 acres. Receiving stream(s): Little Beaver Run and Beaver Run classified for the following use(s): Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 29, 2013. Permit issued: November 22, 2013.

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

**40850102R4. Northeast Energy Co.**, (254 Johnson Street, Wilkes-Barre, PA 18702), renewal of an existing anthracite surface mine operation in Laurel Run Borough, **Luzerne County** affecting 111.1 acres, receiving stream: Spring Creek. Application received: August 17, 2011. Renewal issued: November 25, 2013.

**40850102GP104. Northeast Energy Co.**, (254 Johnson Street, Wilkes-Barre, PA 18702), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40850102 in Laurel Borough, **Luzerne County**, receiving stream: Spring Creek. Application received: September 11, 2012. Permit issued: November 25, 2013.

**49910201R4. Rosini Enterprises, Inc.**, (PO Box 568, Shamokin, PA 17872), renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 67.4 acres, receiving stream: Carbon Run. Application received: December 16, 2011. Renewal issued: November 25, 2013.

**49910201GP104. Rosini Enterprises, Inc.**, (PO Box 568, Shamokin, PA 17872), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 4991020 in Coal Township, **Northumberland County**, receiving stream: Carbon Run. Application received: May 10, 2012. Permit issued: November 25, 2013.

**49931601R4. Black Creek Breaker Company**, (1150 Fern Street, Apt. 10, Coal Township, PA 17866), renewal of an existing anthracite coal preparation plant operation in West Cameron Township, **Northumberland County** affecting 4.5 acres, receiving stream: Mahanoy Creek. Application received: January 17, 2013. Renewal issued: November 25, 2013.

**49931601GP104. Black Creek Breaker Company**, (1150 Fern Street, Apt. 10, Coal Township, PA 17866), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49931601 in West Cameron Township, **Northumberland County**, receiving stream: Mahanoy Creek. Application received: January 17, 2013. Renewal issued: November 25, 2013.

**49931601C2. Black Creek Breaker Company**, (1150 Fern Street, Apt. 10, Coal Township, PA 17866), correction to an existing anthracite coal preparation plant operation to update the post-mining land use in West Cameron Township, **Northumberland County** affecting 4.5 acres, receiving stream: Mahanoy Creek. Application received: February 4, 2013. Correction issued: November 25, 2013.

**49663004R5. Reading Anthracite Company**, (PO Box 1200, Pottsville, PA 17901), renewal for reclamation activities only of an anthracite surface mine operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 2222.0 acres, receiving stream: Zerbe Run. Application received: November 15, 2010. Renewal issued: November 26, 2013.

**49663004GP104. Reading Anthracite Company,** (PO Box 1200, Pottsville, PA 17901), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 4966004 in Zerbe & West Cameron Townships, **Northumberland County**, receiving stream: Zerbe Run. Application received: December 6, 2012. Permit issued: November 26, 2013.

**54011301R2. Alfred Brown Coal,** (71 Hill Road, Hegins, PA 17938), renewal of an existing anthracite underground mine operation in Blythe Township, **Schuylkill County** affecting 36.5 acres, receiving stream: Silver Creek. Application received: August 31, 2012. Renewal issued: December 2, 2013.

**54011301GP104. Alfred Brown Coal,** (71 Hill Road, Hegins, PA 17938), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Underground Mining Permit No. 54011301 in Blythe Township, **Schuylkill County**, receiving stream: Silver Creek. Application received: March 20, 2013. Permit issued: December 2, 2013.

*Noncoal Permits Issued*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 39A77SM4 and NPDES Permit No. PA06067878, Bentley Development Company, Inc.,** P.O. Box 338, Blairsville, PA 15717, renewal of NPDES Permit, West Wheatfield Township, **Indiana County**. Receiving stream: unnamed tributary to Conemaugh River classified for the following use: Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 4, 2011. Permit Issued: November 22, 2013.

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

**26050401 and NPDES Permit No. PA0250643. Laurel Aggregates of Delaware, LLC** (1600 Market Street, 38th Fl., Philadelphia, PA 19102). Revision permit issued for the addition of 59 acres to an existing large noncoal surface mine, located in Springhill Township, **Fayette County**, affecting 171.7 acres. Receiving stream: Rubles Run. Application received: September 18, 2012. Permit issued: November 27, 2013.

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

**20080301-GP-104. Andrew M. Kosturick** (8565 State Highway 285, Conneaut Lake, PA 16316) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 20080301 in East Fallowfield Township, **Crawford County**. Application received: October 15, 2013. Permit Issued: November 26, 2013.

**37940304. Diversified Environmental Reclamation, LLC** (P.O. Box 233, West Middlesex, PA 16159) Transfer of an existing large industrial minerals mine from Lafarge North America, Inc. in Pulaski Township, **Lawrence County** affecting 44.1 acres. This request also includes a revision to add 9.1 acres to the surface mining permit. Receiving streams: Shenango River. Application received: March 1, 2013. Permit Issued: November 22, 2013.

**26137-37940304-E-1. Diversified Environmental Reclamation, LLC** (P.O. Box 233, West Middlesex, PA 16159) Application for a stream encroachment to conduct

mining activities within 100 feet of the Shenango River in Pulaski Township, **Lawrence County**. Receiving streams: Shenango River. Application received: March 1, 2013. Permit Issued: November 22, 2013.

**37940304-GP-104. Diversified Environmental Reclamation, LLC** (P.O. Box 233, West Middlesex, PA 16159) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 37940304 in Pulaski Township, **Lawrence County**. Application received: March 1, 2013. Permit Issued: November 22, 2013.

**10850306 and NPDES Permit No. PA0106453. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Transfer of an existing large industrial minerals mine and NPDES permit from Quality Aggregates, Inc. in Marion Township, **Butler County** affecting 69.0 acres. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek. Application received: July 25, 2013. Permit Issued: November 26, 2013.

**10850306. Allegheny Mineral Corporation** (P.O. Box 1022, Kittanning, PA 16201) Renewal of NPDES Permit No. PA0106453 in Marion Township, **Butler County**. Receiving streams: Unnamed tributaries to Blacks Creek and Blacks Creek. Application received: July 25, 2013. Permit Issued: November 26, 2013.

**16910803. Fred L. McCleary** (1310 Valley Green Road, Etters, PA 17319). Final bond release for a small industrial minerals surface mine in Highland Township, **Clarion County**. Restoration of 3.0 acres completed. Receiving streams: unnamed tributary to the Clarion River. Application Received: November 5, 2013. Final bond release approved: November 22, 2013.

**16010801. Rankin & Son Excavating, Inc.** (8175 Route 66, Fairmount City, PA 16224). Final bond release for a small industrial minerals surface mine in Clarion Township, **Clarion County**. Restoration of 1.0 acre completed. Receiving streams: unnamed tributary to Brush Run. Application Received: October 29, 2013. Final bond release approved: November 22, 2013.

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

**64130801 & NPDES Permit No. PA0225355. LCJ Partners, LLC**, (5087 State Route 492, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: Sherman Creek. Application received: April 8, 2013. Permit issued: November 25, 2013.

**58132502. Cecil Kilmer**, (363 SR 374, Nicholson, PA 18446), commencement, operation and restoration of a general permit for bluestone in Great Bend and Liberty Townships, **Susquehanna County** affecting 4.75 acres, receiving stream: unnamed tributary to DuBois Creek. Application received: January 14, 2013. Permit issued: November 27, 2013.

**58132502GP104. Cecil Kilmer**, (363 SR 374, Nicholson, PA 18446), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 5812502 in Great Bend and Liberty Townships, **Schuylkill County**, receiving stream: unnamed tributary to DuBois Creek. Application received: January 14, 2013. Permit issued: November 27, 2013.

**58132802. Johnson Quarries, Inc.**, (PO Box 136 LeRaysville, PA 18829), commencement, operation and



restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 5.0 acres, receiving stream: unnamed tributary to North Branch Wyalusing Creek. Application received: March 14, 2013. Permit issued: November 27, 2013.

**58132802GP104. Johnson Quarries, Inc.**, (PO Box 136 LeRaysville, PA 18829), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58132802 in Rush Township, **Susquehanna County**, receiving stream: unnamed tributary to North Branch Wyalusing Creek. Application received: March 14, 2013. Permit issued: November 27, 2013.

**58100302 and NPDES Permit No. PA0224855. William M. Ruark**, (PO Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of a treated mine drainage in Dimock Township, **Susquehanna County** affecting 64.4 acres, receiving stream: Elk Lake Stream and West Creek. Application received: October 28, 2010. Permit issued: December 2, 2013.

**58110302. Frank Kamarauskas, Jr.**, (5748 SR 367, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in Apolaccon Township, **Susquehanna County** affecting 146.0 acres, receiving stream: unnamed tributaries to Apalachin Creek. Application received: March 16, 2011. Permit issued: December 3, 2013.

**58110302GP104. Frank Kamarauskas, Jr.**, (5748 SR 367, Montrose, PA 18801), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58110302 in Apolaccon Township, **Susquehanna County**, receiving stream: unnamed tributaries to Apalachin Creek. Application received: March 16, 2011. Permit issued: December 3, 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*

**65134002. Ion Integrated Seismic Solutions** (2105 City West Blvd, Suite 900, Houston, TX 77042-2837). Blasting activity permit for seismic exploration of the Ground Hog 3D South, located in Bell, Loyalhanna, Washington, Derry, New Alexandria, Salem, Unity, Greensburg, Hempfield, Penn, Delmont, Export and Murrysville Municipalities, **Westmoreland County** with an exploration date of December 31, 2014. Blasting permit issued: November 25, 2013.

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

**36134161. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Traditions of America in Warwick Township, **Lancaster County** with an expiration date of November 30, 2014. Permit issued: November 26, 2013.

**38134129. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Matt Nolt Chicken House in Millcreek Township, **Lebanon County** with an expiration date of January 30, 2014. Permit issued: November 26, 2013.

**48134107. Maine Drilling & Blasting, Inc.**, (P.O. Box 1140, Gardiner, ME 04345), construction blasting for Curtis Warehouse in the City of Bethlehem, **Northampton County** with an expiration date of November 13, 2014. Permit issued: November 26, 2013. Permit issued: November 26, 2013.

**48134108. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Madison at Palmer View in Palmer Township, **Northampton County** with an expiration date of November 22, 2014. Permit issued: November 26, 2013.

**58134173. DW Drilling & Blasting**, (11934 Fairway Lakes Drive, Ft. Myers, FL 33913), construction blasting for J Foltz P1 pad in Brooklyn Township, **Susquehanna County** with an expiration date of November 17, 2014. Permit issued: November 26, 2013.

**58134174. M & J Explosives, Inc.**, (P.O. Box 608, Carlisle, PA 17013), construction blasting for Olympic Well Pad in Choconut Township, **Susquehanna County** with an expiration date of November 25, 2014. Permit issued: November 26, 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**

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E51-259. Delaware River Waterfront Corporation**, 121 N. Columbus Boulevard, Philadelphia, PA 19106, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To rehabilitate and maintain the existing Pier 53 South to facilitate a public park along the Delaware River (WWF-MF) waterfront and within its 100-year floodplain. The park will include various public access amenities, including a boardwalk, pedestrian walkway, and artwork with a viewing platform.

The site is located about 500 feet southeast of Washington Ave. and Christopher Columbus Boulevard (Philadelphia, PA. - N.J. USGS Quadrangle Latitude 39.930767 N), Longitude -75.142664 W).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E09-978. United States Cold Storage LLC**, Four Echelon Plaza, 201 Laurel Road, Suite 400, Voorhees, NJ 08043, Richland Township, **Bucks County**, ACOE Philadelphia District.

To place and maintain fill within 0.44 acre of wetland associated with the construction of a storage facility (a.k.a.). Cold Storage facility), associated parking, railway access and stormwater management facilities.

The site is located near the intersection of East Pumping Station and Heller Roads (Lat: 40° 46' 09"; Long: -75° 34' 80").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

**E46-1091. Firefox 1, LP**, 1735 Market Street, Suite 4010, Philadelphia, PA 19103, Hatfield and Montgomery Townships, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with a 148-unit townhouse development known as Firefox I:

1. To construct and maintain 3 outfall structures along an unnamed tributary to Colmar Creek, impacting a diminimus area of wetland.
2. To construct and maintain a 4.3-foot high by 24-foot wide open bottom box culvert across a tributary to the West Branch of Neshaminy Creek, impacting a diminimus area of wetland.
3. To construct and maintain an 8-foot wide pedestrian bridge spanning 24 feet across an unnamed tributary to the West Branch of Neshaminy Creek.

The site is located near the intersection of Bethlehem Pike (S.R. 309) and Line Street (Telford and Doylestown USGS Quadrangle Maps; N: 3.5 inches; W: 0.5 inch; and N: 3.5 inches W: 17.00 inches respectively.

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)].

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

**E36-914: Denver DPP V, LLC**, 9010 Overlook Boulevard, Brentwood, TN 37027 in East Cocalico Township, **Lancaster County**, ACOE Baltimore District

To remove an existing endwall, install and maintain two concrete endwalls with riprap in an unnamed tributary to Stony Run (WWF), and to place and maintain fill in 0.047 acre of PEM wetlands for the purpose of constructing a proposed retail building. The project is located approximately 0.40 mile east of the intersection of S.R. 272 and Park Street (Latitude 40°13'5", Longitude -76°6'25.6") in East Cocalico Township, Lancaster County. Wetland impacts are de minimus and wetland replacement is not required. The name of the applicant changed from GBT Reality Corp. to Denver DPP V, LLC during the review of the application. The impacts that were identified and published in the submitted application did not change. The permit was issued on November 20, 2013.

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

**E17-476. Mosquito Creek Sportsmen's Association**, PO Box 218, Frenchville, PA 16836. Mosquito Creek Acid Rain Abatement—Lost Run Vertical Flow Project, Girard Township, Clearfield County, ACOE Baltimore District (Devils Elbow, PA Quadrangle Latitude: 41° 11' 51.8"; Longitude: 78° 14' 55.40").

The Mosquito Creek Sportsmen's Association is seeking authorization to construct, operate and maintain a vertical flow limestone bed treatment system for acid rain abatement in the Mosquito Creek Basin requiring the following three (3) encroachments of Lost Run:

<i>Structure</i>	<i>Resource</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Span</i>	<i>Underclearance</i>
Vertical Flow Intake	Lost Run Channel	41° 11' 52.5"	78° 14' 56.0"	43-feet	4-feet
Vertical Flow Basin	Lost Run Floodway	41° 11' 51.8"	78° 14' 55.40"	18-feet	3-feet

Structure	Resource	Latitude	Longitude	Span	Underclearance
Vertical Flow Outfall	Lost Run Channel	41° 11' 51.0"	78° 14' 55.1"	18-feet	3-feet

Construction of the in-stream intake and outfall structures shall be performed in dry work conditions by dam and pumping, diverting or fluming stream flow around the work areas. Lost Run is protected as High Quality—Cold Water Fishery and wild trout fishery; no in-stream construction or future maintenance work shall be performed in or along the stream channels between October 1 and December 31 without prior written approval from the Pennsylvania Fish and Boat Commission. The project is located within the Moshannon State Forest along the western right-of-way of Lost Run Road approximately 2.9-miles north of Caledonia Pike and Lost Run Road intersection. Permanent stream impacts incurred by the project shall be mitigated by improved water quality through increased total alkalinity.

**E49-329. Point Township Sewer Authority**, 759 Ridge Road, Northumberland, PA 17857. Lithia Spring Sewer Extension, in Point Township, **Northumberland County**, ACOE Baltimore District (Northumberland, PA Quadrangle Latitude: 40° 55' 11"; Longitude: -76° 45' 51").

To construct, operate and maintain an 8 inch sanitary sewage collection and conveyance system in the floodplain of Lithia Springs, Cold Water Fishery. 1100 ft. of sanitary sewer with manholes are proposed for the Spring House Road segment and 5200 ft. of sanitary sewer and manholes are proposed for the Spruce Hollow Road Segment. All facilities will be at or below grade with no changes in the existing contours. This project will pick up areas without sewage service within portions of Ridge Road, Spruce Hollow Road, Roush Road, Whitetail Lane, Meadow Lane Church Drive, Bulk Plant Road, Bird Land and additional private streets, Spring House Road, In View Road and Hemlock Road that are all within the Lithia Springs Community. This project is located 2.5 miles north on SR 0011 from the Borough of Northumberland to the small community of Lithia Springs.

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

**E02-1676. Pennsylvania Department of Transportation—District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017; Baldwin Borough, **Allegheny County**; ACOE Pittsburgh District.

Applicant has been given consent to remove the existing SR 3098, 9.5 ft. span, 48 ft. long, 4.8 ft. underclearance, single span bridge; to construct and maintain a 9.5 ft. wide, 125.5 ft. long, 5.5 ft. underclearance box culvert depressed one foot on Glass Run (WWF) with a drainage area of 0.67 square mile; to construct and maintain approximately 30 feet of relocated stream channel on the upstream end of the new bridge and approximately 80 feet on the downstream end and their associated wing walls and bank stabilization; to construct and maintain various stormwater outfalls; and construct and remove temporary encroachments for construction. This project is located in Baldwin Borough (Pittsburgh East Quadrangle, North 2.7 inches and West 11.4 inches; Latitude 40° 23' 21" and Longitude -80° 01' 26"), Allegheny County.

**E56-367. Pennsylvania Turnpike Commission**, PO Box 67676, Harrisburg, PA 17106-7676; New Baltimore Borough, **Somerset County**; ACOE Pittsburgh District.

Applicant has been given consent to place and maintain fill in an approximately 0.01 acre wetland (PEM), as a result of the construction of a new, two - 85'-0" span, pre-stressed concrete box beam bridge, which will replace the existing, 78'-0" concrete rigid frame, Findley Street Bridge over the PA Turnpike, as part of the complete reconstruction and widening of the PA Turnpike, from milepost 125.6 to 133.5. The existing bridge is located near the intersection of Findley Street with Carmel Drive, in New Baltimore Borough, Somerset County, and at PA Turnpike milepost 129.01, within the watershed of the Raystown Branch Juniata River (CWF, MF). Compensation for the wetland impact will be provided in a mitigation plan that will be a component of another, separate application, for a Water Obstruction and Encroachment Permit, for the aforementioned PA Turnpike mainline reconstruction project. (New Baltimore, Pa quadrangle, N 19.81", W3.43"; Latitude: 39° 59' 2.8", Longitude 78° 46' 28.1".)

*Northwest Region: Watershed Management Program Manager, 230 Chestnut Street, Meadville, 16335.*

**E25-765, Millcreek Township**, 3608 West 26th Street, Erie, PA 16506 in Millcreek Township, **Erie County**, ACOE Pittsburgh District to permanently fill 0.15 acre of PFO wetlands within the watershed of an unnamed tributary to Lake Erie (WWF, MF) for the construction of a golf cart pathway on the Millcreek Township Golf Course. The Permittee will mitigate for the wetland impacts by constructing 0.45 acre of on-site replacement wetlands. (Swanville, PA Quadrangle N: 42°, 05', 24.5"; W: 80°, 09', 10.75")

**E42-360, Sandra Keppel**, 4130 Route 46, Smethport, PA 16749 in Keating Township, **McKean County**, ACOE Pittsburgh District to construct and maintain a steel beam bridge with concrete abutments having a clear span of 27 feet 3 inches and an underclearance of 4 feet 6 inches across North Branch Cole Creek with the roadway approach on a private driveway (to provide access to a barn and pasture) extending southwest from Route 46 approximately 1 mile east of Main Road. (Smethport, PA Quadrangle N: 41°, 51', 39.46"; W: -78°, 28', 23.07")

**E42-363, Columbia Gas of PA, Inc.**, 4000 Energy Drive, Bridgeville, PA 16335-8372 in Bradford Township, **McKean County**, ACOE Pittsburgh District to authorize the installation of a 2 inch diameter plastic natural gas pipeline across Minard Run at three locations by horizontal direction drill along High Street and Highway 770 (Bradford and Derrick City, PA Quadrangle N: 41°, 54', 40.761"; W: 78°, 38', 31.792"; N: 41°, 53', 57.448"; W: 78°, 36', 36.837"; N: 41°, 53', 28.529"; W: 78°, 36', 14.394")

#### 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

nia Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

ESCGP-1 #ESG13-047-0003—Clermont Pad E  
Applicant Seneca Resources Corporation  
Contact Mr. Michael Clinger  
Address 51 Zents Boulevard  
City Brookville State PA Zip Code 15825  
County Elk Township(s) Jones(s)  
Receiving Stream(s) and Classification(s) Naval Hollow,  
Trib 50791 to Naval Hollow, Trib 50792 to Naval  
Hollow, Straight Creek, Trib 50794 to Straight Creek  
(HQ-CWF/EV)

ESCGP-1 #ESG13-019-0048—Pad W14  
Applicant PennEnergy Resources, LLC  
Contact Joseph Schwab  
Address 1000 Commerce Drive, Park Place One,  
Suite 100  
City Pittsburgh State PA Zip Code 15275-1063  
County Butler & Armstrong Township(s) Clearfield &  
West Franklin(s)  
Receiving Stream(s) and Classification(s) Long Run (Trib  
to Buffalo Creek / Lower Allegheny River Watershed),  
2 UNT's to Long Run—HQ-TSF, Buffalo Creek /  
Allegheny River

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

ESCGP-1 # ESX13-115-0091 (01)  
Applicant Name PVR NEPA Gas Gathering, LLC  
Contact Person Nicholas Bryan  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Susquehanna County  
Township(s) Lathrop Township  
Receiving Stream(s) and Classification(s) UNTs to Horton  
Creek (CWF/MF)

ESCGP-1 # ESG13-081-0061  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Rane Wilson  
Address 33 West Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House and Cummings Townships  
Receiving Stream(s) and Classification(s) Bear Hollow,  
Lawshe Run, Right Fork Funston Run, Second Fork  
Larry's Creek (All EV/MF);  
Secondary: Larry's Creek

ESCGP-1 # ESG13-081-0062  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Rane Wilson  
Address 33 West Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House and Cummings Townships  
Receiving Stream(s) and Classification(s) UNT Wolf Run,  
Wolf Run (Both HQ-CWF/MF);  
Secondary: Wolf Run (HQ-CWF/MF), Lycoming Creek  
(EV/MF)

ESCGP-1 # ESX13-115-0010 (02)  
Applicant Name Chief Oil & Gas, LLC  
Contact Person Jeffrey Deegan  
Address 6051 Wallace Road Ext., Suite 300  
City, State, Zip Wexford, PA 15090  
County Susquehanna County  
Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) UNT to Riley  
Creek

ESCGP-1 # ESG13-033-0003  
Applicant Name EOG Resources, Inc.  
Contact Person Greg Shafer  
Address 191 Beaver Drive  
City, State, Zip Dubois, PA 15801  
County Clearfield County  
Township(s) Lawrence and Goshen Townships  
Receiving Stream(s) and Classification(s) Trout Run,  
Dixon Run (HQ-CWF);  
Secondary: West Branch Susquehanna River (WWF)  
Trout Run and Dixon Run are also classified as Wild  
Trout

ESCGP-1 # ESG13-081-0056  
Applicant Name Anadarko Marcellus Midstream, LLC  
Contact Person Rane Wilson  
Address 33 West Third Street, Suite 200  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Cogan House Township  
Receiving Stream(s) and Classification(s) Wolf Run, UNT  
Larry's Creek (EV/MF);  
Secondary: Larry's Creek (EV/MF)

ESCGP-1 # ESX13-115-0129  
Applicant Name PVR NEPA Gas Gathering, LLC  
Contact Person Nicholas Bryan  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Susquehanna County  
Township(s) Lathrop and Nicholson Townships  
Receiving Stream(s) and Classification(s) UNT to Field  
Brook (CWF/MF);  
Secondary: Field Brook

ESCGP-1 # ESX13-131-0021  
Applicant Name Southwester Energy Production  
Company  
Contact Person Dave Sweeley  
Address 917 State Route 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Wyoming County  
Township(s) Eaton Township  
Receiving Stream(s) and Classification(s) Susquehanna  
River (WWF/MF)

ESCGP-1 # ESX13-015-0065  
Applicant Name Appalachia Midstream Svc., LLC  
Contact Person Randy DeLaune  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845

County Bradford County  
Township(s) Ulster Township  
Receiving Stream(s) and Classification(s) Toad Hollow,  
UNTs to Susquehanna River (WWF/MF)

ESCGP-1 # ESX12-081-0107 (02)  
Applicant Name PVR NEPA Gas Gathering, LLC  
Contact Person Nicholas Bryan  
Address 101 West Third Street  
City, State, Zip Williamsport, PA 17701  
County Lycoming County  
Township(s) Upper Fairfield Township  
Receiving Stream(s) and Classification(s) UNT to  
Loyalsock Creek (EV);  
Secondary: Loyalsock Creek (EV)

ESCGP-1 # ESX13-015-0058  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 14 Chesapeake Lane  
City, State, Zip Sayre, PA 18840  
County Bradford County  
Township(s) Wilmot Township  
Receiving Stream(s) and Classification(s) Sugar Run  
Creek (CWF/MF);  
Secondary: Susquehanna River (WWF/MF)

ESCGP-1 # ESX11-115-0190 (02)  
Applicant Name Williams Field Services Company, LLC  
Contact Person Lauren Miladinovich  
Address Park Place Corp Cntr 2, 2000 Commerce Drive  
City, State, Zip Pittsburgh, PA 15275  
County Susquehanna County  
Township(s) Brooklyn and Dimock Townships  
Receiving Stream(s) and Classification(s) Meshoppen  
Creek (CWF/MF) and UNTs thereto

ESCGP-1 # ESX13-115-0128  
Applicant Name Southwestern Energy Production  
Company  
Contact Person Dave Sweeley  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna County  
Township(s) Jackson Township  
Receiving Stream(s) and Classification(s) Tunkhannock  
Creek (CWF/MF)

ESCGP-1 # ESX13-115-0131  
Applicant Name Cabot Oil & Gas Corp.  
Contact Person Kenneth Marcum  
Address Five Penn Center West, Suite 401  
City, State, Zip Pittsburgh, PA 15276  
County Susquehanna County  
Township(s) Bridgewater Township  
Receiving Stream(s) and Classification(s) UNT to South  
Branch Wyalusing Creek (CWF/MF)

ESCGP-1 # ESX13-015-0066  
Applicant Name Appalachia Midstream Svc., LLC  
Contact Person Randy DeLaune  
Address 100 Ist Center  
City, State, Zip Horseheads, NY 14845  
County Bradford & Wyoming Counties  
Township(s) Wilmot & North Branch Townships  
Receiving Stream(s) and Classification(s) Sugar Run  
(CWF/MF)

ESCGP-1 # ESX13-115-0130  
Applicant Name Keystone Clearwater Solutions, LLC  
Contact Person Daniel Dalton  
Address 1129 West Governor Rd  
City, State, Zip Hersey, PA 17033  
County Susquehanna County

Township(s) Apolaccon & Choconut Townships  
Receiving Stream(s) and Classification(s) UNT to  
Apalachin Creek (CWF/MF), Choconut Creek  
(WWF/MF) and tribs thereto

*Southwest Region: Oil & Gas Program Mgr. 400 Water-  
front Dr. Pittsburgh PA*

ESCGP-2 No: ESX13-125-0057  
Applicant Name: CONE Gathering LLC  
Contact Person Ms Tara Meek  
Address: 200 Evergreene Drive  
City: Waynesburg State: PA Zip Code: 15371  
County: Washington Township: West Finley  
Receiving Stream (s) And Classifications: UNT 1 to Trib  
32651 to Robinson Fork, Trib 32651 to Robinson Fork,  
Trib 32652 to Robinson Fork, Trib 32653 to Robinson  
Fork, Trib 32654 to Robinson Fork (All part of  
Wheeling—Buffalo Creeks Watershed); Other WWF

ESCGP-2 No.: ESG13-125-0062  
Applicant Name: MarkWest Liberty Midstream &  
Resources LLC  
Contact Person: Mr Rick Lowry  
Address: 4600 J Barry Court Suite 500  
City: Canonsburg State: PA Zip Code: 15317  
County: Washington Township(s): West Finley, East  
Finley  
Receiving Stream(s) and Classifications: UNTs to  
Robinson Fork, Bonar Creek; HQ; Other WWF

ESCGP-2 No.: ESX13-051-0005  
Applicant Name: Chevron Appalachia LLC  
Contact Person: Mr Branden Weimer  
Address: 800 Mountain View Drive  
City: Smithfield State: PA Zip Code: 15478  
County: Fayette Township(s): Luzerne  
Receiving Stream(s) and Classifications: UNTs to Bates  
Run/Middle Monongahela River Watershed; Other  
WWF

ESCGP-2 No.: ESX13-059-0044  
Applicant Name: Vista Gathering LLC  
Contact Person: Mr Mike Hopkins  
Address: 226 Elm Drive Suite 102  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Franklin  
Receiving Stream(s) and Classifications: (4) UNTs to  
Grimes Run Grimes Run (5) UNTs to South Fork Ten  
Mile Creek; Other Warm Water Fishes (WWF)

ESCGP-2 No.: ESX13-007-0010  
Applicant Name: PennEnergy Resources LLC  
Contact Person: Mr Robert A Crissinger  
Address: 1000 Commerce Drive Park Place One Suite 100  
City: Pittsburgh State: PA Zip Code: 15275  
COUNTY Beaver Township(s): New Sewickley  
Receiving Stream(s) and Classifications: UNT to Brush  
Creek (WWF) Slippery Rock Creek Watershed; Other  
WWF

ESCGP-2 No.: ESX13-003-0008  
Applicant Name: CNX Gas Company LLC  
Contact Person: Mr Jonathan Madill  
Address: 280 Indian Springs Road  
City: Indiana State: PA Zip Code: 15701  
County: Allegheny Township(s): Findlay  
Receiving Stream(s) and Classifications: Tributary 33656  
to Raredon Run/Raccoon Creek Watershed; UNTs to  
Raredon Run; Other WWF

ESCGP-2 No.: ESX13-059-0043  
Applicant Name: Chevron Appalachia LLC  
Contact Person: Mr Branden Weimer  
Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code 15478  
 County: Greene Township(s): Dunkard, Greene  
 Receiving Stream(s) and Classifications: UNTs to Meadow Run (WWF), Whitely Creek (TSF) / Upper Monongahela River; Other WWF,TSF; Siltation-impaired

ESCGP-2 No.: ESX13-125-0073  
 Applicant Name: Rice Drilling B LLC  
 Contact Person: Mr Joe Mallow  
 Address: 171 Hillpointe Drive Suite 301  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Somerset  
 Receiving Stream(s) and Classifications: UNTs to #28206 Sawmill Creek; Other WWF

ESCGP-2 No.: ESX13-021-0001  
 Applicant Name: Chevron Appalachia LLC  
 Contact Person: Mr Alexander Genovese  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Cambria Township(s): Jackson  
 Receiving Stream(s) and Classifications: Hinckston Run; Other CWF

ESCGP-2 NO.: ESX13-059-0011 Major Revision  
 Applicant Name: CNX Gas Company LLC  
 CONTACT PERSON: Ms Tara R Meek  
 ADDRESS: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Center  
 Receiving Stream(s) and Classifications: Lightner Run (HQ-WWF) West Run (HQ-WWF) Browns Creek (HQ-WWF); HQ; Other WWF

ESCGP-2 NO.: ESX12-125-0034  
 Applicant Name: Range Resources Appalachia LLC  
 CONTACT: Mr Glenn D Truzzi  
 ADDRESS: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Buffalo  
 Receiving Stream(s) and Classifications: UNTs to Wolf Run/Wheeling-Buffalo Creeks Watershed; HQ

ESCGP-2 NO.: ESG13-125-0068  
 Applicant Name: MarkWest Liberty Midstream and Resources LLC  
 CONTACT: Mr Rick Lowry  
 ADDRESS: 4600 J. Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Cross Creek Township  
 Receiving Stream(s) and Classifications: UNTs #25524 to Cross Creek/Cross Creek Watershed; HQ; Other HQ-WWF

ESCGP-2 NO.: ESX13-125-0075  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 CONTACT: Mr Rick Lowry  
 ADDRESS: 4600 J. Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Smith  
 Receiving Stream(s) and Classifications: UNTs to Raccoon Creek, UNTs to Burgetts Fork; Other WWF; Siltation-impaired

ESCGP-2 NO.: ESX13-051-0006  
 Applicant Name: Chevron Appalachia LLC  
 CONTACT: Mr Branden Weimer  
 ADDRESS: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Fayette Township(s): Luzerne  
 Receiving Stream(s) and Classifications: Wallace Run, UNTs to Wallace Run, UNTs to Monongahela River, Monongahela River/Middle Monongahela Watershed; Other WWF

ESCGP-2 NO.: ESX13-059-0057  
 Applicant Name: Vista Gathering LLC  
 CONTACT: Mr Mike Hopkins  
 ADDRESS: 480 Johnson Road Suite 100  
 City: Washington State: PA Zip Code: 15301  
 County: Greene Township(s): Gilmore  
 Receiving Stream(s) and Classifications: Garrison Fork, Taylor Run, and one UNT to Garrison Fork; Other WWF

ESCGP-2 NO.: ESX13-003-0009  
 Applicant Name: Range Resources Appalachia LLC  
 CONTACT: Mr Glenn D Truzzi  
 ADDRESS: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Allegheny Township(s): Findlay  
 Receiving Stream(s) and Classifications: UNTs to Potato Garden Run/Raccoon Creek Watershed; Other WWF

ESCGP-2 NO.: ESX13-063-0012  
 Applicant Name: CNX Gas Company LLC  
 CONTACT: Mr Jonathan Madill  
 ADDRESS: 280 Indian Springs Road Suite 333  
 City: Indiana State: PA Zip Code: 15701  
 County: Indiana Township(s): Center  
 Receiving Stream(s) and Classifications: Trib 44091 of Chery Run/Chery Run Watershed; Other CWF

ESCGP-2 NO.: ESX13-059-0046  
 Applicant Name: Energy Corporation of America  
 CONTACT: Mr Travis Wendel  
 ADDRESS: 101 Heritage Run Road Suite 1  
 City: Indiana State: PA Zip Code: 15701  
 County: Greene Township(s): Greene  
 Receiving Stream(s) and Classifications: Trib 41236 and UNT 1 to Frosty Run, Frosty Run/ Lower Monongahela Watershed; Other TSF; Siltation-impaired

#### 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 #: 115-21551-00-00  
Well Farm Name Knosky 63 9H  
Applicant Name: WPX Energy Appalachia, LLC.  
Contact Person: Mark Colenbrander  
Address: 6000 Town Center Boulevard, Suite 300,  
Canonsburg, PA 15317  
County: Susquehanna  
Municipality Name/City, Borough, Township: Rush  
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: Lawton, UNT to the Middle  
Branch Wyalusing Creek.

Well Permit #: 115-21556-00-00  
Well Farm Name Powers 1-3H  
Applicant Name: WPX Energy Appalachia, LLC.  
Contact Person: David R. Freudenrich  
Address: 6000 Town Center Boulevard, Suite 300,  
Canonsburg, PA 15317  
County: Susquehanna  
Municipality Name/City, Borough, Township: Forest Lake  
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: Lawton, Middle Branch  
Wyalusing Creek

Well Permit #: 115-21557-00-00  
Well Farm Name Powers 1-5H  
Applicant Name: WPX Energy Appalachia, LLC.  
Contact Person: David R. Freudenrich  
Address: 6000 Town Center Boulevard, Suite 300,  
Canonsburg, PA 15317  
County: Susquehanna  
Municipality Name/City, Borough, Township: Forest Lake  
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: Lawton, Middle Branch  
Wyalusing Creek.

Well Permit #: 115-21559-00-00  
Well Farm Name Powers 1-7H  
Applicant Name: WPX Energy Appalachia, LLC.  
Contact Person: David R. Freudenrich  
Address: 6000 Town Center Boulevard, Suite 300,  
Canonsburg, PA 15317  
County: Susquehanna  
Municipality Name/City, Borough, Township: Forest Lake  
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: Lawton, Middle Branch  
Wyalusing Creek.

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## SPECIAL NOTICES

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### **Notice of Request for Proposals for Municipal Solid Waste Capacity**

The following notice is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

The Erie County Department of Planning on behalf of the Erie County Council, Erie County Pennsylvania requests proposals for disposal/processing capacity for municipal solid waste.

The Erie County Department of Planning, in the process of updating the Erie County Municipal Solid Waste Management Plan, has determined that additional waste disposal or processing capacity for municipal solid waste (MSW) including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period beginning in 2014 and ending in 2024. In accordance with Pennsylvania Code Title 25. Environmental Protection. Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Erie County Department of Planning on behalf of The Erie County Council is hereby soliciting proposals for disposal/processing capacity for MSW generated within the boundaries of Erie County Pennsylvania.

The Request for Proposals (RFP) will be available from the Erie County Department of Planning, on or after December 9, 2013. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Erie County Department of Planning reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County. Contract approval and execution anticipated by March 2014.

Erie County Department of Planning will receive sealed proposals until 3:00 p.m., Prevailing Time on Wednesday, January 22, 2014. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and two (2) "copies" formatted as MS Word or pdf files each on separate electronic media, CD-ROMS or Flash Drives. The proposals must be packages, sealed, and clearly labeled to show the statement "Proposal Disposal Capacity" and the name and address of the Proposer.

Proposals should be submitted and be addressed to: Erie County Department of Planning, Erie County Courthouse, Room 111, 140 West Sixth Street, Erie PA 16501, Attention: Mr. Donald Blakesley, Recycling Coordinator. Phone # 814-451-6017.

### **Notice of Request for Proposals for Municipal Solid Waste Capacity**

The following notice is placed through the Department of Environmental Protection as required by Section 502(d) of Act 101 of 1988: the Municipal Waste Planning, Recycling and Waste Reduction Act.

Requests for proposals for municipal solid waste disposal and/or processing capacity.

Venango County Board of Commissioners, Franklin, Pennsylvania

In accordance with Pennsylvania Code Title 25. Environmental Protection. Chapter 272.225 Municipal Waste Planning Recycling and Waste Reduction (as amended December 22, 2000), the Venango County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Venango County Regional Planning Commission, on behalf of the Venango County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in

Venango County Pennsylvania with contract approval and execution anticipated my March 2014.

The Request for Proposals (RFP) will be available from the Venango County Regional Planning Commission, on or after November 20, 2013. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Venango County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County.

The Venango County Regional Planning Commission will receive sealed proposals until 3:00 p.m., Prevailing Time on Tuesday, December 17, 2013. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and two (2) "copies" formatted as MS Word or pdf files each on separate electronic media, CD-ROMS or Flash Drives. The proposals must be packages, sealed, and clearly labeled to show the statement "Proposal Disposal Capacity" and the name and address of the Proposer.

Proposals should be submitted and be addressed to: Venango County Regional Planning Commission, 1168 Liberty St., P.O. Box 831, Franklin PA 16323 Attention: Mr. Erik Johnson, Recycling Coordinator, Planner II. Phone # 814-432-9684.

### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of November 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type Of Certification</i>
Chad Albright	4101 Beale Ave. Altoona, PA 16601	Mitigation
Robert Anderson Radon Protection Services	282 Longstreet Dr. Gettysburg, PA 17325	Mitigation
Josef Bock	3650 Concorde Pkwy. #100 Chantilly, VA 20151	Testing
Keith Carpenter	124 Old Colony Dr. Johnstown, PA 19504	Mitigation
Dino Chieffallo Absolute Safeguard Home Inspection Services, Inc.	1063 Norsis Dr. Pittsburgh, PA 15220	Testing
Kent Christel	PO Box 651 Reading, PA 19607	Testing
Mark Droege	238 Pheasant Dr. Columbia, PA 17512	Testing
Gregory Gibson	PO Box 733 Tannersville, PA 18372	Mitigation
Steven Gorman Mason Dixon Home Inspection Services, Inc.	282 Longstreet Dr. Gettysburg, PA 17325	Testing
Joseph Hagarty	1513 Woodland Rd. West Chester, PA 19382	Testing
Donald Hart	613 Zimmermans Hollow Rd. Sunbury, PA 17801	Testing and Mitigation
Ammon Hontz	PO Box 4064 Jim Thorpe, PA 18229	Testing
Michal Kluza	8020 Mine St. Fogelsville, PA 18051	Mitigation
Greg Kopenhaver	PO Box 902 Blue Bell, PA 19422	Testing
Juan Lluna-Garces	1324 Crestmont Dr. Dowington, PA 19335	Testing and Mitigation



<i>Name</i>	<i>Address</i>	<i>Type Of Certification</i>
Robin Lunny	2370 York Rd., A9-C Jamison, PA 18929	Mitigation
Winfield Lyons	16 W. Hanover St. Gettysburg, PA 17325	Testing
Stephen Notwick	27 Jasmine Rd. Levittown, PA 19056	Testing
George Radeschi	311 Oakview Rd. Bedford, PA 15522	Testing
Jooik Ro	30 Sunset Ave. Carlisle, PA 17013	Mitigation
Dana Wilson	1063 Norsis Dr. Pittsburgh, PA 15220	Testing

### Drinking Water State Revolving Fund Special Notice

#### Special Notice Under the Federal Safe Drinking Water Act (42 U.S.C.A. § 300f, et. seq.)

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Boggs Township	PO Box 69 West Decatur PA 16878	Clearfield

*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. Emporium Water Company proposes to construct 25,500 l.f. of 8 inch waterline, 1,650 l.f. of 6 inch waterline, 23 gate valve assemblies, 10 fire hydrants and four pressure reducing valve vaults. 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.

#### General NPDES Permit for Stormwater Discharges Associated with Construction Activities

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**PAG-2-27-32-13-001, Forcey Coal, Inc.**, 475 Banion Road, Madera, PA 16661. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC No. 32-12-01 in Grant Township, **Indiana County**. Receiving streams: East Run tributary to Little Mahoning Creek, classified for the following uses: High Quality-Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Notice of Intent for coverage received: April 15, 2013.

Coverage approved: October 7, 2013. Coverage revoked: November 22, 2013.

[Pa.B. Doc. No. 13-2321. Filed for public inspection December 13, 2013, 9:00 a.m.]

#### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.eLibrary.dep.state.pa.us>. The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Technical Guidance Draft Documents" heading is the link to the Department's draft technical guidance documents.

#### Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications.

Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### Final Technical Guidance—New Guidance

*DEP ID:* 393-3130-108. *Title:* New Source Sampling Requirements for Surface Water Sources. *Description:* Department regulations in 25 Pa. Code Chapter 109 (relating to safe drinking water) require all new surface water sources that intend to serve as a public water system (PWS) to monitor for the United States Environmental Protection Agency (EPA) regulated contaminants in the raw water source. Monitoring of these contaminants is necessary for public health and compliance with the Safe Drinking Water Act (SDWA). As a result, this

guidance is intended to establish the sampling requirements for contaminants to be monitored by all new PWSs that intend to use surface water as the source. The scope of this policy includes a detailed list of all contaminants to be monitored for and guidance and direction on how and when the source water samples should be collected. Finally, this policy reflects and supplements the Department's regulations in 25 Pa. Code Chapter 109.

The draft guidance was published at 43 Pa.B. 5660 (September 21, 2013), and no comments were submitted. Subsequent to publication, the Department completed minor edits to improve readability and accuracy of the document.

*Contact:* Questions regarding this action should be directed to Chad Reisch at (717) 772-4061 or creisch@pa.gov.

*Effective Date:* December 14, 2013.

*DEP ID:* 393-3130-208. *Title:* New Source Sampling Requirements for Groundwater Sources for Community and Noncommunity Systems. *Description:* Department regulations in 25 Pa. Code Chapter 109 require all new groundwater sources that intend to serve as a PWS to monitor for the EPA regulated contaminants in the raw water source. Monitoring of these contaminants is necessary for public health and compliance with the SDWA. As a result, this guidance is intended to establish the sampling requirements for contaminants to be monitored by all new PWSs that intend to use groundwater as the source. The scope of this policy includes a detailed list of all contaminants to be monitored for and guidance and direction on how and when the groundwater samples should be collected. Finally, this policy reflects and supplements the Department's regulations in 25 Pa. Code Chapter 109.

The draft guidance was published at 43 Pa.B. 5660, and no comments were submitted. Subsequent to publication, the Department completed minor edits to improve readability and accuracy of the document.

*Contact:* Questions regarding this action should be directed to Chad Reisch at (717) 772-4061 or creisch@pa.gov.

*Effective Date:* December 14, 2013.

*DEP ID:* 393-3130-308. *Title:* New Source Sampling Requirements for Transient Noncommunity Groundwater Sources. *Description:* Department regulations in 25 Pa. Code Chapter 109 require all new groundwater sources that intend to serve as a PWS to monitor for the EPA regulated contaminants in the raw water source. Monitoring of these contaminants is necessary for public health and compliance with the SDWA. As a result, this guidance is intended to establish the sampling requirements for contaminants to be monitored by all transient noncommunity systems that do not require a Department-issued construction permit and that intend to use groundwater as the source. The scope of this policy includes a detailed list of all contaminants to be monitored for and guidance and direction on how and when the groundwater samples should be collected. Finally, this policy reflects and supplements the Department's regulations in 25 Pa. Code Chapter 109.

The draft guidance was published at 43 Pa.B. 5660, and no comments were submitted. Subsequent to publication, the Department completed minor edits to improve readability and accuracy of the document.

*Contact:* Questions regarding this action should be directed to Chad Reisch at (717) 772-4061 or creisch@pa.gov.

*Effective Date:* December 14, 2013.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2322. Filed for public inspection December 13, 2013, 9:00 a.m.]

### **Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee; Extension of Supplementary Comment Period**

By this notice, the supplementary comment period on the Policy for Implementing the Department of Environmental Protection Permit Review Process and Permit Decision Guarantee (DEP ID: 021-2100-001) is extended to December 31, 2013.

This document is available on the Department of Environmental Protection's (Department) eLibrary at <http://www.elibrary.dep.state.pa.us/dsweb/View/Collection-11257>. Additional information can be found on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (DEP Search/Keyword: Permit Decision Guarantee).

Interested persons may submit written comments on this Technical Guidance Document by December 31, 2013. Comments submitted by facsimile will not be accepted. All comments, including comments submitted by e-mail, must include the originator's name and address. Written comments should be submitted to Hayley Book, 400 Market Street, Harrisburg PA, 17101, (717) 783-8727, [hbook@pa.gov](mailto:hbook@pa.gov). This document became effective on November 3, 2012. Revisions that may be made in response to public comments will become effective upon publication as final in the *Pennsylvania Bulletin*.

Questions regarding this action should be directed towards to Hayley Book at (717) 783-8727 or [hbook@pa.gov](mailto:hbook@pa.gov).

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2323. Filed for public inspection December 13, 2013, 9:00 a.m.]

### **Proposed Revision to Remove the Repealed Pennsylvania Portable Fuel Container Regulation from Pennsylvania's State Implementation Plan; Public Hearing**

The Environmental Quality Board amended 25 Pa. Code Chapter 130 (relating to standards for products) with a final-omitted rulemaking process that rescinded Subchapter A, regarding portable fuel containers (PFC). The PFC regulation controlled volatile organic compound emissions from gasoline containers; the rescission of the regulation became effective on July 14, 2012, upon publication at 42 Pa.B. 4463 (July 14, 2012). The Common-

wealth's PFC regulation was codified in 25 Pa. Code Chapter 130, Subchapter A, as set forth in sections 130.101—130.108, published 32 Pa.B. 4819 (October 5, 2002). The United States Environmental Protection Agency approved the PFC regulation as a revision to Pennsylvania's State Implementation Plan (SIP) on December 8, 2004 (69 FR 70893). The SIP approval is codified at 40 CFR 52.2063(c)(229) (relating to original identification of plan section).

The PFC rule reduced emissions of volatile organic compounds by requiring portable gasoline containers to be designed to reduce emissions while in use and in storage. The Commonwealth's rule required containers to have automatic shutoff spouts to reduce storage and to be designed in a way that reduced evaporation of stored gasoline. The Commonwealth's PFC regulation became less stringent than Federal standards when a Federal rule was promulgated on February 26, 2007. The Federal rule is more stringent because it requires PFC manufacturers to make design changes that reduce emissions, it applies to types of fuel containers other than gasoline, and it applies nationwide which reduces the chance for cross-border sales.

The Department of Environmental Protection (Department) is seeking comment only on the revision to remove the PFC regulation from the Commonwealth's SIP. The Department will hold one public hearing to receive oral testimony on the proposed SIP revision to satisfy requirements of section 110(a)(2) of the Clean Air Act (42 U.S.C.A. § 7410(a)(2)). A hearing will be held in Harrisburg on Tuesday, January 14, 2014, at 1 p.m. at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. The proposed SIP revision is available on the Department's web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (choose Air Plans) or through the contact persons listed as follows.

Persons who wish to present testimony at a scheduled hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov). Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing. If, by Thursday, January 9, 2014, no person has expressed an interest in testifying at the hearing, the hearing will be cancelled. The Department will notify the public if the hearing is cancelled on the Bureau of Air Quality web page at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than January 14, 2014. Written comments should be sent to the attention of Kirit Dalal, Air Resource Management Division Chief, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [kdalal@pa.gov](mailto:kdalal@pa.gov). Use "PFC SIP Revision" as the subject line in written communication.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2324. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Proposed Revision to the State Implementation Plan for the Motor Vehicle Emissions Budgets in the Allentown-Bethlehem-Easton 1997 Eight-Hour Ozone Maintenance Area; Public Hearing

The Department of Environmental Protection (Department) is revising the motor vehicle emissions budgets (MVEB) for the Allentown-Bethlehem-Easton (ABE) 1997 Eight-Hour Ozone Maintenance Area (ABE Area). The revised budgets, once approved by the United States Environmental Protection Agency (EPA), will allow local transportation planning agencies to better compare highway vehicle emissions in transportation plans with MVEBs in the State Implementation Plan (SIP). The SIP will now include highway emissions estimated using the same computer model that local planning agencies are required to use for developing their transportation plans. The EPA developed a new computer model, the Motor Vehicle Emissions Simulator (MOVES), which estimates emissions from highway vehicles more accurately. The Department used the former EPA-approved model, MOBILE6, for estimating highway vehicles emissions in the approved maintenance plan for the ABE Area. Emissions of nitrogen oxides and, in some cases, volatile organic compounds, are estimated by the MOVES model to be at higher levels than the MVEBs approved by the EPA in the ABE Area Maintenance Plan. The Transportation Conformity regulation requires that emissions from updated local transportation improvement plans do not exceed the MVEB in the area's approved, applicable SIP. By using the same model in transportation planning and the SIP, a more realistic comparison between the two will result, which will offer less chance of transportation projects being delayed.

This proposal is available on the Department's web site at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm> or through the contact persons listed.

The Department is seeking public comment on updated emissions in this proposed SIP revision, which includes changes made to the motor vehicle emissions budgets and the point source inventory. The Department will hold a public hearing, if requested, to receive comments on the proposal at 10 a.m. on January 23, 2014, in the 2nd Floor Little Schuylkill Room, Department of Environmental Protection's Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA.

Persons wishing to present testimony at the hearing should contact Alex Haas, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov) to reserve a time. If, by 12 p.m. on January 21, 2013, no person has requested to testify at the hearing, the hearing will be cancelled. If the hearing is cancelled, the Department will notify the public on the Bureau of Air Quality web page at <http://www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm>. Witnesses should keep testimony to ten minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Alex Haas at (717) 787-9495 or [alehaas@pa.gov](mailto:alehaas@pa.gov). TDD users may contact the Pennsylvania AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than January 24, 2014. Written comments should be sent to the attention of Kirit Dalal, Chief, Division of Air Re-

source Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or kdalal@pa.gov. Use "ABE Area MVEB Revisions" in the subject line.

E. CHRISTOPHER ABRUZZO,  
*Secretary*

[Pa.B. Doc. No. 13-2325. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Real Estate for Sale Blair County

The Department of General Services (Department) will accept bids for the purchase of 0.60 acre  $\pm$  of land and building formerly known as the Tyrone Armory located at 926 South Logan Avenue, Borough of Tyrone, Blair County. Bids are due Thursday, March 20, 2014. Interested parties wishing to receive a copy of Solicitation No. 94521 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2326. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Real Estate for Sale Blair County

The Department of General Services (Department) will accept bids for the purchase of 8.52 acres  $\pm$  of land and building formerly known as the Frankstown (Altoona) Armory located at 327 Frankstown Road, Altoona, Blair County. Bids are due Wednesday, March 19, 2014. Interested parties wishing to receive a copy of Solicitation No. 94525 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Jeff Higgins at (717) 705-6920.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2327. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Real Estate for Sale Columbia County

The Department of General Services (Department) will accept bids for the purchase of 0.82 acre  $\pm$  of land and building formerly known as the Berwick Armory located at 201 Pine Street, Borough of Berwick, Columbia County. Bids are due Thursday, March 20, 2014. Interested parties wishing to receive a copy of Solicitation No. 94517 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2328. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Real Estate for Sale Elk County

The Department of General Services (Department) will accept bids for the purchase of 0.23 acre  $\pm$  of land and building formerly known as the Ridgway Armory located at 72 North Broad Street, Borough of Ridgway, Elk County. Bids are due Thursday, March 20, 2014. Interested parties wishing to receive a copy of Solicitation No. 94520 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2329. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Real Estate for Sale Lackawanna County

The Department of General Services (Department) will accept bids for the purchase of 1.50 acres  $\pm$  of land and building formerly known as the Scranton Armory located at 900 Adams Avenue, City of Scranton, Lackawanna County. Bids are due Thursday, March 20, 2014. Interested parties wishing to receive a copy of Solicitation No. 94519 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

SHERI PHILLIPS,  
*Secretary*

[Pa.B. Doc. No. 13-2330. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.38(b) (relating to toilet facilities):

Forbes Center for Rehabilitation and Healthcare  
6655 Frankstown Avenue  
Pittsburgh, PA 15206

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

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

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

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

phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
Secretary

[Pa.B. Doc. No. 13-2331. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Consumer Price Index Adjustment of Base Amounts on Bids Effective January 1, 2014

Each year the Department of Labor and Industry (Department) is required by the following statutes to publish changes to the base amounts triggering the requirement for public bids, telephonic bids or separate bids for certain contracts, or both. The Department is required to announce the percentage change in the Consumer Price Index for All Urban Consumers (CPI-U): All items CPI-U for the United States city average for the 12-month period ending September 30 of each year. The Department utilizes the most current nonseasonally adjusted series, as published by the United States Bureau of Labor Statistics (BLS), which at present uses 1982-1984 as the index base period (set equal to 100). The percentage change for the 12-month period ending September 30, 2013, is 1.2%.

The change to the base rate is determined as follows:

1) Calculate the percentage change in CPI-U (I) from September 2012 to September 2013. This is derived as  $I =$

$(CPI_{13} - CPI_{12}) / CPI_{12}$ , where the subscripts refer to September 2013 and 2012 values of CPI-U. As reported by the BLS these values are  $(234.149 - 231.407) / 231.407 = 2.742 / 231.407 = 1.1849\%$ , which when rounded to 1 decimal place = 1.2%. (This was also reported as 1.2% in Table A of the BLS news release on the Consumer Price Index Summary for September 2013.)

2) The legislation puts a floor of 0 and a cap of 3% on the percentage change to be utilized in the calculations (technically these restrictions are on the Preliminary Adjusted Base (PAB), defined in step 4, however this is mathematically equivalent). The truncated value of the percentage change to be used in the adjustment formula is denoted as PC, resulting in:

- $PC = I$ , for  $0 \leq I \leq 3\%$ ,
- $PC = 0$ , for  $I < 0$  and
- $PC = 3\%$ , for  $I > 3\%$ .

3) The base value (either original for new legislation or the prior year's PAB) is designated as B and the product of B and PC (determined previously) is P. (There are different values of the base depending on the entity and the type of bid, so technically B could be designated with 2 subscripts. For illustration purposes, the subscripts are omitted.) Then  $P = PC * B$ . A common value for the base amount in 2013 for a public bid is \$18,870. (The other two prior PABs, which are this year's bases for a variety of bid types, were \$10,200 and \$25,500.) For example, using  $B = 18,870$ , results in  $P = 18,870 * 1.2\% = 226.44$ .

4) Then the preliminary adjusted base,  $PAB = P + B$ , which reduces to  $226.44 + 18,870 = 19,096.44$ .

5) The final adjusted base amount, FAA, (which is used as the limit for the next year, that is 2014), is the PAB rounded to the nearest 100. Therefore the FAA = 19,100.

#### Final Adjusted Base Amount for Use in 2014

<i>Entity and Legislation</i>	<i>Public Bid</i>	<i>Written/ Telephonic Bid</i>	<i>Separate Bids</i>	<i>Concessions &amp; Small Purchases</i>
The County Code (16 P. S. §§ 1801—1803 and 2317)	19,100.00	10,300.00	19,100.00	
Second Class County Code (16 P. S. §§ 3112, 5001, 5511-A and 5517)	19,100.00	10,300.00	19,100.00	
Public School Code (24 P. S. §§ 1-120, 7-751 and 8-807.1)	19,100.00	10,300.00	19,100.00	
Public School Code, Thaddeus Stevens College of Technology (24 P. S. § 19-1913.1-B)	19,100.00			
Public School Code, State System of Higher Education (24 P. S. §§ 20-2003-A.1 and 20-2010-A)	19,100.00			
Prevention and Control of Floods, Flood Control Districts (32 P. S. §§ 662 and 662.1)	19,100.00			
Housing Authorities (35 P. S. § 1551)	19,100.00	10,300.00		
Intergovernmental Cooperation (53 Pa.C.S. §§ 2308, 2311 and 2312)	19,100.00	10,300.00		
General Municipal Law, Flood Control (53 P. S. § 2863)	19,100.00	10,300.00		

*Final Adjusted Base Amount for Use in 2014*

<i>Entity and Legislation</i>	<i>Public Bid</i>	<i>Written / Telephonic Bid</i>	<i>Separate Bids</i>	<i>Concessions &amp; Small Purchases</i>
Political Subdivisions Joint Purchases Law (53 P. S. § 5432)	19,100.00	10,300.00		
Parking Authorities (53 Pa.C.S. § 5511)	25,800.00	10,300.00		
Municipal Authorities (53 Pa.C.S. § 5614)	19,100.00	10,300.00		
Public Auditorium Authorities Law (53 P. S. § 23851)	19,100.00	10,300.00		
Third Class City Code (53 P. S. §§ 36901, 36902, 36903.1 and 36909)	19,100.00		19,100.00	
The Borough Code (53 P. S. §§ 46402 and 46405)	19,100.00	10,300.00	19,100.00	
Incorporated Towns (53 P. S. §§ 53202, 53202.1, 53203, 53203.1 and 53205)	19,100.00	10,300.00	19,100.00	
First Class Township Code (53 P. S. §§ 56802, 56803 and 56805)	19,100.00	10,300.00	19,100.00	
Second Class Township Code (53 P. S. §§ 68102 and 68107)	19,100.00	10,300.00	19,100.00	
Economic Development Financing Law (73 P. S. § 382)	19,100.00	10,300.00		
Metropolitan Transportation Authorities (74 Pa.C.S. § 1750)	25,800.00			19,100.00

JULIA K. HEARTHWAY,  
*Secretary*

[Pa.B. Doc. No. 13-2332. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Be My Cupcake Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Be My Cupcake.

2. *Price:* The price of a Pennsylvania Be My Cupcake instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Be My Cupcake instant lottery game ticket will contain one play area containing twelve prize symbols and a separate “Bonus” area containing one prize symbol. The “Bonus” area is played separately. The play symbols and their captions, located in the play area are: Ice Cream Cone (CONE) symbol, Marshmallow (MALLO) symbol, Doughnut (DONUT) symbol, Cookie (COOKIE) symbol, Popsicle (POPCL) symbol, Cotton Candy (CTNCDY) symbol, Candy (CANDY) symbol, Cake (CAKE) symbol, Strawberries (BERRY) symbol, Gift (GIFT) symbol, Heart (HEART) symbol, Love Note (NOTE) symbol, Perfume (PERFUME) symbol, Arrow (ARROW) symbol, Teddy Bear (TBEAR) symbol, Ring (RING) symbol, Couple (COUPLE) symbol, Rose (ROSE) symbol, Cupcake (CUPCKE) symbol and a be mine (BMINE) symbol. The play symbols and their captions located in the “Bonus”

area are: Diamond (DMND) symbol, Necklace (NCKLACE) symbol, Balloon (BALLOON) symbol, Butterfly (BTRFLY) symbol and a Lips (WIN20) symbol.

4. *Prize Symbols:* The prize symbols and their captions, located in the play area are: \$1<sup>00</sup> (ONE DOL), FREE (TICKET), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$4<sup>00</sup> (FOR DOL), \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$15<sup>00</sup> (FIFTN), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$30<sup>00</sup> (THIRTY), \$45<sup>00</sup> (FRY FIV), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$2,500 (TWYFIVHUN) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, Free \$2 Ticket, \$2, \$3, \$4, \$5, \$10, \$15, \$20, \$25, \$30, \$45, \$100, \$250, \$500, \$2,500 and \$25,000. The prize that can be won in the “Bonus” area is \$20. The player can win up to 12 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 6,600,000 tickets will be printed for the Pennsylvania Be My Cupcake instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$25,000 (TWYFIVTHO) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$2,500 (TWYFIVHUN) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$2,500.

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

(d) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$250 (TWOHUNFTY) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$250.

(e) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the “prize” areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$250.

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

(g) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the “prize” areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$45<sup>00</sup> (FRY FIV) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$45.

(i) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in ten of the “prize” areas, a prize symbol of \$3<sup>00</sup> (THR DOL) appears in one of the “prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$45.

(j) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$30<sup>00</sup> (THIRTY) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$30.

(k) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$30.

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

(m) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in eleven of the “prize” areas and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$25.

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

(o) Holders of tickets with a Lips (WIN20) symbol in the “Bonus” area, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in two of the “prize” areas and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in ten of the “prize” areas, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$15<sup>00</sup> (FIFTN) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$15.

(r) Holders of tickets with a be mine (BMINE) symbol in the play area, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in ten of the “prize” areas, a prize symbol of \$3<sup>00</sup> (THR DOL) appears in one of the “prize” areas, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in one of the “prize” areas, on a single ticket, shall be entitled to a prize of \$15.

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

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

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

(v) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of \$3<sup>00</sup> (THR DOL) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of \$3.

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

(x) Holders of tickets with a Cupcake (CUPCKE) symbol in the play area, and a prize symbol of FREE (TICKET) appears in the “prize” area under that Cupcake (CUPCKE) symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Be My Cupcake instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

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

NOTICES

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Reveal A “CUPCAKE” (CUPCKE)  
Symbol, Win Prize Shown Under That  
Symbol, Win With:

Approximate  
Odds Are  
1 In:

Approximate  
No. Of Winners Per  
6,600,000 Tickets

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 6,600,000 Tickets
FREE \$2 TICKET	12.5	528,000
\$2	75	88,000
\$2 + \$1	30	220,000
\$3	75	88,000
\$2 × 2	150	44,000
\$3 + \$1	150	44,000
\$4	150	44,000
(\$2 × 2) + \$1	150	44,000
\$3 + \$2	250	26,400
\$4 + \$1	150	44,000
\$5	300	22,000
\$2 × 5	150	44,000
\$5 × 2	500	13,200
(\$4 × 2) + \$2	375	17,600
\$10	500	13,200
BE MINE w/ ((\$1 × 10) + \$3 + \$2)	250	26,400
\$3 × 5	500	13,200
\$5 × 3	750	8,800
\$10 + \$5	750	8,800
\$15	750	8,800
BE MINE w/ ((\$5 × 2) + (\$1 × 10))	480	13,750
\$2 × 10	1,412	4,675
\$5 × 4	1,412	4,675
\$10 × 2	1,412	4,675
\$20 w/ BONUS	571.43	11,550
\$20	1,412	4,675
BE MINE w/ ((\$2 × 11) + \$3)	800	8,250
\$5 × 5	1,600	4,125
(\$20 w/ BONUS) + \$5	800	8,250
\$25	1,600	4,125
BE MINE w/ ((\$5 × 2) + (\$2 × 10))	2,000	3,300
\$10 × 3	4,800	1,375
\$15 × 2	4,800	1,375
(\$20 w/ BONUS) + \$10	1,846	3,575
\$30	4,800	1,375
BE MINE w/ ((\$4 × 10) + \$3 + \$2)	2,000	3,300
\$5 × 9	6,000	1,100
\$15 × 3	6,000	1,100
(\$10 × 4) + \$5	6,000	1,100
(\$20 w/ BONUS) + \$25	2,000	3,300
\$45	6,000	1,100
BE MINE w/ ((\$25 × 2) + (\$5 × 10))	3,000	2,200
\$10 × 10	8,000	825
\$25 × 4	8,000	825
(\$20 w/ BONUS) + (\$20 × 4)	8,000	825
\$100	8,000	825
BE MINE w/ ((\$25 × 2) + (\$20 × 10))	40,000	165
\$25 × 10	40,000	165
\$250	60,000	110
\$250 × 2	60,000	110
\$500	60,000	110
\$500 × 5	220,000	30
\$2,500	220,000	30
\$25,000	660,000	10

Reveal a “BE MINE” (BMINE) symbol, win all 12 prizes shown!  
BONUS: Reveal a “LIPS” (WIN20) symbol, win \$20 instantly.  
Bonus played separately.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Be My Cupcake instant lottery game tickets. The conduct of the game will be governed by 61

Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Be My Cupcake, prize money from winning Pennsylvania Be My Cupcake instant lottery game tickets will be retained by



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

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

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

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-2333. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Pennsylvania Bingo Plus Instant Lottery Game

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

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

2. *Price:* The price of a Pennsylvania Bingo Plus instant lottery game ticket is \$3.

3. *Play Symbols:*

(a) Each Pennsylvania Bingo Plus instant lottery game ticket will contain five play areas designated as “CARD 1,” “CARD 2,” “CARD 3,” “CARD 4” and “CARD 5.” Each “CARD” will consist of 25 spaces on a 5 by 5 grid. The 76 play symbols located in the five play areas are: The numbers 1 through 75, and a “FREE” symbol. The “FREE” symbol is a free space.

(b) Each Pennsylvania Bingo Plus instant lottery game ticket will contain a “CALLER’S CARD” area. The “CALLER’S CARD” area will consist of 24 spaces on a 4 by 6 grid. The play symbols that may be located in each space on the grid are: The letter B with a number 1 through 15; the letter I with a number 16 through 30; the letter N with a number 31 through 45; the letter G with a number 46 through 60; and the letter O with a number 61 through 75.

(c) Each Pennsylvania Bingo Plus instant lottery game ticket will contain a separate “BONUS” area containing three play symbols. The play symbols and their captions located in the “BONUS” area are: Golden Nugget (GLDNGT) symbol, Bell (BELL) symbol, Stack of Coins (COINS) symbol, Diamond (DMND) symbol, Gold Bar (GLDBAR) symbol, Horseshoe (SHOE) symbol, Star (STAR) symbol, 7 (SVN) symbol and a Plus Sign (WIN20) symbol. The “BONUS” area is played separately.

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$10, \$30, \$60, \$90, \$150, \$300, \$1,000, \$3,000 and

\$50,000. The prize that can be won in the “BONUS” area is \$20. The player can win up to five times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 10,200,000 tickets will be printed for the Pennsylvania Bingo Plus instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B,” “I,” “G” or “O” columns, in an “X” pattern extending through the center “FREE” space in the “N” column and through to each of the four corner spaces, on “CARD 5,” shall be entitled to a prize of \$50,000.

(b) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B,” “I,” “G” or “O” columns, in an “X” pattern extending through the center “FREE” space in the “N” column and through to each of the four corner spaces, on “CARD 4,” shall be entitled to a prize of \$3,000.

(c) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B,” “I,” “G” or “O” columns, in an “X” pattern extending through the center “FREE” space in the “N” column and through to each of the four corner spaces, on “CARD 3,” shall be entitled to a prize of \$1,000.

(d) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B,” “I,” “G” or “O” columns, in an “X” pattern extending through the center “FREE” space in the “N” column and through to each of the four corner spaces, on “CARD 2,” shall be entitled to a prize of \$300.

(e) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B,” “I,” “G” or “O” columns, in an “X” pattern extending through the center “FREE” space in the “N” column and through to each of the four corner spaces, on “CARD 1,” shall be entitled to a prize of \$150.

(f) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B” or “O” columns, in the four corners on “CARD 5,” shall be entitled to a prize of \$150.

(g) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B” or “O” columns, in the four corners on “CARD 4,” shall be entitled to a prize of \$90.

(h) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B” or “O” columns, in the four corners on “CARD 3,” shall be entitled to a prize of \$60.

(i) Holders of tickets matching the “CALLER’S CARD” play symbols, or matching a combination of the “CALLER’S CARD” play symbols and using “FREE” spaces located in the “B” or “O” columns, in the four corners on “CARD 2,” shall be entitled to a prize of \$30.

(j) Holders of tickets with a Plus Sign (WIN20) symbol, in the “BONUS” area, shall be entitled to a prize of \$20.

(k) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and using "FREE" spaces located in the "B" or "O" columns, in the four corners on "CARD 1," shall be entitled to a prize of \$10.

(l) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and using "FREE" spaces located in the "B," "I," "N," "G" or "O" columns, in a five-space horizontal, vertical or diagonal line on "CARD 5," shall be entitled to a prize of \$10.

(m) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and using "FREE" spaces

located in the "B," "I," "N," "G" or "O" columns, in a five-space horizontal, vertical or diagonal line on "CARD 3" or "CARD 4," shall be entitled to a prize of \$6.

(n) Holders of tickets matching the "CALLER'S CARD" play symbols, or matching a combination of the "CALLER'S CARD" play symbols and using "FREE" spaces located in the "B," "I," "N," "G" or "O" columns, in a five-space horizontal, vertical or diagonal line on "CARD 1" or "CARD 2," shall be entitled to a prize of \$3.

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

<i>Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. of Winners Per 10,200,000 Tickets</i>
LINE CARD 1	\$3	14.29	714,000
LINE CARD 2	\$3	16.67	612,000
LINE CARD 2 + LINE CARD 1	\$6	33.33	306,000
LINE CARD 3	\$6	50	204,000
LINE CARD 4	\$6	50	204,000
LINE CARD 5	\$10	50	204,000
4 CORNERS CARD 1	\$10	100	102,000
LINE CARD 4 + LINE CARD 3 + LINE CARD 1	\$15	200	51,000
LINE CARD 4 + LINE CARD 3 + LINE CARD 2	\$15	200	51,000
\$20 w/ PLUS SIGN	\$20	333.33	30,600
LINE CARD 5 + 4 CORNERS CARD 1	\$20	500	20,400
(\$20 w/ PLUS SIGN) + LINE CARD 5	\$30	400	25,500
4 CORNERS CARD 2	\$30	1,200	8,500
(\$20 w/ PLUS SIGN) × 2	\$40	800	12,750
4 CORNERS CARD 2 + 4 CORNERS CARD 1	\$40	1,600	6,375
4 CORNERS CARD 2 + LINE CARD 5	\$40	1,600	6,375
(((\$20 w/ PLUS SIGN) × 2) + LINE CARD 5	\$50	1,200	8,500
4 CORNERS CARD 2 + 4 CORNERS CARD 1 + LINE CARD 5	\$50	1,200	8,500
(\$20 w/ PLUS SIGN) + LINE CARD 5 + 4 CORNERS CARD 2	\$60	2,400	4,250
4 CORNERS CARD 3	\$60	2,400	4,250
(((\$20 w/ PLUS SIGN) × 3) + 4 CORNERS CARD 2	\$90	4,800	2,125
4 CORNERS CARD 3 + 4 CORNERS CARD 2	\$90	9,231	1,105
(\$20 w/ PLUS SIGN) + 4 CORNERS CARD 3 + LINE CARD 5	\$90	9,231	1,105
4 CORNERS CARD 4	\$90	9,231	1,105
(((\$20 w/ PLUS SIGN) × 3) + 4 CORNERS CARD 2 + 4 CORNERS CARD 1	\$100	15,000	680
4 CORNERS CARD 3 + LINE CARD 5 + 4 CORNERS CARD 2	\$100	20,000	510
4 CORNERS CARD 4 + 4 CORNERS CARD 1	\$100	20,000	510
4 CORNERS CARD 3 + 4 CORNERS CARD 2 + 4 CORNERS CARD 1	\$100	20,000	510
4 CORNERS CARD 4 + LINE CARD 5	\$100	24,000	425
(((\$20 w/ PLUS SIGN) × 3) + 4 CORNERS CARD 4	\$150	20,000	510
4 CORNERS CARD 5	\$150	24,000	425
"X" CARD 1	\$150	24,000	425
4 CORNERS CARD 5 + 4 CORNERS CARD 4 + 4 CORNERS CARD 3	\$300	20,000	510
"X" CARD 2	\$300	20,000	510
"X" CARD 3	\$1,000	30,000	340
"X" CARD 4	\$3,000	60,000	170
"X" CARD 5	\$50,000	510,000	20

Bonus: Win \$20 for each "PLUS SIGN" (WIN20) symbol revealed.

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

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bingo Plus instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bingo Plus, prize money from winning Pennsylvania Bingo Plus instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bingo Plus instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-2334. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Pennsylvania Lucky Hearts '13 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Lucky Hearts '13.

2. *Price:* The price of a Pennsylvania Lucky Hearts '13 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Lucky Hearts '13 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYFIV), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21

(TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), Double Heart (DBLHRT) symbol and a Cupid (CUPID) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20<sup>00</sup> (TWENTY), \$25<sup>00</sup> (TWY FIV), \$40<sup>00</sup> (FORTY), \$50<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$50,000 (FTY THO).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$400, \$500, \$1,000 and \$50,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 4,800,000 tickets will be printed for the Pennsylvania Lucky Hearts '13 instant lottery game.

#### 7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol and a prize symbol of \$100 (ONE HUN) appears in eight of the "Prize" areas and a prize symbol of \$50<sup>00</sup> (FIFTY) appears in four of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol and a prize symbol of \$100 (ONE HUN) appears in two of the "Prize" areas and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area under

the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in two of the "Prize" areas and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Cupid (CUPID) symbol and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in two of the "Prize" areas, a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in two of the "Prize" areas, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in eight of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$25<sup>00</sup> (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Double Heart (DBLHRT) symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under that Double Heart (DBLHRT) symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

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

<i>When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets:</i>
\$5	\$5	12	400,000
\$5 × 2	\$10	60	80,000
\$5 w/ DOUBLE HEART	\$10	60	80,000
\$10	\$10	30	160,000
\$5 × 4	\$20	150	32,000
\$10 × 2	\$20	150	32,000
\$10 w/ DOUBLE HEART	\$20	75	64,000
\$20	\$20	150	32,000
\$5 × 5	\$25	300	16,000
(\$10 × 2) + \$5	\$25	200	24,000
\$20 + \$5	\$25	200	24,000
\$25	\$25	300	16,000
\$5 × 8	\$40	300	16,000
\$20 × 2	\$40	300	16,000
\$20 w/ DOUBLE HEART	\$40	150	32,000
\$40	\$40	300	16,000
CUPID w/ ((\$20 × 2) + (\$10 × 2) + (\$5 × 8))	\$100	960	5,000
CUPID w/ ((\$25 × 2) + (\$5 × 10))	\$100	1,000	4,800
\$20 × 5	\$100	1,500	3,200
\$25 × 4	\$100	1,500	3,200
(\$25 w/ DOUBLE HEART) × 2	\$100	1,000	4,800
\$100	\$100	1,500	3,200
CUPID w/ ((\$100 × 2) + (\$20 × 10))	\$400	40,000	120
\$40 × 10	\$400	120,000	40

<i>When Any Of Your Numbers Match Any Winning Number; Win Prize Shown Under The Matching Number. Win With:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 4,800,000 Tickets:</i>
\$100 × 4	\$400	120,000	40
(\$100 w/ DOUBLE HEART) × 2	\$400	40,000	120
\$400	\$400	60,000	80
CUPID w/ ((\$100 × 8) + (\$50 × 4))	\$1,000	120,000	40
\$500 × 2	\$1,000	120,000	40
\$1,000	\$1,000	120,000	40
\$50,000	\$50,000	480,000	10

Reveal a "DOUBLE HEART" (DBLHRT) symbol, win double the prize shown under it.  
Reveal a "CUPID" (CUPID) symbol, win all 12 prizes shown.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Lucky Hearts '13 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Lucky Hearts '13, prize money from winning Pennsylvania Lucky Hearts '13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Lucky Hearts '13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Lucky Hearts '13 or through normal communications methods.

DANIEL MEUSER,  
Secretary

[Pa.B. Doc. No. 13-2335. Filed for public inspection December 13, 2013, 9:00 a.m.]

## Rates of Tax on Aviation Gasoline and Jet Fuel for 2014; Oil Company Franchise Tax Rate for 2014; Alternative Fuels Tax Rates for 2014

### I. Aviation Gasoline and Jet Fuels

#### A. Aviation Gasoline Rate for 2014

Under 74 Pa.C.S. § 6121(b) (relating to tax on aviation fuels), the Secretary of Revenue (Secretary) announces that for calendar year 2014 the rate of tax on aviation gasoline and all other liquid fuels used or sold and delivered by distributors within this Commonwealth for

use as fuel in propeller-driven piston engine aircraft or aircraft engines remains at the 2013 rate of 5.9¢<sup>1</sup> per gallon or fractional part thereof.

#### B. Jet Fuel Rate for 2014

Under 74 Pa.C.S. § 6131(b) (relating to tax on jet fuels), the Secretary announces that for calendar year 2014 the rate of tax on jet fuels used or sold and delivered by distributors within this Commonwealth for use as fuel in turbine-propeller jet, turbojet and jet-driven aircraft and aircraft engines remains at the rate of 2.0¢ per gallon or fractional part thereof.

#### C. Calculating the 2014 Aviation Gasoline and Jet Fuel Rates

The rate of tax on aviation gasoline is adjusted annually beginning on January 1, 1985, and each January 1 thereafter.

The rate of tax on jet fuels is adjusted annually beginning on January 1, 1986, and each January 1 thereafter. Under 74 Pa.C.S. §§ 6121(b) and 6131(b) the rate of each tax increases or decreases 0.1¢ per gallon for each 10% increase or decrease in the producer price index for jet fuel as determined by the United States Department of Labor, Bureau of Labor Statistics, for the most recent 12-month period available as of November 1, subject to a maximum rate of 6.0¢ per gallon for aviation gasoline and 2.0¢ per gallon for jet fuels.

On October 29, 2013, the most recently available 12-month period was September 2012 to September 2013, as reported in the Bureau of Labor Statistics, United States Department of Labor, Producer Price Index, September 2013, USDL-13-2075, released October 29, 2013, for which the percentage change was -9.6%. Accordingly, the 2014 aviation gasoline tax rate remains the same as the 2013 tax rate of 5.9¢ per gallon; the 2014 jet fuel tax rate will remain the same as the 2013 rate of 2.0¢ per gallon.

### II. Oil Company Franchise Tax

#### A. Transportation Funding Act of 2013

On November 25, 2013, Governor Corbett signed into law Act 89 of 2013 which amends 75 Pa.C.S. (relating to Vehicle Code) to both eliminate the inflationary cap on the Oil Company Franchise Tax and the fixed 12¢ per gallon Liquid Fuels and Fuels tax. Specifically, 75 Pa.C.S. § 9002 provides for the future removal of the cap and

<sup>1</sup>The rate of 5.9¢ per gallon consists of 1.5¢ per gallon tax imposed by the Liquid Fuels and Fuels Tax Act, 75 Pa.C.S. § 9004(c)(1), and the 4.4¢ per gallon additional tax imposed by 74 Pa.C.S. § 6121(a),(b). As limited by 74 Pa.C.S. § 6121(b), the combined rate of these two component taxes may never exceed 6¢ per gallon or be less than 3¢ per gallon.

specific wholesale prices for use in the interim years. Accordingly, the statutorily fixed average wholesale price for 2014 is \$1.87.

**B. Calculating the 2014 Oil Company Franchise Tax Rate**

The rate of the oil company franchise tax imposed under 75 Pa.C.S. Chapter 95 (relating to taxes for highway maintenance and construction), 75 Pa.C.S. § 9502 (relating to imposition of tax), and collected under 75 Pa.C.S. Chapter 90 (relating to liquid fuels and fuels tax), 75 Pa.C.S. § 9004(b), is determined annually by the Department of Revenue (Department) and announced by each December 15 for the following calendar year. The tax rate is determined on a “cents per gallon equivalent basis,” which is defined by 75 Pa.C.S. § 9002 as:

<i>Imposition Section</i>	<i>Liquid Fuels</i>	<i>Fuels</i>
75 Pa.C.S. § 9502(a)(1)	60.0	60.0
75 Pa.C.S. § 9502(a)(2)	55.0	55.0
75 Pa.C.S. § 9502(a)(3)	38.5	38.5
75 Pa.C.S. § 9502(a)(4)	00.0	55.0
75 Pa.C.S. § 9502(a)(5)	<u>64.0</u>	<u>64.0</u>
Total Mills per Gallon:	217.5	272.5
Decimal Equivalent:	.2175	.2725
Multiply by Average Wholesale Price:	<u>x \$1.87</u>	<u>x \$1.87</u>
Product:	40.673¢	50.957¢
Oil Company Franchise Tax per Gallon (Rounded up to next Highest tenth)	40.7¢	51¢

The average wholesale price per gallon multiplied by the decimal equivalent of any tax imposed by section 9502 (relating to imposition of tax), the product of which is rounded to the next highest tenth of a cent per gallon. The rate of tax shall be determined by the Department of Revenue on an annual basis beginning on every January 1 and shall be published as a notice in the *Pennsylvania Bulletin* no later than the preceding December 15. In the event of a change in the rate of tax imposed by section 9502, the Department shall redetermine the rate of tax as of the effective date of such change and give notice as soon as possible.

“Average wholesale price” as used above is defined as:

The average wholesale price of all taxable liquid fuels and fuels, excluding the federal excise tax and all liquid fuels taxes shall be as follows:

- (1) After December 31, 2013, and before January 1, 2015, the average wholesale price shall be \$1.87 per gallon.
- (2) After December 31, 2014, and before January 1, 2017, the average wholesale price shall be \$2.49 per gallon.
- (3) After December 31, 2016, the average wholesale price shall be as determined by the Department of Revenue for the 12-month period ending on the September 30 immediately prior to January 1 of the year for which the rate is to be set. In no case shall the average wholesale price be less than \$2.99 per gallon.

As noted previously, the average wholesale price of liquid fuels and fuels to be used in calculating the 2014 Oil Company Franchise tax rate shall be \$1.87.

The oil company franchise tax imposed under 75 Pa.C.S. § 9502 in terms of mills applicable to each gallon is:

**C. Imposition of Oil Company Franchise Tax on Liquid Fuels and Fuels**

The act of April 17, 1997 (P. L. 6, No. 3) provides that the oil company franchise tax as previously computed is imposed when liquid fuels or fuels are used or sold and delivered in this Commonwealth. Accordingly, the tax imposed upon the use or sale and delivery of one gallon of liquid fuels (primarily gasoline) shall be 40.7¢, and the tax imposed upon the use or sale and delivery of one gallon of fuels (primarily undyed diesel fuel) shall be 51¢.

**III. Alternative Fuels Tax Rates for 2014**

Under 75 Pa.C.S. § 9004(d) the Secretary is required to compute the rate of tax applicable to each alternative fuel on a gallon-equivalent-basis. Under 75 Pa.C.S. § 9002 “gallon-equivalent-basis” is defined as the “amount of any alternative fuel as determined by the Department to contain 114,500 BTU’s.” The amount determined on a “gallon-equivalent-basis” for each alternative fuel is subject to liquid fuels and oil company franchise taxes currently imposed on one gallon of gasoline. The rate of tax on one gallon of gasoline during the period of this notice is 40.7¢ which is equal to the Oil Company Franchise Tax.

The 2014 tax rates for Compressed Natural Gas (CNG) and Hydrogen are calculated by utilizing the unit of measurement referred to as the gasoline gallon equivalent (GGE). A GGE is the amount of alternative fuel it takes to equal the energy content of one liquid gallon of gasoline. A GGE is the most common form of measurement for gaseous fuels at the retail level. By measuring in GGEs one may make energy and cost comparisons with gasoline.

The Secretary announces that the 2014 tax rates for alternative fuels are as follows:

Alternative Fuel (Liquids)	Rate of Conversion (BTU/Gal of Alternative Fuel)	Liquid Gallon Equivalent to One Gallon of Gasoline @ 114,500 BTU per Gallon	Tax Rate per Gallon of Alternative Fuel
Ethanol	76,330	1.500	\$.271
Methanol	57,250	2.000	\$.204
Propane/LPG	84,950	1.348	\$.302
E-85	82,056	1.395	\$.292
M-85	65,838	1.739	\$.234
Liquefied Natural Gas (LNG)	74,720	1.532	\$.265
Electricity	3,414 BTU/kWh	33.538 kWh	\$.0122/kWh

Alternative Fuels under GGE Formula (Gaseous)	GGE Equivalent to One Gallon of Gasoline	Tax Rate per GGE
Compressed Natural Gas (CNG)	1	\$.407
Hydrogen	1	\$.407

DANIEL MEUSER,  
*Secretary*

[Pa.B. Doc. No. 13-2336. Filed for public inspection December 13, 2013, 9:00 a.m.]

## DEPARTMENT OF STATE

### Electronic Recording Commission; Public Meeting

Public notice is hereby given of the meeting of the Electronic Recording Commission (Commission) established under Uniform Real Property Electronic Recording Act (act) (21 P. S. §§ 483.1—483.9). The meeting will be held on Wednesday, January 15, 2014, at 2 p.m. in Room 303, North Office Building, 401 North Street, Harrisburg,

PA. The purpose of the meeting will be for the Commission to continue consideration of regulations to implement the act. Visit [www.dos.state.pa.us](http://www.dos.state.pa.us) for more information and to view a copy of the complete agenda.

CAROL AICHELE,  
*Secretary*

[Pa.B. Doc. No. 13-2337. Filed for public inspection December 13, 2013, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

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

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

Reg. No.	Agency/Title	Close of the Public Comment Period	IRRC Comments Issued
16A-7020	State Board of Certified Real Estate Appraisers Biennial License Fee for Licensed Appraiser Trainees 43 Pa.B. 5827 (October 5, 2013)	11/4/13	12/4/13

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
54-74	Pennsylvania Liquor Control Board Conversion of Suspension to Fine 43 Pa.B. 5825 (October 5, 2013)	11/4/13	12/4/13
16A-6807	State Board of Examiners in Speech-Language and Hearing Continuing Education 43 Pa.B. 5828 (October 5, 2013)	11/4/13	12/4/13

**State Board of Certified Real Estate Appraisers  
Regulation #16A-7020 (IRRC #3025)  
Biennial License Fee for Licensed Appraiser  
Trainees**

**December 4, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the October 5, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Certified Real Estate Appraisers (Board) to respond to all comments received from us or any other source.

**1. Communication with the regulated community.—Reasonableness.**

*Governor's Executive Order 1996-1*

Regulatory Analysis Form (RAF) 14 asks the Board to describe the communications with the regulated community and list the specific groups involved. The Board responded:

Because the reconciliation of the Board's revenues and expenses is an administrative matter, the Board did not solicit input from the public, any advisory group or organization representing small businesses in the development of this proposal. Rather the Board consulted with the Bureau of Finance and Operations to determine the fee. However, the matter was discussed by the Board during public meetings on December 13, 2012, and January 10, 2013, which are routinely attended by representatives of the regulated community and their professional associations.

Governor's Executive Order 1996-1 requires that "regulations shall be drafted and promulgated with early and meaningful input from the regulated community." In addition, this order states in Section 3 (Pre-Drafting and Drafting Guidelines) that "agencies, where practical, shall undertake extensive public outreach to those who are likely to be affected by the regulation." See Governor's Executive Order 1996-1, Sections 1.h. and 3.a.

We strongly disagree that raising fees by regulation is an administrative function that does not require communications with the regulated community. We ask the Board to explain how the process it used to develop the proposed regulation complies with the directives in Governor's Executive Order 1996-1.

**2. Consistency with statute; Reasonableness; Need for the regulation; Whether the regulation is supported by acceptable data.**

We agree with the Board's objective that all license classifications should share proportionately in the costs of operating the Board. However, the addition of this fee raises concerns because the supporting information does

not establish how this new fee relates to the overall revenues and expenditures of the Board. We ask the Board for further information so that we can determine whether this regulation is in the public interest.

*Board revenues compared to its expenditures*

The Board cites 63 P.S. §§ 457.5(6) and 457.9 of the Real Estate Appraisers Certification Act (Act) as authority for this regulation. The Board clearly has authority to charge fees to those entities it regulates. Section 457.9(a) of the Act also provides the following directive:

*Imposition and increases.*— . . . If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures.

We note that the response to RAF Question 23a shows that expenditures have decreased from \$674,000 in fiscal year 2009-2010 to \$594,000 in fiscal year 2012-2013. However, concerning revenues, the RAF provides information on the impact of the individual fee of \$150, but does not provide overall revenue information to establish that "revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period." We ask the Board to establish in the final-form regulation submittal that the revenues raised by fees, fines and civil penalties currently are not sufficient to meet expenditures over a two-year period.

*Consideration of appraisal management company fees*

The Board provides the following statement in response to RAF Question 18:

The Board had been considering a general fee increase, however the addition of the appraisal management company license with its related increase in revenue from applications and renewals is expected to negate the need for a fee increase. However, the Board believes that all license classifications should share proportionately in the costs of operating the Board, including trainees.

We have two concerns relating to this response.

First, we note that 63 P.S. § 457.26(a) states that "The fee to file an application for registration or renewal of a registration under this act shall be \$1,000 or such other amounts as are set by the rules and regulations of the board." [Emphasis added.] Does this \$1,000 fee reflect the costs to the Board of processing these registrations and renewals, or should it be adjusted? Does this fee, imposed on appraisal management companies, cross-subsidize the Board's other classifications of certifications and licenses? Is the Board considering another rulemaking to examine the appraisal management company fee?



Second, how much has the Board's revenue increased since the implementation of the \$1,000 fee established by 63 P. S. § 457.26(a)? Is the estimated \$45,000 of additional revenue that would be provided by the fee for biennial renewal of licensed appraiser trainee licenses needed for the Board to meet its expenditures?

*Licensed appraiser trainee fee in relation to other fees*

We have two concerns relating to the supporting documentation for the new \$150 fee.

First, what is the basis for the amount of the \$150 fee for renewal of licensed appraiser trainee licenses? Why is the biennial renewal fee for licensed appraiser trainees \$150, when all of the other biennial renewal fees in existing 49 Pa. Code § 36.6 were set at \$225?

Second, the Board has experienced several changes through legislation that created licensed appraiser trainees and appraisal management company licenses. Also, based on our research, several fees in 49 Pa. Code 36.6 appear to have been last increased by Regulation #16A-7013, which became effective in 2003. Has the Board determined whether all of the fees it charges to its regulated community accurately reflect the current costs the Board incurs to perform the tasks associated with the fee, or is a general review of the fees in 49 Pa. Code § 36.6 needed?

**Pennsylvania Liquor Control Board**

**Regulation #54-74 (IRRC #3026)**

**Conversion of Suspension to Fine**

**December 4, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the October 5, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Pennsylvania Liquor Control Board (Board) to respond to all comments received from us or any other source.

**1. Economic or fiscal impacts; Need for the regulation; Reasonableness of requirements.**

In response to Question #10 of the Regulatory Analysis Form (RAF) regarding why the regulation is needed, the Board gives two reasons, one of which is that fines received in lieu of suspensions may not cover the cost, in work hours, of processing the conversion. If the fines are needed to cover the cost of processing the conversion, the Board has not provided information related to this need. In fact, in response to Questions #23 and 23a related to fiscal costs and past three-year expenditure history, the Board responded "minimal" and "N/A," respectively. If the cost of processing the conversion is a reason for needing this regulation, the Board should provide additional information. For example, what are the fiscal costs associated with implementation and compliance for state government? Specifically, what is the cost to process a conversion? What is the expenditure history for the program? In the Preamble and RAF submitted with the final-form regulation, we ask the Board to provide more detailed information that supports the need for the regulation on this cost basis and to demonstrate that the fiscal impact is reasonable as relates to the cost.

**2. § 7.10. Conversion of suspension to fine.— Conforms to intent of General Assembly in enactment of the statute; Clarity; Reasonableness of requirements.**

Currently, Subsection (d) contains a formula for converting a suspension to a fine. The formula is used to calculate the dollar amount of the fine per day of suspension, with two exceptions. The first exception in Paragraph (d)(1) addresses the possibility that the calculated amount could be less than \$100, in which case the fine is set at \$100. The second exception in Paragraph (d)(2) states that if the suspension was issued for a citation that required a minimum fine amount of \$1,000 per day, a minimum fine of \$1,000 per day will be set. We note that the minimum fine amount for citations is provided for in Section 4-471(b) (relating to revocation and suspension of licenses; fines) of the Pennsylvania Liquor Code (Liquor Code). 47 P. S. § 4-471(b).

The Board proposes to delete the formula from Subsection (d) and create two tiers of fines based upon the possible minimum fine amount that could have been imposed in lieu of a suspension. The first proposed tier states that if the suspension was issued for a citation for which the minimum fine, if a fine had been imposed, is \$100, then a minimum fine of \$1,000 per day will be set. However, Section 4-471(b) of the Liquor Code states that if an administrative law judge imposes a fine for a citation, the minimum fine amount shall be either \$50 or \$1,000 depending upon the violation. Because the statute does not reference a \$100 minimum fine amount, the regulation is not clear as to which suspensions for citations this would apply. The Board needs to explain the derivation and relevance of the \$100 fine reference. Furthermore, the final-form regulation should clarify to which suspensions the \$100 minimum fine amount would apply and how the fines are consistent with the Liquor Code and intent of the Legislature.

Additionally, by deleting the formula and providing for only a minimum fine, the Board has essentially removed the standard for how fines will be set. With no upper limit in place, the Board could find itself setting fines in an arbitrary and capricious manner which could lead to an unfair result for licensees. For example, one licensee could be fined \$1,000 per day while another licensee with a similar violation could be charged \$1,000,000. The Board should reconsider the manner in which it makes its calculations and explain how it intends to avoid an unfair and potentially unconstitutional imposition of its fines.

Finally, since the Board is removing the formula from Subsection (d), the words "calculated" and "formula" are no longer applicable and should not be used.

**3. Compliance with the RRA.**

The information contained in response to Question #15 of the RAF submitted with this rulemaking is not sufficient to allow this Commission to determine if the regulation is in the public interest. Specifically, the Board has not included a citation to the relevant provisions of the federal definition of small business that were reviewed in the development of the rulemaking and an analysis of their applicability or inapplicability to the regulation. Without this information, we cannot determine if this proposed regulation is in the public interest. In the RAF submitted with the final-form regulation, the Board should provide the federal citation, as well as the number of persons, business, small business (as defined in Section 3 of the RRA, Act 76 of 2012) and organizations which will be affected by the regulation.

**State Board of Examiners in Speech-Language and  
Hearing**

**Regulation #16A-6807 (IRRC #3028)**

**Continuing Education**

**December 4, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the October 5, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Examiners in Speech-Language and Hearing (Board) to respond to all comments received from us or any other source.

**Section 45.502. Exemption and waiver.—Whether the regulation is consistent with the intent of the General Assembly.**

The Board is adding the following sentence to Subsection (b): “A waiver request seeking an extension of time to complete required continuing education shall include the licensee’s plan to complete the required continuing education.” Section 5(7) of the Speech Language and Hearing Licensure Act (Act) (63 P. S. § 1705(7)) establishes continuing education requirements for licensees of the Board. This section allows the Board to waive all or part of continuing education requirements due to illness, emergency or hardship. However, the Act is silent on whether an extension of time to complete required continuing education is appropriate. We ask the Board to explain why it believes that the inclusion of this new language in the proposed regulation is consistent with Section 5(7) of the Act and the intent of the General Assembly.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2338. Filed for public inspection December 13, 2013, 9:00 a.m.]

**2014 Public Meeting Schedule**

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2014 as follows:

January 16, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
February 13, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
February 27, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
March 13, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
March 27, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
April 10, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
May 1, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
May 22, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
June 19, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
July 10, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
July 24, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
August 14, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
September 4, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
September 18, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
October 9, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
October 23, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
November 6, 2014	10 a.m.	14th Floor Conference Room 333 Market Street

November 20, 2014	10 a.m.	14th Floor Conference Room 333 Market Street
December 11, 2014	10 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting should notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to the Commission web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If an executive session is deemed necessary, it shall be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Persons in need of special accommodations, as provided for in the Americans with Disabilities Act of 1990 should contact Cheryl Yohn at (717) 772-3455.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-2339. Filed for public inspection December 13, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Coal Mine Compensation Rating Bureau; Workers' Compensation Loss Cost Filing

On November 27, 2013, the Insurance Department received from the Coal Mine Compensation Rating Bureau (Bureau) a filing for a loss cost level change for Workers' Compensation insurance. This filing is made in accordance with section 705 of the act of July 2, 1993 (P. L. 190, No. 44). The Bureau requests an overall 2.9% decrease in collectible loss costs, effective April 1, 2014, on a new and renewal basis. Also, the Bureau has calculated the Employer Assessment Factor effective April 1, 2014, to be 1.96%, as compared to the currently approved provision of 2.62%.

The entire April 1, 2014, loss cost filing is available for review on the Bureau's web site at [www.cmcrbpa.com](http://www.cmcrbpa.com) under "Filings."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@pa.gov](mailto:gzhou@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2340. Filed for public inspection December 13, 2013, 9:00 a.m.]

### MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 67.5% on 482 policyholders with the following individual LTC policy form number: H-LTC3JQ3.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2341. Filed for public inspection December 13, 2013, 9:00 a.m.]

### MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 68.1% on 39 policyholders with the following individual LTC policy form number: H-LTC4JFQ15.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2342. Filed for public inspection December 13, 2013, 9:00 a.m.]

**MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms**

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 68.1% on 937 policyholders with the following individual LTC policy form number: H-LTC4JQ7.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2343. Filed for public inspection December 13, 2013, 9:00 a.m.]

**MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms**

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 71% on 100 policyholders with the following individual LTC policy form number: H-LTC3JFO26.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2345. Filed for public inspection December 13, 2013, 9:00 a.m.]

**MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms**

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 71% on 65 policyholders with the following individual LTC policy form number: H-LTC3J-2.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2344. Filed for public inspection December 13, 2013, 9:00 a.m.]

**MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms**

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 71% on 591 policyholders with the following individual LTC policy form number: H-LTC2J-5.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2346. Filed for public inspection December 13, 2013, 9:00 a.m.]

### MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 74.1% on 92 policyholders with the following individual LTC policy form number: H-LTC3JFQ7.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2347. Filed for public inspection December 13, 2013, 9:00 a.m.]

### MetLife Insurance Company of Connecticut; Rate Increase Filing for LTC Forms

MetLife Insurance Company of Connecticut is requesting approval to increase the premium 100% on 967 policyholders with the following individual LTC policy form numbers: H-LTC3JP and H-LTC3JP27.

Unless formal administrative action is taken prior to February 26, 2014, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2348. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Proposed Acquisition of Control of Atlantic States Insurance Company by Gregory Shepard; Public Informational Hearing

The Insurance Department (Department) will hold a public informational hearing regarding the proposed acquisition of control of Atlantic States Insurance Company, a Pennsylvania domestic stock casualty insurance company, by Gregory Shepard (Shepard). Shepard has requested approval to acquire control of Atlantic States by means of a tender offer to acquire additional shares of Donegal Group, Inc. as filed with the Department (Form A Filing). The application was made under Article XIV of The Insurance Company Law of 1921 (law) (40 P. S. §§ 991.1401—991.1413). Atlantic States Insurance Company filed a request for hearing under section 1402(f)(2) of the law. Policyholders and interested persons are invited to attend and participate in the hearing. Individuals may attend the hearing without any obligation to speak at the hearing.

1. *Date and Time:* January 22, 2014, at 9 a.m.

2. *Location:* Capitol Associates Building, 901 North 7th Street, Suite 200, Harrisburg, PA 17102

3. *Nature of Hearing:* The public informational hearing will provide an opportunity for policyholders and interested persons to present comments relevant to the previously-referenced transaction. The proceeding will be recorded by a court reporter.

4. *Legal Authority:* The public informational hearing will be held under the provisions of the law.

5. *Written Comments:* Persons who are unable to attend the public informational hearing or would prefer to submit written comments instead of speaking at the hearing concerning the previously-referenced transaction, may do so by mailing or delivering a copy of the comments to Cressinda E. Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or [cbybee@pa.gov](mailto:cbybee@pa.gov). Comments received will be part of the public record regarding this filing and will be posted on the Department's web site as well as shared with the applicant.

6. *ADA Notice:* Individuals who require the assistance of auxiliary aids or services to participate in or attend this public informational hearing are asked to call the Director of the Bureau of Administration at (717) 787-4298. Individuals who are hearing impaired are asked to call the Department's TTY/TDD at (717) 783-3898. Individuals may also e-mail [RA-IN-AdminServices@pa.gov](mailto:RA-IN-AdminServices@pa.gov).

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-2349. Filed for public inspection December 13, 2013, 9:00 a.m.]

# PENNSYLVANIA ALZHEIMER'S DISEASE PLANNING COMMITTEE

## Public Meeting

The Pennsylvania Alzheimer's Disease Planning Committee (Committee), created by Executive Order 2013-01, will be holding a public meeting on Thursday, December 19, 2013. The meeting will begin at 2 p.m. at the Rachel Carson State Office Building, Room 105 (1st Floor), 400 Market Street, Harrisburg, PA 17101.

Residents, local government officials and organizations in this Commonwealth who are interested in listening to discussion on current Committee activities are welcome to attend.

For information on the Committee visit [www.aging.state.pa.us](http://www.aging.state.pa.us).

BRIAN M. DUKE,  
Chairperson

[Pa.B. Doc. No. 13-2350. Filed for public inspection December 13, 2013, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## 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 30, 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.**

**(Revised) A-2013-2379085. Back Mountain Errands 4 U, Inc.** (60 Walnut Street, Harveys Lake, Luzerne County, PA 18618) persons in paratransit service, from points in Luzerne County, to points in Pennsylvania, and return.

**(Revised) A-2013-2379664. Prestigious Transportation, Inc.** (6617 Hegerman Street, Philadelphia, PA 19135) persons in paratransit service, between points in the City and County of Philadelphia.

**A-2013-2389365. Joseph Geiger** (173 West Pottsville Street, Wiconisco, PA 17097-0196) for the right to begin to

transport as a common carrier, by motor vehicle, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Dauphin, to points in Pennsylvania, and return.

**A-2013-2393796. Mark A. Golding, t/d/b/a Crankers's Antique Limo** (600 Sterling Road, Sterling, PA 18463) for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in Counties of Wayne, Monroe, Susquehanna, Luzerne, Wyoming, Lackawanna, Carbon, Northampton, Lehigh and Schuylkill to or from retail and entertainment establishments, appointments and other events for special occasions in Pennsylvania, and return.

**Applications of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under each application.**

**A-2013-2388565. Megatrans, Inc.** (11 Springwood Place, Southampton, PA 18966) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, which is to be a transfer of all the rights authorized under the certificate of Public Convenience issued at A-6414762 on May 1, 2013, to Instant Response, Inc.

**A-2013-2390412. Ambulance Express, Inc.** (4320 H Street, Philadelphia, PA 19124) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, which is to be a transfer of all the rights authorized under the Certificate of Public Convenience issued at A-00105608 on February 20, 1987, to Allied Medical Ambulance Service, Inc. *Attorney:* Charles E. Thomas, III, Thomas, Long, Niesen & Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500.

**Application of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.**

**A-2013-2390525. Pete's Garage, LLC** (400 Calvin Street, Dunmore, PA 18512) for the additional right to begin to transport, as a common carrier by motor vehicle, persons in paratransit service, from nursing homes to hospitals and return, and to doctor's appointments and return in the Counties of Lackawanna and Luzerne.

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

**A-2013-230509. Towne Park, Ltd.** (One Park Place, Suite 200, Annapolis, MD, 21401) for the right to begin to transport, as a contract carrier, by motor vehicle, persons for Geisinger Wyoming Valley Hospital, within Plains Township, Luzerne County, providing shuttle services for employees, patients and visitors from parking lots to hospital doors and return to parking areas.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2351. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2395481. Verizon North, LLC and dishNet Wireline, LLC.** Joint petition of Verizon North, LLC and dishNet Wireline, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and dishNet Wireline, LLC by its counsel, filed on December 2, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and dishNet Wireline, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2352. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2394429. Verizon North, LLC, f/k/a Verizon North Retain Co., f/k/a Verizon North, Inc. and Level 3 Communications, LLC.** Joint petition of Verizon North, LLC, f/k/a Verizon North Retain Co., f/k/a Verizon North, Inc. and Level 3 Communications, LLC for approval of amendment No. 3 under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC, f/k/a Verizon North Retain Co, f/k/a Verizon North, Inc. and Level 3 Communications, LLC, by its counsel, filed on November 26, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 3 under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address. Copies of the Verizon North, LLC, f/k/a Verizon North Retain Co, f/k/a Verizon North, Inc. and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2353. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2395460. Verizon North, LLC and InterGlobe Communications, Inc.** Joint petition of Verizon North, LLC and InterGlobe Communications, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, LLC and InterGlobe Communications, Inc. by its counsel, filed on December 2, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon North, LLC and InterGlobe Communications, Inc. joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2354. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2395496. Verizon Pennsylvania, LLC and dishNet Wireline, LLC.** Joint petition of Verizon Pennsylvania, LLC and dishNet Wireline, LLC for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC and dishNet Wireline, LLC by its counsel, filed on December 2, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of Verizon Pennsylvania, LLC and dishNet Wireline, LLC joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2355. Filed for public inspection December 13, 2013, 9:00 a.m.]

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2356. Filed for public inspection December 13, 2013, 9:00 a.m.]

### Telecommunications

**A-2013-2394452. Verizon Pennsylvania, LLC, f/k/a Verizon Pennsylvania, Inc. and Level 3 Communications, LLC.** Joint petition of Verizon Pennsylvania, LLC, f/k/a Verizon Pennsylvania, Inc. and Level 3 Communications, LLC for approval of amendment No. 4 to interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, LLC, f/k/a Verizon Pennsylvania, Inc. and Level 3 Communications, LLC, by its counsel, filed on November 26, 2013, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment No. 4 to interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov), and at the applicant's business address. Copies of Verizon Pennsylvania, LLC, f/k/a Verizon Pennsylvania, Inc. and Level 3 Communications, LLC joint petition are on file with the Commission and are available for public inspection.

### Water Service

**A-2013-2395443. James Black Water Service Company.** Application of James Black Water Service Company for approval to supply water service to the public in Jefferson Township, Lackawanna 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 30, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicant:* James Black Water Service Company

*Through and By Counsel:* Joseph R. Rydzewski, Esquire, Spall, Rydzewski, Anderson, Lalley & Tunis, PC, 2573 Route 6, Hawley, PA 18428

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-2357. Filed for public inspection December 13, 2013, 9:00 a.m.]

## PORT OF PITTSBURGH COMMISSION

### Independent Auditors' Report

Board of Directors  
Port of Pittsburgh Commission

The accompanying summary financial statements, which comprise the summary statement of net position as of June 30, 2013, and the summary statement of revenues, expenses, and changes in net position for the year then ended, are derived from the audited financial statements of the Port of Pittsburgh (Commission), a component unit of the Commonwealth of Pennsylvania, as of and for the year ended June 30, 2013. We expressed an unmodified audit opinion on those audited financial statements in our report dated October 18, 2013.

The summary financial statements do not contain all the disclosures required by accounting principles generally accepted in the United States of America. Reading the summary financial statements, therefore, is not a substitute for reading the audited financial statements of the Commission.

#### *Management's Responsibility for the Summary Financial Statements*

Management is responsible for the preparation of the summary financial statements on the accrual basis of accounting.

#### *Auditor's Responsibility*

Our responsibility is to express an opinion about whether the summary financial statements are consistent, in all material respects, with the audited financial statements based on our procedures, which were conducted in accordance with auditing standards generally accepted in the United States of America. The procedures consisted principally of comparing the summary financial statements with the related information in the audited financial statements from which the summary financial statements have been derived, and evaluating whether the summary financial statements are prepared in accordance with the accrual basis of accounting.



*Opinion*

In our opinion, the summary financial statements of the Commission as of and for the year ended June 30, 2013 referred to above are consistent, in all material respects, with the audited financial statements from which they have been derived, on the accrual basis of accounting

Maher Duessel  
Pittsburgh, Pennsylvania  
October 18, 2013

**Port of Pittsburgh Commission  
Summary Financial Information  
Derived from the Audited Financial Statements**

**Summary Statement of Net Position**

**June 30, 2013**

<b>Assets</b>	
Cash and cash equivalents	\$ 3,661,195
Capital assets, net of accumulated depreciation/amortization	1,035,153
Other assets	<u>1,027,862</u>
<b>Total Assets</b>	<u><u>\$ 5,724,210</u></u>
<b>Liabilities and Net Position</b>	
Liabilities	<u>\$ 3,193,124</u>
Net Position:	
Net investment in capital assets	(983,129)
Restricted for economic development	<u>3,514,215</u>
Total Net Position	<u><u>2,531,086</u></u>
<b>Total Liabilities and Net Position</b>	<u><u>\$ 5,724,210</u></u>

**Summary Statement of Revenues, Expenses, and Changes in Net Position**

**Year Ended June 30, 2013**

<b>Functions/Programs</b>	<b>Expenses</b>	<b>Program Revenues</b>		<b>Net (Expense) Revenue and Changes in Net Position</b>
		<b>Charges for Services</b>	<b>Operating Grants and Contributions</b>	<b>Governmental Activities</b>
Governmental Activities:				
Port development	<u>\$ 6,989,796</u>	<u>\$ 4,028</u>	<u>\$ 6,313,477</u>	\$ (672,291)
General Revenues:				
Investment income				<u>17,123</u>
Change in Net Position				(655,168)
Net Position:				
Beginning of Year				<u>3,186,254</u>
Ending of Year				<u><u>\$ 2,531,086</u></u>

JAMES R. McCARVILLE,  
*Executive Director*

[Pa.B. Doc. No. 13-2358. Filed for public inspection December 13, 2013, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v.  
John Van Lam; Doc. No. 1566-45-12**

On November 5, 2013, John Van Lam, license no. CL022552, of Philadelphia, Philadelphia County, was suspended for 1 year, effective December 5, 2013, for pleading guilty to the crime of forgery, a felony.

Individuals may obtain a copy of the adjudication by writing to Juan A. Ruiz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Cosmetology'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.

MARY LOU ENOCHES,  
*Chairperson*

[Pa.B. Doc. No. 13-2359. Filed for public inspection December 13, 2013, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Diane Kay Wells, RN, a/k/a Diane Desmond  
Stafford; Doc. No. 1722-51-12**

On July 19, 2013, Diane Kay Wells, RN, a/k/a Diane Desmond Stafford, license no. RN291377L, of Chester, WV, was revoked, based on having received disciplinary action by the proper licensing authority in another state.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This 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. 13-2360. Filed for public inspection December 13, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

**Actions Taken at September Meeting**

As part of its regular business meeting held on September 19, 2013, in Binghamton, NY, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved or tabled the applications of certain water resources projects; 2) rescinded approvals for three projects; and 3) took additional actions, as set forth in the Supplementary Information section as follows.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 1306, fax (717) 238-2436, rcairo@srbc.net; or regular mail inquiries may be sent to Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788. See also the Commission web site at www.srbc.net.

### *Supplementary Information*

In addition to the actions taken on projects identified in the previous summary and the following listings, the following items were also presented or acted upon at the business meeting: 1) honored retiring Executive Director Paul O. Swartz for his almost 22 years of dedicated service to the Commission; 2) appointed Andrew D. Dehoff as the new Executive Director of the Commission; 3) heard a presentation from Commission staff member Luanne Steffy on the Whitney Point Adaptive Management Plan; 4) delegated authority to the Executive Director on certain regulatory matters; and 5) approved/ratified four grants and one service contract.

### *Rescission of Project Approvals*

The Commission rescinded approvals for the following projects:

1. Project Sponsor and Facility: Chevron Appalachia, LLC (Cambria Somerset Authority), Summerhill Township, Cambria County, PA (Docket No. 20110630).
2. Project Sponsor and Facility: Chevron Appalachia, LLC (Highland Sewer and Water Authority), Portage Township, Cambria County, PA (Docket No. 20110631).
3. Project Sponsor and Facility: Clark Trucking, LLC, Northeast Division, Muncy Creek Township, Lycoming County, PA (Docket No. 20111208).

### *Project Applications Approved*

The Commission approved the following project applications:

1. Project Sponsor and Facility: Borough of Akron, Lancaster County, PA. Renewal of groundwater withdrawal of up to 0.226 mgd (30-day average) from Well 5A (Docket No. 19811201); renewal of groundwater withdrawal of up to 0.166 mgd (30-day average) from Well 6 (Docket No. 19820101); and renewal of groundwater withdrawal of up to 0.148 mgd (30-day average) from Well 8 (Docket No. 19820101).
2. Project Sponsor and Facility: Bending River Estates (Tioga River), Town of Lindley, Steuben County, NY. Surface water withdrawal of up to 0.300 mgd (peak day).

3. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Lemon Township, Wyoming County, PA. Increase surface water withdrawal by an additional 0.446 mgd (peak day), for a total of 0.500 mgd (peak day) (Docket No. 20121202).

4. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Meshoppen Creek), Springville Township, Susquehanna County, PA. Surface water withdrawal of up to 0.500 mgd (peak day).

5. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Chemung River), Athens Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090603).

6. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Sugar Creek), Burlington Township, Bradford County, PA. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20090604).

7. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Terry Township, Bradford County, PA. Renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20090605).

8. Project Sponsor and Facility: Town of Erwin, City of Corning, Steuben County, NY. Groundwater withdrawal of up to 0.504 mgd (30-day average) from Well 5R.

9. Project Sponsor and Facility: Global Tungsten & Powders Corp., Towanda Borough, Bradford County, PA. Groundwater withdrawal of up to 4.800 mgd (30-day average) from a Well Field (Wells 1, 2, 6—12).

10. Project Sponsor and Facility: Southwestern Energy Production Company (Wyalusing Creek), Wyalusing Township, Bradford County, PA. Renewal of surface water withdrawal with modification to increase by an additional 0.500 mgd (peak day), for a total of 2.000 mgd (peak day) (Docket No. 20090914).

11. Project Sponsor and Facility: State College Borough Water Authority, Ferguson Township, Centre County, PA. Renewal of groundwater withdrawal of up to 0.605 mgd (30-day average) from Well 41 (Docket No. 19820501); renewal of groundwater withdrawal of up to 1.480 mgd (30-day average) from Well 43 (Docket No. 19820501); and renewal of groundwater withdrawal of up to 1.520 mgd (30-day average) from Well 53 (Docket No. 19820501).

12. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC (Meshoppen Creek), Meshoppen Borough, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.145 mgd (peak day) (Docket No. 20090628).

13. Project Sponsor: SWEPI, LP (Tioga River), Richmond Township, Tioga County, PA. Renewal of surface water withdrawal with modification to increase by an additional 0.843 mgd (peak day), for a total of 0.950 mgd (peak day) (Docket No. 20090612).

#### *Project Application Approved Involving a Diversion*

The Commission approved the following project application:

1. Project Sponsor: Winner Water Services, Inc. Project Facility: Sykesville Mine AMD, Borough of Sykesville, Jefferson County, PA. Into-basin diversion of up to 1.000 mgd from the Ohio River Basin.

#### *Project Applications Tabled*

The Commission tabled the following project applications:

1. Project Sponsor and Facility: Aqua Infrastructure, LLC (Tioga River), Hamilton Township, Tioga County, PA. Application for surface water withdrawal of up to 2.500 mgd (peak day).

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River), Athens Township, Bradford County, PA. Application for renewal of surface water withdrawal of up to 1.440 mgd (peak day) (Docket No. 20080906).

3. Project Sponsor and Facility: DS Waters of America, Inc., Clay Township, Lancaster County, PA. Application for renewal of groundwater withdrawal of up to 0.115 mgd (30-day average) from Well 6 (Docket No. 20000203).

4. Project Sponsor and Facility: Houtzdale Municipal Authority, Gulich Township, Clearfield County, PA. Application for groundwater withdrawal of up to 0.537 mgd (30-day average) from Well 14R.

5. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek-Clinton Country Club), Bald Eagle Township, Clinton County, PA. Application for renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20090906).

6. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.173 mgd (30-day average) from Well 10 (Docket No. 19830309).

7. Project Sponsor and Facility: Millersburg Area Authority, Upper Paxton Township, Dauphin County, PA. Application for renewal of groundwater withdrawal of up to 0.187 mgd (30-day average) from Well 11 (Docket No. 19830309).

8. Project Sponsor and Facility: Winner Water Services, Inc. (Manor #44 Deep Mine), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.144 mgd (peak day).

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* November 27, 2013.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 13-2361. Filed for public inspection December 13, 2013, 9:00 a.m.]





# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 78 ]

### Environmental Protection Performance Standards at Oil and Gas Well Sites

The Environmental Quality Board (Board) proposes to amend Chapter 78 (relating to oil and gas wells). The proposed rulemaking would amend Chapter 78 to update the requirements regarding surface activities associated with the development of oil and gas wells. Additionally, the proposed amendments would address recent statutory changes in the act of February 14, 2012 (P. L. 87, No. 13) (Act 13), codified at 58 Pa.C.S. §§ 2301—3504.

The proposed rulemaking would update existing requirements regarding containment of regulated substances, waste disposal, site restoration and reporting releases. The proposed rulemaking would establish new planning, notice, construction, operation, reporting and monitoring standards for surface activities associated with the development of oil and gas wells. This includes requirements for freshwater impoundments, centralized impoundments, containment systems and practices for unconventional wells, wastewater processing, borrow pits, gathering lines, horizontal directional drilling, temporary pipelines and road-spreading of brine. The proposed rulemaking would also add new requirements for addressing impacts to public resources, identifying and monitoring orphaned and abandoned wells during hydraulic fracturing activities, and water management planning. These additional requirements will provide increased protection of public health, safety and the environment.

This proposed rulemaking was adopted by the Board at its meeting on August 27, 2013.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Kurt Klappkowski, Director, Bureau of Oil and Gas Planning and Program Management, Rachel Carson State Office Building, 15th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8765, (717) 772-2199; or Elizabeth Nolan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.dep.state.pa.us](http://www.dep.state.pa.us) (select "Public Participation").

#### C. Statutory Authority

This proposed rulemaking is being made under the authority of 58 Pa.C.S. §§ 3215(e), 3218(a), 3218.2(a)(4), 3218.4(c) and 3274, section 5 of The Clean Streams Law (35 P. S. § 691.5), section 105 of the Solid Waste Management Act (35 P. S. § 6018.105), section 5 of the Dam Safety and Encroachments Act (32 P. S. § 693.5), section

104 of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.104) and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20).

#### D. Background and Purpose

The proposed rulemaking will amend the current oil and gas well regulations and add additional controls to the surface activities on a well site. Over the last several years, advances in drilling and completion technologies have attracted interest in producing natural gas from unconventional formations in this Commonwealth, including the Marcellus Shale formation. Compared to conventional oil and gas development in this Commonwealth, these recent advances involve larger well sites, larger centralized freshwater and waste storage facilities, mobile wastewater processing facilities, larger volumes of water for hydraulic fracturing activities, new pipelines systems and increased amounts of regulated substances generated during drilling and hydraulic fracturing activities. Additionally, on February 14, 2012, Governor Corbett signed Act 13 into law. Act 13 repealed the Oil and Gas Act (58 P. S. §§ 601.101—601.605). Act 13 amended and consolidated the provisions of the repealed act into 58 Pa.C.S. §§ 3201—3274 (relating to development) (2012 Oil and Gas Act). The 2012 Oil and Gas Act contains new environmental protections for unconventional wells and directs the Board to promulgate specific regulations. For these reasons, the Department initiated this proposed rulemaking.

This proposed rulemaking would update Chapter 78 with revised planning, performance, notice, operation, reporting and monitoring standards to strengthen environmental protections associated with the development of oil and gas wells. The proposed amendments include new requirements for considering impacts to public resources, water supply restoration or replacement, identification of orphaned and abandoned wells, temporary storage of regulated substances, freshwater impoundments, centralized impoundments, waste management, containment systems and practices for unconventional wells, site restoration, borrow pits, gathering lines, horizontal directional drilling, temporary pipelines, water management plans (WMP) and road-spreading activities.

On February 16, 2012, the Department presented a conceptual summary of the proposed amendments to Chapter 78 to the Oil and Gas Technical Advisory Board (TAB). After the enactment of Act 13, this summary was revised and discussed with TAB on August 15, 2012. A draft of the proposed rulemaking was discussed at the TAB meeting on February 20, 2013. In response to TAB's comments, the Department revised the draft proposed rulemaking and presented it to TAB on April 23, 2013, for their consideration. At the April 23, 2013, meeting, TAB voted unanimously to recommend that the Board publish this proposed rulemaking.

*Status of the Act 13 Litigation (Robinson Township et al. v. Commonwealth of Pennsylvania, et al.)*

By way of further background, 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions) provides the Department the authority to issue waivers from certain well location restrictions upon submission of a plan identifying additional measures, facilities or practices to be employed during well site construction, drilling and operations necessary to protect the waters of this Commonwealth. On July 26, 2013, in *Robinson Township, et al. v.*

*Commonwealth of Pennsylvania*, et al., Pa. Commw. No. 284 MD 2012, the Commonwealth Court held that 58 Pa.C.S. § 3215(b)(4) is unconstitutional, null and void in violation of the nondelegation doctrine. On July 27, 2013, the Commonwealth filed an appeal of this decision to the Pennsylvania Supreme Court. On August 15, 2012, the Commonwealth Court ruled to stay the decision preventing the Commonwealth Court's July 26, 2012 Opinion and Order from taking effect until final resolution of the issue by the Pennsylvania Supreme Court. On October 17, 2012, the Pennsylvania Supreme Court heard oral arguments regarding this matter. A decision from the Pennsylvania Supreme Court is still pending.

#### *E. Summary of Regulatory Requirements*

##### *§ 78.1. Definitions*

The proposed rulemaking contains new or revised definitions for "Act 2," "anti-icing," "approximate original conditions," "body of water," "borrow pit," "centralized impoundment," "condensate," "containment system," "conventional formation," "conventional well," "de-icing," "freeboard," "freshwater impoundment," "gathering pipeline," "mine influenced water," "oil and gas operations," "PCSM plan," "pit," "pre-wetting," "process or processing," "PPC plan," "regional groundwater table," "regulated substance," "stormwater," "temporary pipelines," "watercourse" and "wetland" to reflect the proposed requirements. Under statutory changes in Act 13, this rulemaking provides new definitions for "act," "owner," "public water supply," "water management plan," "water purveyor," "water source" and "well operator or operator."

##### *§ 78.15. Application requirements*

The proposed revisions to subsection (a) will require well permit applications to be submitted electronically through the Department's web site.

Subsection (c) is proposed to be added to address statutory changes in Act 13 that require the Department to review a well permit applicant's parent and subsidiary corporations' compliance history for operations in this Commonwealth.

Subsection (d) is proposed to be added to require well permit applicants to consult with the Pennsylvania Natural Heritage Program regarding the presence of State or Federal threatened or endangered species where the proposed well site or access road will be located and outlines a process to address any adverse impacts. Many well permit applicants address impacts to threatened or endangered species when fulfilling their permitting obligations under Chapter 102 (relating to erosion and sediment control). For that reason, subsection (e) is proposed to be added to specify that compliance with §§ 102.5 and 102.6(a)(2) (relating to permit requirements; and permit applications and fees) is deemed to comply with the requirements to address threatened or endangered species as part of the well permit application process.

Subsection (f) is proposed to be added to outline a process for the Department to consider the impacts to public resources when making a determination on a well permit in accordance with requirements in the 2012 Oil and Gas Act. Subsection (f) proposes to require well permit applicants to identify when the proposed well site or access road may impact a listed public resource, notify applicable jurisdictional agencies and provide the Department and the jurisdictional agencies with a description of the functions and uses of the public resources and avoidance or mitigation measures to be taken, if any. This section also provides applicable jurisdictional agencies the

opportunity to submit comments to the Department, including any recommendations to avoid or minimize impacts, during a 15-day time frame.

Act 13 directed the Board to promulgate regulations for the Department to condition a well permit based on its impact to public resources. Proposed subsection (g) will implement this new statutory requirement providing that the Department may condition a well permit if it determines that the proposed well site or access road poses a probable harmful impact to a public resource. Section 3215(e) of 58 Pa.C.S. requires the Department to consider the impact of the condition on the applicant's ability to exercise its property rights to ensure optimal development of the resources, and provides a mechanism by which the operator may appeal the Department's determination.

##### *§ 78.18. Disposal and enhanced recovery well permits*

Subsection (d) is proposed to be added to specify that storage and waste processing requirements apply to disposal and enhanced recovery well sites.

##### *§ 78.51. Protection of water supplies*

The proposed amendments clarify that the presumption of liability established in 58 Pa.C.S. § 3218(c) (relating to protection of water supplies) does not apply to pollution resulting from well site construction activities.

Act 13 established a new provision that specifies a restored or replaced water supplies must meet the standards in the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) or be comparable to the quality of the water supply before it was affected if that water was of a higher quality than those standards. This section is proposed to be amended to reflect this statutory language.

##### *§ 78.52. Predrilling or prealteration survey*

The proposed amendments to subsection (d) establish a new process for submitting predrill sample results to the Department and applicable water users. Under this proposed process, an operator electing to preserve its defenses under 58 Pa.C.S. § 3218(d)(1)(i) and (2)(i) shall submit all sample results taken as part of a survey to the Department within 10 business days of receipt of all the sample results taken as part of that survey. A copy of sample results must be provided to water users within 10 business days of receipt of the sample results.

Proposed subsection (g) reflects new Act 13 requirements that unconventional well operators provide written notice to water supply owners that the presumption established in 58 Pa.C.S. § 3218(c) may be void if the landowner or water purveyor refuses to allow the operator access to conduct a predrilling or prealteration survey and provided that the operator submits proof of the notice to the Department.

##### *§ 78.52a. Abandoned and orphaned well identification*

This proposed section requires operators to identify orphaned and abandoned wells in proximity to the vertical and horizontal well bore prior to hydraulically fracturing a well. The section outlines how operators shall conduct this identification, including consulting with the Department's database, farm line maps and submitting a questionnaire to surface landowners. The results of this survey shall be provided to the Department.

##### *§ 78.53. Erosion and sediment control*

The proposed amendments to this section cross reference the requirements of Chapter 102. This section also specifies that best management practices for erosion and sediment control for oil and gas activities are listed

in the Erosion and Sediment Pollution Control Program Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008, as amended and updated, and the Oil and Gas Operators Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Guidance No. 550-0300-001, as amended and updated.

§ 78.55. *Control and disposal planning; emergency response for unconventional well sites*

The proposed amendments to this section clarify Preparedness, Prevention and Contingency (PPC) plan requirements for oil and gas operations. Persons conducting oil and gas operations shall prepare and implement site-specific PPC plans according to the requirements in § 91.34 (relating to activities utilizing pollutants) and Chapter 102. Further proposed changes provide that the well operator shall prepare and develop a site-specific PPC plan prior to storing, using, generating or transporting regulated substances to, on or from a well site from the drilling, alteration, production, plugging or other activity associated with oil and gas wells.

Proposed amendments to this section would further require that the unconventional well operator's PPC plan describe containment practices to be utilized and the area of the well site where containment systems will be employed as required under proposed § 78.64a (relating to containment systems and practices at unconventional well sites) as well as a description of equipment to be kept onsite during drilling and hydraulic fracturing activities that can be used to prevent spills. The proposed amendments also provide that a PPC plan developed in conformance with the *Guidelines for the Development and Implementation of Environmental Emergency Response Plans*, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 400-2200-001, as amended and updated, will be deemed to meet the requirements of this section.

§ 78.56. *Temporary storage*

The proposed amendments to this section include changing the heading of the section from "pits and tanks for temporary containment" to "temporary storage" to clarify the difference between storage requirements and containment requirements in proposed § 78.64a.

Paragraph (a)(2) is proposed to be added to specify that modular aboveground storage structures may be used to temporarily contain regulated substances upon prior Department approval and notice prior to installation. This paragraph also proposes that the Department will maintain a list of approved modular structures on its web site.

The proposed amendments to this section also include new monitoring requirements for pits and tanks at unconventional well sites or, in the alternative, fencing requirements for pits and valve and access lid requirements for tanks. Additionally, this section proposes new signage requirements for tanks at unconventional well sites. The amendments also propose new construction standards for pits at unconventional well sites, including liner compatibility testing, liner seam testing, inspection requirements, notification to the Department prior to pit liner installation and a demonstration that the pit bottom is 20 inches above the seasonal high groundwater table.

§ 78.57. *Control, storage and disposal of production fluids*

The proposed amendments to this section prohibit the use of open top structures and pits to store brine and other production fluids generated during the production

operations of a well. If new, refurbished or replaced tanks are used to store these fluids, these tanks must be equipped with secondary containment. This section also proposes new performance and technical standards for tanks storing brines and other production fluids generated during production operations. Additionally, this section proposes a process for identifying and removing or obtaining approval to use underground or partially buried storage tanks that are used to store brine and other fluids produced during operation of the well.

§ 78.58. *Onsite processing*

This section proposes to delete provisions regarding the approval of pits that existed prior to July 29, 1989. The amendments also propose new provisions regarding wastewater processing at well sites. Subsection (a) proposes to allow operators to process fluids generated by oil and gas wells at the well site where the fluids were generated or at the well site where all of the fluid is intended to be beneficially used to develop, drill or stimulate a well upon Department approval. Subsection (e) proposes a process for using approved processing facilities at subsequent well sites. Subsection (b) proposes specific activities that do not require Department approval, including mixing fluids with freshwater, aerating fluids or filtering solids from fluids. Proposed subsection (c) specifies that drill cuttings may only be processed at the well site where those drill cuttings were generated, if approved by the Department.

§ 78.59a. *Impoundment embankments*

This proposed section contains design and construction standards for both freshwater and centralized impoundments, including construction and stabilization requirements for embankments.

§ 78.59b. *Freshwater impoundments*

This proposed section creates registration, performance, and safety and security requirements for freshwater impoundments. This proposed section would require freshwater impoundments to be 20 inches above the seasonal high groundwater table and would require operators to document the depth of the seasonal high groundwater table, the manner that it was ascertained, and the distance between the seasonal high groundwater table and the impoundments. This section also proposes a restoration requirement for freshwater impoundments. Additionally, this section contains a process for storing mine influenced water in freshwater impoundments to ensure that it will not result in pollution to waters of the Commonwealth.

§ 78.59c. *Centralized impoundments*

This proposed section would establish permitting requirements for centralized impoundments in Chapter 78. This section proposes restrictions to the location of centralized impoundments, setback requirements, and design and construction standards, including sub-base, secondary liner, leak detection system and primary liner requirements. Additionally, this section proposes that persons seeking to construct a centralized impoundment shall complete a baseline hydrological investigation to document background conditions. Centralized impoundment operators shall also install, operate and maintain a water quality monitoring system. Further, this section proposes new requirements for oversight by professional geologists and licensed engineers. Additionally, this section proposes new restoration requirements for centralized impoundments.



§ 78.60. *Discharge requirements*

The proposed amendments to this section specify that operators discharging tophole water by land application shall document compliance with the regulatory requirements, including those under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), make the records available to the Department upon request, and submit the relevant information in the well site restoration report. In addition, the proposed amendments add fill or dredged material to this section.

§ 78.61. *Disposal of drill cuttings*

The proposed amendments to this section would specify the loading and application rate for the land application of drill cuttings. Additionally, this section provides that the Department will maintain a list of approved solidifiers for the disposal of uncontaminated drill cuttings in pits. Further, this section specifies that the operator shall notify the Department prior to disposing drill cuttings under this section.

§ 78.62. *Disposal of residual waste—pits*

The proposed amendments to this section clarify that solid waste generated by hydraulic fracturing of unconventional wells or processing wastewater under § 78.58 (relating to onsite processing) may not be disposed of in a pit on the well site. However, residual waste, including contaminated drill cuttings, can be disposed of in a pit on the well site. Additionally, the proposed amendments require the operator to notify the Department prior to disposing residual waste. This section also proposes a requirement that operators determine that the pit bottom is 20 inches above the seasonal high groundwater table prior to using the pit and that the determination be certified by a soil scientist or other similarly trained person using accepted and documented scientific methods. Compliance with this section shall be documented and made available to the Department upon request, as well as submitted in the well site restoration report.

§ 78.63. *Disposal of residual waste—land application*

The proposed amendments to this section clarify that solid waste generated by hydraulic fracturing of unconventional wells or processing fluids under § 78.58 may not be disposed of by land application at the well site. However, residual waste, including contaminated drill cuttings, can be disposed of on the well site by land application. The amendments to this section include a new provision that requires the operator to notify the Department 3 business days prior to land application. This notice shall be submitted electronically to the Department through its web site and include the date the residual waste will be disposed. Compliance with this section shall be documented and made available to the Department upon request as well as submitted in the well site restoration report.

§ 78.64a. *Containment systems and practices at unconventional well sites*

This proposed section requires that unconventional well sites be designed and constructed using containment systems and practices that prevent spills to the ground surface and off the well site in accordance with Act 13 requirements. This section specifies when these systems and practices shall be employed. Further, this proposed section specifies secondary containment requirements. Additionally, this section proposes provisions regarding subsurface containment systems.

§ 78.65. *Site restoration*

The proposed amendments to this section would clarify the well site restoration requirements, including when

restoration is required if there are multiple wells drilled on a single well site and what constitutes a restoration after drilling.

Act 13 created a provision that allows for a 2-year extension of the restoration requirements upon approval of a plan that demonstrates that the extension will result in less earth disturbance, increased water reuse or more efficient development of the resource. This section describes the information that must be submitted to obtain a 2-year extension under 58 Pa.C.S. § 3216 (relating to well site restoration).

This section also proposes that written consent of the landowner satisfies the restoration requirements so long as the operator complies with the post-construction stormwater management requirements in Chapter 102. Additionally, this section proposes amendments to the well site restoration report requirements, including forwarding a copy to the surface landowner.

§ 78.66. *Reporting and remediating releases*

The proposed amendments to this section include amending the heading of the section to include remediating releases. Proposed amendments to this section also clarify the requirements regarding spills and releases of regulated substances on or adjacent to well sites and access roads. The proposed amendments further specify what spills or releases shall be reported to the Department, when and how a report shall be made, what information needs to be reported and necessary corrective measures.

The proposed amendments also clarify that the operator or responsible party shall remediate an area affected by a spill or release, in accordance with subsection (c), which outlines three different remediation options.

§ 78.67. *Borrow pits*

This proposed section provides requirements for noncoal borrow areas for oil and gas well development, including performance, registration and restoration requirements.

§ 78.68. *Oil and gas gathering lines*

This proposed section contains requirements regarding the construction and installation of gathering pipelines, including a limit on the extent of associated earth disturbance, flagging requirements and topsoil/subsoil standards. In accordance with Act 13 requirements, this section also contains corrosion control requirements for buried metallic gathering lines.

§ 78.68a. *Horizontal directional drilling for oil and gas pipelines*

This proposed section contains requirements for horizontal directional drilling associated with gathering and transmission pipelines, including planning, notification, construction and monitoring requirements. This section contains cross references to other applicable regulatory requirements in Chapter 102 and Chapter 105 (relating to dam safety and waterway management). This section proposes that Department approval is required prior to using drilling fluid other than bentonite and water. Additionally, this section specifies that horizontal directional drilling activities may not result in a discharge of drilling fluids to waters of the Commonwealth. In the event of a discharge, this section outlines the steps that an operator shall take to report and address that discharge. This section also proposes that any water supply complaints obtained by the operator be reported to the Department within 24 hours.

§ 78.68b. *Temporary pipelines for oil and gas operations*

This proposed section contains the requirements for temporary pipelines associated with oil and gas operations, including installation, construction, flagging, pressure testing, inspection operation, recordkeeping and removal requirements. This section also contains cross references to applicable regulatory requirements in Chapters 102 and 105.

§ 78.69. *Water management plans*

This proposed section addresses posting, monitoring and reporting in the Ohio River Basin; reuse planning requirements; and WMP expiration and renewals. This proposed section also outlines the circumstances under which the Department may deny a WMP application or suspend, revoke or terminate an approved WMP.

§ 78.70. *Road-spreading of brine for dust control and road stabilization*

This proposed section includes requirements regarding road-spreading of brine from oil and gas wells for dust suppression and road stabilization. This section does not apply to fluids generated from unconventional wells, including Marcellus wells.

This section proposes that use of brine for dust suppression and road stabilization shall only be conducted under an annual plan approved by the Department. This section further proposes planning, notification, operation, performance, reporting and recordkeeping requirements. This section also specifies that activities conducted under this section are deemed to have a residual waste permit by rule.

§ 78.70a. *Pre-wetting, anti-icing and de-icing*

This proposed section includes requirements for use of brine from conventional oil and gas wells for pre-wetting, anti-icing and de-icing. This section does not apply to fluids generated from unconventional wells, including Marcellus wells.

This section proposes that use of brine for pre-wetting, anti-icing and de-icing activities shall only be conducted under an annual plan approved by the Department. This section proposes plan requirements, operation standard, constituent concentration limits and application rates. Additionally, the section proposes sampling procedures of brine sources and recordkeeping requirements for the analytical evaluations as well as monthly reporting requirements. This section further specifies that activities conducted under this section are deemed to have a residual waste permit by rule.

§ 78.73. *General provision for well construction and operation*

Proposed subsections (c) and (d) require operators to visually inspect orphaned and abandoned wells identified under proposed § 78.52a (relating to abandoned and orphaned well identification) during hydraulic fracturing activities. Subsection (c) proposes to require operators to notify the Department of any changes to those wells and to take action to prevent pollution or discharges to the surface. The amendments codify the requirement that an operator that alters an abandoned and orphaned well by hydraulic fracturing must plug that well.

§ 78.122. *Well record and completion report*

The proposed amendments to this section address Act 13 statutory requirements, including new well report and stimulation record requirements.

§ 78.123. *Logs and additional data*

The proposed changes address Act 13 requirements and clarify when industry logs and data collected during drilling activities need to be submitted to the Department.

§ 78.309. *Phased deposit of collateral*

This section is proposed to be deleted in response to new bonding requirements in Act 13.

F. *Benefits, Costs and Compliance*

*Benefits*

Both the residents of this Commonwealth and the regulated community will benefit from this proposed rulemaking. The proposed process for identifying and considering the impacts to public resources will ensure that any probable harmful impacts to public resources will be avoided or mitigated while providing for the optimal development of oil and gas resources. The proposed regulations that require operators to identify orphaned and abandoned wells and monitor these wells during hydraulic fracturing activities will minimize potential impacts to waters of the Commonwealth. The proposed containment systems and practices requirements for unconventional well sites will minimize spills and releases of regulated substances at well sites and ensure that any spills or releases are properly contained. The proposed amendments to the reporting requirements for releases will ensure Statewide consistency for reporting and remediating spills and releases.

New planning, notification, construction, operation, testing and monitoring requirements for pits, tanks, modular aboveground storage structures, freshwater impoundments, centralized impoundments and pipelines will help prevent releases or spills that may otherwise result without these additional precautions. Additionally, the proposed monitoring and fencing requirements for pits and impoundments and tank valve and access lid requirements for tanks ensure protection from unauthorized acts of third parties and damage from wildlife. Further, the proposed requirements regarding wastewater processing at well sites will encourage the beneficial use of wastewater for drilling and hydraulic fracturing activities.

The proposed amendments contain several new notification requirements which will enable Department staff to effectively and efficiently coordinate inspections at critical stages of pit construction, modular aboveground storage facility installation, drill cutting or residual waste disposal, horizontal directional drilling and road-spreading activities. Additionally, proposed electronic submission requirements for well permits, notifications and predrill surveys will enhance efficiency for both the industry and the Department. As new areas of this Commonwealth are developed for natural gas, the proposed regulations will avoid many potential health, safety and environmental issues as well as provide a consistent and efficient approach to oil and gas development in this Commonwealth.

*Compliance Costs*

There are compliance costs associated with the additional environmental protection measures in this proposed rulemaking. These additional costs primarily fall on unconventional well operators due to the passage of the 2012 Oil and Gas Act.

The estimated total compliance costs of this proposed rulemaking on all unconventional operators are between \$75,002,050 and \$96,636,950 annually. The esti-

mated savings of this proposed rulemaking on unconventional operators is approximately \$21,734,700 annually. Taken together, the estimated net cost of this proposed rulemaking on unconventional operators is between \$53,267,350 and \$74,902,250 annually.

The estimated compliance costs of this proposed rulemaking on conventional operators are between \$5,389,360 and \$12,006,000. The estimated savings of this proposed rulemaking on conventional operators is approximately \$36,680 per year. The estimated net cost of this proposed rulemaking on conventional operators is between \$5,352,680 and \$11,969,320.

#### *Compliance Assistance Plan*

The Department has worked extensively with representatives from the regulated community and leaders from several industry organizations have attended the advisory committee meetings when the proposed amendments have been discussed. Therefore, the requirements in this proposed rulemaking are well known.

The Department plans to schedule training sessions for the regulated community to address the new regulatory requirements when the regulation is finalized. Additionally, Department field staff are the first points of contact for technical assistance and will be able to provide guidance to the regulated community through technical information and direct field-level assistance.

The Department also plans to provide training when the proposed rulemaking is finalized on how to identify and document the seasonal high groundwater table as required in proposed §§ 78.56(a)(11) and 78.62(a)(9) (relating to temporary storage; and disposal of residual waste—pits) and current § 78.63(a)(9) (relating to disposal of residual waste—land application).

#### *Paperwork Requirements*

The proposed rulemaking contains several new planning requirements, when applicable, including site characterization and groundwater testing plans for centralized impoundments, a mine influenced water storage plan and remedial action plans for spill and releases.

New notification requirements are proposed for the following, when applicable: receipt of water supply complaints; installation of modular storage structures; use of previously approved wastewater processing facilities; centralized impoundment leakage; disposal of drill cuttings; disposal of residual waste; horizontal directional drilling; and road-spreading activities. These notifications are proposed to be submitted electronically through the Department's web site, thereby reducing paperwork.

Additionally, the proposed amendments require the development and submission of forms regarding the following activities, when applicable: consideration of public resources; location of orphaned and abandoned wells; certification by licensed professionals regarding pits; removal of underground or partially buried tanks; registration of freshwater impoundments; plans for mine-influenced water storage; extensions for well site restoration; and planning and reporting of road spreading.

The amendments propose that a permit is required prior to the construction of a centralized impoundment. However, this is not a new requirement. Additionally, there is a new proposed requirement that well permits be submitted electronically.

#### *G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking will continue to ensure that the citizens and the environment of this Commonwealth experience the advantages of the oil and gas resources in this Commonwealth. The proposed amendments will minimize impacts to waters of the Commonwealth.

The proposed amendments include new requirements to identify and monitor orphaned and abandoned wells to minimize the potential impacts to waters of the Commonwealth from these pathways. New material specifications and performance standards for containment systems and practices will ensure that spills and releases are properly contained, thereby preventing regulated substances associated with oil and gas operations from escaping into the environment. Additionally, new planning, notification, construction, operation, inspection and monitoring requirements for pits, tanks, freshwater impoundments, centralized impoundments, processing activities, disposal methods and pipelines provide an additional degree of protection for waters of the Commonwealth.

#### *H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on December 4, 2013, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

#### *J. Public Comments*

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board. Comments, suggestions or objections must be received by the Board by February 12, 2014. Comments submitted by facsimile will not be accepted. In addition to the submission of comments, interested persons may also submit a one-page summary of their comments to the Board. The

summary of comments must also be received by the Board by February 12, 2014, and will be distributed to the Board and available publicly prior to the meeting when the final rulemaking will be considered by the Board.

Comments including the submission of a one-page summary of comments may be submitted to the Board online, by e-mail, by mail or express mail as follows. If an acknowledgement of comments submitted online or by e-mail is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

Comments may be submitted to the Board by accessing the Board's online Regulatory Comment System at <http://www.ahs.dep.pa.gov/RegComments>. Comments may be submitted to the Board by e-mail to [RegComments@pa.gov](mailto:RegComments@pa.gov). Written comments should be mailed to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477. Express mail should be sent to the Environmental Quality Board, Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301.

K. *Public Hearings*

The Board will hold seven public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held at 6 p.m. on the following dates:

- January 7, 2014      Tunkhannock High School  
Auditorium  
135 Tiger Drive  
Tunkhannock PA 18657
- January 9, 2014      West Chester University of  
Pennsylvania  
Sykes Student Union—Theater  
110 West Rosedale Avenue  
West Chester, PA 19383
- January 13, 2014      Pennsylvania College of Technology  
Klump Academic Center  
One College Avenue  
Williamsport, PA 17701
- January 15, 2014      Meadville Area Senior High School  
Auditorium  
930 North Street  
Meadville, PA 16335
- January 16, 2014      Good Hope Middle School  
Auditorium  
451 Skyport Road  
Mechanicsburg, PA 17050
- January 22, 2014      Washington and Jefferson College  
Rossin Campus Center/Allen  
Ballroom  
60 South Lincoln Street  
Washington, PA 15301
- January 23, 2014      Indiana University of Pennsylvania  
Kovalchick Convention and Athletic  
Complex  
711 Pratt Drive  
Indiana, PA 15705

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve time to present testimony. Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their verbal testimony to

the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Environmental Quality Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) or (800) 654-5988 (voice users) to discuss how the Environmental Hearing Board may accommodate their needs.

E. CHRISTOPHER ABRUZZO,  
*Chairperson*

**Fiscal Note:** 7-484. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION  
PART I. DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**Subpart C. PROTECTION OF NATURAL  
RESOURCES**

**ARTICLE I. LAND RESOURCES**

**CHAPTER 78. OIL AND GAS WELLS**

**Subchapter A. GENERAL PROVISIONS**

**§ 78.1. Definitions.**

[ (a) The words and terms defined in section 103 of the act (58 P. S. § 601.103), section 2 of the Coal and Gas Resource Coordination Act (58 P. S. § 502), section 2 of the Oil and Gas Conservation Law (58 P. S. § 402), section 103 of the Solid Waste Management Act (35 P. S. § 6018.103) and section 1 of The Clean Stream Law (35 P. S. § 691.1), have the meanings set forth in those statutes when the terms are used in this chapter.

(b) [ (a) The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise or as otherwise provided in this chapter:

*Act*—[ The Oil and Gas Act (58 P. S. §§ 601.101—601.605). ] 58 Pa.C.S. §§ 3201—3274 (relating to development).

*Act 2*—The Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

*Anti-icing*—Brine applied directly to a paved road prior to a precipitation event.

*Approximate original conditions*—Reclamation of the land affected to preconstruction contours so that it closely resembles the general surface configuration of the land prior to construction activities and blends into and complements the drainage pattern of the surrounding terrain, and can support the land uses that existed prior to oil and gas activities to the extent practicable.

*Attainable bottom*—The depth, approved by the Department, which can be achieved after a reasonable effort is expended to clean out to the total depth.

*Body of water*—The term as defined in § 105.1 (relating to definitions).

*Borrow pit*—An area of earth disturbance activity where rock, stone, gravel, sand, soil or similar material is excavated for construction of well sites, access roads or facilities that are related to oil and gas development.

*Casing seat*—The depth to which casing is set.

*Cement*—A mixture of materials for bonding or sealing that attains a 7-day maximum permeability of 0.01 millidarcies and a 24-hour compressive strength of at least 500 psi in accordance with applicable standards and specifications.

*Cement job log*—A written record that documents the actual procedures and specifications of the cementing operation.

*Centralized impoundment*—A facility that is:

(i) A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials.

(ii) Designed to hold fluids or semifluids associated with oil and gas activities, including wastewater, flowback and mine influenced water, the escape of which may result in air, water or land pollution or endanger persons or property.

(iii) Constructed solely for the purpose of servicing multiple well sites.

*Certified laboratory*—A laboratory accredited by the Department under Chapter 252 (relating to environmental laboratory accreditation).

*Coal area*—An area that is underlain by a workable coal seam.

*Coal protective casing*—A string of pipe which is installed in the well for the purpose of coal segregation and protection. In some instances the coal protective casing and the surface casing may be the same.

*Condensate*—A low-density, high-API gravity liquid hydrocarbon phase that generally occurs in association with natural gas. For the purposes of this definition, high-API gravity is a specific gravity scale developed by the American Petroleum Institute for measuring the relative density of various petroleum liquids, expressed in degrees.

*Conductor pipe*—A short string of large-diameter casing used to stabilize the top of the wellbore in shallow unconsolidated formations.

*Containment system*—Synthetic liners, coatings, storage structures or other materials used in conjunction with a primary container that prevent spills to the ground surface or off the well site.

*Conventional formation*—A formation that is not an unconventional formation.

*Conventional well*—A bore hole drilled or being drilled for the purpose of or to be used for the production of oil or gas from a conventional formation.

*De-icing*—Brine applied to a paved road after a precipitation event.

*Deepest fresh groundwater*—The deepest fresh groundwater bearing formation penetrated by the wellbore as determined from drillers logs from the well or from other wells in the area surrounding the well or from historical records of the normal surface casing seat depths in the area surrounding the well, whichever is deeper.

*Drill cuttings*—Rock cuttings and related mineral residues generated during the drilling of an oil or gas well.

*Freeboard*—The vertical distance between the surface of an impounded or contained fluid and the lowest point or opening on a lined pit edge or open top storage structure.

*Fresh groundwater*—Water in that portion of the generally recognized hydrologic cycle which occupies the pore spaces and fractures of saturated subsurface materials.

*Freshwater impoundment*—A facility that is:

(i) Not regulated under § 105.3 (relating to scope).

(ii) A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials although lined with synthetic materials.

(iii) Designed to hold fluids, including surface water, groundwater and other Department-approved sources.

(iv) Constructed for the purpose of servicing multiple well sites.

*Gas storage field*—A gas storage reservoir and all of the gas storage wells connected to the gas storage reservoir.

*Gas storage reservoir*—The portion of a subsurface geologic formation or rock strata used for or being tested for storage of natural gas that:

(i) Has sufficient porosity and permeability to allow gas to be injected or withdrawn, or both.

(ii) Is bounded by strata of insufficient porosity or permeability, or both, to allow gas movement out of the reservoir.

(iii) Contains or will contain injected gas geologically or by pressure control.

*Gas storage well*—A well located and used in a gas storage reservoir for injection or withdrawal purposes, or an observation well.

*Gathering pipeline*—A pipeline that transports oil, liquid hydrocarbons or natural gas from individual wells to an intrastate or interstate transmission pipeline.

*Gel*—A slurry of clay or other equivalent material and water at a ratio of not more than 7 barrels of water to each 100 pounds of clay or other equivalent matter.

*Intermediate casing*—A string of casing set after the surface casing and before production casing, not to include coal protection casing, that is used in the wellbore to isolate, stabilize or provide well control.

*L.E.L.*—Lower explosive limit.

[ *Marcellus Shale well*—A well that when drilled or altered produces gas or is anticipated to produce gas from the Marcellus Shale geologic formation. ]

*Mine influenced water*—Water in a mine pool or a surface discharge of water caused by mining activities that pollutes, or may create a threat of pollution to, waters of the Commonwealth. The term may also include surface waters that have been impaired by pollutional mine drainage as determined by the Department.

*Noncementing material*—A mixture of very fine to coarse grained nonbonding materials, including unwashed crushed rock, drill cuttings, earthen mud or other equivalent material approved by the Department.

*Noncoal area*—An area that is not underlain by a workable coal seam.

*Nonporous material*—Nontoxic earthen mud, drill cuttings, fire clay, gel, cement or

equivalent materials approved by the Department that will equally retard the movement of fluids.

*Nonvertical well*—

(i) A well drilled intentionally to deviate from a vertical axis.

(ii) The term includes wells drilled diagonally and wells that have horizontal bore holes.

*Observation well*—A well used to monitor the operational integrity and conditions in a gas storage reservoir, the reservoir protective area or strata above or below the gas storage horizon.

*Oil and gas operations*—The term includes the following:

(i) Well location assessment, seismic operations, well site preparation, construction, drilling, hydraulic fracturing, completion, production, operation, alteration, plugging and site restoration associated with an oil or gas well.

(ii) Water withdrawals, residual waste processing, water and other fluid management and storage used exclusively for the development of oil and gas wells.

(iii) Construction, installation, use, maintenance and repair of:

(A) Oil and gas pipelines.

(B) Natural gas compressor stations.

(C) Natural gas processing plants or facilities performing equivalent functions.

(iv) Construction, installation, use, maintenance and repair of all equipment directly associated with activities in subparagraphs (i)—(iii) to the extent that the equipment is necessarily located at or immediately adjacent to a well site, impoundment area, oil and gas pipeline, natural gas compressor station or natural gas processing plant.

(v) Earth disturbance associated with oil and gas exploration, production, processing, or treatment operations or transmission facilities.

*Owner*—A person who owns, manages, leases, controls or possesses a well or coal property. [ For purposes of sections 203(a)(4) and (5) and 210 of the act (58 P. S. §§ 601.203(a)(4) and (5) and 601.210), the term does not include those owners or possessors of surface real property on which the abandoned well is located who did not participate or incur costs in the drilling or extraction operation of the abandoned well and had no right of control over the drilling or extraction operation of the abandoned well. ] The term does not apply to orphan wells, except [ where ] when the Department determines a prior owner or operator benefited from the well as provided in section [ 210(a) ] 3220(a) of the act (relating to plugging requirements).

*PCSM plan—Post-construction stormwater management plan*—The term as defined in § 102.1 (relating to definitions).

*PPC plan—Preparedness, prevention and contingency plan*—A written preparedness, prevention and contingency plan.

*Perimeter area*—An area that begins at the outside coal boundaries of an operating coal mine and extends within 1,000 feet beyond those boundaries or an area within

1,000 feet beyond the mine permit boundaries of a coal mine already projected and permitted but not yet being operated.

*Permanently cemented*—Surface casing or coal protective casing that is cemented until cement is circulated to the surface or is cemented with a calculated volume of cement necessary to fill the theoretical annular space plus 20% excess.

*Pit*—A natural topographic depression, manmade excavation or diked area formed primarily of earthen materials designed to hold fluids, semifluids or solids associated with oil and gas activities, including, but not limited to, fresh water, wastewater, flowback, mine influenced water, drilling mud and drill cuttings, that services a single well site.

*Pre-wetting*—Mixing brine with antiskid material prior to roadway application.

*Private water supply*—A water supply that is not a public water supply.

*Process or processing*—The term has the same meaning as “processing” as defined in section 103 of the Solid Waste Management Act (35 P. S. § 6018.103).

*Production casing*—A string of pipe other than surface casing and coal protective casing which is run for the purpose of confining or conducting hydrocarbons and associated fluids from one or more producing horizons to the surface.

*Public water supply*—[ A water system that is subject to the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17). ] A source of water used by a water purveyor.

[ *Reportable release of brine*—Spilling, leaking, emitting, discharging, escaping or disposing of one of the following:

(i) More than 5 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is equal or greater than 10,000 mg/l.

(ii) More than 15 gallons of brine within a 24-hour period on or into the ground at the well site where the total dissolved solids concentration of the brine is less than 10,000 mg/l. ]

*Regional groundwater table*—

(i) The fluctuating upper water level surface of an unconfined or confined aquifer where the hydrostatic pressure is equal to the ambient atmospheric pressure.

(ii) The term does not include the perched water table or the seasonal high water table.

*Regulated substance*—Any substance defined as a regulated substance in section 103 of Act 2 (35 P. S. § 6026.103).

*Retrievable*—When used in conjunction with surface casing, coal protective casing or production casing, the casing that can be removed after exerting a prudent effort to pull the casing while applying a pulling force at least equal to the casing weight plus 5,000 pounds or 120% of the casing weight, whichever is greater.

*Seasonal high groundwater table*—The saturated condition in the soil profile during certain periods of the year. The condition can be caused by a slowly permeable layer within the soil profile and is commonly indicated by the presence of soil mottling.

*Sheen*—An iridescent appearance on the surface of the water.

*Soil mottling*—Irregular marked spots in the soil profile that vary in color, size and number.

**Stormwater**—Runoff from precipitation, snowmelt, surface runoff and drainage.

*Surface casing*—A string or strings of casing used to isolate the wellbore from fresh groundwater and to prevent the escape or migration of gas, oil or other fluids from the wellbore into fresh groundwater. The surface casing is also commonly referred to as the water string or water casing.

**Temporary pipelines**—Pipelines used for oil and gas operations that:

(i) **Transport materials used for the drilling or hydraulic fracture stimulation, or both, of a well and the residual waste generated as a result of the activities.**

(ii) **Lose functionality after the well site it serviced has been restored under § 78.65 (related to site restoration).**

*Tophole water*—Water that is brought to the surface while drilling through the strata containing fresh groundwater and water that is fresh groundwater or water that is from a body of surface water. Tophole water may contain drill cuttings typical of the formation being penetrated but may not be polluted or contaminated by additives, brine, oil or man induced conditions.

*Total depth*—The depth to which the well was originally drilled, subsequently drilled or the depth to which it was plugged back in a manner approved by the Department.

*Tour*—A workshift in drilling of a well.

*Unconventional formation*—A geological shale formation existing below the base of the Elk Sandstone or its geologic equivalent stratigraphic interval where natural gas generally cannot be produced at economic flow rates or in economic volumes except by vertical or horizontal well bores stimulated by hydraulic fracture treatments or by using multilateral well bores or other techniques to expose more of the formation to the well bore.

*Unconventional well*—A bore hole drilled or being drilled for the purpose of or to be used for the production of natural gas from an unconventional formation.

*Vertical well*—A well with a single vertical well bore.

**WMP—Water Management Plan**—A plan associated with drilling or completing a well in an unconventional formation that demonstrates that the withdrawal and use of water sources protects those sources, as required under law, and protects public health, safety and welfare.

*Water protection depth*—The depth to a point 50 feet below the surface casing seat.

*Water purveyor*—[ **The owner or operator of a public water supply.** ] Either of the following:

(i) **The owner or operator of a public water system as defined in section 3 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.3).**

(ii) **Any person subject to the act of June 24, 1939 (P. L. 842, No. 365), known as the Water Rights Law.**

**Water source**—

(i) **Any of the following:**

(A) **Water of the Commonwealth.**

(B) **A source of water supply used by a water purveyor.**

(C) **Mine pools and discharges.**

(D) **Any other waters that are used for drilling or completing a well in an unconventional formation.**

(ii) **The term does not include flowback or production waters or other fluids:**

(A) **Which are used for drilling or completing a well in an unconventional formation.**

(B) **Which do not discharge into waters of the Commonwealth.**

*Water supply*—A supply of water for human consumption or use, or for agricultural, commercial, industrial or other legitimate beneficial uses.

**Watercourse**—The term as defined in § 105.1.

*Well operator or operator*—**Any of the following:**

(i) The person designated as the [ **well operator or operator or well operator** ] on the permit application or well registration.

(ii) If a permit or registration was not issued, [ **the term means** ] a person who locates, drills, operates, alters or plugs a well or reconditions a well with the purpose of production [ **therefrom** ] **from the well.**

[ **In cases where** ] (iii) If a well is used in connection with the underground storage of gas, [ **the term also means** ] a storage operator.

*Well site*—The area occupied by the equipment or facilities necessary for or incidental to the drilling, production or plugging of a well.

**Wetland**—The term as defined in § 105.1.

*Workable coal seam*—One of the following:

(i) A coal seam in fact being mined in the area in question under the act and this chapter by underground methods.

(ii) A coal seam which, in the judgment of the Department, reasonably can be expected to be mined by underground methods.

§ 78.2. [ **Scope** ] (Reserved).

[ **This chapter specifies procedures and rules for the drilling, alteration, operation and plugging of oil and gas wells, and for the operation of a coal mine in the vicinity of an oil or gas well.** ]

## **Subchapter B. PERMITS, TRANSFERS AND OBJECTIONS**

### **PERMITS AND TRANSFERS**

#### **§ 78.13. Permit transfers.**

(a) No transfer, assignment or sale of rights granted under a permit or registration may be made without prior written approval of the Department. Permit transfers

may be denied for the reasons set forth in section [ 201(e)(4) and (5) of the act (58 P. S. § 601.201(e)(4) and (5)) ] 3211(e.1), (4) and (5) of the act (relating to well permits).

\* \* \* \* \*

**§ 78.15. Application requirements.**

(a) An application for a well permit shall be submitted [ on forms furnished by the ] electronically to the Department through its web site and contain the information required by the Department to evaluate the application.

(b) The permit application will not be considered complete until the applicant submits a complete and accurate plat, an approvable bond or other means of complying with section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bonding), the fee in compliance with § 78.19 (relating to permit application fee schedule), proof of the notification required under section 3211(b.1) of the act (relating to well permits), necessary requests for variance or waivers or other documents required to be furnished by law or the Department, and the information in subsections (c)—(e). The person named in the permit shall be the same person named in the bond or other security.

(c) The applicant shall submit information identifying parent and subsidiary business entities operating in this Commonwealth with the first application submitted after \_\_\_\_\_, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) and provide any changes to its business relationships with each subsequent application.

(d) The applicant shall provide proof of consultation with the Pennsylvania Natural Heritage Program (PNHP) regarding the presence of a State or Federal threatened or endangered species where the proposed well site or access road is located. If the Department determines, based on PNHP data or other sources, that the proposed well site or access road may adversely impact the species or critical habitat, the applicant shall consult with the Department to avoid or prevent the impact. If the impact cannot be avoided or prevented, the applicant shall demonstrate how the impacts will be minimized in accordance with State and Federal laws pertaining to the protection of threatened or endangered flora and fauna and their habitat.

(e) If an applicant seeks to locate a well on a well site where the applicant has obtained a permit under § 102.5 (relating to permit requirements) and complied with § 102.6(a)(2) (relating to permit applications and fees), the applicant is deemed to comply with subsection (d).

(f) An applicant proposing to drill a well at a location listed in paragraph (1) shall notify the applicable resource agency, if any, in accordance with paragraph (2) and provide the information in paragraph (3) to the Department in the well permit application.

(1) This subsection applies if the proposed surface location of the well is located:

- (i) In or within 200 feet of a publicly owned park, forest, game land or wildlife area.
- (ii) In or within the corridor of a State or National scenic river.

(iii) Within 200 feet of a National natural landmark.

(iv) In a location that will impact other critical communities. For the purposes of this subparagraph, other critical communities means special concern species.

(v) Within 200 feet of a historical or archeological site listed on the Federal or State list of historic places.

(vi) In the case of an unconventional well, within 1,000 feet of a water well, surface water intake, reservoir or other water supply extraction point used by a water purveyor.

(2) The applicant shall notify the public resource agency responsible for managing the public resource identified in paragraph (1), if any. The applicant shall forward by certified mail a copy of the plat identifying the proposed location of the well, well site and access road and information in paragraph (3) to the public resource agency at least 15 days prior to submitting its well permit application to the Department. The applicant shall submit proof of notification with the well permit application. From the date of notification, the public resource agency has 15 days to provide written comments to the Department and the applicant on the functions and uses of the public resource and the measures, if any, that the public resource agency recommends the Department consider to avoid or minimize probable harmful impacts to the public resource where the well, well site and access road is located. The applicant may provide a response to the Department to the comments.

(3) The applicant shall include the following information in the well permit application on forms provided by the Department:

- (i) An identification of the public resource.
- (ii) A description of the functions and uses of the public resource.
- (iii) A description of the measures proposed to be taken to avoid or mitigate impacts, if any.

(4) The information required in paragraph (3) shall be limited to the discrete area of the public resource that may be affected by the well, well site and access road.

(g) If the proposed well, well site or access road poses a probable harmful impact to a public resource, the Department may include conditions in the well permit to avoid or mitigate those impacts to the public resource's current functions and uses. The Department will consider the impact of any potential permit condition on the applicant's ability to exercise its property rights with regard to the development of oil and gas resources and the degree to which any potential condition may impact or impede the optimal development of the oil and gas resources. The issuance of a permit containing conditions imposed by the Department under this subsection is an action that is appealable to the Environmental Hearing Board. The Department has the burden of proving that the conditions were necessary to protect against a probable harmful impact of the public resource.



**§ 78.17. Permit renewal.**

An operator may request a 1-year renewal of a well permit. The request shall be accompanied by a permit fee, the surcharge required [ **in section 601 of the act (58 P. S. § 601.601),** ] **under section 3271 of the act (relating to well plugging funds)** and an affidavit affirming that the information on the original application is still accurate and complete, that the well location restrictions are still met and that the [ **surface owners, coal owners and operators, gas storage operators, where the permit renewal is for a proposed well location within an underground gas storage reservoir or the reservoir protective area, and water supply owners within 1,000 feet** ] **entities required to be notified under section 3211(b)(2) of the act (relating to well permits)** have been notified of this request for renewal. The request shall be received by the

Department at least 15 calendar days prior to the expiration of the original permit.

**§ 78.18. Disposal and enhanced recovery well permits.**

\* \* \* \* \*

(c) A person who operates multiple well projects may submit one copy of the documents required under subsection (a) if the documents are applicable to the entire project.

**(d) All containment practices and onsite processing associated with disposal and enhanced recovery wells shall comply with this chapter.**

**§ 78.19. Permit application fee schedule.**

(a) An applicant shall pay a permit application fee according to the following schedule:

<i>Vertical Wells</i>		<i>Nonvertical Wells</i>		<b>[ Marcellus Shale ] Unconventional Wells</b>	
<i>Total Well Bore Length in Feet</i>	<i>Total Fee</i>	<i>Total Well Bore Length in Feet</i>	<i>Total Fee</i>	<i>Total Well Bore Length in Feet</i>	<i>Total Fee</i>
0 to 2,000	\$250	0 to 1,500	\$900	0 to 1,500	\$900
2,001 to 2,500	\$300	1,501 to 2,000	\$1,000	1,501 to 2,000	\$1,000
2,501 to 3,000	\$350	2,001 to 2,500	\$1,100	2,001 to 2,500	\$1,100
3,001 to 3,500	\$400	2,501 to 3,000	\$1,200	2,501 to 3,000	\$1,200
3,501 to 4,000	\$450	3,001 to 3,500	\$1,300	3,001 to 3,500	\$1,300
4,001 to 4,500	\$500	3,501 to 4,000	\$1,400	3,501 to 4,000	\$1,400
4,501 to 5,000	\$550	4,001 to 4,500	\$1,500	4,001 to 4,500	\$1,500
5,001 to 5,500	\$650	4,501 to 5,000	\$1,600	4,501 to 5,000	\$1,600
5,501 to 6,000	\$750	5,001 to 5,500	\$1,700	5,001 to 5,500	\$1,700
6,001 to 6,500	\$850	5,501 to 6,000	\$1,800	5,501 to 6,000	\$1,800
6,501 to 7,000	\$950	6,001 to 6,500	\$1,900	6,001 to 6,500	\$1,900
7,001 to 7,500	\$1,050	6,501 to 7,000	\$2,000	6,501 to 7,000	\$2,000
7,501 to 8,000	\$1,150	7,001 to 7,500	\$2,100	7,001 to 7,500	\$2,100
8,001 to 8,500	\$1,250	7,501 to 8,000	\$2,200	7,501 to 8,000	\$2,200
8,501 to 9,000	\$1,350	8,001 to 8,500	\$2,300	8,001 to 8,500	\$2,300
9,001 to 9,500	\$1,450	8,501 to 9,000	\$2,400	8,501 to 9,000	\$2,400
9,501 to 10,000	\$1,550	9,001 to 9,500	\$2,500	9,001 to 9,500	\$2,500
10,001 to 10,500	\$1,650	9,501 to 10,000	\$2,600	9,501 to 10,000	\$2,600
10,501 to 11,000	\$1,750	10,001 to 10,500	\$2,700	10,001 to 10,500	\$2,700
11,001 to 11,500	\$1,850	10,501 to 11,000	\$2,800	10,501 to 11,000	\$2,800
11,501 to 12,000	\$1,950	11,001 to 11,500	\$2,900	11,001 to 11,500	\$2,900
		11,501 to 12,000	\$3,000	11,501 to 12,000	\$3,000

(b) An applicant for a vertical well exceeding 12,000 feet in total well bore length shall pay a permit application fee of \$1,950 + \$100 for every 500 feet the well bore extends over 12,000 feet. Fees shall be rounded to the nearest 500-foot interval **under this subsection.**

(c) An applicant for a nonvertical well or [ **Marcellus Shale** ] **unconventional** well exceeding 12,000 feet in total well bore length shall pay a permit application fee of \$3,000 + \$100 for every 500 feet the well bore extends over 12,000 feet. Fees shall be rounded to the nearest 500-foot interval **under this subsection.**

\* \* \* \* \*

**OBJECTIONS**

**§ 78.21. Opportunity for objections and conferences; surface landowners.**

(a) The surface landowner of the tract on which the proposed well is located may object to the well location based on the assertion that the well location violates section [ **205 of the act (58 P. S. § 601.205)** ] **3215 of the act (relating to well location restrictions)** or on the basis that the information in the application is untrue in a material respect, and request a conference under

section [ 501 of the act (58 P. S. § 601.501) ] 3251 of the act (relating to conferences).

\* \* \* \* \*

§ 78.25. Conferences—general.

\* \* \* \* \*

(c) The Department will attempt to schedule the conference as late as possible in the 10-day period if the well is subject to the Coal and Gas Resource Coordination Act (58 P. S. §§ 501—518). The Department will not schedule a conference under section [ 202 of the act (58 P. S. § 601.202) ] section 3212 of the act (relating to permit objections) if it receives written notice that the gas well operator or the coal mine owner or operator has made a written request to convene a panel to resolve objections to the location of a gas well over which a panel has jurisdiction in accordance with §§ 78.29—78.33.

\* \* \* \* \*

§ 78.28. Final action if objections do not proceed to panel.

If the panel does not have jurisdiction [ of ] over the objections, under § 78.30 (relating to jurisdiction of panel), or if the panel has jurisdiction but the parties choose not to proceed to a panel, the Department may proceed to issue or deny the permit, under sections [ 201 and 202 of the act (58 P. S. §§ 601.201 and 601.202) ] 3211 and 3212 of the act (relating to well permits; and permit objections). No permit will be issued for a well at a location that in the opinion of the Department would endanger the safety of persons working in a coal mine.

§ 78.33. Effect of panel on time for permit issuance.

The period of time during which the objections are being considered by a full panel [ is not ] will not be included in the 45-day period for the issuance or denial of a permit under section [ 201(e) of the act (58 P. S. § 601.201(e)) ] 3211(e) of the act (relating to well permits).

Subchapter C. ENVIRONMENTAL PROTECTION PERFORMANCE STANDARDS

§ 78.51. Protection of water supplies.

\* \* \* \* \*

(b) A landowner, water purveyor or affected person suffering pollution or diminution of a water supply as a result of well site construction, well drilling, altering or operating [ an oil or gas well ] activities may so notify the Department and request that an investigation be conducted. Notices shall be made to the appropriate Department regional office or by calling the Department's Statewide toll free number at (800) 541-2050. The notice and request must include the following:

\* \* \* \* \*

(c) Within 10 calendar days of the receipt of the investigation request, the Department will investigate the claim and will, within 45 calendar days of receipt of the request, make a determination. If the Department finds that pollution or diminution was caused by the well site construction, drilling, alteration or operation activities or if it presumes the well operator responsible for polluting the water supply of the landowner or water purveyor under section [ 208(c) of the act (58 P. S.

§ 601.208(c)) ] 3218(c) of the act (relating to protection of water supplies), the Department will issue orders to the well operator necessary to assure compliance with this section. The presumption established by section 3218(c) of the act is not applicable to pollution resulting from well site construction.

(d) A restored or replaced water supply includes any well, spring, public water system or other water supply approved by the Department, which meets the criteria for adequacy as follows:

\* \* \* \* \*

(2) Quality. The quality of a restored or replaced water supply will be deemed adequate if it meets the standards established under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), or is comparable to the quality of the water supply before it was affected by the operator if that water supply [ did not meet these ] exceeded those standards.

\* \* \* \* \*

(g) If the well operator and the water user are unable to reach agreement on the means for restoring or replacing the water supply, the Department or either party may request a conference under section [ 501 of the act (58 P. S. § 601.501) ] 3251 of the act (relating to conferences).

(h) A well operator who receives notice from a landowner, water purveyor or affected person that a water supply has been affected by pollution or diminution, shall report receipt of notice from an affected person to the Department within 24 hours of receiving the notice. Notice shall be provided electronically through the Department's web site.

§ 78.52. Predrilling or prealteration survey.

(a) A well operator who wishes to preserve its defense under section [ 208(d)(1) of the act (58 P. S. § 601.208(d)(1)) ] 3218(d)(1)(i) and (2)(i) of the act (relating to protection of water supplies) that the pollution of a water supply existed prior to the drilling or alteration of the well shall conduct a predrilling or prealteration survey in accordance with this section.

(b) A person who wishes to document the quality of a water supply to support a future claim that the drilling or alteration of the well affected the water supply by pollution may conduct a predrilling or prealteration survey in accordance with this section.

(c) The survey shall be conducted by an independent [ certified ] Pennsylvania-accredited laboratory. A person independent of the well owner or well operator, other than an employee of the [ certified ] accredited laboratory, may collect the sample and document the condition of the water supply, if the [ certified ] accredited laboratory affirms that the sampling and documentation is performed in accordance with the laboratory's approved sample collection, preservation and handling procedure and chain of custody.

(d) An operator electing to preserve its defenses under section [ 208(d)(1) ] 3218(d)(1)(i) and (2)(i) of the act shall provide a copy of all the sample results taken as part of the survey to the Department [ and ] by electronic means in a format determined by the Department within 10 business days of receipt of all the

**sample results taken as part of the survey. The operator shall provide a copy of any sample results to the landowner or water purveyor within 10-business days of receipt of the sample results. [ Test ] Survey results not received by the Department within 10 business days may not be used to preserve the operator's defenses under section [ 208(d)(1) ] 3218(d)(1)(i) and (2)(i) of the act.**

(e) The report describing the results of the survey must contain the following information:

(1) The location of the water supply and the name of the surface landowner or water purveyor.

(2) The date of the survey, and the name of the [ certified ] independent Pennsylvania-accredited laboratory and the person who conducted the survey.

(3) A description of where and how the [ sample was ] samples were collected.

\* \* \* \* \*

(f) A well operator who wishes to preserve the defense under section [ 208(d)(2) ] 3218(d)(1)(ii) and (2)(ii) of the act that the landowner or water purveyor refused the operator access to conduct a survey shall confirm the desire to conduct this survey and that access was refused by issuing notice to the person by certified mail, or otherwise document that access was refused. The notice must include the following:

\* \* \* \* \*

(4) The name and address of the well operator and the address of the Department, to which the water purveyor or landowner may respond.

**(g) The operator of an unconventional well shall provide written notice to the landowner or water purveyor indicating that the presumption established under section 3218(c) of the act may be void if the landowner or water purveyor refused to allow the operator access to conduct a predrilling or prealteration survey. Proof of written notice to the landowner or water purveyor shall be provided to the Department for the operator to retain the protections under section 3218(d)(2)(ii) of the act. Proof of written notice will be presumed if provided in accordance with section 3212(a) of the act (relating to permit objections).**

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

**§ 78.52a. Abandoned and orphaned well identification.**

(a) Prior to hydraulically fracturing the well, the operator of a gas well or horizontal oil well shall identify the location of orphaned or abandoned wells within 1,000 feet measured horizontally from the vertical well bore and 1,000 feet measured from the surface above the entire length of a horizontal well bore in accordance with subsection (b). Prior to hydraulically fracturing the well, the operator of a vertical oil well shall identify the location of orphaned or abandoned wells within 500 feet of the well bore in accordance with subsection (b). For the purposes of this section, a gas well is a well which is producing or capable of producing marketable quantities of gas or of gas and oil with a gas-oil ratio of more than 100 MCF per bbl of oil.

(b) Identification shall be accomplished by conducting the following:

(1) A review the Department's orphaned and abandoned well database.

(2) A review of applicable farm line maps, where accessible.

(3) Submitting a questionnaire on forms provided by the Department to landowners whose property is within the area identified in subsection (a) regarding the precise location of orphaned and abandoned wells on their property.

(c) Prior to hydraulically fracturing a well, the operator shall submit a plat to the Department showing the location and GPS coordinates of orphaned and abandoned wells identified under subsection (b) and proof of notification that the operators submitted questionnaires under subsection (b)(3).

**§ 78.53. Erosion and sediment control.**

**[ During and after earthmoving or soil disturbing activities, including the activities related to siting, drilling, completing, producing, servicing and plugging the well, constructing, utilizing and restoring the access road and restoring the site, the operator shall design, implement and maintain best management practices in accordance with ] Any person proposing or conducting earth disturbance activities associated with oil and gas activities shall comply with Chapter 102 (relating to erosion and sediment control) [ and an erosion and sediment control plan prepared under that chapter ]. Best management practices for erosion and sediment control for oil and gas well [ operations ] activities are listed in the [ Oil And Gas Operators Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Guidance No. 550-0300-001 (April 1997), as amended and updated ] Erosion and Sediment Pollution Control Program Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 363-2134-008, as amended and updated, and the Oil and Gas Operators Manual, Commonwealth of Pennsylvania, Department of Environmental Protection, Guidance No. 550-0300-001, as amended and updated.**

**§ 78.55. Control and disposal planning; emergency response for unconventional well sites.**

(a) *Preparation and implementation of plan for oil and gas operations.* **[ Prior to generation of waste, the well operator shall prepare and implement a plan under § 91.34 (relating to activities utilizing pollutants) for the control and disposal of fluids, residual waste and drill cuttings, including tophole water, brines, drilling fluids, additives, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids and drill cuttings from the drilling, alteration, production, plugging or other activity associated with oil and gas wells. ] Persons conducting oil and gas operations shall prepare and implement site specific PPC plans according to §§ 91.34 and 102.5(l) (relating to activities utilizing pollutants; and permit requirements).**

(b) *Preparation and implementation of plan for well sites.* In addition to the requirements in subsection (a), the well operator shall prepare and develop a site specific PPC plan prior to storing, using, generating or transporting regulated substances to, on or from a well site from the drilling, alteration, production, plugging or other activity associated with oil and gas wells.

(c) *Containment practices.* The unconventional well operator's PPC plan must describe the containment practices to be utilized and the area of the well site where containment systems will be employed as required under § 78.64a (relating to containment systems and practices at unconventional well sites). The PPC plan must include a description of the equipment to be kept onsite during drilling and hydraulic fracturing operations that can be utilized to prevent a spill from leaving the well site.

[ (b) ] (d) *Requirements.* The well operator's PPC plan must also identify the control and disposal methods and practices utilized by the well operator and be consistent with the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and §§ 78.54, 78.56—78.58 and 78.60—78.63. The PPC plan must also include a pressure barrier policy developed by the operator that identifies barriers to be used during identified operations.

[ (c) ] (e) *Revisions.* The well operator shall revise the PPC plan prior to implementing a change to the practices identified in the PPC plan.

[ (d) ] (f) *Copies.* A copy of the well operator's PPC plan shall be provided to the Department, the Fish and Boat Commission or the land owner upon request and shall be available at the [ well ] site during drilling and completion activities for review.

(g) *Guidelines.* With the exception of the pressure barrier policy required under subsection (d), a PPC plan developed in conformance with the *Guidelines for the Development and Implementation of Environmental Emergency Response Plans, Commonwealth of Pennsylvania, Department of Environmental Protection, No. 400-2200-001, as amended and updated, will be deemed to meet the requirements of this section.*

[ (e) ] (h) *Emergency contacts.* A list of emergency contact phone numbers for the area in which the well site is located must be included in the plan and be prominently displayed at the well site during drilling, completion or alteration activities.

[ (f) ] (i) *Emergency response for unconventional well sites.*

\* \* \* \* \*

§ 78.56. [ Pits and tanks for temporary containment ] Temporary storage.

(a) Except as provided in §§ 78.60(b) and 78.61(b) (relating to discharge requirements; and disposal of drill cuttings), the operator shall contain [ **pollutional** ] regulated substances and wastes from the drilling, altering, completing, recompleting, servicing and plugging the well, including brines, drill cuttings, drilling muds, oils, stimulation fluids, well treatment and servicing fluids, plugging and drilling fluids other than gases in a pit,

tank or series of pits and tanks or other approved storage structures. The operator shall install or construct and maintain the pit, tank or series of pits and tanks or other approved storage structures in accordance with the following requirements:

(1) The pit, tank [ or ], series of pits and tanks, or other approved storage structure shall be constructed and maintained with sufficient capacity to contain all [ **pollutional** ] regulated substances and wastes which are used or produced during drilling, altering, completing, recompleting, servicing and plugging the well.

(2) Modular aboveground storage structures that are assembled onsite may not be utilized to store regulated substances without Department approval. The Department will maintain a list of approved modular storage structures on its web site. The owner or operator shall notify the Department at least 3 business days before the beginning of construction of these storage structures. The notice shall be submitted electronically to the Department through its web site and include the date the storage structure installation will begin. If the date of installation is extended, the operator shall renotify the Department with the date that the installation will begin, which does not need to be 3 business days in advance.

[ (2) ] (3) A pit shall be designed, constructed and maintained so that at least 2 feet of freeboard remain at all times. If open tanks or open storage structures are used, the tanks and storage structures shall be maintained so that at least 2 feet of freeboard remain at all times unless the tank or storage structure is provided with an overflow system to a standby tank or pit with sufficient volume to contain all excess fluid or [ **waste** ] regulated substances. If an open standby tank or open storage structure is used, it shall be maintained with 2 feet of freeboard. If this subsection is violated, the operator immediately shall take the necessary measures to ensure the structural stability of the pit, or tank or other storage structure, prevent spills and restore the 2 feet of freeboard.

[ (3) ] (4) Pits [ and ], tanks and other approved storage structures shall be designed, constructed and maintained to be structurally sound and reasonably protected from unauthorized acts of third parties.

(5) For unconventional well sites, unless an individual is continuously present at the well site, a fence must completely surround all pits to prevent unauthorized acts of third parties and damage caused by wildlife.

(6) Unless an individual is continuously present at the well site, operators shall equip all tank valves and access lids to regulated substances with reasonable measures to prevent unauthorized access by third parties such as locks, open end plugs, removable handles, retractable ladders or other measures that prevent access by third parties. Tanks storing freshwater, fire prevention materials and spill response kits are excluded from the requirements of this paragraph.

(7) The operator of an unconventional well site shall display a sign on or near the tank or other approved storage structure identifying the contents

and an appropriate warning of the contents such as flammable, corrosive or a similar warning.

[ (4) ] (8) A pit [ or ], tank or other approved storage structure that contains drill cuttings from below the casing seat, [ pollutional ] regulated substances [ , wastes ] or fluids other than tophole water, fresh water and uncontaminated drill cuttings shall be impermeable [ and comply with the following: ].

[ (i) The pits ] (9) Pits shall be constructed with a synthetic flexible liner [ with ] that covers the bottom and sides of the pit. Liners used in a pit or other approved storage structures must comply with the following:

(i) The liner must have a coefficient of permeability of no greater than  $1 \times 10^{-7}$  to  $10^{-10}$  cm/sec [ and with sufficient strength and thickness to maintain the integrity of the liner ].

(ii) The liner must be at least 30 mils thick unless otherwise approved by the Department. Approval may be granted if the manufacturer demonstrates that the alternative thickness is at least as protective as a 30 mil liner. A list of approved alternative liners will be maintained on the Department's web site.

(iii) The liner shall be designed, constructed and maintained so that the physical and chemical characteristics of the liner are not adversely affected by the [ waste ] regulated substance stored therein and the liner is resistant to physical, chemical and other failure during transportation, handling, installation and use. Liner compatibility must satisfy ASTM Method D5747, Compatibility Test for Wastes and Membrane Liners, or other compatibility test approved by the Department for the duration the pit or other temporary storage structure is used.

(iv) Adjoining sections of liners shall be sealed together to prevent leakage in accordance with the manufacturer's directions. [ If the operator seeks to use a liner material other than a synthetic flexible liner, the operator shall submit a plan identifying the type and thickness of the material and the installation procedures to be used, and shall obtain approval of the plan by the Department before proceeding. ] The integrity of all seams of the adjoining sections of liner shall be tested prior to use. Results of the tests shall be available upon request.

[ (ii) ] (10) The pit shall be constructed so that the liner subbase is smooth, uniform and free from debris, rock and other material that may puncture, tear, cut or otherwise cause the liner to fail. The pit must be structurally sound and the interior slopes of the pit must have a slope no steeper than 2 horizontal to 1 vertical. The liner subbase and subgrade shall be capable of bearing the weight of the material above the liner without settling that may affect the integrity of the liner. If the pit bottom or sides consist of rock, shale or other materials that may cause the liner to fail, a subbase of at least 6 inches of soil, sand or smooth gravel, or sufficient amount of an equivalent material, shall be installed over the area as the subbase for the liner.

[ (iii) ] (11) The bottom of the pit shall be at least 20 inches above the seasonal high groundwater table, unless the operator obtains approval under subsection (b) for a pit that exists only during dry times of the year and is

located above groundwater. The operator of an unconventional well shall determine that the pit bottom is at least 20 inches above the seasonal high groundwater table prior to using the pit. A soil scientist or other similarly trained person using accepted and documented scientific methods shall make the determination. The individual's determination must contain a statement certifying that the pit bottom is at least 20 inches above the seasonal high groundwater table according to observed field conditions. The name, qualifications and statement of the individual making the determination and the basis of the determination shall be provided to the Department upon request.

(12) Stormwater must be diverted away from the pit.

(13) Prior to placing material in the pit, the liner shall be inspected for lack of uniformity, damage and other imperfections that may cause the liner to leak. The well operator shall correct damages or imperfections before placing the material in the pit and maintain the pit until closure of the pit.

[ (iv) ] (14) If a liner becomes torn or otherwise loses its integrity, the pit or approved storage structure shall be managed to prevent the [ pit ] contents from leaking [ from the pit ]. If repair of the liner or construction of another temporary pit or approved storage structure is not practical or possible, the [ pit ] contents shall be removed and disposed at an approved waste disposal facility or disposed on the well site in accordance with § 78.61, § 78.62 or § 78.63 (relating to disposal of residual waste—pits; and disposal of residual waste—land application).

[ (v) ] (15) The liner shall be secured around the perimeter of the pit in a manner that does not compromise the integrity of the liner. If the liner drops below the 2 feet of freeboard, the pit shall be managed to prevent the pit contents from leaking from the pit and the 2 feet of lined freeboard shall be restored.

(16) The unconventional well operator shall notify the Department at least 3 business days before the installation of the pit liner. The notice shall be submitted electronically to the Department through its web site and include the date the liner will be installed. If the date of installation is extended, the operator shall renotify the Department with the date of installation, which does not need to be 3 business days in advance. Notice is not required if the licensed professional engineer or geologist that designed the well site submits a statement on forms provided by the Department certifying that the pit and the pit liner, as built, are compliant with this section. This certification shall be submitted within 10 business days of installation of the pit liner.

(17) Condensate, whether separated or mixed with other fluids, may not be stored in any open top structure or pit. Tanks used for storing or separating condensate during well completion shall be monitored and have controls to prevent vapors from exceeding the lower explosive limits of the condensate outside the tank. Tanks used for storing or separating condensate shall be grounded.

(b) The operator may request to use practices other than those specified in subsection (a) which provide equivalent or superior protection by submitting a request

to the Department for approval. The request shall be made on forms provided by the Department.

(c) Disposal of uncontaminated drill cuttings in a pit or by land application shall comply with § 78.61. A pit used for the disposal of residual waste, including contaminated drill cuttings, shall comply with § 78.62. Disposal of residual waste, including contaminated drill cuttings, by land application shall comply with § 78.63.

(d) [ Unless a permit under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) or approval under § 78.57 or § 78.58 (relating to control, storage and disposal of production fluids; and existing pits used for the control, storage and disposal of production fluids) has been obtained for the pit, the ] The owner or operator shall remove or fill the pit within 9 months after completion of drilling, or in accordance with the extension granted by the Department under section [ 206(g) of the act (58 P. S. § 601.206(g)) ] 3216(g) of the act (relating to well site restoration) and § 78.65(d) (relating to site restoration). Pits used during servicing, plugging and recompleting the well shall be removed or filled within 90 calendar days of construction.

**§ 78.57. Control, storage and disposal of production fluids.**

(a) Unless a permit has been obtained under § 78.60(a) (relating to discharge requirements), the operator shall collect the brine and other fluids produced during operation [ , service and plugging ] of the well in a tank [ , pit ] or a series of [ pits or ] tanks, or other device approved by the Department for subsequent disposal or reuse. **Open top structures may not be used to store brine and other fluids produced during operation of the well.** Except as allowed in this subchapter or otherwise approved by the Department, the operator may not discharge the brine and other fluids on or into the ground or into the waters of this Commonwealth.

(b) Except as provided in § 78.56 (relating to [ pits and tanks for ] temporary [ containment ] storage), the operator may not use a pit for the control, handling or storage of brine and other fluids produced during operation, service or plugging of a well [ unless the pit is authorized by a permit under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) or approval to operate the pit as an impoundment under The Clean Streams Law is obtained from the Department under subsection (c) ].

[ (c) The operator may apply for approval from the Department to operate a pit as an impoundment under The Clean Streams Law, as indicated by the Department's issuance of a pit approval number in accordance with this section. No pit will be eligible for approval under this subsection unless the capacity of any one pit or of any two or more interconnected pits is less than 250,000 gallons, or the total capacity contained in pits on one tract or related tracts of land is less than 500,000 gallons. Compliance with this subsection does not relieve the operator from the obligation to comply with section 308 of The Clean Streams Law (35 P. S. § 691.308) and the requirements for obtaining a permit for the erection, construction and operation of treatment works promulgated under that section.

(1) A request for approval under this subsection shall be made on forms furnished by the Department and, at a minimum, shall include the following:

(i) A description of the operator's plan that demonstrates compliance with this subsection for the construction or reconstruction of the pit.

(ii) A description of the operator's program for operation and maintenance of the pit.

(iii) A description of the method for subsequent disposal or reuse of the brine or other fluids produced during operation of the well.

(iv) A description of the operator's program for the closure of the pit and restoration of the site.

(2) The operator shall design, construct, operate and maintain the pit in accordance with the approval and the following:

(i) The pit approval number is posted at the pit in a legible and visible manner.

(ii) The pit is not located within 100 feet of a stream, wetland or body of water unless a waiver is granted by the Department.

(iii) The bottom of the pit is a minimum of 20 inches above the seasonal high groundwater table.

(iv) At least 2 feet of freeboard remain at all times.

(v) The pit is structurally sound and the inside slopes of the pit are not steeper than a ratio of 2 horizontal to 1 vertical.

(vi) The pit is impermeable and is lined with a synthetic flexible liner or alternate material that has a coefficient of permeability of no greater than  $1 \times 10^{-7}$  cm/sec. The liner shall be of sufficient strength and thickness to maintain the integrity of the liner. The thickness of a synthetic liner shall be at least 30 mils. Adjoining sections of liners shall be sealed together in accordance with the manufacturer's directions to prevent leakage.

(vii) The physical and chemical characteristics of the liner shall be compatible with the waste and the liner is resistant to physical, chemical and other failure during transportation, handling, installation and use. Liner compatibility shall satisfy EPA Method 9090, *Compatibility Test for Wastes and Membrane Liners*, or other documented data approved by the Department.

(viii) The pit shall be constructed so that the liner subbase is smooth, uniform and free of debris, rock and other material that may puncture, tear, cut, rip or otherwise cause the liner to fail. The liner subbase and subgrade shall be capable of bearing the weight of the material above the liner without settling in an amount that will affect the integrity of the liner. If the pit bottom or sides consist of rock, shale or other material that may cause the liner to leak, a subbase of at least 6 inches of soil, sand or smooth gravel, or a sufficient amount of an equivalent material shall be installed over the area as the subbase for the liner.

(ix) Prior to placing brine or other fluids in the pit, the operator shall inspect the liner and correct all damage or imperfections that may cause the liner to leak.

(x) Surface water which may drain into the pit shall be diverted away from the pit.

(xi) The pit is reasonably protected from unauthorized acts of third parties.

(3) Upon abandonment of the well or revocation of the approval by the Department, the operator shall restore the pit in accordance with the following:

(i) The free liquid fraction of the pit contents shall be removed and disposed under § 78.60(a) and the remaining pit contents and liner shall be removed and disposed under §§ 78.62 and 78.63 (relating to disposal of residual waste—pits; and disposal of residual waste—land application), or the Solid Waste Management Act.

(ii) The pit shall be backfilled to the ground surface and graded to promote runoff with no depression that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land.

(iii) The surface of the backfilled pit area shall be revegetated to stabilize the soil surface and comply with § 78.53 (relating to erosion and sedimentation control). The revegetation shall establish a diverse, effective, permanent, vegetative cover which is capable of self-regeneration and plant succession. Where vegetation would interfere with the intended use of the surface by the landowner, the surface shall be stabilized against accelerated erosion. ]

(c) Secondary containment capable of preventing tank contents from entering waters of the Commonwealth is required for all new, refurbished or replaced tanks or other aboveground containment structures approved by the Department, including their associated manifolds, that contain brine and other fluids produced during operation of the well. If one tank in a series of tanks is added, refurbished or replaced, secondary containment is required for the entire series of tanks. The secondary containment area provided by dikes or other methods of secondary containment open to the atmosphere must have containment capacity sufficient to hold the volume of the largest single tank, plus an additional 10% of volume for precipitation. Compliance with § 78.64 (relating to containment around oil and condensate tanks) or using double walled tanks capable of detecting a leak in the primary container fulfill the requirements in this subsection.

(d) Tanks, series of tanks or other aboveground storage structures approved by the Department used to store brine or other fluids produced during operation of the well shall be designed, constructed and maintained to be structurally sound in accordance with sound engineering practices adhering to Nationally recognized industry standards and the manufacturer's specifications. Tanks that are manifolded together shall be designed in a manner to prevent the uncontrolled discharge of multiple manifolded tanks.

(e) Underground or partially buried storage tanks may not be used to store brine or other fluids produced during operation of the well unless approved by the Department. Existing underground or partially buried storage tanks shall be removed

by \_\_\_\_\_ (*Editor's Note: The blank refers to 3 years after the effective date of adoption of this proposed rulemaking.*). A well operator utilizing underground or partially buried storage tanks as of \_\_\_\_\_, (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*) shall provide the Department with a list of the well sites where the underground or partially buried storage tanks are located and schedule for removal of the tanks by \_\_\_\_\_ (*Editor's Note: The blank refers to 6 months after the effective date of adoption of this proposed rulemaking.*)

(f) All new, refurbished or replaced tanks that store brine or other fluid produced during operation of the well must comply with the applicable corrosion control requirements in §§ 245.531—245.534 (relating to corrosion and deterioration prevention).

(g) All new, refurbished or replaced tanks storing brine or other fluids produced during operation of the well must be reasonably protected from unauthorized acts of third parties. Unless the tank is surrounded by a fence, tank valves and access lids must utilize locks, open end plugs or removable handles and ladders on tanks must be retractable or other measures that prevent access by third parties.

§ 78.58. [ Existing pits used for the control, storage and disposal of production fluids ] Onsite processing.

[ For pits in existence on July 29, 1989, the operator may request approval for an alternate method of satisfying the requirements of § 78.57(c)(2)(iii) (relating to control, storage and disposal of production fluids), the angle of slope requirements of § 78.57(c)(2)(v) and the liner requirement of § 78.57(c)(2)(vi)—(viii) by affirmatively demonstrating to the Department's satisfaction, by the use of monitoring wells or other methods approved by the Department, that the pit is impermeable and that the method will provide protection equivalent or superior to that provided by § 78.57. The operator shall request approval under § 78.57(c)(1). ]

(a) The operator may request approval by the Department to process fluids generated by the development, drilling, stimulation, alteration, operation or plugging of oil or gas wells at the well site where the fluids were generated or at the well site where all of the fluid is intended to be beneficially used to develop, drill or stimulate a well. The request shall be submitted on forms provided by the Department and demonstrate that the processing operation will not result in pollution of land or waters of the Commonwealth.

(b) Approval from the Department is not required for the following activities conducted at a well site or centralized impoundment permitted under § 78.59c (relating to centralized impoundments):

- (1) Mixing fluids with freshwater.
- (2) Aerating fluids.
- (3) Filtering solids from fluids.

(c) The operator may request to process drill cuttings only at the well site where those drilling cuttings were generated by submitting a request to

the Department for approval. The request shall be submitted on forms provided by the Department and demonstrate that the processing operation will not result in pollution of land or waters of the Commonwealth.

(d) Processing residual waste generated by the development, drilling, stimulation, alteration, operation or plugging of oil or gas wells other than as provided for in subsections (a) and (b) shall comply with the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

(e) Processing of fluids in a manner approved under subsection (a) will be deemed to be approved at subsequent well sites provided the operator notifies the Department of location of the well site where the processing will occur prior to the beginning of processing operations. The notice shall be submitted electronically to the Department through its web site and include the date activities will begin.

(f) Sludges, filter cake or other solid waste remaining after the processing or handling of fluids under subsection (a) or (b), including solid waste mixed with drill cuttings, shall be characterized under § 287.54 (relating to chemical analysis of waste) before the solid waste leaves the well site.

*(Editor's Note: Sections 78.59a, 78.59b and 78.59c are new and printed in regular type to enhance readability.)*

#### § 78.59a. Impoundment embankments.

Embankments constructed for freshwater and centralized impoundments for oil and gas activities must meet the following requirements:

(1) The foundation for each embankment must be stripped and grubbed to a minimum depth of 2 feet below existing contour prior to any placement and compaction of fill.

(2) Any springs encountered in the embankment foundation area shall be drained to the downstream toe of the embankment with a drain section 2 foot by 2 foot in dimension consisting of PennDOT Type A sand, compacted by hand tamper. Geotextiles may not be used around sand. The last 3 feet of this drain at the downstream slope must be constructed of AASHTO #8 material.

(3) The minimum top width of the embankment must be 12 feet.

(4) The inside and outside slope must have a slope no steeper than 3 horizontal to 1 vertical.

(5) Soils to be used for embankment construction must be classified in accordance with ASTM D-2487 (Unified Soils Classification). Soil samples must be classified at a minimum rate of 1 sample per 1,000 cubic yards of placed fill. Results of testing of materials shall be provided to the Department upon request.

(6) The embankment must be constructed out of soils designated as GC, GM, SC, SM, CL or ML, only. Soils with split designations when one of the designations is not GC, GM, SC, SM, CL or ML may not be used. Soils must contain a minimum of 20% of No. 200 sieve materials or larger. Results of testing of materials shall be provided to the Department upon request.

(7) Particles greater than 6 inches in any dimension may not be used for embankment construction.

(8) Soil used in embankment construction must be compacted. Soil compaction shall be conducted in accordance with the following:

(i) Compaction shall be conducted with a sheepsfoot or pad roller.

(ii) The maximum loose lift thickness must be 9 inches.

(iii) Soil shall be compacted until visible nonmovement of the embankment material.

(9) Exposed embankment slopes shall be permanently stabilized using one or a combination of the following methods:

(i) Exposed embankments shall be limed, fertilized, seeded and mulched, and permanent vegetative ground covering in compliance with § 102.22 (relating to site stabilization) shall be established upon completion of construction of the impoundment.

(ii) Compacted rockfill or riprap placed on the downstream face of the embankment as a cover having a minimum depth of 2 feet. The rockfill must be durable, evenly distributed and underlain by a Class 2, Type A geotextile.

#### § 78.59b. Freshwater impoundments.

(a) In addition to meeting the requirements of § 78.59a (relating to impoundment embankments), freshwater impoundments must be in compliance with this section.

(b) A well operator that constructed a freshwater impoundment shall register the location of the freshwater impoundment by \_\_\_\_\_, *(Editor's Note: The blank refers to 60 days after the effective date of adoption of this proposed rulemaking.)* by providing the Department, in writing, with the GPS coordinates, township and county where the freshwater impoundment is located. A well operator shall register the location of a new freshwater impoundment prior to construction. Registration of the freshwater impoundment may be transferred to another operator. Registration transfers shall utilize forms provided by the Department.

(c) Freshwater impoundments shall be constructed with a synthetic impervious liner.

(d) Unless an individual is continuously present at a freshwater impoundment, a fence must completely surround the freshwater impoundment to prevent unauthorized acts of third parties and damage caused by wildlife.

(e) The bottom of the impoundment must be at least 20 inches above the seasonal high groundwater table. The applicant may maintain the required separation distance of 20 inches by artificial means such as an under-drain system throughout the lifetime of the impoundment. In no case shall the regional groundwater table be affected. The operator shall document the depth of the seasonal high groundwater table, the manner in which the depth of the seasonal high groundwater table was ascertained, the distance between the bottom of the impoundment and the seasonal high groundwater table, and the depth of the regional groundwater table if the separation between the impoundment bottom and seasonal high groundwater table is maintained by artificial means. The operator shall submit records demonstrating compliance with this subsection to the Department upon request.

(f) Freshwater impoundments shall be restored by the operator so that the impoundment is registered to by removing excess water and the synthetic liner and returning the site to approximate original conditions, including preconstruction contours, and can support the land uses that existed prior to oil and gas activities to the extent



practicable within 9 months of completion of drilling the last well serviced by the impoundment. A 2-year restoration extension may be requested under section 3216(g) of the act (relating to well site restoration). If written consent is obtained from the landowner, the requirement to return the site to approximate original contours may be waived by the Department if the liner is removed from the impoundment.

(g) Prior to storing mine influenced water in a freshwater impoundment, the operator shall develop a mine influenced water storage plan and submit it to the Department for approval.

(1) The mine influenced water storage plan shall be submitted on forms provided by the Department and include the following:

(i) A demonstration that the escape of the mine influenced water stored in the freshwater impoundment will not result in air, water or land pollution, or endanger persons or property.

(ii) A procedure and schedule to test the mine influenced water. This testing shall be conducted at the source prior to storage in the impoundment.

(iii) A records retention schedule for the mine influenced water test results.

(2) An operator with an approved mine influenced water storage plan shall maintain records of all mine influenced water testing prior to storage. These records shall be made available to the Department upon request.

(h) The Department may require the operator to test water sources proposed to be stored in a freshwater impoundment prior to storage.

#### § 78.59c. Centralized impoundments.

(a) A well operator proposing to build a centralized impoundment that is also classified as hazard potential category 4 and size category C under § 105.91 (relating to classification of dams and reservoirs) shall obtain a permit on forms provided by the Department prior to construction of the impoundment and comply with this section. An operator proposing to build a centralized impoundment that is also classified as hazard potential category 1, 2 or 3 or size category A or B under § 105.91 shall obtain a permit from the Department prior to construction of the impoundment and comply with Chapter 105 (relating to dam safety and waterway management).

(b) The embankment of the centralized impoundment shall meet the requirements of § 78.59a (relating to impoundment embankments).

(c) Centralized impoundments may not be constructed in any portion of the following areas:

(1) In a floodplain of waters of the Commonwealth as defined in section 3215(f)(5) of the act (relating to well location restrictions).

(2) In or within 100 feet measured horizontally of a wetland greater than 1 acre in size.

(3) In areas underlain by limestone or carbonate formations where the formations are greater than 5 feet thick and present at the uppermost geologic unit. These areas include areas mapped by the Pennsylvania Geological Survey as underlain by the formations, unless competent geologic studies demonstrate the absence of limestone and carbonate formations.

(4) Within 500 feet measured horizontally from an occupied dwelling without the written consent of the owner of the building.

(5) Within 100 feet measured horizontally from any solid blue line stream, spring or body of water, except wetlands, identified on the most current 7.5 minute topographic quadrangle map of the United States Geological Survey.

(6) Within 500 feet measured horizontally of a private water supply without the written consent of the owner of the water supply.

(7) Within 1,000 feet measured horizontally of an existing water well, surface water intake, reservoir or other water supply extraction point used by a water purveyor without the written consent of the water purveyor.

(d) The bottom of the impoundment must be at least 20 inches above the seasonal high groundwater table. The applicant may request approval from the Department to use an alternative that maintains the required separation distance of 20 inches by artificial means such as an under-drain system throughout the lifetime of the impoundment, by submitting a request to the Department for approval. In no case shall the regional groundwater table be affected.

(e) Centralized impoundments shall be constructed with a liner system composed of the following components:

(1) A sub-base that:

(i) Bears the weight of the liner system, impounded fluid and equipment operating on the impoundment without causing or allowing a failure of the liner system.

(ii) Accommodates potential settlement without damage to the liner system.

(iii) Is compatible with the impounded fluid.

(iv) Covers the bottom and sidewalls of the impoundment.

(v) Is covered with nonwoven geotextile fabric to cushion the secondary liner and allow for adequate venting between the secondary liner and sub-base to prevent entrapment of gases beneath the liner system.

(vi) Is constructed of a natural clay material and include an upper 6 inches that is:

(A) Free of coarse rock fragments greater than 0.75 inch in diameter.

(B) Hard, uniform, smooth and free of debris, rock fragments, plant materials and other foreign material.

(C) No more permeable than  $1.0 \times 10^{-6}$  cm/sec. based on laboratory and field testing. Soil compaction and permeability testing shall be conducted on the bottom and sides at a minimum rate of once per 2,500 square feet.

(D) Compacted to a density of at least 95% standard proctor.

(2) A secondary liner that:

(i) Prevents the migration of fluid from the impoundment.

(ii) Is designed, constructed and maintained so that the physical and chemical characteristics of the liner are not adversely affected by the impounded fluid, and the liner is resistant to physical, chemical and other failure during transportation, handling, installation and use. Liner compatibility must satisfy ASTM Method D5747, Compatibility Test for Wastes and Membrane Liners.

(iii) Covers the bottom and sidewalls of the impoundment.

(iv) Is composed of a synthetic material with a coefficient of permeability not greater than  $1.0 \times 10^{-10}$  cm/sec. based on laboratory testing.

(v) Has a minimum thickness of 40 mil unless a greater thickness is recommended by the manufacturer's specifications.

(vi) Is installed according to manufacturer's specifications under the supervision of an authorized representative of the manufacturer. A Department-approved quality assurance and quality control plan shall be implemented in the field during the installation of the liner.

(vii) Is inspected for uniformity, damage and imperfections during construction and installation.

(viii) Uses of a composite secondary liner may not be substituted for a separate primary liner.

(3) A leak detection system that meets the following:

(i) Rapidly detects and collect liquid entering the leak detection zone, and rapidly transmits the liquid to a sump.

(ii) Withstands chemical attack from the water or wastewater being impounded.

(iii) Withstands anticipated loads, stresses and disturbances from impounded liquid.

(iv) Functions without clogging.

(v) Does not affect the primary or secondary liner by puncturing, cracking, tearing, stretching or otherwise losing its physical integrity.

(vi) Covers the bottom and sidewalls of the impoundment.

(vii) Creates a flow zone between the secondary liner and the primary liner equal to, or more permeable than  $1.0 \times 10^{-2}$  cm/sec. based on laboratory testing and, when required under the Department, field testing.

(viii) Contains a perforated piping system capable of detecting and intercepting liquid within the leak detection zone and conveying the liquid to a collection sump.

(A) The collection sump must be equipped with a sump pump with a switch to automatically activate the pump if a leak occurs.

(B) Discharge from the sump pump must be directed back into the impoundment or other suitable containment. The sump may not have an outlet other than the sump pump discharge.

(C) The pump and sump must be of sufficient size and capacity to convey any leak that may occur back into the impoundment without a discharge.

(ix) A piping system that meets the following requirements:

(A) The slope, size and spacing of the piping system must ensure that liquids drain from the leak detection zone.

(B) The pipes shall be installed as close to perpendicular to the flow as practicable and must have a minimum post-settlement grade of at least 2%.

(C) The minimum diameter of the perforated pipe must be 4 inches with a wall thickness of Schedule-80 or greater as specified by ASTM, or equivalent.

(D) The pipes shall be cleaned and maintained as necessary to ensure the effectiveness of the system.

(x) A minimum bottom slope of 2%.

(xi) Designed to allow the operator to monitor and record leakage rates.

(xii) Not contain carbonate stones or aggregate with sharp edges.

(xiii) The operator shall monitor the leak detection zone weekly to determine whether liquid is flowing from the zone. These records shall be made available to the Department upon request.

(4) A primary liner that meets the following:

(i) The effectiveness of the primary liner may not be adversely affected by the physical or chemical characteristics of the impounded fluids from the impoundment.

(ii) Designed, constructed and maintained so that the physical and chemical characteristics of the liner are not adversely affected by the impounded fluid and be resistant to physical, chemical and other failure during transportation, handling, installation and use. Liner compatibility must satisfy ASTM Method D5747, Compatibility Test for Wastes and Membrane Liners, or other compatibility tests approved by the Department.

(iii) Cover the bottom and sidewalls of the impoundment.

(iv) Composed of a synthetic material with a coefficient of permeability not greater than  $1.0 \times 10^{-10}$  cm/sec. based on laboratory testing.

(v) A minimum thickness of 40 mil unless a greater thickness is required under manufacturer recommendations.

(vi) Installed according to manufacturer's specifications under the supervision of an authorized representative of the manufacturer. A Department-approved quality assurance and quality control plan shall be implemented in the field during the installation of the liner.

(vii) Inspected for uniformity, damage and imperfections during construction and installation.

(viii) Use of a composite primary liner does not relieve the operator of responsibility for a separate secondary liner.

(ix) Allowable leakage rates through the primary liner shall be determined based upon the maximum depth of the impounded fluid as specified in Table 1. The area shall be calculated as the area of the liner in contact with the impounded fluid. Weekly leakage rates shall be documented and provided to the Department upon request. These records shall be made available to the Department upon request.

**Table 1**

<i>Fluid Height (ft)</i>	<i>Allowable Leakage Rate (gallons/acre/day)</i>
$h \leq 10$	340
$10 < h \leq 15$	420
$15 < h \leq 20$	490
$20 < h \leq 25$	550
$25 < h \leq 30$	610
$h > 30$	case by case

(x) In the event that the flow rate of leakage through the primary liner, as collected in the leak detection sump, exceeds the value in Table 1 for a given fluid depth, the operator shall notify the Department within 24 hours, drain the impoundment to the extent necessary to repair

the impoundment and shall repair the impoundment. The notice be made electronically to the Department through its web site.

(f) An operator that intends to construct a centralized impoundment shall initially complete a baseline hydrogeologic investigation to document background conditions under this subsection.

(1) The investigation shall determine the groundwater flow beneath the site and adjacent area, based on an initial round of water quality testing, a groundwater elevation study and a review of reasonably available secondary source information. The results of the initial round of water quality testing shall be submitted with the permit application.

(2) A second round of testing, including water quality testing and water level measurements, shall also be completed. The second round of testing shall be conducted between 90 and 120 calendar days from the initial round of testing. The results of the second round of water quality testing may be submitted after the permit application is submitted. The Department will not make a decision on the permit application until the operator submits the results of the second round of water quality testing.

(3) The water quality testing required under this subsection must include the constituents in subsection (i)(6).

(4) If during the groundwater elevation study, soil mottling is apparent within the intended confines of the impoundment or within 20 inches of its base, or if the seasonal high water table will be adjusted using engineering controls to accommodate the impoundment, the requirements of §§ 289.121–289.123 (relating to description of geology, soils and hydrology; general requirements; geology and groundwater description; and groundwater quality description) shall be followed and the groundwater monitoring period will be extended to four quarterly tests.

(5) Only passive drainage systems that lower the seasonal high water table and do not alter the supply of receiving water bodies or downgradient groundwater users may be utilized to adjust the seasonal high groundwater table.

(g) An operator that operates a centralized impoundment shall install, operate and maintain a water quality monitoring system that can detect the entry of regulated substances into the groundwater or surface water. The water quality monitoring system must accurately characterize groundwater flow, groundwater chemistry and flow systems on the site and adjacent area. The system must include the following:

(1) A minimum of one monitoring well at a point hydraulically upgradient from the impoundment area in the direction of increasing static head that is capable of providing representative data of groundwater not affected by the impoundment, except when the impoundment occupies the most upgradient position in the flow system. In that case, sufficient downgradient monitoring wells shall be placed to determine the extent of adverse effects on groundwater from the impoundment in the event of a liner system failure.

(2) A minimum of three monitoring wells at points hydraulically downgradient in the direction of decreasing static head from the area around a centralized impoundment. In addition to the downgradient wells, the Department may allow one or more springs for monitoring points if the springs are hydraulically downgradient from

the impoundment, if the springs are developed and protected in a manner approved by the Department and if the springs otherwise meet the requirements of this subchapter.

(h) The upgradient and downgradient monitoring wells must be:

(1) Sufficient in number, location and depth to accurately characterize water quality.

(2) Located so that they do not interfere with routine operations.

(3) Located within 200 feet of the permitted centralized impoundment and at least 100 feet closer to the centralized impoundment than the nearest private drinking water well, except as necessary to comply with paragraph (4).

(4) Upgradient monitoring wells must be located so that they will not be affected by adverse effects on groundwater from the impoundment.

(5) Downgradient monitoring wells must be located so that they provide early detection of adverse effects on groundwater from the impoundment.

(6) Decontaminated prior to installation.

(i) Monitoring wells and casing of monitoring wells shall be constructed as follows:

(1) The casing must maintain the integrity of the monitoring well borehole and shall be constructed of material that will not react with the groundwater being monitored.

(2) The minimum casing diameter must be 4 inches unless otherwise approved by the Department in writing.

(3) The well shall be constructed with a screen that meets the following requirements:

(i) The screen shall be factory-made.

(ii) The screen may not react with the groundwater being monitored.

(iii) The screen must maximize open area to minimize entrance velocities and allow rapid sample recovery.

(iv) The well shall be filter-packed with chemically inert clean quartz sand, silica or glass beads. The material must be well rounded and dimensionally stable.

(v) The casing must be clearly visible and protrude at least 1 foot above the ground, unless the Department has approved flush mount wells.

(vi) The annular space above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

(vii) The casing shall be designed and constructed in a manner that prevents cross contamination between surface water and groundwater.

(viii) Alternative casing designs for wells in stable formations may be approved by the Department.

(4) Monitoring well casings shall be enclosed in a protective casing that:

(i) Is of sufficient strength to protect the well from damage by heavy equipment and reasonably protected from the unauthorized acts of third parties.

(ii) Is installed for at least the upper 10 feet of the monitoring well, as measured from the well cap, with a maximum above grade surface of 3 feet, unless otherwise approved by the Department in writing.

(iii) Is cemented and placed with a concrete collar at least 3 feet deep to hold it firmly in position.

(iv) Is numbered for identification with a label capable of withstanding field conditions and painted in a clearly visible color.

(v) Protrudes above the monitoring well casing.

(vi) Has a lockable cap.

(vii) Is made of steel or another material of equivalent strength.

(5) Analyses of data collected shall be submitted to the Department within 60 calendar days of sampling or 15 calendar days after completion of analyses, whichever is sooner, unless the Department approves another time period.

(6) Water samples shall be collected from monitoring wells on a minimum frequency of once per calendar quarter and at a minimum, analyzed for the following parameters:

(i) Total dissolved solids.

(ii) Total chloride.

(iii) Total sulfates.

(iv) pH.

(v) Specific conductance.

(vi) Total iron.

(vi) Other parameters specified by the Department.

(j) Plans, specifications and reports for site characterization and groundwater testing systems required under this section shall be prepared and sealed by a registered professional geologist.

(k) The design engineer shall provide oversight for all aspects of impoundment construction to ensure that construction is completed in accordance with the design and quality assurance and quality control plan.

(l) Plans, specifications and reports for centralized impoundments required under this section must reasonably ensure mechanical integrity of the structure and function, be prepared by a registered professional engineer and be affixed with the engineer's seal and a certification which reads as follows:

I (name) do hereby state to the best of my knowledge, information and belief that the information contained in the plans, specifications and reports have been prepared in accordance with accepted environmental practices and the design and construction standards for centralized impoundment dams and Chapters 105 and 78 of the Rules and Regulations of the Department of Environmental Protection and are true and correct.

(m) Upon completion of construction of the impoundment, a facility completion and final certification report shall be submitted to the Department. The report must be completed and sealed by the licensed Pennsylvania professional engineer who provided oversight for construction and must contain the following items, at a minimum:

(1) A statement that the engineer provided oversight for all aspects of construction.

(2) Soils classification testing results for the embankments.

(3) Soil compaction testing results for the sub-base, and for the clay portion of the secondary liner if a natural or remolded clay liner is used.

(4) As-built drawings noting any deviation from the original plans approved by the Department.

(5) Quarry tickets for drain material.

(6) Quality assurance and quality control test results.

(7) Color photographs of the following, at a minimum:

(i) The cleared and grubbed foundation.

(ii) Leak detection system installation.

(iii) Placement and compaction of fill.

(iv) The completed embankments.

(v) The completed sub-base.

(vi) The completed secondary liner

(8) The impoundment may not be used until the facility completion and final certification report is received and approved by the Department. The Department will make a determination on the facility completion and final notification report within 30 business days.

(n) Centralized impoundments shall be restored according to the following requirements:

(1) Within 9 months of completion of drilling the last well serviced by the impoundment or the expiration of the last well permit that the impoundment was intended to service. The impoundment shall be restored by removing any impermeable membrane, concrete and earthen liner so that water movement to subsoils is achieved. A 2-year restoration extension may be requested under section 3216(g) of the act (relating to well site restoration).

(2) The site shall be restored to approximate original conditions including preconstruction contours.

(3) The site shall support the land uses that existed prior to oil and gas activities to the extent practicable.

(4) Excavated impoundments shall be backfilled above finished grade to allow for settlement and so the impoundment will no longer impound water.

(o) The owner or operator may request approval from the Department to deviate from the requirements in this section in the permit application. The request must demonstrate that the alternate practice provides equivalent or superior protection to the requirements of this section.

**§ 78.60. Discharge requirements.**

(a) The owner and operator may not cause or allow a discharge of a substance, **fill or dredged material** to the waters of this Commonwealth unless the discharge complies with this subchapter and Chapters 91—93, 95 [ and ], 102 and 105, The Clean Streams Law (35 P. S. §§ 691.1—691.1001), **the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27)** and the act.

(b) The owner and operator may not discharge tophole water or water in a pit as a result of precipitation by land application unless the discharge is in accordance with the following requirements:

\* \* \* \* \*

(7) The area of land application is not within 200 feet of a water supply or within 100 feet of a [ **stream, ] watercourse or body of water [ or a wetland ] unless approved as part of a waiver granted by the Department under section [ 205(b) of the act (58 P. S. § 601.205(b)) ] 3215(b) of the act (relating to well location restrictions).**

(8) If the water does not meet the requirements of paragraph (2) or (4), the Department may approve treatment prior to discharge to the land surface.

**(c) Compliance with subsection (b) shall be documented by the operator and made available to the Department upon request while conducting activities under subsection (b) and submitted under § 78.65(f)(1) (relating to site restoration).**

**§ 78.61. Disposal of drill cuttings.**

(a) *Drill cuttings from above the casing seat—pits.* The owner or operator may dispose of drill cuttings from above the casing seat determined in accordance with [ § 78.83(b) ] § 78.83(c) (relating to surface and coal protective casing and cementing procedures) in a pit at the well site if the owner or operator satisfies the following requirements:

(1) The drill cuttings are generated from the well at the well site.

(2) The drill cuttings are not contaminated with [ **pollutional material** ] a regulated substance, including brines, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids or drilling fluids other than tophole water, fresh water or gases.

(3) The disposal area is not within 100 feet of a [ **stream, body of water or wetland** ] watercourse or body of water unless approved as part of a waiver granted by the Department under section [ 205(b) of the act (58 P. S. § 601.205(b)) ] 3215(b) of the act (relating to well location restrictions).

\* \* \* \* \*

(8) The surface of the backfilled pit area shall be revegetated to stabilize the soil surface and comply with § 78.53 (relating to erosion and [ **sedimentation** ] sediment control). The revegetation shall establish a diverse, effective, permanent, vegetative cover which is capable of self-regeneration and plant succession. Where vegetation would interfere with the intended use of the surface of the landowner, the surface shall be stabilized against erosion.

(b) *Drill cuttings from above the casing seat—land application.* The owner or operator may dispose of drill cuttings from above the casing seat determined in accordance with [ § 78.83(b) ] § 78.83(c) by land application at the well site if the owner or operator satisfies the following requirements:

(1) The drill cuttings are generated from the well at the well site.

(2) The drill cuttings are not contaminated with [ **pollutional material** ] a regulated substance, including brines, drilling muds, stimulation fluids, well servicing fluids, oil, production fluids or drilling fluids other than tophole water, fresh water or gases.

(3) The disposal area is not within 100 feet of a [ **stream,** ] watercourse or body of water [ **or wetland** ] unless approved as part of a waiver granted by the Department under section [ 205(b) of the act (58 P. S. § 601.205(b)) ] 3215(b) of the act.

\* \* \* \* \*

(9) The drill cuttings are spread and incorporated into the soil. **The loading and application rate of drill cuttings may not exceed a maximum of drill cuttings to soil ratio of 1:1.**

(10) The land application area shall be revegetated to stabilize the soil surface and comply with § 78.53. The revegetation shall establish a diverse, effective permanent vegetative cover which is capable of self-regeneration and plant succession. Where vegetation would interfere with the intended use of the surface by the landowner, the surface shall be stabilized against erosion.

(c) *Drill cuttings from below the casing seat.* After removal of the free liquid fraction and disposal in accordance with § 78.60, drill cuttings from below the casing seat determined in accordance with [ § 78.83(b) ] § 78.83(c) may be disposed of as follows:

(1) In a pit that meets the requirements of [ § 78.62(a)(5)—(18) ] § 78.62(a)(5)—(16) and (b) (relating to disposal of residual waste—pits).

(2) By land application in accordance with § 78.63(a)(5)—(20) and (b) (relating to disposal of residual waste—land application).

(d) The owner or operator may request to use solidifiers, dusting, unlined pits, attenuation or other alternative practices for the disposal of uncontaminated drill cuttings by submitting a request to the Department for approval. The request shall be made on forms provided by the Department and shall demonstrate that the practice provides equivalent or superior protection to the requirements of this section. **The Department will maintain a list of approved solidifiers on its web site. The operator does not need to request approval from the Department for use of approved solidifiers.**

(e) A pit used for the disposal of residual waste, including contaminated drill cuttings, shall comply with § 78.62. Land application of residual waste, including contaminated drill cuttings, shall comply with § 78.63.

**(f) The owner or operator shall notify the Department at least 3 business days before disposing of drill cuttings under this section. This notice shall be submitted electronically to the Department through its web site and include the date the cuttings will be disposed. If the date of disposal is extended, the operator shall renotify the Department of the date of disposal, which does not need to be 3 business days in advance.**

**§ 78.62. Disposal of residual waste—pits.**

(a) After the removal and disposal of the free liquid fraction of the waste under § 78.60(a) (relating to discharge requirements), the owner or operator may dispose of residual waste, including contaminated drill cuttings, in a pit at the well site if the owner or operator satisfies the following requirements:

(1) The **residual** waste is generated by the drilling [ **or production** ] or stimulation of an oil or gas well that is located on the well site where the **residual** waste is disposed. **Solid waste generated by hydraulic fracturing of unconventional wells and solid waste generated by processing of fluids under § 78.58 (relating to onsite processing) may not be disposed of on the well site.**

(2) The well is permitted under section [ 201 of the act (58 P. S. § 601.201) ] 3211 of the act (relating to well permits) or registered under section [ 203 of the act (58 P. S. § 601.203) ] 3213 of the act (relating to well registration and identification).

(3) The requirements of section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bond-

ing) are satisfied by filing a surety or collateral bond for wells drilled on or after April 18, 1985.

(4) Compliance is maintained with the act and this title.

(5) The owner or operator shall notify the Department at least 3 business days before disposing residual waste according to this section. This notice shall be submitted electronically to the Department through its web site and include the date the residual waste will be disposed. If the date of disposal changes, the operator shall renotify of the new proposed date of disposal.

[ (5) ] (6) The disposal area is not within 200 feet measured horizontally from an existing building, unless the current owner thereof has provided a written waiver consenting to the disposal closer than 200 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.

[ (6) ] (7) The disposal area is not within 100 feet of a [ stream, ] watercourse or body of water [ or wetland ].

[ (7) ] (8) The disposal area is not within 200 feet of a water supply.

[ (8) ] (9) The bottom of the pit is a minimum of 20 inches above the seasonal high groundwater table. The well operator shall determine that the pit bottom is at least 20 inches above the seasonal high groundwater table prior to using the pit. The determination shall be made by a soil scientist or other similarly trained person using accepted and documented scientific methods. The individual's determination shall contain a statement certifying that the pit bottom is at least 20 inches above the seasonal high groundwater table according to observed field conditions. The name, qualifications and statement of the individual making the determination and the basis of the determination shall be provided to the Department upon request.

[ (9) ] (10) The pit is designed, constructed and maintained to be structurally sound and impermeable.

[ (10) ] The pit is lined with a synthetic flexible liner that is compatible with the waste and has a coefficient of permeability of no greater than  $1 \times 10^{-7}$  cm/sec. The liner shall be of sufficient strength and thickness to maintain the integrity of the liner. The liner thickness shall be at least 30 mils. Adjoining sections of liners shall be sealed together in accordance with the manufacturer's directions to prevent leakage. The operator may use an alternate liner or natural materials, if the material and the installation procedure to be used are approved by the Department. Notice of the approved liners and installation procedures will be published by the Department in the *Pennsylvania Bulletin*.

(11) The liner shall be designed, constructed and maintained so that the physical and chemical characteristics of the liner are not adversely affected by the waste and the liner is resistant to physical, chemical and other failure during transportation, handling, installation and use. Liner compatibility shall satisfy EPA Method 9090, *Compatibility Test for Wastes and Membrane Liners*, or other documented data approved by the Department.

(12) The pit shall be constructed so that the liner subbase is smooth, uniform and free of debris, rock and other material that may puncture, tear, cut, rip or otherwise cause the liner to fail. The liner subbase and subgrade shall be capable of bearing the weight of the material above the liner without settling. If the pit bottom or sides consist of rock, shale or other material that may cause the liner to fail and leak, a subbase of at least 6 inches of soil, sand or smooth gravel, or sufficient amount of an equivalent material shall be installed over the area as the subbase for the liner.

(13) Prior to placing material in the pit, the liner shall be inspected for lack of uniformity, damage and other imperfections that may cause the liner to leak. The owner or operator shall correct damages or imperfections before placing waste in the pit, and shall maintain the pit until closure of the pit. ]

(11) The pit and liner meet the requirements of § 78.56(a)(8)—(10) (relating to temporary storage).

[ (14) ] (12) Prior to encapsulating the residual waste within the liner, the free liquid fraction of the residual waste shall be removed and disposed under § 78.60(a).

[ (15) ] (13) The liner shall be folded over, or an additional liner shall be added, to completely cover the residual waste and the residual waste is shaped so that water does not infiltrate the liner and is not confined above the liner.

[ (16) ] (14) Puncturing or perforating the liner is prohibited.

[ (17) ] (15) The pit shall be backfilled to at least 18 inches over the top of the liner and graded to promote runoff with no depressions that would accumulate or pond water on the surface. The stability of the backfilled pit shall be compatible with the adjacent land.

[ (18) ] (16) The surface area of the backfilled pit area shall be revegetated to stabilize the soil surface and comply with § 78.53 (relating to erosion and [ sedimentation ] sediment control). The revegetation shall establish a diverse, effective permanent vegetative cover which is capable of self-regeneration and plant succession. Where vegetation would interfere with the intended use of the surface by the landowner, the surface shall be stabilized against erosion.

(b) A person may not dispose of residual waste, including contaminated drill cuttings, at the well site unless the residual waste meets the following requirements:

(1) The concentration of contaminants in the leachate from the residual waste does not exceed 50% of the maximum concentration in [ § 261.24 Table I (relating to characteristic of toxicity) ] 40 CFR 261.24, Table 1 (relating to maximum concentration of contaminants for the toxicity characteristic).

(2) The concentration of contaminants in the leachate from the residual waste does not exceed 50 times the primary maximum contaminant level in effect under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements).

(3) For other health related contaminants, the concentration of contaminants in the leachate from the **residual waste** does not exceed 50 times the safe drinking water level established by the Department.

\* \* \* \* \*

**§ 78.63. Disposal of residual waste—land application.**

(a) The owner or operator may dispose of residual waste, including contaminated drill cuttings, at the well site by land application of the waste if the owner or operator satisfies the following requirements:

(1) The **residual waste** is generated by the drilling [ or production ] of an oil or gas well that is located on the well [ side ] site. **Residual waste generated by hydraulic fracturing of unconventional wells and residual waste generated by processing under § 78.58 (relating to onsite processing) may not be disposed of by land application.**

(2) The well is permitted under section [ 201 of the act (58 P. S. § 601.201) ] 3211 of the act (relating to well permits) or registered under section [ 203 of the act (58 P. S. § 601.215) ] 3213 of the act (relating to well registration and identification).

(3) The requirements of section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bonding) are satisfied by filing a surety or collateral bond for wells drilled on or after April 18, 1985.

(4) Compliance with the act and this title is maintained.

(5) The owner or operator shall notify the Department **electronically through its web site** at least 3 [ working ] business days before the land application activity is to occur. **The notification must include the date on which the land application is to occur. If the date of land application is extended, the operator shall renotify the Department of the new proposed date, which does not need to be 3 business days in advance.**

\* \* \* \* \*

(20) The land application area shall be revegetated to stabilize the soil surface and comply with [ § 78.53 ] **Chapter 102** (relating to erosion and [ sedimentation ] sediment control). The revegetation shall establish a diverse, effective permanent vegetative cover which is capable of self-regeneration and plant succession. Where vegetation would interfere with the intended use of the surface by the landowner, the surface shall be stabilized against erosion.

(21) If [ a chemical ] **additional analysis conducted under paragraph (19) fails to show compliance with [ paragraph (18) ] this section**, the owner or operator shall remediate the land application area until compliance is demonstrated.

(b) A person may not dispose of residual waste, including contaminated drill cuttings, at the well site unless the concentration of contaminants in the leachate from the waste does not exceed the maximum concentration stated in [ § 261.24 Table I (relating to characteristic of toxicity) ] 40 CFR 261.24, Table 1 (relating to maximum concentration of contaminants for the toxicity characteristic).

(c) The owner or operator may request to dispose of residual waste, including contaminated drill cuttings, in an alternate manner from that required in subsection (a) by submitting a request to the Department for approval. The request shall be made on forms provided by the Department and shall demonstrate that the practice provides equivalent or superior protection to the requirements of this section.

**(d) The operator shall document compliance with subsection (b) and be made available to the Department upon request while conducting activities under subsection (a) and submitted under § 78.65(f)(7) (relating to site restoration).**

**§ 78.64. Containment around oil and condensate tanks.**

(a) If an owner or operator uses a tank with a capacity of at least 660 gallons or tanks with a combined capacity of at least 1,320 gallons to contain oil or condensate produced from a well, the owner or operator shall construct and maintain a dike or other method of secondary containment which satisfies the requirements under 40 CFR Part 112 (relating to oil pollution prevention) around the tank or tanks which will prevent the tank contents from entering waters of this Commonwealth.

\* \* \* \* \*

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

**§ 78.64a. Containment systems and practices at unconventional well sites.**

(a) This section applies to unconventional well sites.

(b) Well sites shall be designed and constructed using containment systems and practices that prevent spills of regulated substances to the ground surface and to prevent spills from leaving the well site.

(c) All regulated substances, including solid wastes and other regulated substances in equipment or vehicles, shall be managed within a containment system. This subsection does not apply to fuel stored in equipment or vehicle fuel tanks unless the equipment or vehicle is being refueled at the well site.

(d) Pits and centralized impoundments that comply with this chapter are deemed to meet the requirements of this section.

(e) Containment systems must meet all of the following:

(1) A containment system must be used on the well site when any equipment that will be used for any phase of drilling, casing, cementing, hydraulic fracturing or flowback operations is brought onto a well site and when regulated substances including drilling mud, drilling mud additives, hydraulic oil, diesel fuel, hydraulic fracturing additives or flowback are brought onto or generated at the well site.

(2) A containment system must have a coefficient of permeability no greater than  $1 \times 10^{-10}$  cm/sec.

(3) The physical and chemical characteristics of all liners, coatings or other materials used as part of the containment system, that could potentially come into direct contact with regulated substances being stored, must be compatible with the regulated substance and be resistant to physical, chemical and other failure during handling, installation and use. Liner compatibility shall satisfy ASTM Method D5747, Compatibility Test for Wastes and Membrane Liners, or other standards as approved by the Department.

(f) An operator shall utilize secondary containment when storing additives, chemicals, oils or fuels. The secondary containment must have sufficient containment capacity to hold the volume of the largest container within the secondary containment area plus 10% to allow for precipitation, unless the container is equipped with individual secondary containment such as a double walled tank. Tanks that are manifolded together shall be designed in a manner to prevent the uncontrolled discharge of multiple manifolded tanks. A well site liner that is not used in conjunction with other containment systems does not constitute secondary containment for the purpose of this subsection.

(g) Subsurface secondary containment systems may be employed at the well site. Subsurface secondary containment must meet the following requirements:

(1) Subsurface secondary containment systems must have a coefficient of permeability of no greater than  $1 \times 10^{-10}$  cm/sec with sufficient strength and thickness to maintain the integrity of the containment system. The thickness of a subsurface containment system must be at least 30 mils. Adjoining sections of the subsurface containment system must be sealed together, in accordance with the manufacturer's directions, to prevent leakage. All seams of the adjoining sections shall have their integrity tested prior to being covered.

(2) Subsurface secondary containment systems must be designed to allow for the management or removal of stormwater.

(3) Subsurface secondary containment systems must be designed and installed in a manner that prevents damage to the system by the sub-base or the movement of equipment or other activities on the surface.

(4) Subsurface secondary containment systems may not be used to store regulated substances.

(5) A written standard of operational procedure for the inspection, maintenance and repair of the subsurface secondary containment system shall be included in the preparedness, prevention and contingency plan.

(h) All surface containment systems shall be inspected weekly to ensure integrity. If the containment system is damaged or compromised, the well operator shall repair the containment system as soon as practicable. The well operator shall maintain records of any repairs until the well site is restored. Stormwater shall be removed as soon as possible and prior to the capacity of secondary containment being reduced by 10% or more.

(i) Regulated substances that escape from primary containment or are otherwise spilled onto a containment system shall be removed as soon as possible. After removal of the regulated substances the operator shall inspect the containment system. A Department-approved leak detection system capable of rapidly detecting a leak shall satisfy the requirement to inspect the integrity of a subsurface containment system. Groundwater monitoring wells do not constitute a leak detection system for the purpose of this subsection. If the containment system did not completely contain the material, the operator shall notify the Department and remediate the affected area in accordance with § 78.66 (relating to reporting and remediating releases).

(j) Stormwater that comes into contact with regulated substances stored within the secondary containment area shall be managed as residual waste.

(k) Inspection reports and maintenance records shall be available at the well site for review by the Department.

(l) Documentation of chemical compatibility of containment systems with material stored within the system shall be provided to the Department upon request.

**§ 78.65. Site restoration.**

**[ In addition to complying with section 206 of the act (58 P. S. § 601.206), an owner or operator shall meet the following requirements: ]**

**(a) The owner or operator shall restore the land surface within the area disturbed under section 3216 of the act (relating to well site restoration) and Chapter 102 (relating to erosion and sediment control).**

**[ (1) ] (b) A drill hole or bore hole used to facilitate the drilling of a well shall be filled with cement, soil, uncontaminated drill cuttings or other earthen material before moving the drilling equipment from the well site.**

**[ (2) ] (c) If a well site is constructed and the well is not drilled, the well site shall be restored within 30 calendar days after the expiration of the well permit unless the Department approves an extension for reasons of adverse weather or lack of essential fuel, equipment or labor.**

**(d) Within 9 months after completion of drilling a well, the owner or operator shall restore the well site, remove or fill all pits used to contain produced fluids or residual wastes and remove all drilling supplies, equipment and containment systems not needed for production. When multiple wells are drilled on a single well site, post-drilling restoration is required within 9 months after completion of drilling all permitted wells on the well site or 30 calendar days after the expiration of all existing well permits on the well site, whichever occurs later. Drilling supplies and equipment not needed for production may only be stored on the well site if express written consent of the surface landowner is obtained and, for unconventional well sites, the supplies or equipment are maintained in accordance with § 78.64a (relating to containment systems and practices at unconventional well sites).**

**(1) An area is restored under this subsection if the following are met:**

**(i) All permanent post-construction stormwater control features as identified in the PCSM plan or site restoration plan are in place consistent with § 102.8 (relating to PCSM requirements).**

**(ii) Remaining impervious areas are minimized. Impervious areas include areas where the soil has been compacted, areas where the soil has been treated with amendments to firm or harden the soil and areas where soil is underlain with an impermeable liner.**

**(iii) All areas of the site not needed to safely operate the well are restored to approximate original conditions, including preconstruction contours, and can support the land uses that existed prior to oil and gas activities to the extent practicable. The areas needed to safely operate the well include to the following:**

**(A) Areas used for service vehicle and rig access.**

**(B) Areas used for storage tanks and secondary containment facilities.**

**(C) Areas used for wellheads and appurtenant processing facilities.**



(D) Area used for any necessary safety buffer limited to the area surrounding equipment that is physically cordoned off to protect the facilities.

(E) Area used to store any supplies or equipment consented to by the surface landowner.

(F) Area used for operation and maintenance of long-term PCSM best management practices.

(iv) Earth disturbance associated with oil and gas activities that are not included in an approved site restoration plan, and other remaining impervious surfaces, must comply with all post-construction stormwater management requirements in Chapter 102.

(v) The site is permanently stabilized according to § 102.22(a) (relating to site stabilization).

(2) The restoration period in this subsection may be extended by the Department for an additional period of time, not to exceed 2 years, upon demonstration by the well owner or operator of either of the following:

(i) The extension will result in less earth disturbance, increased water reuse or more efficient development of the resources.

(ii) Site restoration cannot be achieved due to adverse weather conditions or a lack of essential fuel, equipment or labor.

(3) The demonstration under paragraph (2) shall be submitted on forms provided by the Department 6 months after the completion of drilling for approval by the Department. The demonstration must include a site restoration plan that must provide for:

(i) The timely removal or fill of all pits used to contain produced fluids or residual wastes.

(ii) The removal of all drilling supplies and equipment not needed for production, including containment systems.

(iii) The stabilization of the well site that includes interim post-construction storm water management best management practices in compliance with § 102.8, including § 102.8(a)—(m).

(iv) Other measures to be employed to minimize accelerated erosion and sedimentation in accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

(v) A minimum uniform 70% perennial vegetative cover over the disturbed area, with a density capable of resisting accelerated erosion and sedimentation, or a best management practice which permanently minimizes accelerated erosion and sedimentation.

(vi) The return of the portions of the site not occupied by production facilities or equipment to approximate original conditions, including preconstruction contours, and supporting the land uses that existed prior to oil and gas activities to the extent practicable.

(4) Written consent of the landowner on forms provided by the Department satisfies the restoration requirements of this section provided the operator develops and implements a site restoration plan that complies with paragraph (3)(i)—(v) and all PCSM requirements in Chapter 102.

(e) Within 9 months after plugging a well, the owner or operator shall remove all production or storage facilities, supplies and equipment and restore the well site to approximate original conditions, including preconstruction contours, and supporting the land uses that existed prior to oil and gas activities to the extent practicable.

[ (3) ] (f) Within 60 calendar days after the restoration of the well site, the operator shall submit a well site restoration report to the Department. The report shall be made on forms provided by the Department and shall identify the following:

[ (i) ] (1) The date of land application of the topsoil, the results of pH and specific conductance tests and an estimated volume of discharge.

[ (ii) ] (2) A description of the method used for disposal or reuse of the free liquid fraction of the waste, and the name of the hauler and disposal facility, if any.

[ (iii) ] (3) The location, including GPS coordinates, of the pit in relation to the well, the depth of the pit, the type and thickness of the material used for the pit subbase, the type and thickness of the pit liner, the type and nature of the waste, the type of any approved solidifier, a description of the pit closure procedures used and the pit dimensions.

[ (iv) ] (4) The location of the area used for land application of the waste, and the results of a chemical analysis of the waste soil mixture if requested by the Department.

[ (v) ] (5) The types and volumes of waste produced and the name and address of the waste disposal facility and waste hauler used to dispose of the waste.

(6) The name, qualifications and basis for determination that the bottom of a pit used for encapsulation is at least 20 inches above the seasonal high groundwater table.

(7) The test results required under §§ 78.62 and 78.63 (relating to disposal of residual waste—pits; and disposal of residual waste—land application) for all unconventional wells or any conventional wells with a horizontal well bore.

(g) The well operator shall forward a copy of the well site restoration report to the surface landowner if the well operator disposes of drill cuttings or residual waste at the well site.

§ 78.66. Reporting and remediating releases.

[ (a) ] A release of a substance causing or threatening pollution of the waters of this Commonwealth, shall comply with the reporting and corrective action requirements of § 91.33 (relating to incidents causing or threatening pollution).

(b) If a reportable release of brine on or into the ground occurs at the well site, the owner or operator shall notify the appropriate regional office of the Department as soon as practicable, but no later than 2 hours after detecting or discovering the release.

(c) The notice required under subsection (b) shall be by telephone and describe:

(1) The name, address and telephone number of the company and person reporting the incident.

(2) The date and time of the incident or when it was detected.

(3) The location and cause of the incident.

(4) The quantity of the brine released.

(5) Available information concerning the contamination of surface water, groundwater or soil.

(6) Remedial actions planned, initiated or completed.

(d) If, because of an accident, an amount of brine less than the reportable amount as described in § 78.1 (relating to definitions), spills, leaks or escapes, that incident does not have to be reported.

(e) Upon the occurrence of any release, the owner or operator shall take necessary corrective actions to:

(1) Prevent the substance from reaching the waters of this Commonwealth.

(2) Recover or remove the substance which was released.

(3) Dispose of the substance in accordance with this subchapter or as approved by the Department. ]

(a) *Scope.* This section applies to reporting and remediating spills or releases of regulated substances on or adjacent to well sites and access roads.

(b) *Reporting releases.*

(1) An operator or responsible party shall report the following spills and releases of regulated substances to the Department in accordance with paragraph (2):

(i) A spill or release of a regulated substance causing or threatening pollution of the waters of this Commonwealth.

(ii) A spill or release of 5 gallons or more of a regulated substance over a 24-hour period that is not completely contained by a containment system.

(2) In addition to the notification requirements of § 91.33 (relating to incidents causing or threatening pollution), the operator or responsible party shall contact the appropriate regional Department office by telephone or call the Department's Statewide toll free number at (800) 541-2050 as soon as practicable, but no later than 2 hours after discovering the spill or release. To the extent known, the following information shall be provided:

(i) The name of the person reporting the incident and telephone number where that person can be reached.

(ii) The name, address and telephone number of the responsible party.

(iii) The date and time of the incident or when it was discovered.

(iv) The location of the incident, including directions to the site, GPS coordinates or the 911 address, if available.

(v) A brief description of the nature of the incident and its cause, what potential impacts to public health and safety or the environment may exist,

including any available information concerning the contamination of surface water, groundwater or soil.

(vi) The estimated weight or volume of each regulated substance spilled or released.

(vii) The nature of any injuries.

(viii) Remedial actions planned, initiated or completed.

(3) Upon the occurrence of any spill or release, the operator or responsible party shall take necessary corrective actions to prevent:

(i) The regulated substance from reaching the waters of the Commonwealth.

(ii) Damage to property.

(iii) Impacts to downstream users of waters of the Commonwealth.

(4) The Department may immediately approve temporary emergency storage or transportation methods necessary to prevent or mitigate harm to the public health, safety or the environment. Storage may be at the site of the incident or at a site approved by the Department.

(5) After responding to a spill or release, the operator shall decontaminate equipment used to handle the regulated substance, including storage containers, processing equipment, trucks and loaders, before returning the equipment to service. Contaminated wash water, waste solutions and residues generated from washing or decontaminating equipment shall be managed as residual waste.

(c) *Remediating releases.* Remediation of an area affected by a spill or release is required. The operator or responsible party shall remediate a release in accordance with one of the following:

(1) Spills or releases to the ground of less than 42 gallons at a well site that do not impact or threaten to pollute waters of the Commonwealth may be remediated by removing the soil visibly impacted by the release and properly managing the impacted soil in accordance with the Department's waste management regulations. The operator or responsible party shall notify the Department of its intent to remediate a spill or release in accordance with this paragraph at the time the report of the spill or release is made. Completion of the cleanup should be documented through the process outlined in § 250.707(b)(1)(iii)(B) (relating to statistical tests).

(2) For spills or releases to the ground of more than 42 gallons or that impact or threaten pollution of waters of the Commonwealth, the operator or responsible person may satisfy the requirements of this subsection by demonstrating attainment of one or more of the standards established by Act 2 and Chapter 250 (relating to administration of land recycling program).

(3) For releases of more than 42 gallons or that impact or threaten pollution waters of the Commonwealth, as an alternative to paragraph (2), the responsible party may remediate a spill or release using the Act 2 background or Statewide health standard in the following manner:

(i) Within 15 business days of the spill or release, the operator or responsible party shall provide an

initial written report that includes, to the extent that the information is available, the following:

- (A) The regulated substance involved.
  - (B) The location where the spill or release occurred.
  - (C) The environmental media affected.
  - (D) Impacts to water supplies, buildings or utilities.
  - (E) Interim remedial actions planned, initiated or completed.
- (ii) The initial report must also include a summary of the actions the operator or responsible party intends to take at the site to address the spill or release such as a schedule for site characterization, to the extent known, and the anticipated time frames within which it expects to take those actions. After the initial report, any new impacts identified or discovered during interim remedial actions or site characterization shall also be reported in writing to the Department within 15 calendar days of their discovery.
- (iii) Within 180 calendar days of the spill or release, the operator or responsible party shall perform a site characterization to determine the extent and magnitude of the contamination and submit a site characterization report to the appropriate Department regional office describing the findings. The report must include a description of any interim remedial actions taken. For a background standard remediation, the site characterization must contain information required under § 250.204(b)—(e) (relating to final report). For a Statewide health standard remediation, the site characterization must contain information required under § 250.312(a) (relating to final report).
- (iv) This report may be a final remedial action report if the interim remedial actions meets all of the requirements of an Act 2 background or Statewide health standard remediation or combination thereof. Remediation conducted under this section may not be required to meet the notice and review provisions of these standards except as described in this section.
- (v) If the site characterization indicates that the interim remedial actions taken did not adequately remediate the release the operator or responsible party shall develop and submit a remedial action plan to the appropriate Department regional office for approval. The plan is due within 45 calendar days of submission of the site characterization to the Department. Remedial action plans should contain the elements outlined in § 245.311(a) (relating to remedial action plan).
- (vi) Once the remedial action plan is implemented, the responsible party shall submit a final report to the appropriate Department regional office for approval. The Department will review the final report to ensure that the remediation has met all the requirements of the background or Statewide health standard, or combination thereof, except the notice and review provisions. Relief from liability will not be available to the responsible party, property owner or person participating in the cleanup.
- (vii) An operator or responsible party remediating a release under this paragraph may elect to utilize Act 2 at any time.

(*Editor's Note:* Sections 78.67, 78.68, 78.68a, 78.68b, 78.69, 78.70 and 78.70a are new and printed in regular type to enhance readability.)

#### § 78.67. Borrow pits.

(a) An operator who owns or controls a borrow pit that does not require a permit under the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326) under the exemption in section 3273.1(b) of the act (relating to relationship to solid waste and surface mining), shall operate, maintain and reclaim the borrow pit in accordance with the performance standards in Chapter 77, Subchapter I and Chapter 102 (relating to environmental protection performance standards; and erosion and sediment control), and other applicable laws.

(b) Operators shall register the location of their existing borrow pits by \_\_\_\_\_, (*Editor's Note:* The blank refers to 60 calendar days after the effective date of adoption of this proposed rulemaking.) by providing the Department, in writing, with the GPS coordinates, township and county where the borrow pit is located. The operator shall register the location of a new borrow pit prior to construction.

(c) Borrow pits used for the development of oil and gas well sites and access roads that no longer meet the conditions under section 3273.1 of the act must meet one of the following:

(1) Be restored within 9 months after completion of drilling all permitted wells on the well site or 30 calendar days after the expiration of all existing well permits on the well site, whichever occurs later.

(2) Obtain a noncoal surface mining permit for its continued use, unless relevant exemptions apply under the Noncoal Surface Mining Conservation and Reclamation Act and regulations promulgated thereunder. A 2-year extension of the restoration requirement may be approved under § 78.65(d) (relating to site restoration).

#### § 78.68. Oil and gas gathering lines.

(a) All earth disturbance activities associated with oil and gas gathering line installations and supporting facilities are limited to the construction right-of-way, work space areas, pipe storage yards, borrow and disposal areas, access roads and other necessary areas identified on the erosion and sediment control plan.

(b) Highly visible flagging, markers or signs must be used to identify the shared boundaries of the limit of disturbance, wetlands and locations of threatened or endangered species habitat prior to land clearing. The flagging, markers or signs shall be maintained throughout earth disturbance activities and restoration or PCSM activities.

(c) The operator shall maintain topsoil and subsoil during excavation under the following, unless otherwise authorized by the Department:

(1) Topsoil and subsoil must remain segregated until restoration.

(2) Topsoil and subsoil must be prevented from entering watercourses and bodies of water.

(3) Topsoil cannot be used as bedding for pipelines.

(4) Native topsoil or imported topsoil must be of equal or greater quality to ensure the land is capable of supporting the uses that existed prior to earth disturbance.

(d) Backfilling of the gathering line trench shall be conducted in a manner that minimizes soil compaction to ensure that water infiltration rates of the soil have not been decreased.

(e) Equipment may not be refueled within the jurisdictional floodway of any watercourse or within 50 feet of any body of water.

(f) Materials staging areas shall be outside of a jurisdictional floodway of any watercourse or greater than 50 feet from any body of water.

(g) The gathering line operator shall maintain the pipeline right-of-way, service roads and points of access to minimize the potential for accelerated erosion and sedimentation and to manage post-construction stormwater and minimize impacts to existing riparian buffers in accordance with Chapter 102.

(h) All buried metallic gathering lines shall be installed and placed in operation in accordance with 49 CFR Part 192 or 195 (relating to transportation of natural and other gas by pipeline: minimum Federal safety standards; and transportation of hazardous liquids by pipeline).

**§ 78.68a. Horizontal directional drilling for oil and gas pipelines.**

(a) Any horizontal directional drilling associated with pipeline construction related to oil and gas operations, including gathering and transmission pipelines, that occurs beneath any body of water or watercourse will be authorized by the Department in accordance with Chapters 102 and 105 (relating to erosion and sediment control; and dam safety and waterway management).

(b) Prior to beginning of any horizontal directional drilling activity, the directional drilling operator shall develop a PPC plan under § 102.5(1) (relating to permit requirements). The PPC plan must include a site specific contingency plan that describes the measures to be taken to control, contain and collect any discharge of drilling fluids and minimize impacts to waters of the Commonwealth. The PPC plan must be present onsite during drilling operations and made available to the Department upon request.

(c) The Department shall be notified at least 24 hours prior to beginning of any horizontal directional drilling activities, including conventional boring, beneath any body of water or watercourse. Notice shall be made electronically to the Department through its web site and include the name of the municipality where the activities will occur, GPS coordinates of the entry point of the drilling operation and the date when drilling will begin.

(d) All required permits and Material Safety Data Sheets shall be on site during horizontal directional drilling operations and be made available to the Department upon request.

(e) Materials staging areas shall be outside of a floodway, as defined in § 105.1 (relating to definitions), of any watercourse or greater than 50 feet from any body of water.

(f) Drilling fluid additives other than bentonite and water must be approved by the Department prior to use. All approved horizontal directional drilling fluid additives will be listed on the Department's web site.

(g) Horizontal directional drilling operations shall be monitored for pressure and loss of drilling fluid returns. Bodies of water and watercourses over and adjacent to horizontal directional drilling operations shall also be

monitored for any signs of drilling fluid discharges. Monitoring shall be in accordance with the PPC plan.

(h) Horizontal directional drilling activities may not result in a discharge of drilling fluids to waters of the Commonwealth. If a discharge occurs during horizontal directional drilling activities, the drilling operator shall immediately implement the contingency plan developed under subsection (b).

(i) When a drilling fluid discharge or loss of drilling fluid circulation is discovered, the loss or discharge shall be immediately reported to the Department, and the operator shall request an emergency permit under § 105.64 (relating to emergency permits), if necessary.

(j) Any water supply complaints received by the operator shall be reported to the Department within 24 hours through the Department's web site.

(k) Horizontal directional drilling fluid returns and drilling fluid discharges shall be contained, stored and recycled or disposed of in accordance with Part I, Subpart D, Article IX (relating to residual waste management).

**§ 78.68b. Temporary pipelines for oil and gas operations.**

(a) Temporary pipelines must meet applicable requirements in Chapters 102 and 105 (relating to erosion and sediment control; and dam safety and waterway management).

(b) Temporary pipelines that transport fluids other than fresh ground water, surface water, water from water purveyors or approved sources shall be installed aboveground except when crossing pathways, roads or railways where the pipeline may be installed below ground surface.

(c) Temporary pipelines cannot be installed through existing stream culverts, storm drain pipes or under bridges without approval by the Department under § 105.151 (relating to permit applications for construction or modification of culverts and bridges).

(d) The section of a temporary pipeline crossing over a watercourse or body of water, except wetlands, may not have joints or couplings. Temporary pipeline crossings over wetlands must utilize a single section of pipe to the extent practicable. Shut off valves shall be installed on both sides of the temporary crossing.

(e) In addition to the requirements of subsection (c), temporary pipelines used to transport fluids other than fresh ground water, surface water, water from water purveyors or approved sources, must have shut off valves, check valves or other method of segmenting the pipeline placed at designated intervals, to be determined by the pipeline diameter, that prevent the discharge of no more than 1,000 barrels of fluid. Elevation changes that would effectively limit flow in the event of a pipeline leak shall be taken into consideration when determining the placement of shut off valves and be considered effective flow barriers.

(f) Highly visible flagging shall be placed at regular intervals, no greater than 75 feet, along the entire length of the temporary pipeline.

(g) Temporary pipelines shall be pressure tested prior to being first placed into service and after the pipeline is moved or altered. A passing test is holding 125% of the anticipated maximum pressure for 2 hours. Leaks or other defects discovered during pressure testing shall be repaired prior to use.

(h) Water used for hydrostatic pressure testing shall be discharged in a manner that does not result in a discharge to waters of the Commonwealth unless approved by the Department.

(i) Temporary pipelines shall be inspected prior to and during each use. Inspection dates and any defects and repairs to the temporary pipeline shall be documented and made available to the Department upon request.

(j) Temporary pipelines not in use for more than 7 calendar days shall be emptied and depressurized.

(k) Flammable materials may not be transported through a temporary pipeline.

(l) Temporary pipelines shall be removed in accordance with the required restoration timeline of the well site it serviced under § 78.65 (relating to site restoration).

(m) An operator shall keep records regarding the location of all temporary pipelines, the type of fluids transported through those pipelines and the approximate period of time that the pipeline was installed. The records shall be made available to the Department upon request.

#### § 78.69. Water management plans.

(a) *WMPs for unconventional well operators.* An unconventional well operator shall obtain a Department-approved WMP under section 3211(m) of the act (relating to well permits) prior to withdrawal or use of water sources for drilling or completing an unconventional well.

(b) *Implementation.* The requirements imposed by the Susquehanna River Basin Commission pertaining to:

(1) Posting of signs at water withdrawal locations.

(2) Monitoring of water withdrawals or purchases.

(3) Reporting of withdrawal volumes, in-stream flow measurements and water source purchases.

(4) Recordkeeping shall be implemented in the Ohio River Basin. Reports required in all river basins of the Commonwealth shall be submitted electronically to the Department.

(c) *Reuse plan.* An unconventional well operator submitting a WMP application shall develop a reuse plan for fluids that will be used to hydraulically fracture wells. A wastewater source reduction strategy in compliance with § 95.10(b) (relating to treatment requirements for new and expanding mass loadings of Total Dissolved Solids (TDS)) will satisfy the reuse plan requirement. An unconventional well operator shall make the reuse plan available for review by the Department upon request.

(d) *Approval.* When applicable, the requirements of this section are presumed to be achieved for those portions of a WMP for which there is an approval from the Susquehanna River Basin Commission, the Delaware River Basin Commission or the Great Lakes Commission. This subsection does not affect the requirement in subsection (a) for a WMP approved by the Department.

(e) *Expiration.* Individual water sources within a WMP are valid for 5 years.

(f) *Renewal.* A WMP renewal application shall be submitted at least 6 months prior to the expiration of the 5-year term for withdrawal or use of a water source under a WMP.

(g) *Suspension and revocation.* The Department may suspend or revoke an approved water source within a WMP for failure to comply with the WMP or for any

reasons in sections 3211(m), 3252 and 3259 of the act (relating to well permits; public nuisances; and unlawful conduct).

(h) *Termination.* A WMP holder may terminate approval of any water source within an approved WMP by submitting a letter to the Department's Oil and Gas District Office requesting termination of the water source approval.

(i) *Denial.* The Department may deny approval of a WMP for any of the following reasons:

(1) The WMP application is administratively incomplete.

(2) The WMP will adversely affect the quantity or quality of water available to other users of the same water sources.

(3) The WMP does not protect and maintain the designated and existing uses of the water sources.

(4) The WMP will cause an adverse impact to water quality in the watershed as a whole.

#### § 78.70. Road-spreading of brine for dust control and road stabilization.

(a) Road-spreading of brine from oil and gas wells for dust suppression and road stabilization shall be conducted under a plan approved by the Department and may not result in pollution of the waters of the Commonwealth. Only production brines from conventional wells, not including coalbed methane wells, may be used for dust suppression and road stabilization under this section. The use of drilling, hydraulic fracture stimulation flowback, plugging fluids or production brines mixed with well servicing or treatment fluids, except detergents, may not be used for dust suppression and road stabilization.

(b) Road-spreading of brine for dust control and road stabilization shall only be conducted on unpaved roads.

(c) Road-spreading plans shall be submitted annually to the Department for approval and must include the following:

(1) The name, address and telephone number of the plan applicant and of each person who will conduct the actual road-spreading.

(2) The license plate number of each road-spreading truck.

(3) An original signed and dated statement from the person that owns or maintains the roads where road-spreading will be conducted authorizing the use of brine on roads and that that person will supervise the frequency of road-spreading.

(4) A National wetland inventory map identifying the following:

(i) Roads where the road-spreading be conducted.

(ii) Any brine storage areas not located on a well site.

(iii) Bodies of water and watercourses within 150 feet of the roads identified in subparagraph (i).

(5) A description of how road-spreading will be conducted, including the equipment to be used and the method for controlling the rate of application of the brine.

(6) The proposed rate and frequency of application.

(7) The name of each well and the associated geologic formation from which the brine is produced.

(8) A chemical analysis of the brine using parameters provided by the Department. A representative sample of

the brine may be used, provided that the operator demonstrates that the representative sample is equivalent to the brine being used for road-spreading.

(d) Plans approved under this section will expire on December 31st of each year.

(e) Road-spreading shall be conducted according to the following:

(1) The application of production brine to unpaved roads shall be performed in accordance with the Department-approved plan.

(2) The brine shall only be applied at a rate and frequency necessary to suppress dust and stabilize the road, but in no event at a rate or frequency greater than the rate and frequency contained in the approved plan.

(3) The road-spreading must prevent direct infiltration to groundwater.

(4) Brine may not enter bodies of water or water courses.

(f) The road shall initially be spread at a rate up to 1/2 gallon per square yard. The road shall subsequently be spread at a rate of up to 1/3 gallon per square yard. The application rate for race tracks and mining haul roads should be determined for each site and may not exceed 1 gallon per square yard.

(g) Road-spreading must meet the following:

(1) Free oil shall be separated from the brine before spreading.

(2) Brine may not be applied within 150 feet of bodies of water or watercourses.

(3) Brine shall be spread by use of a spreader bar with shut off controls in the cab of the truck.

(4) Brine may not be spread on roads or sections of roads which have a grade in excess of 10%.

(5) Brine may not be spread on wet or frozen roads, during precipitation events or when precipitation is imminent.

(h) Trucks utilized to spread brine must have signs identifying plan applicant's name and business address on both sides of the vehicle. The signs must have lettering that is at least 6 inches in height.

(i) A copy of the current Department-approved road-spreading plan shall be kept in the road-spreading vehicle any time road-spreading is being conducted and made available to the Department upon request.

(j) Except for storage at the well site, all storage of brine shall be in tanks in a manner that complies with Chapter 299 (relating to storage and transportation of residual waste).

(k) The Department shall be notified at least 24 hours before road-spreading will begin. This notice shall be submitted electronically to the Department through its web site and include the date the road-spreading will occur and where the activity will occur. If the date of road-spreading changes, the operator shall renotify the Department in accordance with this subsection.

(l) The person identified on the road-spreading plan shall submit a monthly report to the Department on forms provided by the Department listing the locations, frequency and amounts of brine spread during the previous month. Monthly brine spreading reports shall be received by the Department on the 15th day of the month that follows the month the brine was spread. These

reports shall be submitted to the Department on a monthly basis even if road-spreading of brine did not take place during the previous month.

(m) Any changes to the approved road-spreading plan shall be submitted to the Department for approval. Approval shall be obtained from the Department in writing prior to deviating from the plan or implementing any revisions to the plan.

(n) Failure to comply with this section may result in the Department rescinding the plan approval.

(o) Persons conducting road-spreading of brine for dust control and road stabilization activities will be deemed to have a residual waste permit by rule if those activities comply with the requirements of this section.

#### § 78.70a. Pre-wetting, anti-icing and de-icing.

(a) Use of brine from oil and gas wells for pre-wetting, anti-icing and de-icing shall only be conducted under a plan approved by the Department and may not result in pollution of the waters of the Commonwealth. Only production brines from conventional wells, not including coalbed methane wells or wells drilled in hydrogen sulfide areas, may be used for pre-wetting, anti-icing and de-icing under this section. The use of drilling, hydraulic fracture stimulation flowback, plugging fluids, or production brines mixed with well servicing or treatment fluids, except detergents, may not be used for pre-wetting, anti-icing and de-icing activities.

(b) Use of brine for pre-wetting, anti-icing and de-icing shall only be conducted on paved roads to address winter driving conditions.

(c) Plans required under subsection (a) shall be submitted annually to the Department for approval and must include the following:

(1) The name, address and telephone number of the plan applicant and of each person who will conduct the actual road-spreading.

(2) The license plate number of each road-spreading truck.

(3) An original signed and dated statement from the person that owns or maintains the roads where road-spreading will be conducted authorizing the use of brine on roads and that the person will supervise the frequency of road-spreading.

(4) A National wetland inventory map identifying the following:

(i) Roads where the road-spreading be conducted.

(ii) Any brine storage areas not located on a well site.

(iii) Bodies of water and watercourses within 150 feet of the roads identified in subparagraph (i).

(5) A description of how the brine will be applied including the equipment to be used and the method for controlling the rate of application of the brine.

(6) The proposed rate and frequency of the application.

(7) The name of each well and the associated geologic formation from which the brine is produced.

(8) A chemical analysis of the brine for the parameters required under subsection (e). A representative sample of the brine to be spread may be used, provided that the operator demonstrates that the representative sample is equivalent to the brine being used for pre-wetting, anti-icing and de-icing.

(d) All plans will expire on June 30th of each year.

(e) Brines used for pre-wetting, anti-icing and de-icing activities must meet the following:

<i>Allowable Level Pre-wetting</i>	<i>Parameter</i>	<i>Allowable Level Anti-icing / De-icing</i>
>170,000 mg/l	TDS	>170,000 mg/l
>80,000 mg/l	Chloride	>80,000 mg/l
>40,000 mg/l	Sodium	>40,000 mg/l
>20,000 mg/l	Calcium	>20,000 mg/l
5 to 9.5	pH	5 to 9.5
<500 mg/l	Iron	<500 mg/l
<100 mg/l	Barium	<30 mg/l
<10 mg/l	Lead	<5 mg/l
<1,000 mg/l	Sulfate	<400 mg/l
<15 mg/l	Oil and grease	<15 mg/l
<0.5 mg/l	Benzene	<0.5 mg/l
<0.7 mg/l	Ethylbenzene	<0.7 mg/l
<1 mg/l	Toluene	<1 mg/l
<1 mg/l	Xylene	<1 mg/l

(f) The application rates for use of the natural gas well brines are limited to 10 gallons per ton for pre-wetting use, less than 50 gallons per lane per mile for anti-icing use and less than 100 gallons per lane per mile for de-icing.

(g) Brines may not be mixed with other types of solid wastes except bottom ash from the combustion of coal.

(h) Brine shall only be applied to the antiskid material immediately prior to roadway application. Application of brine to uncontained antiskid storage piles is prohibited.

(i) Anti-icing, de-icing and the spreading of pre-wetted antiskid material may not be conducted on wooden or grated deck bridges.

(j) Brine may not enter bodies of water or water courses.

(k) Except for storage at the well site, all storage of brine shall be in tanks in a manner that complies with Chapter 299 (relating to storage and transportation of residual waste).

(l) Every 3 years each source of brine used for pre-wetting, anti-icing and de-icing shall be analyzed for the parameters in subsection (e) prior to submittal of the plan required under subsection (a). The analysis shall be for each individual well utilized or it may be a composite of one or more samples of brines from wells, which produce gas from the same formation. The well permit number and producing formations shall be submitted with the analysis. If the brines used are obtained from a permitted brine treatment facility, the analysis of a representative composite sample shall be submitted along with the facility's National Pollutant Discharge Elimination System permit number.

(m) For each new source of brine, the applicant shall submit an analysis of a representative sample of the brine including all parameters in subsection (e) to the Department. The brine analysis shall be submitted no less than 30 calendar days prior to use. The applicant may utilize the brine in accordance with this section 30 calendar days after submittal of the brine analysis unless otherwise instructed by the Department.

(n) Records of the analytical evaluations conducted on brine under subsections (e) and (l) shall be maintained by

the applicant for a minimum of 5 years at the applicant's place of business and shall be available to the Department for inspection. At a minimum, these records must include information on the dates of testing, each parameter tested, the results, the laboratory sampling procedures, analytical methodologies and the chain of custody.

(o) Trucks utilized to spread brine or pre-wetted antiskid material must have signs identifying the person's name and business address on both sides of the truck. The signs must have lettering that is at least 6 inches in height. Controls for spreading brine and pre-wetted antiskid material must be located in the cab of the truck.

(p) A copy of the current Department-approved plan shall be kept in the spreading truck any time brine or pre-wetted antiskid material spreading is being conducted and made available to the Department upon request.

(q) The Department shall be notified at least 24 hours before brine or pre-wetted antiskid material spreading will begin. This notice shall be submitted electronically to the Department through its web site and include the date the activity will occur and the location where the activity will occur. If the date changes, the operator shall renotify the Department in accordance with this subsection.

(r) The responsible person identified on the approved plan shall submit a monthly report to the Department on forms provided by the Department listing the locations, frequency and amounts of brine or pre-wetted antiskid material spread during the previous month. Monthly brine spreading reports shall be received by the Department on or before the 15th day of the month that follows the month production brine was spread. These reports shall be submitted to the Department on a monthly basis even if activity did not take place in the previous month.

(s) Any changes to the approved plan shall be submitted to the Department for approval. Approval shall be obtained from the Department in writing prior to deviating from the plan or implementing any revisions to the plan.

(t) Failure to comply with this section may result in the Department rescinding the plan approval.

(u) Persons using brine for pre-wetting, anti-icing and de-icing activities in accordance with this section will be deemed to have a residual waste permit by rule.

**Subchapter D. WELL DRILLING, OPERATION AND PLUGGING  
GENERAL**

**§ 78.72. Use of safety devices—blow-out prevention equipment.**

\* \* \* \* \*

(i) Well drilling and completion operations requiring pressure barriers, as identified by the operator under [ § 78.55(b) (relating to control and disposal plan) ] § 78.55(d) (relating to control and disposal planning; emergency response for unconventional well sites), shall employ at least two mechanical pressure barriers between the open producing formation and the atmosphere that are capable of being tested. The mechanical pressure barriers shall be tested according to manufacturer specifications prior to operation. If during the course of operations the operator only has one functioning barrier, operations must cease until additional barriers are added and tested or the redundant barrier is repaired and tested. Stripper rubber or a stripper head may not be considered a barrier.

\* \* \* \* \*

**§ 78.73. General provision for well construction and operation.**

(a) The operator shall construct and operate the well in accordance with this chapter and ensure that the integrity of the well is maintained and health, safety, environment and property are protected.

(b) The operator shall prevent gas, oil, brine, completion and servicing fluids, and any other fluids or materials from below the casing seat from entering fresh groundwater, and shall otherwise prevent pollution or diminution of fresh groundwater.

(c) **Orphaned or abandoned wells identified under § 78.52a (relating to abandoned and orphaned well identification) that likely penetrate a formation intended to be stimulated shall be visually monitored during stimulation activities. The operator shall immediately notify the Department of any change to the orphaned or abandoned well being monitored and take action to prevent pollution of waters of the Commonwealth or discharges to the surface.**

(d) **An operator that alters an orphaned or abandoned well by hydraulic fracturing shall plug the orphaned or abandoned well.**

[ (c) ] (e) After a well has been completed, recompleted, reconditioned or altered the operator shall prevent surface shut-in pressure and surface producing back pressure inside the surface casing or coal protective casing from exceeding the following pressure: 80% multiplied by 0.433 psi per foot multiplied by the casing length (in feet) of the applicable casing.

[ (d) ] (f) After a well has been completed, recompleted, reconditioned or altered, if the surface shut-in pressure or surface producing back pressure exceeds the pressure as calculated in subsection [ (c) ] (e), the operator shall take action to prevent the migration of gas and other fluids from lower formations into fresh groundwater. To meet this standard the operator may cement or install on a packer sufficient intermediate or production casing or take other actions approved by the Department. This section does not apply during testing for mechanical integrity in accordance with State or Federal requirements.

[ (e) ] (g) Excess gas encountered during drilling, completion or stimulation shall be flared, captured or diverted away from the drilling rig in a manner that does not create a hazard to the public health or safety.

[ (f) ] (h) Except for gas storage wells, the well must be equipped with a check valve to prevent backflow from the pipelines into the well.

**§ 78.75. Alternative methods.**

(a) A well operator may request approval from the Department to use an alternative method or material for the casing, plugging or equipping of a well under section [ 211 of the act (58 P. S. § 601.211) ] 3221 of the act (relating to alternative methods).

\* \* \* \* \*

**§ 78.76. Drilling within a gas storage reservoir area.**

\* \* \* \* \*

(b) The storage operator may file an objection with the Department to the drilling, casing and cementing plan or the proposed well location within 15 calendar days of receipt of the notification and request a conference in accordance with section [ 501 of the act (58 P. S. § 601.501) ] 3251 of the act (relating to conferences).

\* \* \* \* \*

**CASING AND CEMENTING**

**§ 78.87. Gas storage reservoir protective casing and cementing procedures.**

\* \* \* \* \*

(b) A request by an operator for approval from the Department to use an alternative method or material for the casing, plugging or equipping of a well drilled through a gas storage reservoir under section [ 211 of the act (58 P. S. § 601.211) ] 3221 of the act (relating to alternative methods) shall be made in accordance with § 78.75 (relating to alternative methods).

**PLUGGING**

**§ 78.91. General provisions.**

(a) Upon abandoning a well, the owner or operator shall plug the well under §§ 78.92—78.98 or an approved alternate method under section [ 211 of the act (58 P. S. § 601.211) ] 3221 of the act (relating to alternative methods) to stop the vertical flow of fluids or gas within the well bore unless one of the following applies:

\* \* \* \* \*

(3) The Department has approved the identification of the well as an orphan well under section [ 203 of the act (58 P. S. § 601.203) ] 3213 of the act (relating to well registration and identification), and the Department has not determined a prior owner or operator received economic benefit after April 18, 1979, from this well other than economic benefit derived only as a landowner or from a royalty interest.

\* \* \* \* \*

**INACTIVE STATUS**

**§ 78.101. General provisions.**

Upon application, the Department will grant inactive status for 5 years for a permitted or registered well if the application meets the requirements of section [ 204 of



the act (58 P.S. § 601.204) ] section 3214 of the act (relating to inactive status) and §§ 78.102—78.105. The Department may require information to demonstrate that the conditions imposed by § 78.102 (relating to criteria for approval of inactive status) are satisfied.

§ 78.103. Annual monitoring of inactive wells.

The owner or operator of a well granted inactive status shall monitor the integrity of the well on an annual basis and shall report the results to the Department. The owner or operator shall give the Department 3 [ working ] business days prior notice of the annual monitoring and mechanical integrity testing. For wells that were drilled in accordance with the casing and cementing standards of §§ 78.81—78.86 (relating to casing and cementing), the operator shall monitor the integrity of the well by using the method described in § 78.102(2)(ii)(A), (B), (D) or (E) (relating to criteria for approval of inactive status), as appropriate. For a well that was not drilled in accordance with the casing and cementing standards, the wells shall be monitored in accordance with § 78.102(1). To qualify for continued inactive status, the owner or operator shall demonstrate, by the data in the monitoring reports, that the condition of the well continues to satisfy the requirements of § 78.102. The owner or operator shall submit the report by March 31 of the following year.

§ 78.105. Revocation of inactive status.

The Department may revoke inactive status and may order the immediate plugging of a well if one of the following applies:

\* \* \* \* \*

(3) The condition of the well no longer satisfies the requirements of section [ 204 of the act (58 P.S. § 601.204) ] section 3214 of the act (relating to inactive status) and §§ 78.102—78.104 (relating to criteria for approval of inactive status; annual monitoring of inactive wells; and term of inactive status).

\* \* \* \* \*

Subchapter E. WELL REPORTING

§ 78.121. Production reporting.

(a) The well operator shall submit an annual production and status report for each permitted or registered well on an individual basis, on or before February 15 of each year. [ The operator of a well permitted to produce gas from the Marcellus shale formation ] Each operator of an unconventional well shall submit a production and status report for each well on an individual basis, on or before February 15 and August 15 of each year. Production shall be reported for the preceding calendar year or in the case of [ a Marcellus shale ] an unconventional well, for the preceding [ 6 months ] reporting period. When the production data is not available to the operator on a well basis, the operator shall report production on the most well-specific basis available. The annual production report must include information on the amount and type of waste produced and the method of waste disposal or reuse. Waste information submitted to the Department in accordance with this subsection is deemed to satisfy the residual waste biennial reporting requirements of § 287.52 (relating to biennial report).

\* \* \* \* \*

§ 78.122. Well record and completion report.

(a) For each well that is drilled or altered, the operator shall keep a detailed drillers log at the well site available

for inspection until drilling is completed. Within 30 calendar days of cessation of drilling or altering a well, the well operator shall submit a well record to the Department on a form provided by the Department that includes the following information:

\* \* \* \* \*

(10) Certification by the operator that the well has been constructed in accordance with this chapter and any permit conditions imposed by the Department.

(11) Whether methane was encountered other than in a gas formation.

(12) The country of origin and manufacture of tubular steel products used in the construction of the well.

(13) The borrow pit used for well site development, if any.

[ (11) ] (14) Other information required by the Department.

(b) Within 30 calendar days after completion of the well, when the well is capable of production, the well operator shall [ submit ] arrange for the submission of a completion report to the Department on a form provided by the Department that includes the following information:

\* \* \* \* \*

(6) Stimulation record which includes the following:

(i) A descriptive list of the chemical additives in the stimulation fluid, including any acid, biocide, breaker, brine, corrosion inhibitor, crosslinker, demulsifier, friction reducer, gel, iron control, oxygen scavenger, pH adjusting agent, proppant, scale inhibitor and surfactant.

(ii) The percent by [ volume ] mass of each chemical additive in the stimulation fluid.

(iii) [ A list of the chemicals in the Material Safety Data Sheets, by name and chemical abstract service number, corresponding to the appropriate chemical additive. ] The trade name, vendor and a brief descriptor of the intended use or function of each chemical additive in the stimulation fluid.

(iv) [ The percent by volume of each chemical listed in the Material Safety Data Sheets. ] A list of the chemicals intentionally added to the stimulation fluid, by name and chemical abstract service number.

(v) The maximum concentration, in percent by mass, of each chemical intentionally added to the stimulation fluid.

[ (v) ] (vi) The total volume of the base fluid.

[ (vi) ] (vii) A list of water sources used under an approved water management plan and the volume of water used from each source.

[ (vii) ] (viii) The total volume of recycled water used.

[ (viii) ] (ix) The pump rate and pressure used in the well.

(7) Actual open flow production and shut in surface pressure.

(8) Open flow production and shut in surface pressure, measured 24 hours after completion.

**(9) The freshwater and centralized impoundment, if any, used in the development of the well.**

(c) When the well operator submits a stimulation record, it may designate specific portions of the stimulation record as containing a trade secret or confidential proprietary information. The Department will prevent disclosure of the designated confidential information to the extent permitted under the Right-to-Know Law (65 P. S. §§ 67.101—[ 67.3103 ] 67.3104) or other applicable State law.

[ (d) In addition to submitting a stimulation record to the Department under subsection (b), and subject to the protections afforded for trade secrets and confidential proprietary information under the Right-to-Know Law, the operator shall arrange to provide a list of the chemical constituents of the chemical additives used to hydraulically fracture a well, by chemical name and abstract service number, unless the additive does not have an abstract service number, to the Department upon written request by the Department. ]

**§ 78.123. Logs and additional data.**

(a) If requested by the Department within 90 calendar days after the completion [ of drilling ] or recompletion of [ a well ] drilling, the well operator shall submit to the Department a copy of the electrical, radioactive or other standard industry logs run on the well.

(b) In addition, if requested by the Department within 1 year of the completion [ of drilling ] or recompletion [ a well ] of drilling, the well operator shall file with the Department a copy of the drill stem test charts, formation water analysis, porosity, permeability or fluid saturation measurements, core analysis and lithologic log or sample description or other similar data as compiled. No information will be required unless the operator has had the information described in this subsection compiled in the ordinary course of business. No interpretation of the data is to be filed.

[ (b) ] (c) Upon notification by the Department prior to drilling, the well operator shall collect additional data specified by the Department, such as representative drill cuttings and samples from cores taken, and other geological information that the operator can reasonably compile. Interpretation of the data is not required to be filed.

[ (c) The information requested by the Department under subsections (a) and (b) shall be provided to the Department by the operator, within 3 years after completion of the well unless the Department has granted an extension or unless the Department has requested information as described in subsection (d). If the Department has granted an extension, the information shall be submitted in accordance with the extension, but in no case may the extension exceed 5 years from the date of completion of the well.

(d) In accordance with the request of the Department, the operator shall submit the information described in this section for use in investigation or enforcement proceedings, or in aggregate form for statistical purposes. ]

(d) Data required under subsections (b) and (c) shall be retained by the well operator and filed with the Department no more than 3 years after

completion of the well. Upon request, the Department will extend the deadline up to 5 years from the date of completion of the well.

(e) The Department is entitled to utilize information collected under this section in the enforcement proceedings, in making designations or determinations under section 1927-A of The Administrative Code of 1929 (71 P. S. § 510-27) and in aggregate form for statistical purposes.

**Subchapter G. BONDING REQUIREMENTS**

**§ 78.301. Scope.**

In addition to the requirements of section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bonding) and section 1606-E of The Fiscal Code (72 P. S. § 1606-E), this subchapter specifies certain requirements for surety bonds, collateral bonds, replacement of existing bonds, maintaining adequate bond and bond forfeiture.

**§ 78.302. Requirement to file a bond.**

For a well that has not been plugged, the owner or operator shall file a bond or otherwise comply with the bonding requirements of section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bonding), section 1606-E of The Fiscal Code (72 P. S. § 1606-E) and this chapter. A bond or bond substitute is not required for a well drilled before April 18, 1985.

**§ 78.303. Form, terms and conditions of the bond.**

(a) The following types of security are approvable:

(1) A surety bond as provided in § 78.304 (relating to terms and conditions for surety bonds).

(2) A collateral bond as provided in §§ 78.305—78.308. [ For individuals who meet the requirements of section 215(d.1) of the act, a phased deposit of collateral bond as provided in § 78.309(b) (relating to phased deposit of collateral). ]

\* \* \* \* \*

(d) The person named in the bond or other security shall be the same as the person named in the permit.

[ (e) The bond amounts required under section 215 of the act are as follows:

(1) Two thousand five hundred dollars for a single well.

(2) Twenty-five thousand dollars for a blanket bond. ]

**§ 78.306. Collateral bonds—letters of credit.**

(a) Letters of credit submitted as collateral for collateral bonds shall be subject to the following conditions:

\* \* \* \* \*

(2) The letter of credit shall be irrevocable and shall be so designated. However, the Department may accept a letter of credit for which a limited time period is stated if the following conditions are met and are stated in the letter:

\* \* \* \* \*

(ii) The Department has the right to draw upon the credit before the end of its time period, if the operator fails to replace the letter of credit with other acceptable means of compliance with section [ 215 of the act (58 P. S. § 601.215) ] 3225 of the act (relating to bond-

ing) within 30 calendar days of the financial institution's notice to terminate the credit.

\* \* \* \* \*

(b) If the Department collects any amount under the letter of credit due to failure of the operator to replace the letter of credit after demand by the Department, the Department will hold the proceeds as cash collateral as provided by this subchapter. The operator may obtain the cash collateral after he has submitted and the Department has approved a bond or other means of compliance with section [ 215 ] 3225 of the act.

§ 78.308. Collateral bonds—negotiable bonds.

Negotiable bonds submitted and pledged as collateral for collateral bonds under section [ 215(a)(3) of the act (58 P. S. § 601.215(a)(3)) ] 3225(a)(3) of the act (relating to bonding) are subject to the following conditions:

\* \* \* \* \*

*Number of Wells*

- 1-10 with no intention to operate more than 10
- 11-25 or 1-10 and applies for additional well permits
- 26-50
- 51-100
- 101-200

(iii) An operator shall make the phased deposits of collateral as required by the bond.

(2) *Termination of eligibility.* An operator is no longer eligible to make phased deposits of collateral when one or more of the following occur:

(i) The operator shall fully bond the wells immediately, if an operator has more than 200 wells.

(ii) If the operator misses a phased deposit of collateral payment, the operator shall do one of the following:

(A) Immediately submit the appropriate bond amount in full.

(B) Cease all operations and plug the wells covered by the bond in accordance with the plugging requirements of section 210 of the act (58 P. S. § 601.210).

(b) *Individuals.*

(1) *Eligibility.*

(i) An individual who seeks to satisfy the collateral bond requirements of the act by submitting phased deposit of collateral under section 215(d.1) of the act (58 P. S. § 601.215(d.1)), may not drill more than ten new wells per calendar year. A well in which the individual has a financial interest is to be considered one of the wells permitted under this section. A partnership, association or corporation is not eligible for phased deposit of collateral under this subsection.

(ii) The individual shall deposit with the Department \$500 per well in approved collateral prior to issuance of a new permit.

§ 78.309. [ Phased deposit of collateral ] (Reserved).

[ (a) *Operators.*

(1) *Eligibility.* An operator who had a phased deposit of collateral in effect as of November 26, 1997, may maintain that bond for wells requiring bonding, for new well permits and for wells acquired by transfer.

(i) An operator may not have more than 200 wells.

(ii) Under the following schedule, an operator shall make a deposit with the Department of approved collateral prior to the issuance of a permit for a well or the transfer of a permit for a well, and shall make subsequent annual deposits and additional well payments. For the purpose of calculating the required deposit, all of the operator's wells are included in the number of wells.

<i>Annual Deposit</i>	<i>Per Additional Well</i>
\$50/well	N.A.
\$1,150	\$150
\$1,300	\$400
\$1,500	\$400
\$1,600	\$1,000

(iii) The individual shall deposit 10% of the remaining amount of bond in approved collateral in each of the next 10 years. Annual payments shall become due on the anniversary date of the issuance of the permit, unless otherwise established by the Department. Payments shall be accompanied by appropriate bond documents required by the Department.

(iv) The individual shall make the phased collateral payments as required by the bond.

(2) *Termination of eligibility.* If the individual misses a phased deposit of collateral payment, the individual will no longer be eligible to make phased deposits of collateral and shall do one of the following:

(i) Immediately submit the appropriate bond amount in full.

(ii) Cease operations and plug the wells covered by the bond in accordance with the plugging requirements of section 210 of the act.

(c) *Interest earned.* Interest earned by collateral on deposit by operators and individuals under this section shall be accumulated and become part of the bond amount until the operator completes deposit of the requisite bond amount in accordance with the schedule of deposit. Interest earned by the collateral shall be returned to the operator or the individual upon release of the bond. Interest may not be paid for postforfeiture interest accruing during appeals and after resolution of the appeals, when the forfeiture is adjudicated, decided or settled in favor of the Commonwealth. ]

§ 78.310. Replacement of existing bond.

(a) An owner or operator may replace an existing surety or collateral bond with another surety or collateral bond that satisfies the requirements of this chapter, if the liability which has accrued against the bond, the owner or operator who filed the first bond and the well operation is transferred to the replacement bond. An owner or operator may not substitute a phased deposit of collateral bond under section [ 215(d) and (d.1) of the act (58 P. S. § 601.215(d) and (d.1)) ] 3225(d) and (d.1) of the act (relating to bonding) for a valid surety bond or collateral that has been filed and approved by the Department.

\* \* \* \* \*

Subchapter H. UNDERGROUND STORAGE

§ 78.402. Inspections by the gas storage operator.

\* \* \* \* \*

(c) Storage operators shall inspect the gas storage reservoir and storage protective area at least annually to discover if material changes have occurred that require an amendment or supplement of the map and data as required in section [ 301(a) and (b) of the act (58 P. S. § 601.301(a) and (b)) ] 3231(a) and (b) of the act (relating to reporting requirements for gas storage operations). As part of that inspection, gas storage operators shall inspect known abandoned wells and plugged wells within the gas storage reservoir area and the gas storage protective area, subject to the right of entry, at the end of the injection season when the storage pressure is at its highest. The inspection record shall

include observed evidence of gas leaking and other conditions that may be hazardous to the public or property.

\* \* \* \* \*

§ 78.403. Gas storage well integrity testing.

\* \* \* \* \*

(g) The Department may require the operator to perform additional tests it deems necessary after a conference is held under section [ 501 of the act (58 P. S. § 601.501) ] 3251 of the act (relating to conferences).

§ 78.404. Maximum storage pressure.

A gas storage reservoir operator, who has not requested approval of a maximum storage pressure for a gas storage reservoir, shall request, by February 15, 1995, Department approval of a maximum gas storage reservoir pressure in accordance with the following:

(1) The maximum shut-in wellhead pressure (psig) may not exceed the highest shut-in wellhead pressure (psig) found to exist during the production history of the reservoir, unless a higher pressure is established through testing of caprock and pool containment. The methods used for determining the higher pressure shall be determined in conference with the Department in accordance with section [ 501 ] 3251 of the act (relating to conferences).

\* \* \* \* \*

[Pa.B. Doc. No. 13-2362. Filed for public inspection December 13, 2013, 9:00 a.m.]

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