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# PENNSYLVANIA BULLETIN

Volume 45  
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**Agencies in this issue**

The Courts  
Department of Banking and Securities  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Labor and Industry  
Department of Transportation  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Intergovernmental Cooperation  
Authority  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Conservation Commission  
State Employees' Retirement Board  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



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

**No. 493, December 2015**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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

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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. A fiscal note provides the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the 5 succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the 5 succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2015.

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# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

Order Reinstating and Amending Rule 230.2 of the Rules of Civil Procedure; No. 634 Civil Procedural Rules Doc.

#### Order

*Per Curiam*

And Now, this 9th day of December, 2015, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published for public comment at 45 Pa.B. 1843 (April 11, 2015):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 230.2 of the Pennsylvania Rules of Civil Procedure is reinstated and amended in the following form. The Order of April 23, 2014 suspending Rule 230.2, No. 594 Civil Procedural Rules Docket (April 23, 2014), is dissolved prospectively as of the effective date of this Order.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective December 31, 2016.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

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

(a) [ **The court may** ] **At least once a year, the court shall initiate proceedings to terminate [ a case ] cases in which there has been no activity of record for two years or more [ by serving a notice of proposed dismissal of court case ], and shall report such information to the Court Administrator of Pennsylvania on a form supplied by the Administrative Office of Pennsylvania Courts or in such format as requested from time to time by the Administrative Office of Pennsylvania Courts.**

**Official Note:** This rule provides an administrative method for the termination of inactive cases.

(b)(1) [ **The** ] **For each case identified pursuant to subdivision (a), the court shall serve [ the notice ] a notice of proposed termination on counsel of record, and on the parties if not represented, [ sixty ] thirty days prior to the date of the proposed termination. The notice shall contain the date of the proposed termination and the procedure to avoid termination.**

(2) **The notice shall be served [ by mail ] electronically pursuant to Rule 205.4(g)(1), or pursuant to Rule 440 on counsel of record and on the parties, if not represented, at the last address of record. [ If the mailed notice is returned, the notice shall be served by advertising it in the legal publication, if any, designated by the court for the publication of**

**legal notices or in one newspaper of general circulation within the county. ]**

**Official Note:** If the notice mailed to an attorney is returned by the postal service, the prothonotary should check [ **a legal directory or contact the Administrative Office of Pennsylvania Courts** ] **the website of the Disciplinary Board of the Supreme Court of Pennsylvania, [www.padisiplinaryboard.org](http://www.padisiplinaryboard.org), for a current address. [ Otherwise, publication in the legal newspaper or a newspaper of general circulation within the county is required under this rule if the mailed notice is returned. ]**

See subdivision [ (e) ] (f) for the form of notice.

(c) If no statement of intention to proceed has been filed **on or before the date of the proposed termination**, the prothonotary shall enter an order as of course terminating the matter [ **with prejudice** ] for failure to prosecute.

**Official Note:** The prothonotary may not enter an order terminating the action until more than [ **sixty** ] **thirty** days after service of the notice of proposed termination.

A court officer may certify to the prothonotary those matters which have been inactive and in which no statement of intention to proceed has been filed.

(d)(1) If an action has been terminated pursuant to this rule, an aggrieved party may petition the court to reinstate the action.

(2) If the petition is filed within [ **thirty** ] **sixty** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action.

**Official Note:** The provision under subdivision (d)(2) for filing a petition within [ **thirty** ] **sixty** days is not intended to set a standard for timeliness in proceedings outside this rule.

(3) If the petition is filed more than [ **thirty** ] **sixty** days after the entry of the order of termination on the docket, the court shall grant the petition and reinstate the action upon a showing that

(i) the petition was timely filed following the entry of the order for termination and

(ii) there is a reasonable explanation or a legitimate excuse for the failure to file both

(A) the statement of intention to proceed prior to the entry of the order of termination on the docket and,

(B) the petition to reinstate the action within [ **thirty** ] **sixty** days after the entry of the order of termination on the docket.

**Official Note:** The provision under subdivision (d)(2) for filing a petition within [ **thirty** ] **sixty** days of the entry of the order of termination on the docket is not a standard of timeliness. Rather, the filing of the petition during that time period eliminates the need to make the showing otherwise required by subdivision (d)(3).

**(e) Any case which is reinstated pursuant to subdivision (d) shall be subject to termination with prejudice upon a subsequent termination pursuant to subdivision (a). No subsequent reinstatements shall be granted.**

[ (e) ] (f) The notice required by subdivision (b) shall be in the following form:

(Caption)

NOTICE OF PROPOSED TERMINATION OF COURT  
CASE

The court intends to terminate this case without further notice because the docket shows no activity in the case for at least two years.

You may stop the court from terminating the case by filing a [ **Statement of Intention to Proceed** ] **statement of intention to proceed**. The [ **Statement of Intention to Proceed** ] **statement of intention to proceed** should be filed with the Prothonotary of the Court at \_\_\_\_\_

Address

on or before \_\_\_\_\_ .

Date

**IF YOU FAIL TO FILE THE REQUIRED STATEMENT OF INTENTION TO PROCEED, THE CASE WILL BE TERMINATED BY THE PROTHONOTARY WITHOUT FURTHER NOTICE.**

BY THE COURT[ ; ]:

\_\_\_\_\_  
Date of this Notice

\_\_\_\_\_  
Officer

[ (f) **The Statement of Intention to Proceed shall be in the following form:** ]

**(g) The statement of intention to proceed shall be in the following form:**

(Caption)

Statement of Intention to Proceed

To the Court:

\_\_\_\_\_ intends to proceed with the above captioned matter.

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

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

**(h) Upon receipt of a statement of intention to proceed, the court may schedule a status conference and establish appropriate timelines to ensure a timely and efficient disposition of the case.**

**EXPLANATORY COMMENT**

In 2014, the Supreme Court of Pennsylvania made efforts to reduce the inventory of civil cases on the dockets of the Courts of Common Pleas. To expedite that process, it suspended Rule 230.2 governing the termination of inactive cases. Originally adopted in 2003, Rule 230.2 implemented the general policy provisions of Rule of Judicial Administration 1901(a) governing the prompt disposition of matters and the termination of inactive cases. While Pa.R.J.A. No. 1901(a) provided general guidelines for conducting an administrative purge, Rule 230.2 set forth a procedural mechanism for a court to perform an administrative purge of cases that had remained on the civil docket for two or more years with no evidence of any activity.

The Court has amended and reinstated Rule 230.2. The amendments have streamlined the procedure for the trial court to conduct an administrative purge of inactive cases, and are intended to ensure that the civil dockets reflect the current inventory of active cases, while encouraging attorneys to expeditiously litigate their cases.

Several concerns with the suspended Rule 230.2 were identified. The suspended rule did not specify how often a court should conduct an administrative purge; it only provided a procedure should a court decide to conduct an administrative purge. In order to ensure that the civil case inventory is accurate, the amendment of subdivision (a) requires a court to conduct an administrative purge at least once a year. The court is also required to report such information to the Court Administrator of Pennsylvania with a form supplied by the Administrative Office of Pennsylvania Courts.

A second problem identified with suspended Rule 230.2 was the provision for service of the notice of proposed termination in subdivision (b). In subdivision (b)(1), the suspended rule required service of the notice of proposed termination on counsel of record or unrepresented parties at least sixty days prior to the date of termination. To expedite the process, the amendment of subdivision (b)(1) shortens that time frame and require the notice to be served to at least thirty days prior to the date of termination.

The suspended rule did not provide for modern, efficient methods for giving notice to counsel or unrepresented parties that cases were identified as having no activity on the docket for the previous two years. Subdivision (b)(2) of the suspended rule provided for the notice to be served by mail pursuant to Rule 440 at the last address of record. In the event that the notice was returned, publication was required in the legal publication designated by the court for such notices. In conjunction with the shortened time frame in subdivision (b)(1), the amendment of subdivision (b)(2) updates the method for giving notice by allowing the notice to be served electronically pursuant to Rule 205.4 governing electronic filing. The ability to serve notice by mail pursuant to Rule 440 has been retained, but publication in the legal journal when a notice has been returned has been eliminated.

A third problem identified with suspended Rule 230.2 was the filing of statements of intention to proceed in order to keep a case active, but then not requiring any further obligation on counsel or an unrepresented party to move the case forward to resolution. Subdivision (c) of the suspended rule required an attorney or unrepresented party to file a statement of intention to proceed before the termination date stated in the notice in order to prevent the purging of the case from the docket. If no statement of intention to proceed was filed, the prothonotary was directed to enter an order terminating the matter for failure to prosecute. In the newly amended rule, this provision has been retained. However, new subdivision (h) encourages the trial court to manage its cases by scheduling a status conference and establishing appropriate timelines to insure a timely and efficient disposition of the case.

Importantly, the amendment of Rule 230.2 retains the post-termination procedure set forth in subdivision (d) of the suspended rule, which allows a party to petition the court to reinstate the action. The suspended rule provided

certain requirements for reinstatement depending whether the petition is filed within thirty days or beyond thirty days. While the requirements remain unchanged, subdivision (d) has been amended to provide for sixty days rather than thirty days. New subdivision (e), however, limits reinstatements of a case. If any case, previously reinstated, is terminated pursuant to this rule, then it is terminated with prejudice. No additional reinstatements will be granted. This provision is intended to encourage the efficient litigation of cases and to not let them languish on the docket.

*By the Civil Procedural  
Rules Committee*

PETER J. HOFFMAN,  
*Chair*

[Pa.B. Doc. No. 15-2269. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

### Proposed Amendment of Pa.R.Crim.P. 544

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rule 544 (Reinstating Charges Following Withdrawal or Dismissal) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, January 29, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

PAUL M. YATRON,  
*Chair*

## Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART D. Proceedings in Court Cases Before Issuing Authorities

#### Rule 544. Reinstating Charges Following With- drawal or Dismissal.

(A) When charges are dismissed or withdrawn at, or prior to, a preliminary hearing, or when a grand jury declines to indict and the complaint is dismissed, the attorney for the Commonwealth may reinstate the charges by approving, in writing, the re-filing of a complaint with the issuing authority who dismissed or permitted the withdrawal of the charges **or any issuing authority designated by the president judge or his or her designee to receive the reinstatement of charges.**

(B) Following the re-filing of a complaint pursuant to paragraph (A), if the attorney for the Commonwealth determines that the preliminary hearing should be conducted by a different issuing authority, the attorney shall file a Rule 132 motion with the clerk of courts requesting that the president judge, or a judge designated by the president judge, assign a different issuing authority to conduct the preliminary hearing. The motion shall set forth the reasons for requesting a different issuing authority.

#### Comment

This rule provides the procedures for reinstating criminal charges following their withdrawal or dismissal at, or prior to, the preliminary hearing as provided in Rule 543, or after the complaint is dismissed when a grand jury declines to indict.

The authority of the attorney for the Commonwealth to reinstate charges that have been dismissed at the preliminary hearing is well established by case law. *See, e.g., McNair's Petition*, [ 324 Pa. 48, ] 187 A. 498 (Pa. 1936); *Commonwealth v. Thorpe*, [ 549 Pa. 343, ] 701 A.2d 488 (Pa. 1997). This authority, however, is not unlimited. First, the charges must be reinstated prior to the expiration of the applicable statute(s) of limitations. *See Commonwealth v. Thorpe*, [ 549 Pa. 343, ] 701 A.2d 488 (Pa. 1997). In addition, the courts have held that the reinstatement may be barred in a case in which the Commonwealth has repeatedly rearrested the defendant in order to harass him or her, or if the rearrest results in prejudice. *See Commonwealth v. Thorpe*, [ 549 Pa. 343, ] 701 A.2d 488 (Pa. 1997); *Commonwealth v. Shoop*, [ 420 Pa. Super. 606, ] 617 A.2d 351 (Pa. Super. 1992).

The decision to reinstate charges must be made by the attorney for the Commonwealth. Therefore, in cases in which no attorney for the Commonwealth was present at the preliminary hearing, the police officer may not re-file the complaint without the written authorization of the attorney for the Commonwealth. *See* Rule 507 (Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth—Local Option) for procedures for prior approval of complaints.

Pursuant to paragraph (A), in the usual case, charges will be reinstated by filing a complaint with the issuing authority who dismissed or permitted the withdrawal of the charges. However, there may be cases in which the attorney for the Commonwealth determines that a differ-

ent issuing authority should conduct the preliminary hearing, such as when an error of law is made by the issuing authority in finding that the Commonwealth did not sustain its burden to establish a *prima facie* case. Paragraph (B) requires that, in these cases, the attorney for the Commonwealth must file a petition with the court of common pleas requesting that the president judge, or a judge designated by the president judge, assign a different issuing authority to conduct the preliminary hearing. For the procedure for requesting assignment of a different issuing authority, see Rule 132.

**Paragraph (A) was amended in 2016 to address the reinstatement of charges in those judicial districts that have consolidated the issuing authority functions into a centralized body. These include the Pittsburgh Municipal Court, the Philadelphia Municipal Court, and those judicial districts that have established “central courts” in which the judicial district’s magisterial district judges undertake the issuing authority function at a central location on a rotating basis. In these situations, it is not necessary for charges to be reinstated with the individual issuing authority and the charges may be reinstated with the centralized issuing authority designated by the president judge.**

See Chapter 5 Part E for the procedures governing indicting grand juries. If the attorney for the Commonwealth is reinstating the charges after a complaint is dismissed when a grand jury [had] has declined to indict, the complaint should be re-filed with the issuing authority with whom the original complaint was filed.

See Chapter 5 Part F(1) for the procedures governing motions.

**Official Note:** Original Rule 123, adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000. New Rule 143 adopted October 8, 1999, effective January 1, 2000; renumbered Rule 544 and amended March 1, 2000, effective April 1, 2001; amended June 21, 2012, effective in 180 days; **amended** , **2016, effective** , **2016.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the June 21, 2012 amendments to paragraph (A) concerning indicting grand juries published with the Court’s Order at 42 Pa.B. 4153 (July 7, 2012).

**Report explaining the proposed amendments concerning the definition of the issuing authority who dismissed charges published for comment at 45 Pa.B. 7286 (December 26, 2015).**

## REPORT

### *Proposed amendment of Pa.R.Crim.P. 544* **Magistrate for the Refiling of Charges**

The Committee was recently presented with a question regarding the Rule 544(A) requirement for the Commonwealth to refile previously dismissed criminal charges

with “the issuing authority who dismissed or permitted the withdrawal of the charges.” In most jurisdictions, it is simply a matter of approaching the magisterial district judge (MDJ) having jurisdiction who is most frequently the MDJ who dismissed the complaint or permitted its withdrawal. However, in jurisdictions that have centralized minor courts such as the Pittsburgh and Philadelphia<sup>1</sup> Municipal Courts, there is a question whether the issuing authority who initially handled the matter must be approached about the re-filing or if any of the issuing authorities who staff these centralized courts may be approached about the re-filing.

Rule 544 was adopted in 1999 to standardize the reinstatement of charges. As noted in the Comment to the rule and in the Final Report that the Committee issued when the rule was adopted, see 29 Pa.B. 5505 (Oct. 23, 1999), the authority for reinstating charges is within the discretion of the attorney for the Commonwealth. There are however two limitations on this authority. First, the applicable statute of limitations must not have run. Second, reinstatement may be barred when the Commonwealth has repeatedly rearrested the defendant in order to harass him or her, or if the rearrest results in prejudice. See *Commonwealth v. Thorpe*, 701 A.2d 488 (Pa. 1997); *Commonwealth v. Shoop*, 617 A.2d 351 (Pa. Super. 1992).

The requirement to have the charges filed before the issuing authority who dismissed them is premised on the idea that the original issuing authority would be in a better position to determine that the refile is not being done from an improper motive or has resulted in prejudice to the defendant. This is also a means of reducing “judge-shopping” by preventing the repeated refile until the prosecution finds a more amenable magistrate. It should be noted that, in situations where the original dismissal was improper, the Commonwealth’s remedy is to seek a reassignment to a different magistrate pursuant to Rule 544(B).

The question presented to the Committee was whether refile should be treated differently when the preliminary hearing function is handled by a combined body of the judicial district’s issuing authorities. Such courts will usually have a single filing office and may assign cases in a less direct manner than would be the case in a typical MDJ office, resulting in more difficulty in ensuring that the refiled charges are presented to the original dismissing issuing authority. The Committee observed that, in the Philadelphia Municipal Court, a case is refiled by presenting a motion to refile to the Municipal Court Judge designated to handle motions and does not return to the original judge who dismissed it. It was also noted that many more jurisdictions are setting up centralized minor courts in which the MDJs within the judicial district preside over preliminary hearings on a rotating basis.

The Committee concluded that, in these circumstances, allowance should be made for the refile to be reviewed by any magistrate within the centralized court or, as in the case of the Philadelphia Municipal Court, with the specific magistrate designated by the President Judge to review refilings.

Therefore, paragraph (A) would be amended to allow reinstatement of charges with the issuing authority “des-

<sup>1</sup> The Philadelphia Municipal Court, which has a somewhat similar combined body of magistrates albeit Municipal Court judges, does not have a separate rule relating to the refile of dismissed charges. Under Rule 1000(B), the Municipal Court is bound by the statewide rules when no specific MC rule is provided so that the provisions of Rule 544 would govern. Preliminary hearings are only provided in felony cases in the Municipal Court.

igned by the president judge to receive the reinstatement of charges.” This terminology would be intentionally broad since the manner in which these centralized courts are organized and function can vary considerably. Rather than generally permitting the reinstatement to be done before any issuing authority, the Committee believed it would be good practice to have this duty specifically designated. It is contemplated that, in the central court situation, this designation could simply be one of the duties enumerated for the sitting magistrate.

[Pa.B. Doc. No. 15-2270. Filed for public inspection December 24, 2015, 9:00 a.m.]

[ 234 PA. CODE CH. 5 ]

**Proposed Amendment of Pa.R.Crim.P. 564**

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the amendment of Rules 564 (Amendment of Information) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, January 29, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

PAUL M. YATRON,  
*Chair*

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE  
CHAPTER 5. PRETRIAL PROCEDURES IN COURT  
CASES**

**PART F. Procedures Following a Case Held for  
Court**

**Rule 564. Amendment of Information.**

The court may allow an information to be amended [ **when there is a defect in form, the description of the offense(s), the description of any person or any property, or the date charged, provided the infor-**

**mation as amended does not charge an additional or different offense ], provided that the information as amended does not charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge that the defendant would be unfairly prejudiced.** Upon amendment, the court may grant such postponement of trial or other relief as is necessary in the interests of justice.

**Comment**

**The rule was amended in 2015 to more accurately reflect the interpretation of this rule that has developed since it first was adopted in 1974. See *Commonwealth v. Brown*, 727 A.2d 541 (Pa. 1999). See also *Commonwealth v. Beck*, 78 A.3d. 656 (Pa. Super 2013); *Commonwealth v. Page*, 965 A.2d 1212 (Pa. Super. 2009); *Commonwealth v. Sinclair*, 897 A.2d 1218 (Pa. Super. 2006).**

**Official Note:** Rule 229 adopted February 15, 1974, effective immediately; renumbered Rule 564 and amended March 1, 2000, effective April 1, 2001; **amended** , **2016, effective** , **2016.**

*Committee Explanatory Reports:*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Report explaining the proposed amendment regarding the standard for amendment published for comment at 45 Pa.B. 7287 (December 26, 2015).**

**REPORT**

***Proposed amendment of Pa.R.Crim.P. 564***

**Addition of Offenses to the Criminal Information**

Recently, the Committee had been presented with a suggestion that Rule 564 (Amendment of Information) be amended. Rule 564 provides that the court may allow an information to be amended so long as the amended information “does not charge an additional or different offense.” It was suggested that case law has interpreted the rule more broadly than a plain reading of the language would indicate. The Committee has concluded this to be the case and is proposing that the rule be changed to reflect this broader interpretation.

Rule 564 was adopted as Rule 229 in 1974. Except for renumbering as part of the general reorganization of the Rules of Criminal Procedure in 2000, the language of the rule has remained virtually unchanged since its initial adoption.

There has been a considerable body of case law interpreting whether amendments that add new offenses were permissible under the rule. As defined in these cases, the purpose of Rule 564 (or then-Rule 229) is to ensure that a defendant is fully apprised of the charges, and to avoid prejudice to the defendant by prohibiting the last minute addition of alleged criminal acts of which the defendant is uninformed. *See, e.g. Commonwealth v. Lawton*, 414 A.2d 658 (Pa. Super. 1979). Courts apply the rule allowing amendment of a defective information with an eye toward its underlying purposes and with a commitment to do justice rather than be bound by a literal or narrow reading of the procedural rules. *Commonwealth v. Roser*, 914 A.2d 447 (Pa. Super. 2006), *appeal denied* 927 A.2d 624 (Pa. 2007). In effecting this purpose, the courts employ the test of whether the crimes specified in the original information involved the same basic elements

and evolved out of the same factual situation as the crimes specified in the amended information. If so, the defendant is deemed to have been placed on notice regarding the alleged criminal conduct. However, if the amended provision alleges a different set of events, or the elements or defense to the amended crime are materially different from the elements or defense to the crime originally charged, so that the defendant would be prejudiced by the change, then amendment is not permissible. *Commonwealth v. Page*, 965 A.2d 1212 (Pa. Super. 2009). See also, *Commonwealth v. Beck*, 78 A.3d 656 (Pa. Super. 2013). Factors that the trial court must consider in determining whether a defendant was prejudiced by an amendment include: (1) whether the amendment changes the factual scenario supporting the charges; (2) whether the amendment adds new facts previously unknown to the defendant; (3) whether the entire factual scenario was developed during a preliminary hearing; (4) whether the description of the charges changed with the amendment; (5) whether a change in defense strategy was necessitated by the amendment; and (6) whether the timing of the Commonwealth's request for amendment allowed for ample notice and preparation. *Commonwealth v. Sinclair*, 897 A.2d 1218 (Pa. Super. 2006), citing *Commonwealth v. Grekis*, 601 A.2d 1284 (Pa. Super. 1992).

The most recent Pennsylvania Supreme Court case dealing with Rule 564 is *Commonwealth v. Brown*, 727 A.2d 541 (Pa. 1999), which held that, since the purpose of the information is to apprise the defendant of the charges against him so that he may have a fair opportunity to prepare a defense, an amendment should be precluded only when the variance between the original and the new charges prejudices an appellant by, for example, rendering defenses which might have been raised against the original charges ineffective with respect to the substituted charges. In this case, an amendment of the information changing the charge from one of sexual assault using force to one of sexual assault on an unconscious person was not proper because it prejudiced the defendant due to the differences in potential defenses available.

Based on the foregoing analysis, the Committee has concluded that the language of the rule does not accurately reflect the correct standards, as developed by the courts, for allowance of amendment of the information. Therefore, the language of the rule would be amended to reflect that a court may allow the information to be amended provided that the amended information does not "charge offenses arising from a different set of events and that the amended charges are not so materially different from the original charge such that the defendant would be unfairly prejudiced."

[Pa.B. Doc. No. 15-2271. Filed for public inspection December 24, 2015, 9:00 a.m.]

#### [ 234 PA. CODE CH. 5 ]

#### Proposed Revision of the Comment to Pa.R.Crim.P. 523

The Criminal Procedural Rules Committee is planning to propose to the Supreme Court of Pennsylvania the revision of the Comment to Rule 523 (Release Criteria) for the reasons set forth in the accompanying explanatory report. Pursuant to Pa.R.J.A. No. 103(a)(1), the proposal is being published in the *Pennsylvania Bulletin* for comments, suggestions, or objections prior to submission to the Supreme Court.

Any reports, notes, or comments in the proposal have been inserted by the Committee for the convenience of those using the rules. They neither will constitute a part of the rules nor will be officially adopted by the Supreme Court.

Additions to the text of the proposal are bolded; deletions to the text are bolded and bracketed.

The Committee invites all interested persons to submit comments, suggestions, or objections in writing to:

Jeffrey M. Wasileski, Counsel  
Supreme Court of Pennsylvania  
Criminal Procedural Rules Committee  
601 Commonwealth Avenue, Suite 6200  
Harrisburg, PA 17106-2635  
fax: (717) 231-9521  
e-mail: criminalrules@pacourts.us

All communications in reference to the proposal should be received by no later than Friday, January 29, 2016. E-mail is the preferred method for submitting comments, suggestions, or objections; any e-mailed submission need not be reproduced and resubmitted via mail. The Committee will acknowledge receipt of all submissions.

*By the Criminal Procedural  
Rules Committee*

PAUL M. YATRON,  
*Chair*

#### Annex A

#### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART C(1). Release Procedures

#### Rule 523. Release Criteria.

\* \* \* \* \*

#### Comment

This rule clarifies present practice, and does not substantially alter the criteria utilized by the bail authority to determine the type of release on bail or the conditions of release reasonably necessary, in the bail authority's discretion, to ensure the defendant's appearance at subsequent proceedings and compliance with the conditions of the bail bond.

When deciding whether to release a defendant on bail and what conditions of release to impose, the bail authority must consider all the criteria provided in this rule, rather than considering, for example, only the designation of the offense or the fact that the defendant is a nonresident. **Nothing in this rule prohibits the use of a pretrial risk assessment tool as one of the means of evaluating the factors to be considered under paragraph (A). However, a risk assessment tool must not be the only means of reaching the bail determination.**

In addition to the release criteria set forth in this rule, in domestic violence cases under Section 2711 of the Crimes Code, 18 Pa.C.S. § 2711, the bail authority must also consider whether the defendant poses a threat of danger to the victim.

When a defendant who has been released on bail and is awaiting trial is arrested on a second or subsequent charge, the bail authority may consider that factor in conjunction with other release criteria in setting bail for the new charge.

**Official Note:** Previous Rule 4002, formerly Rule 4003, adopted November 22, 1965, effective June 1, 1966; renumbered Rule 4002 and amended July 23, 1973, effective 60 days hence; Comment revised January 28, 1983, effective July 1, 1983; rescinded September 13, 1995, effective January 1, 1996, and not replaced. Present Rule 4002 adopted September 13, 1995, effective January 1, 1996. The January 1, 1996 effective dates extended to April 1, 1996; the April 1, 1996 effective dates extended to July 1, 1996; amended September 3, 1999, effective immediately; renumbered Rule 523 and Comment revised March 1, 2000, effective April 1, 2001; **Comment revised** , 2016, effective , 2016.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. [ 1477 ] 1478 (March 18, 2000).

**Report explaining the proposed Comment revisions regarding the use of risk assessment tools published for comment at 45 Pa.B. 7289 (December 26, 2015).**

## REPORT

### *Proposed Revision of the Comment to Pa.R.Crim.P. 523*

#### **Risk Assessment Tools for Bail Determination**

Recently, representatives of the First Judicial District (FJD) in Philadelphia had requested that the Committee consider clarifying that risk assessment tools may be used as part of the determination when setting bail. The FJD is in the process of developing a risk tool to assist Arraignment Court Magistrates and Judges in determining whether defendants at the time of their arrest should be held in custody, released under House Arrest/Electronic Monitoring, released under special conditions or released on their own recognizance.

This effort in the FJD is consistent with a national trend in moving from a "cash-based release system," which is believed to be more burdensome on lower income defendants, to a "risk-based release system," that attempts to assess the likely danger of non-appearance or other misconduct. In particular, risk assessment tools are intended to use quantifiable statistics in an attempt to determine the potential risk that the defendant may pose and then use that as a basis for determining what conditions should be placed on release. The ultimate goal is to try to add more objectivity to the bail decision.

Simply put, a risk assessment tool is developed by studying cases in the past in which the defendants have committed misconduct while on pretrial bail and determining what factors, like drug addiction, unemployment, or prior criminal history, are present. Usually, some type of point system is then developed from this data that will be used to "score" a new defendant as a means of predicting whether the defendant will commit misconduct while on bail.

The risk assessment tool being implemented in Philadelphia is a good example of how such an analysis is developed. It is based on data of defendants in Philadelphia from 2007-2014 who were arrested and released on pretrial status. The data was analyzed to determine which defendants committed new crimes and the types of characteristics these defendants who were arrested for new crimes possess. The types of new crimes for which these defendants were arrested while on pretrial status

were also analyzed. Over 200,000 defendants' cases were studied. The factors studied included a defendant's criminal history, age at time of first adult arrest, previous time in jail, current and new charges, and length of previous time in jail.

Risk assessment tools are already in use in a number of jurisdictions, such as Colorado, Florida, and Kentucky. Use of risk assessment tools is also encouraged in the ABA's Standard on Pretrial Release 10-1.10(i) that urges each jurisdiction, *inter alia*, to:

(i) develop and operate an accurate information management system to support prompt identification, information collection and presentation, risk assessment, release conditions selection, compliance monitoring and detention review functions essential to an effective pretrial services agency; . . .

The consensus of the Committee was that currently nothing in the rules precludes the use of such a tool so long as it is not the exclusive means of making the assessment regarding bail. However, the Committee concluded that a clarification on this point would be helpful. Therefore, the Comment to Rule 523 would be revised to state that the rule does not forbid the use of a risk assessment tool but that the tool must not be the only means of reaching the bail decision.

[Pa.B. Doc. No. 15-2272. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 11 AND 16 ]

### **Order Amending Rules 1120 and 1608 of the Rules of Juvenile Court Procedure; No. 686 Supreme Court Rules Doc.**

#### **Order**

*Per Curiam*

*And Now*, this 9th day of December, 2015, upon the recommendation of the Juvenile Court Procedural Rules Committee; the proposal having been published for public comment before adoption at 45 Pa.B. 3999 (July 25, 2015), in the *Atlantic Reporter* (Third Series Advance Sheets, Vol. 116, No. 2, August 7, 2015), and on the Supreme Court's web-page, and an Explanatory Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the modifications to Rules 1120 and 1608 of the Rules of Juvenile Court Procedure are approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective January 1, 2016.

#### **Annex A**

### **TITLE 237. JUVENILE RULES**

#### **PART I. RULES**

#### **Subpart B. DEPENDENCY MATTERS**

#### **CHAPTER 11. GENERAL PROVISIONS**

#### **PART A. BUSINESS OF COURTS**

#### **Rule 1120. Definitions.**

ADULT is any person, other than a child, eighteen years old or older.



ADVANCED COMMUNICATION TECHNOLOGY is any communication equipment that is used as a link between parties in physically separate locations and includes, but is not limited to, systems providing for two-way simultaneous audio-visual communication, closed circuit television, telephone and facsimile equipment, and electronic mail.

AGE-APPROPRIATE OR DEVELOPMENTALLY-APPROPRIATE is used to describe the: 1) activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; or 2) in the case of a specific child, activities or items that are suitable based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

AGGRAVATED CIRCUMSTANCES are those circumstances specifically defined pursuant to the Juvenile Act, 42 Pa.C.S. § 6302.

CAREGIVER is a person with whom the child is placed in an out-of-home placement, including a resource family or individual designated by a county agency or private agency. The resource family is the caregiver for any child placed with them.

CHILD is a person who:

\* \* \* \* \*

PROTECTIVE CUSTODY is when a child is taken into custody for protection as an alleged dependent child pursuant to the Juvenile Act, 42 Pa.C.S. § 6301 et seq. or custody may be assumed pursuant to 23 Pa.C.S. § 6315.

REASONABLE AND PRUDENT PARENT STANDARD is the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while encouraging the emotional and developmental growth of the child, that a caregiver must use when determining whether to allow a child to participate in extracurricular, enrichment, cultural, and social activities.

RECORDING is the means to provide a verbatim account of a proceeding through the use of a court stenographer, audio recording, audio-visual recording, or other appropriate means.

\* \* \* \* \*

**Official Note:** Rule 1120 adopted August 21, 2006, effective February 1, 2007. Amended March 19, 2009, effective June 1, 2009. Amended December 24, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended May 20, 2011, effective July 1, 2011. Amended June 24, 2013, effective January 1, 2014. Amended October 21, 2013, effective December 1, 2013. Amended July 28, 2014, effective September 29, 2014. Amended July 13, 2015, effective October 1, 2015. Amended December 9, 2015, effective January 1, 2016.

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1120 published with the Court's Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1120 published with the Court's Order at 45 Pa.B. 7289 (December 26, 2015).**

**CHAPTER 16. POST-DISPOSITIONAL PROCEDURES**

**PART B(2). PERMANENCY HEARING**

**Rule 1608. Permanency Hearing.**

\* \* \* \* \*

*D. Court's findings.*

1) *Findings at all six-month hearings.* At [ the ] each permanency hearing, the court shall enter its findings and conclusions of law into the record and enter an order pursuant to Rule 1609. On the record in open court, the court shall state:

\* \* \* \* \*

k) the services needed to assist a child who is [ sixteen ] fourteen years of age or older to make the transition to [ independent living ] a successful adulthood, including:

\* \* \* \* \*

vii) the [ job readiness ] job-readiness services that have been provided to the child and the employment/career goals that have been established;

viii) whether the child has physical health or behavioral health needs that will require continued services into adulthood; and

ix) the steps being taken to ensure that the youth will have stable housing or living arrangements when discharged from care;

l) any educational, health care, and disability needs of the child and the plan to ensure those needs are met;

m) if a sibling of a child has been removed from the home and is in a different setting than the child, whether reasonable efforts have been made to place the child and sibling of the child together or whether such joint placement is contrary to the safety or well-being of the child or sibling; [ and ]

n) if the child has a sibling, whether visitation of the child with that sibling is occurring no less than twice a month, unless a finding is made that visitation is contrary to the safety or well-being of the child or sibling[ . ];

o) whether sufficient steps have been taken by the county agency to ensure the caregiver is exercising the reasonable and prudent parent standard; and

p) whether sufficient steps have been taken by the county agency to ensure the child has been provided regular, ongoing opportunities to engage in age-appropriate or developmentally-appropriate activities, including:

i) consulting the child in an age-appropriate or developmentally-appropriate manner about the opportunities to participate in activities; and

ii) identifying and addressing any barriers to participation.

2) *Another Planned Permanent Living Arrangement (APPLA) for Children Sixteen Years of Age or*

**Older:** APPLA shall not be utilized for any child under the age of sixteen. At each permanency hearing for a child who is sixteen years or older and has a permanency goal of APPLA, the following additional considerations, inquiry, and findings shall be made by the court:

a) **Court's APPLA Considerations.** Before making its findings pursuant to paragraph (D)(2)(c), the court shall consider evidence, which is obtained as of the date of the hearing, and entered into the record concerning:

i) the intensive, ongoing, and unsuccessful efforts made to:

A) return the child home; or

B) secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent;

ii) the specific services, including the use of search technology and social media to find biological family members and kin, as well as permanency services that have been provided to the child that serve as the intensive ongoing, and unsuccessful efforts to achieve reunification, adoption, or placement with a guardian or a fit and willing relative;

iii) the full name of at least one identified supportive adult with whom the child has significant connections;

iv) how each identified supportive adult has formalized the connection with the child;

v) the specific services that will be provided by the agency to support and maintain the connection between the child and identified supportive adult(s); and

vi) the specific planned, permanent placement or living arrangement for the child that will provide the child with stability.

b) **Court's Inquiry of Child's Desired Permanency Outcome.** Before making its findings pursuant to paragraph (D)(2)(c), the court shall ask the child about the child's desired permanency outcome.

c) **Court's APPLA Findings.** After making all the findings of paragraph (D)(1) and before assigning the permanency goal of APPLA, at each subsequent permanency hearing, based upon the considerations and inquiry provided in paragraph (D)(2)(a) & (b) and any other evidence deemed appropriate by the court, the court shall state in open court on the record the following:

i) reasons why APPLA continues to be the best permanency plan for the child; and

ii) compelling reasons why it continues not to be in the best interests of the child to:

A) return home;

B) be placed for adoption;

C) be placed with a legal guardian; and

D) be placed with a fit and willing relative.

[ 2 ] 3) **Additional findings for fifteen of last twenty-two months.** If the child has been in placement for fifteen of the last twenty-two months, the court may direct the county agency to file a petition to terminate parental rights.

\* \* \* \* \*

## Comment

See 42 Pa.C.S. §§ 6341, 6351.

Permanency planning is a concept whereby children are not relegated to the limbo of spending their childhood in foster homes, but instead, dedicated effort is made by the court and the county agency to rehabilitate and reunite the family in a reasonable time, and failing in this, to free the child for adoption. [ *In re M.B.*, 449 Pa. Super. 507, 674 A.2d 702 (1996) quoting *In re Quick*, 384 Pa. Super. 412, 559 A.2d 42 (1989). ] *In re M.B.*, 674 A.2d 702, 704 (Pa. Super. Ct. 1996) (quoting *In re Quick*, 559 A.2d 42 (Pa. 1989)).

To the extent practicable, the judge or master who presided over the adjudicatory and original dispositional hearing for a child should preside over the permanency hearing for the same child.

Pursuant to paragraph (A), courts are to conduct a permanency hearing every six months. Courts are strongly encouraged to conduct more frequent permanency hearings, such as every three months, when possible.

The court may schedule a three-month hearing or conference. At the three-month hearing, the court should ensure that: 1) services ordered at the dispositional hearing pursuant to Rule 1512 are put into place by the county agency; 2) the guardian who is the subject of the petition is given access to the services ordered; 3) the guardian is cooperating with the court-ordered services; and 4) a concurrent plan is developed if the primary plan may not be achieved.

A three-month hearing or conference is considered best practice for dependency cases and is highly recommended. The court should not wait until six months has elapsed to determine if the case is progressing. Time to achieve permanency is critical in dependency cases. In order to seek reimbursement under Title IV-E of the Social Security Act, 42 U.S.C. § 601 *et seq.*, a full permanency hearing is to be conducted every six months, **including required findings and conclusions of law on the record pursuant to paragraph (D).**

**In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences that address specific issues based on the circumstances of the case and assist the court in ensuring timely permanency.**

Every child should have a concurrent plan, which is a secondary plan to be pursued if the primary permanency plan for the child cannot be achieved. See Comment to Rule 1512. For example, the primary plan may be reunification with the guardian. If the guardian does not substantially comply with the requirements of the court-ordered services, subsidized legal guardianship may be utilized as the concurrent plan. Because of time requirements, the concurrent plan is to be in place so that permanency may be achieved in a timely manner.

Pursuant to paragraph (D)(1)(h), the court is to determine whether the county agency has reasonably satisfied the requirements of Rule 1149 regarding family finding, including the location and engagement of relatives and kin at least every six months, prior to each permanency hearing. If the county agency has failed to meet the diligent family finding efforts requirements of Rule 1149, the court is to utilize its powers to enforce this legislative mandate. See 62 P.S. § 1301 *et seq.* [ *See* ]; *see also*

Rules 1210(D)(8), 1242(E)(3), 1409(C), 1609(D), and 1611(C) and Comments to Rules 1242, 1408, 1409, 1512, 1514, 1515, 1609, and 1611.

When making its determination for reasonable efforts made by the county agency, the court is to consider family finding. *See also* Rules 1240(B)(6), 1242(C)(2) & (3)(b) & (c) and 1330(B)(6) and Comments to Rules 1242, 1330, 1409, 1515, 1609, and 1611 for reasonable efforts determinations.

**See 42 U.S.C. § 675(5)(A)—(I) for development of a transition plan pursuant to paragraph (D)(1)(k).**

Pursuant to paragraph (D)(1)(o), the county agency is to testify and enter evidence into the record on how it took sufficient steps to ensure the caregiver is exercising the reasonable and prudent parent standard. For the definition of “caregiver” and the “reasonable and prudent parent standard,” see Rule 1120. Pursuant to paragraph (D)(1)(p), when documenting its steps taken, the county agency is to include how it consulted with the child in an age-appropriate or developmentally-appropriate manner about the opportunities of the child to participate in activities. For the definition of “age-appropriate or developmentally-appropriate,” see Rule 1120. These additions have been made to help dependent children have a sense of normalcy in their lives. These children should be able to participate in extracurricular, enrichment, cultural, and social activities without having to consult caseworkers and ask the court’s permission many days prior to the event. *See also* Preventing Sex Trafficking and Strengthening Families Act (P. L. 113-183), 42 U.S.C. §§ 675 and 675a (2014).

Pursuant to paragraph (D)(2), there are additional considerations, inquiries, and findings when the court conducts a permanency hearing for a child, who is sixteen years of age or older and has a permanency plan of APPLA. APPLA should only be utilized as a permanency plan when all other alternatives have been exhausted. Even after exhaustive efforts have been made, the county agency should identify at least one supportive adult to be involved in the life of the child. Diligent efforts to search for relatives, guardians, adoptive parents, or kin are to be utilized. *See* Rule 1149 on family finding. Independent living services should also be addressed. Under paragraph (D)(2)(a)(i)(B), a fit and willing relative may include adult siblings.

Pursuant to paragraph (D)(2)(b), the court is to engage the child in conversation to ascertain the child’s desired permanency outcome. The conversation is to be between the child and the court, not the guardian *ad litem* answering for the child.

After all the requirements of paragraph (D)(1) and (D)(2)(a) and (b) have been made, the court is to state in open court on the record the specific reasons why APPLA continues to be the best permanency plan for the child and the compelling reasons why it continues not to be in the best interests of the child to return home or be placed for adoption, with a legal guardian, or with a fit and willing relative. *See* paragraph (D)(2)(c). The standards of this rule make choosing the plan of APPLA difficult to ensure that it is the last alternative available for the child. Additionally, this rule requires the court to state its finding in open court on the record. If the court takes a case under

**advisement, it is to continue the hearing until it is ready to make these findings. The time requirements of the Rules are to be followed when taking a case under advisement.**

Pursuant to paragraph [ (D)(2) ] (D)(3), a “petition to terminate parental rights” is a term of art used pursuant to 23 Pa.C.S. § 2511 and [ Pa.R.O.C. ] Pa.O.C. Rule 15.4 to describe the motion terminating parental rights. This does not refer to the “petition” as defined in Pa.R.J.C.P. 1120.

The court is to move expeditiously towards permanency. A goal change motion may be filed at any time.

**[ In addition to the permanency hearing contemplated by this rule, courts may also conduct additional and/or more frequent intermittent review hearings or status conferences, which address specific issues based on the circumstances of the case, and which assist the court in ensuring timely permanency. ]**

A President Judge may allow Common Pleas Judges to “wear multiple hats” during a proceeding by conducting a combined hearing on dependency and Orphans’ Court matters. *See* 42 Pa.C.S. § 6351(i); *see also In re Adoption of S.E.G.*, [ 587 Pa. 568, ] 901 A.2d 1017 (Pa. 2006), where involuntary termination occurred prior to a goal change by the county agency.

For family service plan requirements, see 55 Pa. Code §§ 3130.61 and 3130.63.

**[ See 42 U.S.C. § 675(5)(A)—(H) for development of a transition plan pursuant to paragraph (D)(1)(k). ]**

*See* Rule 1136 regarding *ex parte* communications.

*See* Rule 1610 for permanency hearing for children over the age of eighteen.

**Official Note:** Rule 1608 adopted August 21, 2006, effective February 1, 2007. Amended December 18, 2009, effective immediately. Amended April 21, 2011, effective July 1, 2011. Amended April 29, 2011, effective July 1, 2011. Amended October 21, 2013, effective December 1, 2013. Amended July 13, 2015, effective October 1, 2015. **Amended December 9, 2015, effective January 1, 2016.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 3987 (July 25, 2015).

**Final Report explaining the amendments to Rule 1608 published with the Court’s Order at 45 Pa.B. 7289 (December 26, 2015).**

#### EXPLANATORY REPORT

The Supreme Court of Pennsylvania has adopted the amendments to Rules 1120 and 1608. The amendments are effective January 1, 2016.

#### *Rule discussion*

On September 29, 2014, the Preventing Sex Trafficking and Strengthening Families Act (PSTSFA) (P. L. 113-183) was passed. In order to receive federal Title IV-E payments for foster care and adoption assistance, states had to comply with the requirements of the PSTSFA by September 29, 2015. Pennsylvania was granted an extension to January 1, 2016 to comply with the PSTSFA.

*Rule 1120*

Three new definitions, “age-appropriate or developmentally-appropriate,” “caregiver,” and “reasonable and prudent parent standard” have been added to Rule 1120. These terms are utilized in Rule 1608 as a component of strengthening families in the dependency system.

*Rule 1608*

Independent living services are now offered to dependent children who are fourteen years of age or older and the phrase “transition to independent living” is now coined “transition to a successful adulthood.”

At each permanency hearing, the court must make specific findings. Two new findings were added to paragraph (D)(1)(o) & (p). The court must make a finding whether the county agency is taking sufficient steps to ensure: 1) the caregiver is exercising the reasonable and prudent parent standard; and 2) the child has been provided regular opportunities to engage in age-appropriate or developmentally-appropriate activities.

A new paragraph (D)(2) has been added to address another planned permanent living arrangement (APPLA). This section has been broken down into three areas: additional considerations, inquiry, and findings concerning APPLA. Under additional considerations, the court must entertain evidence from the county agency concerning the intensive, ongoing, and unsuccessful efforts made

to return the child home or secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent. The court must engage in family finding and exhaust all other permanency plans before selecting APPLA. APPLA is to only be utilized as a last resort. Once APPLA is chosen, the county agency is to identify at least one supportive adult with whom the child has significant connections, support and formalize the connection with the supportive adult, and offer services to maintain the connection between the supportive adult and the child. Finally, APPLA is to provide the child with stability. *See* paragraph (D)(2)(a).

Next, under its inquiry pursuant to paragraph (D)(2)(b), the court must engage in a conversation with the child to determine the child’s desired permanency outcome. The child is to speak with the judge rather than having the guardian *ad litem* speak on her or his behalf.

Then, the court must make specific findings pursuant to paragraph (D)(2)(c), including the reasons why APPLA is the best permanency plan for the child and the compelling reasons why it continues to not to be in the best interests of the child to return home or be placed for adoption or with a legal guardian or with a fit and willing relative.

[Pa.B. Doc. No. 15-2273. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Title 25—LOCAL COURT RULES

### MONTGOMERY COUNTY

#### Administrative Order Clerk of Courts Fee Bill; No. AD-370-2015

#### Order

*And Now*, this 1st day of December, 2015, the Court approves the following Clerk of Courts Fee Schedule to be effective January 1, 2016.

*By the Court*

WILLIAM J. FURBER, Jr.,  
*President Judge*

#### Montgomery County Clerk of Courts

#### Fee Schedule

Effective 01/01/2016

<i>Description</i>	<i>Fee</i>	<i>Plus Automation Fee</i>	<i>Total</i>
Appeal to Superior Court (Clerk of Courts Fee)	\$71.25	\$5.00	\$76.25
Appeal to Superior Court (Superior Court Fee)	\$85.50	N/A	\$85.50
Bail Bond Filing Fees (Applicable to Bonding Companies Only)	\$23.25	\$5.00	\$28.25
Bail Pieces	\$23.25	N/A	\$23.25
Certified Copies	\$10.50	N/A	\$10.50
Checks returned due to Insufficient Funds	\$38.25	N/A	\$38.25
Clerk of Courts Fee During and After Trial	\$355.25	N/A	\$355.25
Clerk of Courts Fee Prior to Trial	\$296.25	N/A	\$296.25
Clerk of Courts Processing Fee—Summary	\$31.75	N/A	\$31.75
Constable Appointment Petitions	\$23.25	\$5.00	\$28.25
Copies (Per Sheet)	\$1.00	N/A	\$1.00
Copies from Micro Fiche (Per Sheet)	\$2.00	N/A	\$2.00
Criminal Record Searches (Computer & Micro Fiche search)	\$23.25	N/A	\$23.25
Criminal Record Searches (Computer search back to 1984)	\$23.25	N/A	\$23.25

<i>Description</i>	<i>Fee</i>	<i>Plus Automation Fee</i>	<i>Total</i>
Expungements	\$23.25	\$5.00	\$28.25
Finger Print Cards (Per Card)	\$15.75	N/A	\$15.75
Nunc Pro Tunc	\$23.25	\$5.00	\$28.25
Pre-Trial Motions and Miscellaneous Filings	\$23.25	\$5.00	\$28.25
Private Detective License—(New Application)	\$23.25	\$5.00	\$28.25
Private Detective License—(Renewal Application)	\$23.25	\$5.00	\$28.25
Private Detective License—New (Corporation)	\$300.00	N/A	\$300.00
Private Detective License—New (Person)	\$200.00	N/A	\$200.00
Private Detective License—Renewal (Corporation)	\$750.00	N/A	\$750.00
Private Detective License—Renewal (Person)	\$500.00	N/A	\$500.00
Property Bail	\$23.25	\$5.00	\$28.25
Return of Property Filings	\$23.25	\$5.00	\$28.25
Subpoenas	\$3.75	N/A	\$3.75
Summary Appeals	\$58.25	\$5.00	\$63.25
Tax Collector Bonds	\$23.25	\$5.00	\$28.25

[Pa.B. Doc. No. 15-2274. Filed for public inspection December 24, 2015, 9:00 a.m.]

## MONTGOMERY COUNTY

### Amendment to Local Rule of Civil Procedure 2039(a)\*—Minor's Compromise; No. 2015-00001

#### Order

And Now, this 7th day of December, 2015, the Court amends Montgomery County Local Rule of Civil Procedure 2039(a)\*—Minor's Compromise. This Amendment shall become effective thirty days after publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In further conformity with Pa.R.C.P. 239, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Prothonotary, one (1) copy with the Law Library of Montgomery County and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,  
President Judge

Note: Bold and bracketed material is deleted.  
Bold material is added.

#### Rule 2039(a)\*. Minor's Compromise.

No personal injury action in which a minor has an interest shall be settled without court approval.

##### 1. Contents of Petition, Exhibits, and Proposed Decrees:

(A) *Petition*. A petition for approval of settlement shall set forth:

(1) The date of birth, social security number, and address of the minor plaintiff, the name and address of the minor's parent(s) or guardian(s);

(2) The facts out of which the cause of action arose;

(3) The elements and items of damages sustained;

(4) A list of all expenses incurred or to be incurred, whether or not they have been paid, by whom payment was made, and arrangements for payment of unpaid bills;

(5) Any limits on the financial responsibility of the defendant(s);

(6) A statement as to whether or not a lien or claim has been raised on behalf of any health care supplier, medical supplier, health insurer, worker's compensation carrier or government entity, including the Department of Public Welfare;

(7) The fees of counsel, which shall not exceed 25% of the present value of a structured settlement, or 25% of the gross recovery of any other settlement, unless counsel has rendered extraordinary services;

(8) The present status of the minor's health and injuries; and

(9) Any other circumstances relevant to the propriety of granting the petition.

(B) *Exhibits*. The petition shall also contain the following exhibits:

(1) A written report from attending health care providers stating the extent of the injury, the treatment given and the prognosis for the injured minor, except that in cases where the gross settlement does not exceed \$5,000.00, or in other cases where the Court is satisfied that the treating physician's office notes and/or records set forth adequately the injury, the treatment given and the prognosis, such notes and/or records may be provided in lieu of a written report;

(2) The written consent of the minor, if (s)he is sixteen (16) years of age or older; and

(3) Copies of counsel's time sheets and other supporting documentation showing the nature and extent of services rendered, if counsel is claiming fees in excess of 25%.

(C) *Decreets.* If the gross settlement exceeds [ \$2,500.00 ] \$10,000.00, counsel shall submit both a preliminary decree setting a hearing date and a proposed final decree setting forth the proposed distribution of the settlement proceeds. If the gross settlement is [ \$2,500.00 ] \$10,000.00 or less, counsel need submit only the proposed final decree.

2. *Filing of Petition.* In any action where a civil suit has been initiated by writ of summons or complaint, the petition shall be filed with the Prothonotary under the caption of the civil suit. No motions court cover sheet is required. In any action where no civil suit has been initiated, the petition shall be filed with the Clerk of the Orphans' Court under the caption "ABC, a minor."

3. *Hearing.* All petitions for gross settlements in excess of [ \$2,500.00 ] \$10,000.00 shall be set for hearing before a Judge of the Orphans' Court. The minor's presence is required at the hearing, unless (s)he is excused by the Court for cause shown. Petitions for settlements of [ \$2,500.00 ] \$10,000.00 or less may be approved without hearing, unless the Judge assigned to the matter, in his or her discretion, determines that a hearing is necessary.

4. *Affidavit of Deposit.* When a compromise settlement is approved by the Court, an Affidavit of Deposit of Minor's Funds shall be filed with the division of the Court where the petition was filed within 30 days of the date of the order approving the settlement. The Affidavit shall be substantially in the following form:

See Form

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA CIVIL DIVISION—LAW

VS. NO.

AFFIDAVIT OF DEPOSIT OF MINOR'S FUNDS

I, \_\_\_\_\_ being duly sworn according to law depose and say:

1. I am employed by \_\_\_\_\_ as \_\_\_\_\_ . (Name of bank or authorized depository)

2. I am authorized to make this affidavit on behalf of \_\_\_\_\_ . (Name of bank or authorized depository)

3. On \_\_\_\_\_ the sum of \$ \_\_\_\_\_ was deposited by \_\_\_\_\_ in an insured, interest-bearing Savings Account/Certificate of Deposit No. \_\_\_\_\_ pursuant to Order of Court dated \_\_\_\_\_ to File No. \_\_\_\_\_ .

4. Account/Certificate No. \_\_\_\_\_ is entitled \_\_\_\_\_ .

5. The express prohibition of withdrawals of income or principal prior to \_\_\_\_\_ without FURTHER ORDER OF COURT has been noted on the depository's records and on the passbook/certificate.

Signature

Print Name/Title

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_ .

Address

Notary Public

THIS AFFIDAVIT SHALL BE FILED IN THE OFFICE OF THE PROTHONOTARY, MONTGOMERY COUNTY COURTHOUSE, SWEDE AND AIRY STREETS, NORRISTOWN, PENNSYLVANIA WITHIN THIRTY (30) DAYS OF THE DATE OF THE ORDER OF COURT.

[Pa.B. Doc. No. 15-2275. Filed for public inspection December 24, 2015, 9:00 a.m.]

## MONTGOMERY COUNTY

**Amendment of Local Rules of Civil Procedure  
206.4(c), 208.3(b), 1028(c), 1034(a) and 1035.2(a);  
No. 2015-00001**

## Order

And Now, this 9th day of December, 2015, the Court hereby Amends Montgomery County Local Rules of Civil Procedure 206.4(c), 208.3(b), 1028(c), 1034(a), and 1035.2(a). These Amended Local Rules shall become effective upon publication on the UJS Web Portal at <http://ujsportal.pacourts.us>.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.C.P. 239 and 239.8, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and one (1) certified copy shall be filed with the Civil Procedural Rules Committee. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court.

By the Court

WILLIAM J. FURBER, Jr.,  
President Judge

**Rule 206.4(c). Issuance of a Rule to Show Cause.**

(1) \* \* \*

(2) *Disposition.* Forty-five (45) days from the filing of the petition, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the petition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If discovery or oral argument were not requested by either party, the Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings. If the respondent did not file an answer to the petition within the timeframe outlined in the proposed order, the Court will consider the petition without an answer, and enter an appropriate order in accordance with Rule 206.7(a).

(3) \* \* \*

*Comment:* \* \* \*

**Rule 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions.**

(1) \* \* \*

(2) \* \* \*

(3) \* \* \*

(4) \* \* \*

(5) \* \* \*

(6) \* \* \*

(7) *Disposition.* Once briefs, if required, are filed, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets or the argument praecipe, the matter may be scheduled for argument. If oral argument was not

requested by either party, the Judge may direct the scheduling of argument, or may simply decide the matter upon the filings.

*Comments:* \* \* \*

**Rule 1028(c). Preliminary Objections.**

(1) \* \* \*

(2) \* \* \*

(3) *Disposition.* Forty-five (45) days from the filing of preliminary objections, the matter shall be referred to a Judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of preliminary objections. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If discovery or oral argument were not requested by either party, the Judge may direct the scheduling of discovery or oral argument, or may decide the matter upon the filings.

(4) \* \* \*

*Comments:* \* \* \*

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

(1) \* \* \*

(2) \* \* \*

(3) *Disposition.* Forty-five (45) days from the filing of the motion for judgment on the pleadings, the matter shall be referred to a Judge for disposition. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) \* \* \*

*Comments:* \* \* \*

**Rule 1035.2(a). Motion for Summary Judgment.**

(1) \* \* \*

(2) \* \* \*

(3) *Disposition.* Forty-five (45) days from the filing of the motion for summary judgment, the matter shall be referred to a Judge for disposition, unless the underlying case has already been praeciped for trial or ordered on the trial list, in which case the motion will be assigned to the trial judge for disposition. If discovery was requested by either party on their respective cover sheets, said discovery shall be concluded within forty-five (45) days from the filing of the motion. If oral argument was requested by either party on their respective cover sheets, the matter may be scheduled for argument. If oral argument was not requested by either party, the Judge may direct the scheduling of oral argument, or may decide the matter upon the filings.

(4) \* \* \*

*Comment:* \* \* \*

[Pa.B. Doc. No. 15-2276. Filed for public inspection December 24, 2015, 9:00 a.m.]





**CREDIT UNIONS**  
**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
12-10-2015	Fairless Credit Union Morrisville Bucks County	Filed
	Amendment to Article I of the institution's Articles of Incorporation provides for change in their corporate title to "Spirit Financial Credit Union" and amendment to Article 3, provides for a change in location.	

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

ROBIN L. WIESSMANN,  
*Secretary*

[Pa.B. Doc. No. 15-2277. Filed for public inspection December 24, 2015, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Annual Certification under Section 7201-B(e) of the Tax Reform Code

December 14, 2015

William R. Hite, Jr., Ed.D.  
Superintendent  
School District of Philadelphia  
440 North Broad Street, Suite 301  
Philadelphia, PA 19130

I am writing pursuant to Section 7201-B(e) of the Tax Reform Code, Act 52 of 2013, 72 P. S. § 7201-B(e), which provides that a city of the first class may impose a one percent sales and use tax that may be used by a school district of the first class in an amount up to \$120,000,000. Effective July 1, 2014, the City of Philadelphia has imposed this additional sales and use tax. However, the use of these funds by the School District of Philadelphia ("District") must be authorized by the Secretary of Education.

Pursuant to Section 7201-B(e)(1), as Secretary of Education, I must consider whether "the school district . . . began implementation of reforms that provide for [the District's] fiscal stability, educational improvement and operational control." In my judgment, the District has begun implementation of such reforms in all three areas described in the statute.

According to the District, it is implementing new programs and initiatives to increase the range and quality of educational options available to students, including:

- Releasing in March 2015 the School District of Philadelphia Action Plan 3.0, a strategic plan to transform schools and improve student achievement;
- Redesigning the work of the senior leadership team to become more responsive to schools;
- Placing early literacy specialists in 39 elementary schools with low 3rd grade PSSA readings scores, and providing intensive literacy training for 60 principals;
- Purchasing an online literacy assessment for K-5 teachers to identify students struggling with foundational literacy skills, with baseline administration citywide in Spring 2015;
- Implementing "Naviance," an online college and career planning platform for every middle and high school, which is supported by local philanthropy;

- Constructing a new dental assistant lab at Kensington Health Sciences and an Advanced Manufacturing Center at Ben Franklin High School to prepare students for job readiness and providing 1,800 students district-wide with career and technical education credentials and 3,500 certifications;

- Placing 57 school-based bilingual counseling assistants in schools throughout the District that have a large English Language Learners population;

- Increasing acceptance into high-performing schools and increasing the number of students participating in the school selection process by automating the process and aligning the budget calendar;

- Achieving over 13,000 users visiting the new suite of standards-aligned curriculum tools;

- Establishing 32 additional school advisory councils throughout the learning networks;

- Implementing a coordinated effort so that all District schools and 75 percent of charter schools are on the same school performance measure report;

- Continuing programs that were implemented in the prior year, including reissuing a school redesign initiative and executing an intense series of decisions around school performance and providing access to high quality education through the District's system of great schools process.

The District has also reported that additional steps have been taken to improve operational controls and to create fiscal stability, including:

- Ending the 2014-15 fiscal year with a positive fund balance and having a clean audit with no material findings;

- Implementing a massive debt refinancing that saved millions of dollars spread across fiscal years to contribute to long-term fiscal stability;

- Conducting eight community budget meetings to provide information about the District's 2015-16 school year budget requests;

- Receiving \$10 million in additional private philanthropic dollars to provide additional teacher training/coaching and purchase supplemental instructional materials in literacy for all K-3 teachers over the next three years;

- Negotiating a new contract with the food service workers and school climate staff union that will generate over \$5 million in savings;
- Increasing the number of positive behavior and intervention schools from 16 to 24 through a \$3.5 million federal grant;
- Participating as “one of the firsts” in the community eligibility program through USDA, which allows the District to provide free daily breakfast and lunch meals to every student;
- Working with a new Inspector General to promote the value of integrity and ethical, responsible execution of public service;
- Continuing the practice of posting all of the District’s budget information online;

- Undertaking other reforms to reduce costs and increase efficiency, including improvements to the procurement process and contract management.

As a result of the foregoing reforms documented by the District, I hereby certify that the requisites of Section 7201-B(e) of the Tax Reform Code have been satisfied. I authorize the Pennsylvania Department of Revenue to disburse to the District, on or before the tenth day of every month, the total amount of money contained in the Local Sales and Use Tax Fund as of the last day of the previous month up to a maximum of \$120,000,000 pursuant to section 7201-B(e)(2) of the Tax Reform Code.

PEDRO A. RIVERA,  
*Secretary*

[Pa.B. Doc. No. 15-2278. Filed for public inspection December 24, 2015, 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

*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?
PA0033553— SEW	Gehmans Mennonite School 650 Gehmans School Road Denver, PA 17517	Lancaster County/ Brecknock Township	Little Muddy Creek/ 7-J	Y
PA0088552—SEW	Oakbrook Homeowners Association of Elizabethtown 7 Oakbrook Lane Elizabethtown, PA 17022	Lancaster County/ West Donegal Township	UNT Conewago Creek/ 7-G	Y
PA0043575—SEW	Lykens Borough Authority 200 Main Street Lykens, PA 17048	Dauphin County/ Lykens Township	UNT Wiconisco Creek/ 6-C	Y
PA0261602—SEW	John McDermott 7269 Union Deposit Road Hummelstown, PA 17036	Dauphin County/ South Hanover Township	UNT Swatara Creek/ 7-D	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?
PA0220736 (Sewage)	Flying W Ranch 685 Flying W Ranch Road Tionesta, PA 16353	Forest County Kingsley Township	Unnamed Tributary to the Church Run (16-F)	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.*

**PA0062898**, Industrial Wastewater, SIC Code 4941, **PA American Water Company**, 1799 Jumper Road, Wilkes-Barre, PA 18702-8031. Facility Name: PA American Water—Watres WTP. This existing facility is located in Plains Township, **Luzerne County**.

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

The receiving stream, Deep Creek, is located in State Water Plan watershed 5-B 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 0.034 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
Duration of Discharge (minutes)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.38	XXX	0.57
Total Suspended Solids	XXX	XXX	XXX	30	60	75
Total Aluminum	0.5	0.8	XXX	1.02	1.6	2.5
Total Barium	XXX	XXX	XXX	Report	Report	XXX
Total Iron	XXX	XXX	XXX	2.0	4.0	5.0
Total Manganese	XXX	XXX	XXX	1.0	2.0	2.5
Total Zinc	XXX	XXX	XXX	Report	Report	XXX

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

- Chemical Additives requirements and Sedimentation Basin Cleaning requirements.

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

The EPA Waiver is in effect.

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

**PA0039748**, Sewage, SIC Code 4952, **US ACOE 7 Points Recreation Area**, 6145 Seven Points Road, Hesston, PA 16647. Facility Name: Lake Raystown 7 Points Recreation Area. This existing facility is located in Penn Township, **Huntingdon County**.

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

The receiving stream(s), Raystown Branch Juniata River, is located in State Water Plan watershed 11-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly	Total Annual		Average Monthly		
Flow (MGD)	Report	Report Daily	XXX	XXX	XXX	XXX
		Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	31	XXX	XXX	25	XXX	50
Total Suspended Solids	37	XXX	XXX	30	XXX	60
Total Dissolved Solids	XXX	XXX	XXX	Report	XXX	XXX
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
Total Phosphorus	2.5	XXX	XXX	Geo Mean 2.0	XXX	4.0
Sulfate	XXX	XXX	XXX	Report	XXX	XXX
Chloride	XXX	XXX	XXX	Report	XXX	XXX
Bromide	XXX	XXX	XXX	Report	XXX	XXX

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

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

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

The EPA Waiver is in effect.

**PA0053708**, SIC Code 5812, **Hawk Mountain Bed & Breakfast**, 223 Stony Run Valley Road, Kempton, PA 19529-8747. Facility Name: Hawk Mountain Bed & Breakfast. This existing facility is located in Albany Township, **Berks County**.

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

The receiving stream(s), Unnamed Tributary to Stony Run, is located in State Water Plan watershed 3-B and is classified for Cold Water Fishes, aquatic life, water supply and recreation. The stream has an existing use designation of High Quality. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Total Annual</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	6.0	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.5	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	XXX	25	50
Total Suspended Solids	Report	XXX	XXX	XXX	30	60
Total Suspended Solids (lbs)	Report	XXX	182.6	XXX	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	XXX	200	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	XXX	Geo Mean 2,000	10,000
Ammonia-Nitrogen	XXX	XXX	XXX	XXX	Geo Mean 20	40

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

- None

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

The EPA Waiver is not in effect (because the stream segment is subject to a Total Maximum Daily Load).

**PA0010782**, SIC Code 4911, **NRG Rema LLC**, 121 Champion Way, Suite 300, Canonsburg, PA 15317-5817. Facility Name: NRG Titus Generating Station. This existing facility is located in Cumru Township, **Berks County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial wastewater and stormwater after facility changes.

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

The proposed effluent limits for Outfall 004 are based on a design flow of 1.3 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	30	100	XXX
Total Dissolved Solids	XXX	XXX	XXX	3,500	7,000	8,750
Oil and Grease	XXX	XXX	XXX	15	20	30
Sulfate	XXX	XXX	XXX	XXX	Report	XXX
Chloride	XXX	XXX	XXX	XXX	Report	XXX
Bromide	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Dry Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX
PCBs (Wet Weather) (pg/L)	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 104 are based on a design flow of 0.1 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)						
Internal Monitoring Point	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)						
Internal Monitoring Point	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids						
Internal Monitoring Point	XXX	XXX	XXX	30	100	XXX
Oil and Grease						
Internal Monitoring Point	XXX	XXX	XXX	15	20	30

Proposed monitoring requirements for stormwater-only outfalls 001, 005—013 are as follows:

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily	Minimum	Average Monthly	Daily Maximum	
Total Iron	XXX	XXX	XXX	XXX	Report	XXX
Total Nickel	XXX	XXX	XXX	XXX	Report	XXX
Total Zinc	XXX	XXX	XXX	XXX	Report	XXX

Outfalls 002 and 003 are no longer in use.

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

- Requirements to notify DEP and obtain approval for chemical additives before their use.
- Keep an updated Preparedness, Prevention, and Contingency (PPC) Plan.
- Annually inspect all stormwater-only outfalls.
- Allows monitoring at representative outfalls 008, 009, and 013 instead of at all stormwater-only outfalls.

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

The EPA Waiver is not in effect.

**PA0028088**, Sewage, SIC Code 4952, **Brown Township Municipal Authority Mifflin County**, 22 Brown Township Drive, Reedsville, PA 17084. Facility Name: Brown Township STP. This existing facility is located in Brown Township, **Mifflin County**.

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

The receiving stream(s), Kishacoquillas Creek, is located in State Water Plan watershed 12-A and is classified for Trout Stocking, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 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	XXX	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	125	185	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	150	225	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	70.0	XXX	XXX	14	XXX	Report
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Total Phosphorus	Report	XXX	XXX	Report	XXX	XXX
Total Copper (µg/L)	Report	Report	XXX	Report	XXX	Report
		Wkly Max				
Total Lead (µg/L)	Report	Report	XXX	Report	XXX	Report
		Wkly Max				

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

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

Parameters	Mass (lbs)		Minimum	Concentration (mg/l)	
	Monthly	Annual		Monthly Average	Maximum
Net Total Nitrogen	Report	10,959	XXX	XXX	XXX
Net Total Phosphorus	Report	1,461	XXX	XXX	XXX

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

The EPA Waiver is not in effect.

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

**PA0264164**, Sewage, SIC Code 8800, **Matthew Cobb**, 23 Gilbert Lane, Bradford, PA 16701. Facility Name: Matthew Cobb SRSTP. This proposed facility is located in Corydon Township, **McKean County**.

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

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

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

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly		Minimum	Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
BOD <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 814-332-6340.

The EPA Waiver is in effect.

### 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. 6415405**, Sewage, **Central Wayne Region Authority Wayne County**, 574 Bucks Cove Rd, Honesdale, PA 18431.

This proposed facility is located in Texas Township, **Wayne County**.

Description of Proposed Action/Activity: The installation of a low pressure sanitary sewer system in the Village of White Mills, upgrading the existing Route 6 Pump Station, and a new 8-inch force main to the Central Wayne Region Authority Waste water Treatment Plant.

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

**WQM Permit No. 1015406**, Sewage, **Summit School Inc.**, P. O. Box 13, Herman, PA 16039-0013.

This proposed facility is located in Summit Township, **Butler County**.

Description of Proposed Action/Activity: Addition of a sludge digester tank and chemical feed equipment.

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

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI014613010(1)	Matrix CBH, L.P. Forsgate Drive CN 4000 Cranbury, NJ 08512	Montgomery	Cheltenham Township	Tacony Creek TSF-MF

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.  
Susquehanna County Conservation District, 88 Chenango Street, Montrose, PA 18801*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025815002	Susquehanna County Housing Development Corp. 33 Public Avenue Montrose, PA 18801	Susquehanna	Forest City	Lackawanna River (HQ-CWF, MF)

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033615010	Jonathan K. Stoltzfus 145 School Road Leola, PA 17540	Lancaster	Leacock	UNT to Umbles Run (Designated Use of Water HQ; Existing Use of Water HQ)

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

*Elk County Conservation District, Elk Co Courthouse Annex, 300 Center Street, PO Box 448, Ridgway, PA 15853*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062415001(1)	Charles J. Merlo Inc 234 Merlo Road Mineral Point, PA 15942	Elk	Jones Township	East Branch Clarion River HQ; CWF

**PUBLIC WATER SUPPLY (PWS) PERMITS**

Under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17), the following parties have applied for PWS permits to construct or substantially modify public water systems.

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 6715511**, Public Water Supply.

Applicant	<b>The York Water Company</b>
Municipality	Jackson Township
County	<b>York</b>
Responsible Official	Mark S. Snyder, Engineering Manager 130 East Market Street PO Box 15089 York, PA 17405-7089
Type of Facility	Public Water Supply
Consulting Engineer	Mark S. Snyder, P.E. The York Water Company 130 East Market Street PO Box 15089 York, PA 17405-7089
Application Received:	11/12/2015
Description of Action	Installation of a 125 hp/1,300 gpm pump at the Airport Booster Pump Station.

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

**Application No. 4115511—Construction** Public Water Supply.

Applicant	<b>Lycoming County Water &amp; Sewer Authority</b>
Township/Borough	Fairfield Township
County	<b>Lycoming</b>



Responsible Official	Christine Weigle, Executive Director Lycoming County Water & Sewer Authority P. O. Box 186 Montoursville, PA 17754
Type of Facility	Public Water Supply
Consulting Engineer	David M. Swisher, P.E. HRG, Inc. 474 Windmere Drive, Suite 100 State College, PA 16801
Application Received	December 10, 2015
Description of Action	Construction of the Timberend booster pump station to increase water service pressures in the water distribution system.

#### MINOR AMENDMENT

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

#### Application No. 1602502-MA2, Minor Amendment.

Applicant	<b>Farmington Township</b>
Township or Borough	Farmington Township
Responsible Official	Donna Rathfon
Type of Facility	Public Water Supply
Consulting Engineer	Brian S. Sekula, P.E. The EADS Group, Inc. (Clarion) 15392 Route 322 Clarion, PA 16214
Application Received Date	November 25, 2015
Description of Action	Add a GridBee to the water tank for mixing.

#### WATER ALLOCATIONS

#### Applications received under the Act of June 24, 1939 (P.L. 842, No. 365) (35 P.S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200*

**WA 67-62C, Water Allocations. York Water Company (PWS ID No. 7670100), York County.** Modification Order request for Water Allocation WA 67-62C to acquire water rights directly from Lake Redman to serve as an emergency/redundant raw water source of supply. No increase in quantity is being requested beyond the existing allocated amount authorized by Water Allocation Permit WA 67-62C. Applicant Address: Jeffrey R. Hines PE, President/Chief Executive Officer, The York Water Company, 130 East Market Street, PO Box 15089, York, PA 17405-7089. Consulting Engineer: Mark S. Snyder, P.E. The York Water Company, 130 East Market Street, PO Box 15089, York, PA 17405-7089. Application Received: 11/5/2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 1

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

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

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

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

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

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

**Gino Gaspari & Sons, Inc.**, 2103 Georgia Road, Temple, PA, Muhlenberg Township, **Berks County**. Leed Environmental, Inc., 2209 Quarry Drive, Suite C-35, Reading, PA 19610, on behalf of Mark Gaspari and Gino Gaspari & Sons, Inc., 2103 Georgia Road, Temple, PA 19560, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline and diesel fuel released from deteriorated piping from an underground storage tank. The site will be remediated to a combination of Residential/Nonresidential Statewide Health and Site Specific Standards. Future use of the site remains commercial and residential. The Notice of Intent to Remediate was published in the *Reading Eagle* on November 23, 2015.

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

**XTO Energy H.M. & F.W. McGara #5 Well Site**, Chambersville Road, **Washington County**. Groundwater & Environmental Services, Inc., 301 Commerce Park Drive, Cranberry Twp., 16066 on behalf of XTO Energy, Inc., 395 Airport Road, Indiana, PA 15701 has submitted a Notice of Intent to Remediate to meet a combination of Statewide Health and Site Specific standards concerning the remediation of site soils contaminated with metals, volatile & semi-volatile organic compounds, and chloride from release of brine & crude oil from a production tank at the site. The NIR indicates future use of the property will be a natural gas production well. Notice of the NIR was published in the *Indiana Gazette* on November 23, 2015.

**CHS Locust Street Medical Building Property**, 315 Locust Street, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of 1889 CHS Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905 & DLP Memorial Medical Center, LLC., 1086 Franklin Street, Johnstown, PA 15901 has submitted a Notice of Intent to Remediate to meet the Background standard concerning site soils and groundwater contaminated with chlorinated solvents. Notice of the NIR was published in the *Tribune-Democrat* on November 24, 2015.

**CHS Memorial Medical Center Building Property** (site of historic gas station), 320 Main Street, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of 1889-CHS Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905 & DLP Memorial Medical Center, LLC, 1086 Franklin Street, Johnstown, PA 15901 has submitted a Notice of Intent to Remediate to meet the Site Specific standard concerning site soils and groundwater contaminated with volatile & semi-volatile organic compounds and lead from a release of petroleum fuel. Notice of the NIR was published in the *Tribune-Democrat* on November 24, 2015.

**CHS Lot J Property** (site of historic gas station), 320 Main Street, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of 1889-CHS Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905 & DLP Memorial Medical Center, LLC, 1086 Franklin Street, Johnstown, PA 15901 has submitted a Notice of Intent to Remediate to meet the Site Specific

standard concerning site soils and groundwater contaminated from a release of used motor oil, unleaded & leaded gasoline substances. Notice of the NIR was published in the *Tribune-Democrat* on November 24, 2015.

**CHS Warehouse Property** (site of historic gas stations and auto dealership), 158—170 Southmont Blvd, City of Johnstown, **Cambria County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110 on behalf of 1889-CHS Foundation, Inc., 4 Valley Pike, Johnstown, PA 15905 & DLP Memorial Medical Center, LLC, 1086 Franklin Street, Johnstown, PA 15901 has submitted a Notice of Intent to Remediate to meet the Site Specific standard concerning site soils and groundwater contaminated with used motor oil, unleaded & leaded gasoline and from a release of used motor oil, unleaded & leaded gasoline substances. Notice of the NIR was published in the *Tribune-Democrat* on November 24, 2015.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401*

**Permit Application No. 400593. Covanta Delaware Valley, LP**, Delaware Valley Resource Recovery Facility, 10 Highland Avenue, Chester, PA 19013. This minor permit modification application request the allowance to accept and store up to 80 intermodal rail containers per day at the facility. There is no proposed increased to the total daily limit of waste accepted at the facility. Delaware Valley Resource Recovery Facility is a municipal waste facility located in the City of Chester, **Delaware County**. The application was received by the Southeast Regional Office on October 22, 2015.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

Copies of the application, the Department’s analysis, all pertinent documents used in the evaluation of the application and subsequently prepared proposed plan approvals/operating permits are available for public review during normal business hours at the appropriate Department Regional Office. Appointments for scheduling a review must be made by calling the appropriate Department Regional Office. The address and phone number of the Regional Office is listed before the application notices.

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

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

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

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

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**03-00981: Columbia Midstream Group LLC** (300 Woodcliff Drive, Canonsburg, PA 15317) for natural gas transmission in Gilpin Township, **Armstrong County**. This is a plan approval application for installation of two new 1500-kW diesel fired generators at the station.

**65-00990E: Tenaska Pennsylvania Partners, LLC** (14302 FNB Parkway, Omaha, NE 68154) Notice is hereby given in accordance with 25 Pa. Code § 127.44 that the Department of Environmental Protection has

received a plan approval application from Tenaska Pennsylvania Partners, LLC to revise startup and shutdown emissions from the proposed Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County** originally authorized under PA-65-00990C.

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

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

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

**23-0119E: Sunoco Partners Marketing & Terminals, L.P. (SPMT)** (2nd and Green Streets, Marcus Hook, PA 19061-0426) for the modification of two (2) depropanizer distillation towers and one (1) debutanizer distillation tower. Additionally, this project also requires the installation of the necessary piping to and from an existing cooling tower and the existing boilers at this facility in Marcus Hook Borough, **Delaware County**. The plan approval is for a Title V facility. The project does not trigger applicability toward the federal PSD program. This project, in aggregation with previous projects, triggers applicability toward the Department's NSR for NO<sub>x</sub> and VOC emissions and requires Emission Reduction Credits (ERCs). Potential annual emissions from this project will be fugitive and are as follows: VOC—18.2 tons, NO<sub>x</sub>—0.3 ton, CO—1.2 ton, SO<sub>2</sub>—0.002 ton, GHG—556 tons, PM—0.9 ton, PM<sub>10</sub>—0.8 ton, and PM<sub>2.5</sub>—0.2 ton. Prior to startup of these sources, ERCs are required for this project in the amount of 32.8 tons of NO<sub>x</sub> and 56.1 tons of VOCs. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**65-00990E: Tenaska Pennsylvania Partners, LLC** (14302 FNB Parkway, Omaha, NE 68154) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection (Department) intends to issue Plan Approval No. 65-00990E to Tenaska Pennsylvania Partners, LLC (Tenaska) to revise the startup and shutdown emissions from the combined cycle combustion turbines at the proposed Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County** originally authorized under PA-65-00990C.

The proposed revision to the startup and shutdown emissions will result in a reduction of 62.57 tons of nitrogen oxides (NO<sub>x</sub>), 1,652.17 tons of carbon monoxide (CO), 1,028.59 tons of volatile organic compounds (VOC), and 101,858 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. The proposed revision to the startup and shutdown emissions will not result in the increase of emissions of any pollutant. Resulting potential to emit from the facility will be limited by plan approval conditions to 310.43 tons of NO<sub>x</sub>, 657.83 tons of CO, 23.00 tons of sulfur oxides (SO<sub>x</sub>), 222.41 tons of VOCs, 22.07 tons of total hazardous air pollutants (HAPs), 96.00 tons of particulate matter (filterable and condensable), 92.00 tons of particulate

matter with an aerodynamic diameter less than 10 microns (filterable and condensable), 89.00 tons of particulate matter with an aerodynamic diameter less than 2.5 microns (filterable and condensable), 15.20 tons of sulfuric acid mist (H<sub>2</sub>SO<sub>4</sub>), 194.00 tons of ammonia (NH<sub>3</sub>), and 3,725,716 tons of CO<sub>2</sub>e per year.

Tenaska's plan approval application, the Department's review memorandum, the proposed plan approval, and other relevant information are available for review by any interested party at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review, please contact Phil Bouse at 412.442.4000.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alexander Sandy, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; [asandy@pa.gov](mailto:asandy@pa.gov); or fax 412.442.4194. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-65-00990E), and concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based. All comments must be received prior to the close of business 30 days after the date of this publication.

The Department will hold a public hearing on Tuesday, January 26, 2016, from 7:00-8:00 p.m. at Turkeytown South Huntingdon Township Volunteer Fire Department, 90 Supervisor Drive, West Newton, PA 15089, to take oral testimony regarding this Air Quality Plan Approval application. There will be public meeting immediately preceding the public hearing from 6:00-7:00 p.m. Notice of this hearing is separately published within this *Pennsylvania Bulletin*.

#### PLAN APPROVAL

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#### PUBLIC HEARINGS

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

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

**23-0119E: Sunoco Partners Marketing & Terminals, L.P. (SPMT)** (2nd and Green Streets, Marcus Hook, PA 19061-0426). Notice is hereby given pursuant to 25 Pa. Code §§ 127.44, 127.45 and 127.48 that the Pennsylvania Department of Environmental Protection (Department) will hold a public hearing on Thursday, January 28, 2016, at the Marcus Hook Community Center (7 W Delaware Avenue, Marcus Hook, PA 19061) from 6-8 pm).

The public hearing will be held to receive oral and written testimony regarding the Department's intent to issue Air Quality Plan Approval, No. 23-0119E to SPMT for the modification and operation of three (3) distillation towers (one debutanizer and two depropanizers) for the processing of natural gas liquids and pipeline transmix at an existing Title V facility located in Marcus Hook Borough, **Delaware County**. Persons wishing to present testimony at the hearing should contact Community Relations Coordinator Virginia Cain at 484.250.5808 before 3:00 p.m. on January 28, 2016. Individuals who do not register may also present testimony the day of the hearing. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. A stenographer will be present to record the testimony. The hearing will adjourn when all the testimony has been gathered.

Persons unable to attend the hearing may submit three copies of a written statement and exhibits within ten (10) days thereafter to the Pennsylvania Department of Environmental Protection, Air Quality Program, 2 East Main Street, Norristown, PA 19401. Deadline for submittal will be February 8, 2016. Written submittals must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (23-0119E), and a concise statement of the objections to the Plan Approval or issuance and the relevant facts upon which the objections are based.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact Virginia Cain at 484.250.5808 or the Pennsylvania AT&T Relay Service at 1.800.654.5984 (TDD) to discuss how DEP may accommodate your needs.

The Air Quality Plan Approval application and draft Plan Approval are available for review at the Marcus Hook (Mary M. Campbell) Public Library, 1015 Green Street, Marcus Hook, PA 19061, Telephone No. 610.485.6519 or by appointment at the Department's Southwest Regional Office, 2 East Main Street, PA 19401, Telephone No. 484.250.5920.

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

*Contact: Mark R. Gorog, P.E., Environmental Engineer Manager—Telephone: 412-442-4150*

**65-00990E: Tenaska Pennsylvania Partners, LLC** (14302 FNB Parkway, Omaha, NE 68154) Notice is hereby given pursuant to 25 Pa. Code § 127.48 that the Pennsylvania Department of Environmental Protection (Department) will hold a public hearing on Tuesday January 26, 2016, from 7:00-8:00 p.m. at Turkeytown South Huntingdon Township Volunteer Fire Department, 90 Supervisor Drive, West Newton, PA 15089. There will be public meeting immediately preceding the public hearing from 6:00-7:00 p.m.

The hearing is to take testimony concerning the Department's intent to issue Plan Approval No. 65-00990E to reduce the startup and shutdown emissions and facility-wide potential to emit for the proposed Tenaska Pennsylvania Partners, LLC (Tenaska) 930—1,065 MWs combined cycle natural gas-fired electric generating facility known as the Westmoreland Generating Station in South Huntingdon Township, **Westmoreland County**, originally authorized under PA-65-00990C. The DEP published a separate notice of intent to issue this plan approval in the *Pennsylvania Bulletin* to allow for public comment regarding this proposal.

In accordance with 25 Pa. Code §§ 127.48 and 127.49, the Department will accept and record testimony concerning Tenaska's application to reduce startup and shutdown emissions. Persons wishing to present testimony at the hearing should contact Community Relations Coordinator John Poister at 412.442.4203 before noon on January 26, 2016, to register. Individuals who do not register may also present testimony the day of the hearing. Organizations are encouraged to designate one witness to present testimony on behalf of the organization. Persons unable to attend the hearing may submit three copies of a written statement and exhibits within 10 days thereafter to the Pennsylvania Department of Environmental Protection, Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA, 15222; email to [asandy@pa.gov](mailto:asandy@pa.gov); or fax to 412.442.4194. Written submittals must contain the following: name, address and telephone number of the person submitting the comments; identification of the proposed

Plan Approval (PA-65-00990E); and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

Individuals in need of an accommodation as provided for in the Americans with Disabilities Act of 1990 should contact John Poister or the Pennsylvania AT&T Relay Service at 1.800.654.5984 (TDD) to discuss how the Department may accommodate your needs.

### OPERATING PERMITS

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

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

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

**40-00003: Hershey Co.** (6 Scotch Pine Drive, Hazle Township, PA 18202) for the operation of a chocolate and cocoa products manufacturing facility in Hazle Township, **Luzerne County**. The sources at the facility consist of four (4) boilers, processing lines, ovens and an anaerobic reactor. The emissions from the sources are controlled by cartridge filters, fabric filters, scrubbers and a flare. This is a renewal of a Title V Operating Permit. The Title V operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within 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*

**14-00002: Graymont (PA), Inc.** (965 E. College Avenue, Pleasant Gap, PA 16823) for renewal of the Title V Operating Permit (TVOP) for their Pleasant Gap, Con-Lime and Bellefonte facility located in Benner and Spring Townships, **Centre County**. The representative of Graymont (PA), Inc. facility to contact regarding the renewed TVOP is Mr. John Maitland, Eastern US EHS Manager, 194 Match Factory Place, Bellefonte, PA 16823.

The facility's sources covered in the renewed TVOP include, but not limited to, two (2), coal/petroleum coke-fired rotary lime kilns that were authorized under Plan Approval 14-00002A. The limestone, lime and fuel processing, handling and storage sources which operate as ancillary equipment for the lime kiln processes are covered in the renewed TVOP. The applicable requirements in the renewed TVOP have been derived from 40 CFR Parts 60, 63 and 64 as well as 25 Pa. Code Chapters 121—145. The facility has the potential to emit of major quantities of sulfur oxide, particulate matter (TSP), PM<sub>10</sub>, PM<sub>2.5</sub>, carbon monoxide, nitrogen oxide and greenhouse gas emissions. The facility is defined as a major source of hazardous air pollutants. The facility took a restriction to limit the combined volatile organic compound emissions from all sources below the 50 tons per year major quantity threshold. The air contaminant emissions from the facility's 2013 Air Information Management System (AIMS) report are as follows; 561 tpy of carbon monoxide, 748 tpy of nitrogen oxides, 31 tpy of PM<sub>10</sub>, 12 tpy of PM<sub>2.5</sub>, 207 tpy of sulfur oxides, 5 tpy of volatile organic compounds, and 3.4 tpy of hydrogen chloride.

The renewal TVOP includes the applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements from 40 CFR Part 63 and the

applicable Standards of Performance for New Sources (NSPS) requirements from 40 CFR Part 60. The applicable NESHAP and NSPS requirements pertain to the lime manufacturing processes (the two lime kilns and associated process stone handling operations), stationary emergency and non-emergency engines, and fuel and limestone handling sources. The Compliance Assurance Monitoring (CAM) of 40 CFR Part 64 has also been included in the renewal TVOP.

The terms and conditions of Plan Approvals 14-00002O and 14-00002Q were included in the renewal TVOP. Additionally, Plan Approvals 14-00002N and 14-00002P have been included in the proposed renewal TVOP by reference, and the terms and conditions from those authorizations will be included into the facility's TVOP at a later date after the evaluation of compliance is completed. The proposed renewal TVOP also incorporates terms and conditions contained in previously issued Plan Approval 14-00002L. The proposed renewal TVOP authorizes the operation of the mine optimization system and the fabric collectors to control the air contaminant emissions from the sources associated with the mine optimization system. Graymont (PA), Inc. has demonstrated compliance with all applicable air quality regulatory requirements pertaining to the operation of these sources authorized by the previously issued plan approval. Based on these findings, the Department intends to incorporate the mine optimization sources, in order to authorize the continued operation of the system. The proposed renewal TVOP contains all applicable Federal and State air quality regulatory requirements including testing, monitoring, recordkeeping, and reporting conditions that ensure compliance with the applicable requirements.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570.327.0550.

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

*Contact: Tom Joseph, Permitting Chief—Telephone: 412-442-5226*

**26-00405: Dominion Transmission, Inc.** (500 Dominion Boulevard, Glen Allen, VA 23060). In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (Department) is providing notice that it intends to issue a renewal Title V Operating Permit (TV-26-00405) to Dominion Transmission, Inc. for the operation of their North Summit Compressor Station located in North Union Township, **Fayette County**.

The main sources of emissions at the facility include two 3,200 bhp stationary reciprocating internal combustion compressor engines, one 668 bhp stationary reciprocating internal combustion engine driving an emergency electric generator, two 25.0 mmbtu/hr heaters, one natural gas dehydration heater unit with two 5.25 mmbtu/hr burners, and one 3.57 mmbtu/hr boiler. All emission sources are natural gas fired.

The North Summit Compressor Station is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F (relating to operating permit requirements) and G (relating to Title V operating permit requirements). Actual emissions from the facility for 2014 were reported as follows: 13.51 tons per year of carbon

monoxide (CO), 21.38 tons per year of nitrogen oxides (NO<sub>x</sub>), 1.85 ton per year of particulate matter less than 10-microns (PM<sub>10</sub>), 1.85 ton per year of particulate matter less than 2.5-microns (PM<sub>2.5</sub>), 0.05 ton per year of sulfur oxides (SO<sub>x</sub>), 7.15 tons per year of volatile organic compounds (VOC), 1.71 ton per year of Hazardous Air Pollutants (HAP), and 6,787 tons per year of greenhouse gases (GHGs).

The emission restrictions and testing, monitoring, recordkeeping, reporting and work practice conditions of the TVOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 61, 63, and 70, and 25 Pa. Code Chapters 121—145.

Copies of the application, the Department'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, a request for the Department to hold a public hearing, or a protest to the operating permit or a proposed condition thereof, by filing such submissions in writing 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.

All requests for a public hearing, and all protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). A protest must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (Title V Operating Permit 26-00405) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Written comments, protests, and requests for a public hearing should be directed to Nicholas J. Waryanka, Air Quality Engineer, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Nicholas J. Waryanka at 412.442.4172.

**56-00257: Pennsylvania Department of Corrections** (5706 Glades Pike, Somerset, PA 15501) In accordance with 25 Pa. Code §§ 127.441, 127.425 and 127.521, the Department is providing notice that they intend to issue a Title V Operating Permit for the continued operation of a prison power house, known as SCI Laurel Highlands, located in Somerset Township, **Somerset County**.

The facility is a landfill gas and natural gas-fired electrical power and steam generating plant. The main

sources at this facility are one (1), 44.4 MMBtu/hr, Solar Centaur Landfill Gas Turbine driving an electrical generator, two (2), 2,233-bhp, SI, Caterpillar Landfill Gas-fueled, Generator Engines, and one (1), 20.3 MMBtu/hr, Dual Fuel (LFG & NG) Boiler. Siloxanes in the landfill gas are controlled by a purge gas system. Supporting equipment at this site includes one siloxane removal system with purge gas and an enclosed flare, two, 9.85 MMBtu/hr, Miura, NG-fired boilers, one, 27.7 MMBtu/hr, trailer mounted boiler, and three, 2,235-bhp, 2,235-bhp, and 268-bhp, emergency, diesel driven, emergency generator engines.

Actual facility emissions during 2014 were: 93 tons of CO, 22 tons of NO<sub>x</sub>, 20 tons of VOC, 10 tons of SO<sub>2</sub>, 5 tons of PM<sub>10</sub>, 5 tons of PM<sub>2.5</sub>, 41,226 tons of CO<sub>2e</sub>, and 9.0 tons of the sum of all HAPs, including 7.6 tons of formaldehyde. Sources at the facility are subject to 40 CFR Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, Subpart KKKK—Standards of Performance for Stationary Combustion Turbines and 40 CFR, Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources, and 25 Pa. Code Chapters 121—145. No equipment or emission changes are being approved by this action. The permit includes emission limitations and operational, monitoring, testing, recordkeeping, work practice, and reporting requirements for the facility.

The Pennsylvania Department of Corrections' State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at [pbouse@pa.gov](mailto:pbouse@pa.gov) or 412.442.4000.

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of this Title V Operating Permit may submit the information to Martin L. Hochhauser, P.E., Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (specify Operating Permit TV OP-56-00257) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

All comments must be received prior to the close of business 30 days after the date of this publication. In accordance with 25 Pa. Code § 127.428, prior to issuing an operating permit, the Department may hold a fact-finding conference or hearing at which the petitioner, and a person who has properly filed a protest under § 127.426 (relating to filing protests) may appear and give testimony. The Department is not required to hold a conference or hearing. The applicant, the protestant and other

participants will be notified of the time, place and purpose of a conference or hearing, in writing or by publication in a newspaper or the *Pennsylvania Bulletin*, unless the Department determines that notification by telephone will be sufficient.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**20-00194: Lord Corporation** (601 South Street, Saegertown, PA 16433) for the re-issuance of a Title V Permit to operate an adhesive and coating manufacturing facility in Saegertown Borough, **Crawford County**. The facility's primary emission sources include material preparation, milling, grinding, mixing, and miscellaneous natural gas usage. The facility is a major facility due to its potential to emit HAPs and VOCs.

This facility continues to be subject to the requirements of 40 CFR 63, Subpart FFFF—National Emission Standards for Hazardous Air Pollutant Emissions: Miscellaneous Organic Chemical Manufacturing.

The two (2) Boilers at this facility are subject to the recently promulgated requirements of 40 CFR 63—Subpart DDDDD—National Emission Standards for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.

The Emergency Fire Water Pump and one of the three Emergency Power Generators at this facility is now subject to the requirements of 40 CFR 63—Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Two of the Emergency Power Generators at this facility were manufactured after July 1, 2008, and are subject to Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines.

The most current versions of the above listed federal requirements have been incorporated into the operating permit.

The potential emissions from this facility are as follows (all values are in tons/year): PM<sub>10</sub> = 0.2, PM<sub>2.5</sub> = 0.2, SO<sub>x</sub> = 0.05, NO<sub>x</sub> = 8.5, CO = 7.2, CO<sub>2e</sub> = 10,250, VOC = 160.0, and Total HAPs = 115.00

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

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

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

**09-00102: Clean Earth of Southeast PA** (7 Steel Road East, Morrisville, PA 19067; Attn: Mr. Joseph M. Siravo) for the renewal of a Synthetic Minor State Only Operating Permit. The initial permit was issued on January 20, 2005, for operation of their soil remediation operations in Falls Township, **Bucks County**. This permit renewal also incorporates Plan Approval No. 09-0102E, which was issued for two (2) portable diesel-powered screens (Source IDs 106 and 107). Sources at the facility include a Primary Treatment Unit (Source ID 101), Storage Building & Piles (Source ID 103), two diesel powered screens (Source IDs 106 and 107), and a Pugmill Mixer (Source ID 109). VOC emissions are reduced by an Afterburner (Source ID C02). Emissions of PM are con-

trolled by a 36-cone Multi-cone Cyclone (Source ID C05) and a Baghouse (Source ID C03). There are no emission increases being authorized under the State Only Operating Permit renewal. The following are potential site-wide emissions: NO<sub>x</sub>—22.66 TPY; SO<sub>x</sub>—34.38 TPY; PM—11.75 TPY; CO—15.47 TPY; VOC—10.72 TPY; and HAP—7.95 TPY. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

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

**06-03075: VF Factory Outlet, Inc.** (801 Hill Avenue, Wyomissing, PA 19610) to issue a State Only Operating Permit for the VF Outlet Village located in Wyomissing Borough, **Berks County**. The actual emissions from the facility in 2014 are estimated at 0.2 ton of SO<sub>2</sub>, 1.37 ton of NO<sub>x</sub>, 1.07 ton of CO, 0.11 ton of PM<sub>10</sub> and 0.07 ton 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 Subpart Dc.

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

*Contact: and Tom Joseph, Permitting Chief—Telephone: 412-442-5226*

**26-00288: Hanson Aggregates BMC, Inc./Springfield Pike Quarry & Asphalt Plant** (McCoy Hollow Road Connellsville, PA 15425) for the operation of a limestone processing plant and a hot mix batch asphalt facility located in Connellsville Township, **Fayette County**. The subject facility consists of a limestone processing plant rated at 1,000 tons per hour and one hot mix batch asphalt plants rated at 500 tons per hour. The limestone processing plant is limited to 6,240 hours per year and the batch plant is limited to 475,000 tons production in any consecutive 12-month period. The facility is not to exceed the following limits: 100 tpy CO; 100 tpy NO<sub>x</sub>; 100 tpy SO<sub>x</sub>; 50 tpy VOC; 100 tpy PM and 10 tpy HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

Copies of the application, Department'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 contacting Phil Bouse at 412.442.4000 or pbouse@pa.gov.

**65-00856: Ligonier Stone & Lime Co./Horn Mine Plant** (17 Marcia Street, Latrobe, PA 15650) Natural Minor Operating Permit is for the surface mining operation of shale and sandstone. The operation of the facility's air contamination source consisting of various crushers, screens, feeders, stackers, unloading/loading of trucks and an emergency generator. The potential emissions are estimated to be less than 12 tpy NO<sub>x</sub>, 8 tpy CO, 1 tpy SO<sub>x</sub>, 2 tpy VOC, and 8 tpy PM. This facility is subject to the applicable requirements of 25 Pa. Code Chapters

121—145. The proposed permit includes operation requirements, monitoring requirements, and recordkeeping requirements for the facility located in Derry Township, **Westmoreland County**.

Copies of the application, the Department'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 contacting Phil Bouse at 412.442.4000 or pbouse@pa.gov.

**56-00244: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050) for a facility-wide Natural Minor Operating Permit renewal for the operation of a boiler house at a prison facility, known as SCI Greene, located in Franklin Township, **Greene County**. The facility contains air contamination sources consisting of five (5) boilers. These boilers (Boilers #1—#5, Source IDs 031—035, 45.0 MMBtu/hr, 45.0 MMBtu/hr, 18.0 MMBtu/hr, 4.18 MMBtu/hr, and 4.18 MMBtu/hr) are natural gas-fired with distillate oil backup. The facility also contains two, 745-bhp, compression ignition, diesel, emergency generator engines. Facility emissions are 42.7 tons of CO, 14.0 tons of NO<sub>x</sub>, 4.6 tons of PM<sub>10</sub>, 4.6 tons of PM<sub>2.5</sub>, 3.0 tons of SO<sub>2</sub>, 3.0 tons of VOC, 0.9 ton of all HAPs combined, and 61,944 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

The Pennsylvania Department of Corrections' State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the

protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 30-00097) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, mhochhause@pa.gov, Fax 412.442.4194.

**56-00244: Pennsylvania Department of Corrections** (1920 Technology Parkway, Mechanicsburg, PA 17050) for a facility-wide Natural Minor Operating Permit renewal for the operation of a boiler house at a prison facility, known as SCI Somerset, located in Brothersvalley Township, **Somerset County**. The facility contains air contamination sources consisting of seven (7) boilers. Five of the boilers (Boilers #1—#5, Source IDs 031—035, 33.5 MMBtu/hr, 33.5 MMBtu/hr, 13.4 MMBtu/hr, 8.4 MMBtu/hr, and 8.4 MMBtu/hr) are natural gas-fired with distillate oil backup. The sixth and seventh boilers (Boiler #6 and #7, Source IDs 036 and 037, 4.2 MMBtu/hr and 10.043 MMBtu/hr) are only fired by natural gas. The facility also contains two, 909-bhp, compression ignition, diesel, emergency generator engines. Facility emissions are 41.8 tons of CO, 15.1 tons of NO<sub>x</sub>, 4.4 tons of PM<sub>10</sub>, 4.4 tons of PM<sub>2.5</sub>, 3.1 tons of SO<sub>2</sub>, 2.9 tons of VOC, 0.9 ton of all HAPs combined, and 65,613 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

The Pennsylvania Department of Corrections' State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.



Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 56-00244) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412.442.4194)

**11-00052: Pennsylvania Department of Labor & Industry** (727 Goucher Street, PA 15905), for a facility-wide Natural Minor Operating Permit renewal for the operation of a boiler house at a vocational rehabilitation facility, known as the Hiram G. Andrews Center, located in Upper Yoder Township, **Cambria County**. The facility contains air contamination sources consisting of two, 25.2 MMBtu/hr, natural gas-fired boilers, with fuel oil backup and four, emergency generator engines, three propane-fired (225-bhp, 225-bhp, and 120-bhp) and one diesel (225-bhp). Facility emissions are 66.1 tons of CO, 14.3 tons of NO<sub>x</sub>, 2.0 tons of PM<sub>10</sub>, 2.0 tons of PM<sub>2.5</sub>, and 1.4 ton of VOC, 0.8 ton of SO<sub>2</sub>, 0.5 ton of all HAPs combined, and 27,111 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

The Department of Labor and Industry's State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air

Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at pbouse@pa.gov or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 11-00052) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. (mhochhause@pa.gov, Fax 412.442.4194)

**63-00491: Pennsylvania System of Higher Education** (250 University Avenue, California, PA 15419) for a facility-wide Natural Minor Operating Permit renewal for the operation of a boiler house at a university, known as California University, located in California Borough, **Washington County**. The facility contains air contamination sources consisting of three boilers as primary sources. Each of these boilers (Boilers #4, #5, and #6, Source IDs 031, 032, and 033, 17.5 MMBtu/hr each) is natural gas-fired with distillate oil backup. The facility also contains one, 200-bhp, compression ignition, diesel, emergency generator engine. Facility emissions are 18.7 tons of CO, 3.8 tons of NO<sub>x</sub>, 2.1 tons of PM<sub>10</sub>, 2.1 tons of PM<sub>2.5</sub>, 0.8 ton of SO<sub>2</sub>, 1.4 ton of VOC, 0.5 ton of all HAPs combined, and 27,813 tons of CO<sub>2e</sub> per year. The facility is limited to a maximum opacity from any equipment of 20 percent. The facility is subject to the applicable requirements of 25 Pa. Code Chapters 121–145 and the applicable requirements of 40 CFR, Part 60, Subpart Dc (Standards of Performance for Small Industrial-

Commercial-Institutional Steam Generating Units) and Part 63, Subpart ZZZZ (National Emission Standards for Hazardous Pollutants for Stationary Reciprocating Internal Combustion Engines) and Subpart JJJJJ (National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources). The permit includes emission limitations, and operational, monitoring, reporting, and recordkeeping requirements for the facility.

The Pennsylvania Department of Corrections' State Only Operating Permit renewal application, the Department's Air Quality Review Memorandum, and the proposed Air Quality State Only Operating Permit for this project are available for review by any interested party at the Pennsylvania Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. To request a review of the State Only Operating Permit renewal application, to receive an electronic copy of the Department's Air Quality Review Memorandum, or to receive an electronic copy of the Department's proposed Air Quality State Only Operating Permit for this project, a person may contact Phil Bouse at [pbouse@pa.gov](mailto:pbouse@pa.gov) or 412.442.4000.

Any person may submit comments, requests for the Department to hold a public hearing, or protests to the operating permit or a proposed condition thereof, by filing such submissions in writing to the Department at the Southwest Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments.

All comments, requests for a public hearing, and protests to a proposed action, shall be filed with the Department within 30 days of the date that notice of the proposed action was published under 25 Pa. Code § 127.424 (relating to public notice). Comments, requests for a public hearing, and protests must include the name, address and telephone number of the person filing the protest, identification of the proposed permit issuance being opposed (State Only Operating Permit 63-00491) and a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based.

A public hearing may be held in accordance with 25 Pa. Code § 127.429, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. If a public hearing is held, all persons who have properly filed a protest under 25 Pa. Code § 127.426 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing (and the time, place and purpose of such hearing) by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

Comments, protests and requests for a public hearing should be directed to Martin L. Hochhauser, P.E., Air Quality Engineering Specialist, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. ([mhochhause@pa.gov](mailto:mhochhause@pa.gov), Fax 412.442.4194)

## 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 Con-

trol 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 Denied*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 56090108 and NPDES No. PA0262803. Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 185 acres. Receiving streams: unnamed tributaries to/and Dark Shade Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 18, 2015. Permit denied: December 4, 2015.

### *Coal Applications Received*

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

**11141301 (formerly 11031701) and NPDES No. PA0235601. ArcelorMittal Pristine Resources, LLC**, (129 Bethlehem Road, PO Box 36, Revloc, PA 15948). To

renew the permit for the Mine 31 AMD Plant in Jackson Township, **Cambria County**. No additional discharges. The application was considered administratively complete on December 7, 2015. Application received July 24, 2014.

**32733709 and NPDES No. PA0214159. Robindale Energy Services, Inc.**, (224 Grange Hall Road, PO Box 228, Armagh, PA 15920). To revise the permit for the Dilltown Facility in Brush Valley Township, **Indiana County** and related NPDES permit to expand the coal refuse site and add 3 new NPDES points from the expansion area. Coal Refuse Disposal Support Acres Proposed 96.8, Coal Refuse Disposal Acres Proposed 108.6. Receiving Stream: Unnamed Tributaries of Blacklick Creek, classified for the following use: CWF. Receiving Stream: Blacklick Creek, classified for the following use: TSF. Receiving Stream: Conemaugh River, classified for the following use: WWF. The application was considered administratively complete on December 10, 2015. Application received October 6, 2015.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**Permit No. 32990109 and NPDES No. PA0235148, Bedrock Mines, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface and auger mine in Washington Township, **Indiana County** affecting 59.9 acres. Receiving streams: unnamed tributaries to/and Sugarcamp Run classified for the following uses: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 23, 2015.

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

**16100106. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254). Renewal of an existing bituminous surface mine in Farmington and Highland Townships, **Clarion County** affecting 22.5 acres. This renewal is issued for reclamation only. Receiving streams: Three

unnamed tributaries to Toby Creek, one unnamed tributary to Weiser Run, and Weiser Run, classified for the following uses: CWF and WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 1, 2015.

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

**32B77SM3 and NPDES Permit No. PA0278203. Concorde Corp.** (304 Dents Run Road, Morgantown, WV 26501). Application for NPDES to discharge on a treatment system only bituminous surface mine, known as the Laurita II, located in Dunkard Township, **Greene County**, affecting 37.7 acres. Receiving stream: Dunkard Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 30, 2015.

**32B76SM10 and NPDES Permit No. PA0278181. Concorde Corp.** (304 Dents Run Road, Morgantown, WV 26501). Application for NPDES to discharge on a treatment system only bituminous surface mine, known as the Zavek Mine, located in Jefferson Township, **Greene County**, affecting 35 acres. Receiving stream: Tenmile Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 30, 2015.

**3274SM23 and NPDES Permit No. PA0278190. Concorde Corp.** (304 Dents Run Road, Morgantown, WV 26501). Application for NPDES to discharge on a treatment system only bituminous surface mine, known as the Chocolate Drop, located in Dunkard Township, **Greene County**, affecting 37 acres. Receiving stream: Dunkard Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: November 30, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse

disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

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

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

The limits for noncoal mining activities as provided in 25 Pa. Code Chapter 77 are pH 6 to 9 and other parameters the Department may require.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 563-2112-115, Developing National Pollutant Discharge Elimination System (NPDES) Permits for Mining Activities. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0278131 (GFCC No. 65-15-01), David L. Patterson**, 12 Shortcut Road, Smithfield, PA 15478, new NPDES permit for a GFCC in Loyalhanna and Bell Townships, **Westmoreland County**, affecting 35.4 acres. Receiving streams: Unnamed Tributaries to Wolford Run classified for the following use(s): WWF. This receiving stream is included in the Kiskiminetas-Conemaugh River Watersheds TMDL. Application received: May 12, 2015.

The treated wastewater outfall(s) listed below discharge to Unnamed Tributaries to Wolford Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
004	Y	MDT
005	Y	MDT

The proposed effluent limits for the above listed outfall(s) are as follows:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The stormwater outfall(s) listed below discharge to Unnamed Tributaries to Wolford Run:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>	<i>Type</i>
001	Y	SW
002	Y	SW
003	Y	SW

The proposed effluent limits for the above listed outfall(s) are as follows for precipitation events less than or equal to a 10 year/24 hour storm event:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	NA	NA	7.0
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

The proposed effluent limits for the above listed outfall(s) are as follows for dry weather discharges:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	0.75	0.75
Total Suspended Solids (mg/l)	35	70	90
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

#### *Noncoal NPDES Draft Permits*

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

**NPDES No. PA0256111 (Mining permit no. 14040302) Con-Stone, Inc.**, P. O. Box 28, Bellefonte, PA 16823. New NPDES permit for Noncoal Surface Mine in Haines Township, **Centre County**, affecting 95.1 acres. Receiving stream(s): Pine Creek, classified for the following use(s): EV. Application received: October 1, 2015.

There are no outfalls directly to streams. Outfalls discharge to groundwater via infiltration.

## 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.*

**F40-017. Conyngham Township**, 10 Pond Hill Road, Mocanaqua, PA 18655, in Conyngham Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Conyngham Township, Luzerne County.

- 75 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139818°; Longitude: -76.141386°)
- 71-73 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139951°; Longitude: -76.141449°)
- 79-81 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.139683°; Longitude: -76.141316°)
- 13-15-17 Railroad Street (Shickshinny, PA Quadrangle Latitude: 41.144432°; Longitude: -76.143888°)
- 17-18 Main Street (Shickshinny, PA Quadrangle Latitude: 41.146233°; Longitude: -76.144852°)
- 23-24 Main Street (Shickshinny, PA Quadrangle Latitude: 41.145829°; Longitude: -76.144912°)
- 14 Main Street (Shickshinny, PA Quadrangle Latitude: 41.146507°; Longitude: -76.144872°)
- 59 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140329°; Longitude: -76.141653°)
- 142 Lincoln Street (Shickshinny, PA Quadrangle Latitude: 41.140767°; Longitude: -76.142193°)

10. 55-57 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140466°; Longitude: -76.141708°)

11. 4 Park Street (Shickshinny, PA Quadrangle Latitude: 41.13772°; Longitude: -76.139683°)

12. 63 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140207°; Longitude: -76.141587°)

13. 53 Italy Street (Shickshinny, PA Quadrangle Latitude: 41.140576°; Longitude: -76.141779°)

**F40-018. Nescopeck Township**, P. O. Box 314, Nescopeck, PA 18635, in Nescopeck Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Nescopeck Township, Luzerne County.

1. 526 River Road (Berwick, PA Quadrangle Latitude: 41.062280°; Longitude: -76.154982°)

2. 512 River Road (Berwick, PA Quadrangle Latitude: 41.061929°; Longitude: -76.156278°)

3. 623 River Road (Berwick, PA Quadrangle Latitude: 41.064364°; Longitude: -76.147458°)

**F40-019. Jenkins Township**, 46 1/2 Main Road, Jenkins Township, PA 18640, in Jenkins Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Jenkins Township, Luzerne County.

1. 1675 River Road (Pittston, PA Quadrangle Latitude: 41.302423°; Longitude: -75.829469°)

2. 1515 River Road (Pittston, PA Quadrangle Latitude: 41.306156°; Longitude: -75.823875°)

3. 1575 River Road (Pittston, PA Quadrangle Latitude: 41.305108°; Longitude: -75.825439°)

**F40-020. Hunlock Township**, P. O. Box 164, Hunlock Creek, PA 18621, in Hunlock Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following site in the floodplain of the Susquehanna River. Site will be restored to open space. Site is located in Hunlock Township, Luzerne County.

1. 206 State Route 11 (Nanticoke, PA Quadrangle Latitude: 41.208753°; Longitude: -76.055035°)

**F40-021. Plains Township**, 126 North Main Street, Plains, PA 18705, in Plains Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Plains Township, Luzerne County.

1. 3 Mitchell Street (Pittston, PA Quadrangle Latitude: 41.289304°; Longitude: -75.849354°)

2. 19 Mitchell Street (Pittston, PA Quadrangle Latitude: 41.289571°; Longitude: -75.849354°)

**F40-022. West Pittston Borough**, 555 Exeter Avenue, West Pittston, PA 18643, in West Pittston Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in West Pittston Borough, Luzerne County.

1. 15 Luzerne Avenue (Pittston, PA Quadrangle Latitude: 41.326539°; Longitude: -75.795528°)

2. 1304 Susquehanna Avenue (Pittston, PA Quadrangle Latitude: 41.322656°; Longitude: -75.800761°)

3. 7-9 Luzerne Avenue (Pittston, PA Quadrangle Latitude: 41.326306°; Longitude: -75.795242°)

4. 318-320 Excelsior Street (Pittston, PA Quadrangle Latitude: 41.326552°; Longitude: -75.796998°)

5. 4 Exeter Avenue (Pittston, PA Quadrangle Latitude: 41.328096°; Longitude: -75.793284°)

6. 14 Atlantic Avenue (Pittston, PA Quadrangle Latitude: 41.323176°; Longitude: -75.800332°)

7. 1114 Susquehanna Avenue (Pittston, PA Quadrangle Latitude: 41.323351°; Longitude: -75.798834°)

**F40-023. Plymouth Township**, 925 Main Street, Plymouth, PA 18651, in Plymouth Township, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Plymouth Township, Luzerne County.

1. 30 East Poplar Street (Nanticoke, PA Quadrangle Latitude: 41.221569°; Longitude: -76.013531°)

2. 1060-1080 West Main Street (Wilkes-Barre West, PA Quadrangle Latitude: 41.228652°; Longitude: -75.971405°)

3. 88 Allen Street (Nanticoke, PA Quadrangle Latitude: 41.219717°; Longitude: -76.013109°)

4. 19-21 Mill Street (Nanticoke, PA Quadrangle Latitude: 41.221828°; Longitude: -76.014685°)

5. 74-76 Allen Street (Nanticoke, PA Quadrangle Latitude: 41.220075°; Longitude: -76.013696°)

6. 87-89 East Poplar Street (Nanticoke, PA Quadrangle Latitude: 41.219468°; Longitude: -76.011961°)

**F40-024. Shickshinny Borough**, 35 West Union Street, Shickshinny, PA 18655, in Shickshinny Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the Susquehanna River. Sites will be restored to open space. Sites are located in Shickshinny Borough, Luzerne County.

1. 31 East Union Street (Shickshinny, PA Quadrangle Latitude: 41.152419°; Longitude: -76.148836°)

2. 42 East Butler Street (Shickshinny, PA Quadrangle Latitude: 41.150879°; Longitude: -76.148874°)

3. 21 West Union Street (Shickshinny, PA Quadrangle Latitude: 41.1532°; Longitude: -76.15119°)

4. 41-43 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.15429°; Longitude: -76.149115°)

5. 132 Susquehanna Avenue (Shickshinny, PA Quadrangle Latitude: 41.156854°; Longitude: -76.146464°)

6. 22 East Union Street (Shickshinny, PA Quadrangle Latitude: 41.152922°; Longitude: -76.149236°)

7. 35-37 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.154083°; Longitude: -76.149289°)

8. 65 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.155123°; Longitude: -76.148149°)

9. 25 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.153746°; Longitude: -76.149527°)

10. 44 North Main Street (Shickshinny, PA Quadrangle Latitude: 41.154659°; Longitude: -76.149292°)

11. 131 North Canal Street (Shickshinny, PA Quadrangle Latitude: 41.156338°; Longitude: -76.145432°)

12. 158 North Susquehanna Avenue (Shickshinny, PA Quadrangle Latitude: 41.157596°; Longitude: -76.145634°)

13. 149 North Canal Street (Shickshinny, PA Quadrangle Latitude: 41.156931°; Longitude: -76.144943°)

14. 40 East Butler Street (Shickshinny, PA Quadrangle Latitude: 41.150856°; Longitude: -76.149008°)

**F54-004. Cass Township**, 1209 Valley Road, Pottsville, PA 17901, in Cass Township, **Schuylkill County**, U.S. Army Corps of Engineers, Baltimore District.

To demolish and remove structures located on the following sites in the floodplain of the West Branch Schuylkill River. Sites will be restored to open space. Sites are located in Cass Township, Schuylkill County.

1. Zachary Rinker, 1314 Valley Road (Minersville, PA Quadrangle Latitude: 40.700825°; Longitude: -76.253592°)

2. Randall Rinker, 65 Oak Lane (Minersville, PA Quadrangle Latitude: 40.700208°; Longitude: -76.251809°)

3. David Hoenich, 42 Oak Lane (Minersville, PA Quadrangle Latitude: 40.701352°; Longitude: -76.252143°)

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

**E65-975, Carnegie Institute**, 1847 Route 381, Rector, PA 15677, Cook Township, **Westmoreland County**, ACOE Pittsburgh District.

The applicant is proposing to:

Construct and maintain a 40 ft span steel foot bridge across Powdermill Run (HQ-CWF).

For the purpose of connecting a new educational trail at the Powdermill Nature Reserve, located near the intersection of State Route 381 and Powdermill Run Road (Quadrangle: Stahlstown; Latitude: 40° 9' 4"; Longitude: -79° 16' 10"; Sub-basin: 18C), in Cook Township, Westmoreland County. The project will result in a permanent impact to 5 linear feet of Powdermill Run (HQ-CWF).

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

**E5829-104: Brooklyn, Harford, and Lenox Townships**, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Brooklyn, Harford, and Lenox Townships, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing permanently impacting 1,573 square feet (0.04 acre) of a palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 26", Longitude: -75° 46' 32"),

2) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 214 lineal feet of an unnamed tributary to

Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 26", Longitude: -75° 45' 59"),

3) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 4,705 square feet (0.11 acre) of a palustrine emergent wetlands (PEM) and permanently impacting 15,142 square feet (0.35 acre) of palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 28", Longitude: -75° 46' 00"),

4) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing permanently impacting 4,118 square feet (0.10 acre) of a palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 45' 21", Longitude: -75° 45' 38"),

5) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 117 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 18", Longitude: -75° 45' 25"),

6) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 104 lineal feet of Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 18", Longitude: -75° 45' 07"),

7) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 101 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 17", Longitude: -75° 45' 04"),

8) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 23,800 square feet (0.54 acre) of a palustrine scrub shrub wetlands (PSS) and permanently impacting 7,623 square feet (0.18 acre) of palustrine scrub shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 45' 17", Longitude: -75° 45' 06"),

9) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 167 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 17", Longitude: -75° 44' 55"),

10) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 114 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 17", Longitude: -75° 44' 53"),

11) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 103 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 16", Longitude: -75° 44' 53"),

12) right of way temporarily impacting 320 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 18", Longitude: -75° 44' 45"),

13) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 124 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 44' 55", Longitude: -75° 44' 31"),

14) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 16,609 square feet (0.38 acre) of a palustrine

emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 27", Longitude: -75° 44' 31"),

15) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 103 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 44' 42", Longitude: -75° 44' 25"),

16) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 118 lineal feet of an unnamed tributary to Millard Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 44' 03", Longitude: -75° 44' 07"),

17) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 107 lineal feet of an unnamed tributary to Millard Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 43' 56", Longitude: -75° 43' 55"),

18) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 109 lineal feet of an unnamed tributary to Millard Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 43' 52", Longitude: -75° 43' 45"),

19) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 1,668 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 50", Longitude: -75° 43' 40"),

20) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 10,095 square feet (0.23 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 48", Longitude: -75° 43' 37"),

21) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 12,489 square feet (0.29 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 27", Longitude: -75° 35' 25"),

22) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 10,108 square feet (0.23 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 36", Longitude: -75° 43' 13"),

23) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 90 lineal feet of Tower Branch (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 43' 24", Longitude: -75° 42' 52"),

24) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 14,292 square feet (0.33 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 24", Longitude: -75° 42' 53"),

25) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 12,443 square feet (0.29 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 12", Longitude: -75° 42' 34"),

26) two 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 2,929 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 06", Longitude: -75° 42' 29"),

27) one 24 inch diameter steel natural gas gathering pipelines and temporary timber mat crossing temporarily impacting 13,015 square feet (0.30 acre) of a palustrine

emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 43' 06", Longitude: -75° 42' 29").

The project consists of constructing approximately 5.4 miles of dual 24" steel natural gas gathering line located in Brooklyn, Harford, and Lenox Townships, Susquehanna County. The project will result in 1,571 lineal feet of temporary stream impacts, 128,534 square feet (2.95 acres) of temporary wetland impacts, and 28,456 square feet (0.65 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E4129-103: Anadarko Marcellus Midstream, LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines and a timber mat bridge impacting 351 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'40"N 76°55'39"W);

2) two 6-inch gas pipelines and a timber mat bridge impacting 2,020 square feet of palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°26'40"N 76°55'36"W);

3) two 6-inch gas pipelines and a timber mat bridge impacting 1,480 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'40"N 76°55'32"W);

4) two 6-inch gas pipelines and a timber mat bridge impacting 54 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) and 1,122 square feet of adjacent palustrine forested (PFO) and palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°26'39"N 76°55'30"W);

5) two 6-inch gas pipelines and a timber mat bridge impacting 17,876 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'40"N 76°55'12"W);

6) two 6-inch gas pipelines and a timber mat bridge impacting 8,592 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'43"N 76°55'08"W);

7) two 6-inch gas pipelines and a timber mat bridge impacting 5,509 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'44"N 76°55'06"W);

8) two 6-inch gas pipelines and a timber mat bridge impacting 1,952 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'45"N 76°55'06"W);

9) two 6-inch gas pipelines and a timber mat bridge impacting 82 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) and 34,362 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'47"N 76°55'03"W);

10) two 6-inch gas pipelines and a timber mat bridge impacting 7,642 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°26'53"N 76°54'55"W);

11) two 6-inch gas pipelines and a timber mat bridge impacting 11,232 square feet of palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°26'53"N 76°54'52"W);



12) two 6-inch gas pipelines and a timber mat bridge impacting 88 linear feet of an unnamed tributary to Slacks Run (HQ-CWF) and 8,045 square feet of adjacent palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°26'58"N 76°54'51"W);

13) two 6-inch gas pipelines and a timber mat bridge impacting 1,580 square feet of palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'00"N 76°54'51"W);

14) two 6-inch gas pipelines and a timber mat bridge impacting 15,191 square feet of palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°27'09"N 76°54'51"W).

The project will result in a total of 2.68 acres of wetland impacts and 224 linear feet of stream impacts all for the purpose of installing natural gas gathering line and access roadway to a natural gas well site for Marcellus well development.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA24-052, Headwaters Charitable Trust**, 109 North Brady Street, DuBois, PA 15801. Bear Creek Acidic Deposition Remediation Site 1: Pine Run Passive Treatment System, in Highland Township, **Elk County**, ACOE Pittsburgh District (Jame City, PA Quadrangle N: 41°, 31', 12"; W: 78°, 52', 18").

Applicant proposes to install a passive treatment system to treat acidic deposition in the Bear Creek water-

shed. This system will be constructed in the headwaters of Pine Run and will consist of a concrete dam with intake pipe and stone energy dissipater, an Aerobic Limestone Basin, an Anaerobic Vertical Flow Wetland, and a limestone outlet channel, resulting in impacts to approximately 20 LF of stream channel. This project is being reviewed as an Environmental Assessment/Restoration Plan for waiver of permit requirements under 105.12(a)(16).

**EA24-053, Headwaters Charitable Trust**, 109 North Brady Street, DuBois, PA 15801. Big Mill Creek Acidic Deposition Remediation Site 5: Rocky Run Passive Treatment System, in Ridgeway Township, **Elk County**, ACOE Pittsburgh District (Portland Mills, PA Quadrangle N: 41°, 29', 39"; W: 78°, 46', 12").

Applicant proposes to install a passive treatment system to treat acidic deposition in the Big Mill Creek watershed. This system will be constructed in the headwaters of Rocky Run and will consist of a concrete dam with intake pipe and stone energy dissipater, an Aerobic Limestone Basin, an Anaerobic Vertical Flow Wetland, and a limestone outlet channel, resulting in impacts to approximately 20 LF of stream channel. Construction of the access road for the site will also involve the replacement of an existing culvert on Rocky Run and the addition of rock inlet and outlet protection, resulting in impacts to approximately 40 LF of stream channel. This project is being reviewed as an Environmental Assessment/Restoration Plan for waiver of permit requirements under 105.12(a)(16).

## ACTIONS

### THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

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

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

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

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

Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

### I. NPDES Renewal Permit Actions

*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>
PA0025224 (Sewage)	St Clair Wastewater Treatment Plant (WWTP) Port Carbon Highway (SR 1001) St Clair, PA 17970	Schuylkill County East Norwegian Township	Mill Creek (3-A)	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>
PA0111970 (Sewage)	Springbrook Family Campground Route 42 South Catawissa, PA 17820	Columbia County Locust Township	Roaring Creek (5-E)	Y
PA0021652 (Sewage)	Kreamer Municipal Authority WWTP 5320 SR 522 Kreamer, PA 17833-0220	Snyder County Middlecreek Township	Middle Creek (6-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0204609 (Sewage)	Rosa SR STP 156 Shannon Lane Ligonier, PA 15658	Westmoreland County Ligonier Township	(18-C)	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>
PA0038156 (Sewage)	Rimersburg Borough STP 794 Route 861 Rimersburg, PA 16248-0648	Clarion County Rimersburg Borough	Wildcat Run (17-C)	Y
PA0263583 (Sewage)	Heron Ridge STP 240—247 Burnside Road Portersville, PA 16051	Butler County Muddy creek Township	Unnamed Tributary to the Muddy Creek (20-C)	Y
PA0263745 (sewage)	Nolan SFTF 128 Dalmagro Road Butler, PA 16002	Butler County Clearfield Township	Unnamed Tributary to Little Buffalo Run (18-F)	Y
PA0239852 (sewage)	Andrew P Terwilliger SFTF 2125 W Washington Street Bradford, PA 16701	McKean County Bradford Township	Unnamed tributary of Willow Creek (16-B)	Y
PA0103608 (Sewage)	Country Acres MHP 25622 Trailer Court A Country Acres Guys Mills, PA 16327	Crawford County East Mead Township	Unnamed Tributary to Little Sugar Creek (16-D)	Y

### III. WQM Industrial Waste and Sewerage Actions 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. 6415403**, Sewage, SIC Code 7032, **Penn Camps, Inc. DBA Indian Head Camp**, 3287 Hancock Highway, Equinunk, PA 18417.

This proposed facility is located in Manchester Township, **Wayne County**.

Description of Proposed Action/Activity: New Sewage Treatment Facility including waste stabilization pond with chlorine disinfection and Land application of treated sewage via spray irrigation.

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

**WQM Permit No. WQG02561502**, SIC Code 4952, **Jenner Area Joint Sewer Authority**, 102 Saylor Street, Jennerstown, PA 15547.

This existing facility is located in Jenner Township, **Somerset County**.

Description of Proposed Action/Activity: Improvements to the Gray Area Pump Station.

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

*Southeast Region: Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI015114011-6A	Liberty Property Limited Partnership 1628 John F. Kennedy Boulevard Philadelphia, PA 19013	Philadelphia	City of Philadelphia	Delaware River WWF-MF

*Northeast Region: Waterways and Wetlands 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>
PAI025411002(5)	Eagle Rock Resort Company c/o Mr. Dan Durange 1 Country Club Road Hazle Township, PA 18202	Schuylkill	North Union Township	Little Crooked Run (HQ-CWF, MF), Tomhicken Creek (CWF, MF)
PAI023915015	Woodmont Properties, LLC c/o Mr. Steven Varnackas 100 Passaic Avenue Suite 240 Fairfield, NJ 07004	Lehigh County	Lower Macungie Township	Swabia Creek (HQ-CWF, MF)
PAI024515004	Mount Pocono Municipal Authority 1361 Pocono Boulevard, Suite 101 Mount Pocono, PA 18344	Monroe	Mount Pocono Borough, Paradise Township	Forest Hills Run (HQ-CWF, MF) UNT to Indian Run (EV, MF)
PAI024014010	Pennsylvania Department of Transportation 55 Keystone Industrial Park Dunmore, PA 18512	Luzerne	Dallas Township	UNT to Toby Creek (CWF, MF)

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050215002	Pittsburgh Field Club 121 Field Club Drive Pittsburgh, PA 15238	Allegheny County	Borough of Fox Chapel	Squaw Run (HQ-WWF)

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

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

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

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

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

*General Permit Type—PAG-02*

*Waterways & Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401. Telephone 484-250-5160.*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
West Rockhill Township Bucks County	PAG02000915072	Rockhill Contractor Services, LP 3090 State Road Telford, PA 18969	Mill Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Perkasie Borough Bucks County	PAG02000914085(1)	Perkasie Woods, L.P. 1030 Reed Avenue, Suite 100 Wyomissing, PA 19610	Pleasant Spring Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

<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>
Upper Saucon Township Lehigh County	PAG02003915015	Jenna Levin 5281 Aberdeen Street Center Valley, PA 18034	Saucon Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Nathan Crawford, Section Chief, 717.705.4802.*

<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>
Latimore Township Adams County	PAG02000113025 Issued	Michael Wachowski Insurance Auto Auctions, Inc. Two Westbrook Corporate Center, Suite 500 Westchester, IL 60154-5702	UNT to Latimore Creek/CWF, MF	Adams County Conservation District 670 Old Harrisburg Road, Suite 201 Gettysburg, PA 17325 717-334-0636
Tulpehocken Township Berks County	PAG02000615047 Issued	Cleason Nolt 351 Elco Drive Myerstown, PA 1706	UNT to the Little Swatara Creek/CWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657

<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>
Upper Leacock Township Lancaster County	PAG02003615080 Issued	Lois Zimmerman 258 North Farmersville Road Ephrata, PA 17522	Mill Creek/CWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Penn Township Lancaster County	PAG02003614071(1) Issued	Kreider Farms 1461 Lancaster Avenue Manheim, PA 17545	Little Conestoga Creek/TSF, MF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121
Clay Township Lancaster County	PAG02003615109 Issued	Christian Landis 82 Durlach Hill Road Stevens, PA 17578	UNT to Middle Creek/WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 121

*General Permit Type—PAG-03*

<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>
Lehigh Township Northampton County	PAR112217	Martin Sprocket & Gear Inc. 3376 Delps Road Danielsville, PA 18038-9515	Unnamed Tributary to Indian Creek—2-C	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Milton Borough Northumberland County (Industrial Stormwater)	PAR204826	Milton Steel Co. 6 Canal Street Milton, PA 17847-1515	West Branch— Susquehanna River—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Montgomery Borough Lycoming County (Industrial Stormwater)	PAG034828	VT Hackney Inc. 914 Saegers Station Road Montgomery, PA 17752-8501	Unnamed Tributary to West Branch Susquehanna River—10-C	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Muncy Creek Township Lycoming County	PAG034826	Panhandle Oilfield Service Companies, Inc. 14000 Quail Springs Parkway Suite 300 Oklahoma City, OK 73134-2600	Muncy Creek—10-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Gilmore Township Greene County	PAG106188	Columbia Gas Trans LLC 5151 San Felipe Suite 2400 Houston, TX 77056	White Creek— 19-G/WWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

## PUBLIC WATER SUPPLY PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

*Northeast Region: Safe Drinking Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit No. 2409010, Operation Permit, Public Water Supply.**

Applicant	<b>Pennsylvania American Water Company</b> (Nesbitt Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	West Wyoming Borough
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	Scott M. Thomas, P.E. Pennsylvania American Water Company 852 Wesley Drive Mechanicsburg, PA 17055
Permit to Operate Issued	December 9, 2015

**Permit No. 5415503, Public Water Supply.**

Applicant	<b>Stoney Mountain Springs</b> 111 Kalmia Road Tower City, PA 17980
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Municipality	Porter Township
County	<b>Schuylkill</b>
Type of Facility	PWS
Consulting Engineer	Edward E. Davis, P.E. MBC Development, LP 950 East Main Street Schuylkill Haven, PA 17972
Permit to Construct Issued	December 9, 2015

**Permit No. 3486568, Rescission of Operation Permit, Public Water Supply.**

Applicant	<b>David M. Ascani</b> <b>d/b/a Martins Creek Water Company</b> 6780 Fairview Avenue Bangor, PA 18013
Municipality	Lower Mt. Bethel Township
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Rescinded	December 14, 2015

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Operation Permit No. 3615509 MA** issued to: **Columbia Water Company (PWS ID No. 7360123)**, Marietta Borough, **Lancaster County** on 12/9/2015 for facilities approved under Construction Permit No. 3615509 MA.

**Operation Permit No. 3414502 MA** issued to: **Port Royal Municipal Authority (PWS ID No. 4340010)**, Turbett Township, **Juniata County** on 12/10/2015 for facilities approved under Construction Permit No. 3414502 MA.

### WATER ALLOCATIONS

**Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of the Commonwealth.**

*Southcentral Region: Safe Drinking Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**WA 36-29B, Water Allocations. Christiana Borough Authrotiy (PWS ID No. 7360007), Lancaster County.** Rescission/expiration of Water Allocation Permit WA 036-29B as originally issued by the Department on October 30, 1990. Permittee Contact: Carol L. Pringle, Borough Manager, Christiana Borough, PO Box 135, Christiana, PA 17509. Consulting Engineer: Mark L. Homan, P.E. Becker Engineering LLC, 111 Millersville Road, Lancaster, PA 17603. Permit Rescission Issued: 12/9/2015.

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

**WA 16-716A, Water Allocations. Rimersburg Borough Municipal Authority, 27 Main Street, Rimersburg, PA 16248, Rimersburg Borough, Clarion County.** The permittee has been granted the right to purchase up to 189,000 gallons per day based on a 30-day average from the Borough of East Brady.

### Sewage Facilities Act Plan Approval

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Logan Township	7228 Diamond Valley Rd, Alexandria, PA 16611	Huntingdon

*Plan Description:* Approval is granted for a Minor Update Revision to the official plan of Logan Township, Huntingdon County. The project is known as the Juniata Valley Pike Road Sewer Extension. The plan provides for the extension of public sewers to serve 13 properties currently served by failing on lot sewage systems. The proposed development is located on both sides of Diamond Valley Road north of State Route 0305 in Logan Township, Huntingdon County. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this Minor Update Revision is A3-31922-039-3M and the APS Id is 884321.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995 PREAMBLE 2

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

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

For further information concerning plans or reports, contact the environmental cleanup program manager in

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

The Department has received the following plans and reports:

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

**Brickyard Road Site**, 615 Brickyard Road, New Oxford, PA 17350, Oxford Township, **Adams County**. BL Companies, 4242 Carlisle Pike, Camp Hill, PA 17011, on behalf of Royal Building, Inc., 160 Ram Drive, Hanover, PA 17301, submitted a combined Remedial Investigation and Final Report concerning remediation of soils and groundwater contaminated with gasoline from a buried, out-of-service Sunoco pipeline. The site is to be remediated to the Site Specific Standard.

**USPS Former Harrisburg Vehicle Maintenance Facility**, 800 Mulberry Street, Harrisburg, PA 17104, City of Harrisburg, **Dauphin County**. ARM Group, Inc., 1129 West Governor Road, PO Box 797, Hershey, PA 17033-0797, on behalf of US Postal Service, 7029 Albert Pick Road, 3rd Floor, Greensboro, NC 27409, submitted a Final Report concerning remediation of groundwater contaminated with PAHs and VOCs. The report is intended to document remediation of the site to meet a combination of Background and Nonresidential 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**RTV Trucking/Dorward Property**, 560 Grings Hill Road, Sinking Spring, PA 19608, Spring Township, **Berks County**. REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, on behalf of RTV Trucking, Inc., 1821 Powder Mill Road, Silver Spring, MD 20903; Dennis Dorward, 560 Grings Hill Road, Sinking Spring, PA 19608, and Erie Insurance, PO Box 4158, Hagerstown, MD 21740, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on December 9, 2015.

**RTV Trucking/Zitrick Property**, 546 Grings Hill Road, Sinking Spring, PA 19608, Spring Township, **Berks County**. REPSG, Inc., 6901 Kingsessing Avenue, 2nd Floor, Philadelphia, PA 19142, on behalf of RTV Trucking, Inc., 1821 Powder Mill Road, Silver Spring, MD 20903; Richard Zitrick, 546 Grings Hill Road, Sinking Spring, PA 19608; and Erie Insurance, PO Box 4158, Hagerstown, MD 21740, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel released from a truck's saddle tank. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department on December 10, 2015.

**Former Fiore Pontiac—GMC—Truck**, 800 South Logan Boulevard, Altoona, PA 16602, Allegheny Township, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of Altoona Regional Health System, 620 Howard Avenue, Altoona, PA 16601, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with VOCs and PAHs from aboveground and underground storage tanks. The site is being remediated to the Site Specific Standard, and the Remedial Investigation Report was approved by the Department on December 10, 2015.

## 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*

**GP14-46-0247: Greene Tweed & Co. Inc.** (2075 Detwiler Road, P. O. Box 305, Dulpville, PA 19443) for the installation and operation of a natural gas-fired combustion unit in Towamencin Township, **Montgomery County**.

**GP14-23-0129: Delaware County Crematory** (762 Rugby Road, Bryn Mawr, PA 19010) for Manufacturing B&L Cremation Systems, Inc. Model No. Phoenix II-I, eclipse Velocity Burners and therm jet series in Upper Darby, **Delaware County**.

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

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

**GP3-28-03057A: David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17202) on December 7, 2015, for the installation and operation of a portable stone crushing plant at the Shale Pit #4 located in Antrim Township, **Franklin County**.

**GP11-28-03057A: David H. Martin Excavating, Inc.** (4961 Cumberland Highway, Chambersburg, PA 17202) on December 7, 2015, for the installation and operation of a non-road diesel engine at the Shale Pit #4 located in Antrim Township, **Franklin County**.

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

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

**GP5-59-242: HEP Tioga Gathering, LLC** (512 Towne Plaza Suite 120 Route 6, Tunkhannock, PA 18657) on December 2, 2015, authorize the construction and operation of ten (10) Caterpillar model G3606 ultra lean-burn natural gas-fired compressor engines each rated at 1,775 brake horsepower to be equipped with DCL Inc. model DC64-L2 oxidation catalyst, five (5) storage tanks, three (3) tri-ethylene glycol dehydrators, one (1) natural gas-fired line heater and one (1) Cummins model GTA28, natural gas-fired emergency generator rated at 701 brake horsepower pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Tioga CPF#2 Compressor Station located in Liberty Township, **Tioga County**.

**GP5-18-164B: Mountain Gathering, LLC** (810 Houston Street, Fort Worth, TX 76102) on December 8, 2015, for operation of the following existing sources: three 1,775 bhp Caterpillar natural gas-fired compressor engines, each equipped with 2-way oxidation catalysts; one 60 MMscfd TEG dehydration unit equipped with a 2 MMBtu/hr natural gas-fired reboiler; one 145 bhp Cater-



pillar compressor engine equipped with a 3-way oxidation catalyst; one 0.8 MW Capstone microturbine; one 1.5 MMBtu/hr natural gas-fired line heater; three storage tanks; various fugitive emissions pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Dry Run Compressor Station located in Chapman Township, Clinton County.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**GP5-62-166B: Pennsylvania General Energy Zimmerman Hill Compressor Station** (1990 Zimmerman Hill Road, Warren, PA 16365) on December 7, 2015, for the authority to operate two (2) natural gas fired 600 bhp Ajax DPC LE engines, one (1) natural gas fired 360 bhp Ajax DPC360 LE engine, one (1) natural gas fired 280 bhp Ajax DPC280 LE engine, 8 miscellaneous storage tanks, and associated piping and components (BAQ-GPA/GP5) located at their facility in Pleasant Township, **Warren County**.

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

**46-0286: CSL Behring** (P. O. Box 61501, King of Prussia, PA 19406-0901) on December 10, 2015, to operate the data processing services in Upper Merion Township, **Montgomery County**.

**23-0047F: Evonik Corp** (1200 W Front Street, Chester, PA 19013-3438) on December 10, 2015, to operate industrial inorganic chemicals, in Chester City, **Delaware County**.

**09-0189B: Eureka Stone** (P. O. Box 249, Chalfont, PA 18914-0249) on December 10, 2015, to operate a mining and crushed and broken stone, Nec in Warrington Township, **Bucks County**.

**09-0152C: Gelest, Inc.** (11 Steel Road, E, Morrisville, PA 19067-3613) on December 10, 2015, to operate an industrial organic chemicals, Nec. In Falls Township, **Bucks County**.

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

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

**14-00002H: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on December 3, 2015, extended the authorization an additional 180 days from December 6, 2015, to June 3, 2016, to permit operation pending issuance of the renewal Title V operating permit for their facility. The extension allows continued operation of the Kiln No. 7 and its semi-wet scrubber which are located in Spring Township, **Centre County**. The plan approval has been extended.

**17-00069A: The Pennsylvania State University** (3641 McGeorge Road, Clearfield, PA 16830) on December 3, 2015, extended the authorization an additional 180 days from December 5, 2015, to June 2, 2016, to allow for

completion of the evaluation of compliance with the plan approval and permit operation pending issuance of an operating permit. The extension allows continued operation of the generator-engine and its oxidation catalyst which are located at their WPSU Transmitter facility in Lawrence Township, **Clearfield County**. The plan approval has been extended.

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

*Contact: Edward Orris, P.E., Environmental Engineer Manager—Telephone: 412-442-4161*

**30-00195: Equitrans, LP** (625 Liberty Avenue, Suite 1700 EQT Plaza, Pittsburgh, PA 15222) Plan Approval Extension effective December 28, 2015, with expiration date of June 28, 2016, for continued temporary operation of air contamination sources and controls at the Jefferson Compressor Station located in Jefferson Township, **Greene County**.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6328*

**25-025T: GE Transportation—Erie Plant** (2901 East Lake Road, Building 9-201, Erie, PA 16531) on December 7, 2015, effective December 31, 2015, has issued a plan approval extension for the modification of conditions from Plan Approval 25-025Q for the test cells in Lawrence Park Township, **Erie County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

**61-224A: Joy Global, Inc. Franklin Plant 1** (323 Buffalo Street, Franklin, PA 16323) on December 7, 2015, effective December 31, 2015, has issued a plan approval extension for the construction of 2 paint booths in Franklin City, **Venango County**. This is a State Only facility.

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

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

**06-05081: Delaware County Solid Waste Authority** (583 Longview Road, Boyertown, PA 19512-7955) on December 9, 2015, for the Rolling Hills Landfill located in Earl Township, **Berks County**. The Title V permit was renewed.

**28-05045: EPP Renewable Energy, LLC** (1605 North Cedar Crest Boulevard, Suite 509, Allentown, PA 18104) on December 9, 2015, for the landfill gas-to-energy facility associated with the Blue Ridge Landfill located in Greene Township, **Franklin County**.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**43-00310: NLMK Pa Corporation Farrell Plant** (15 Roemer Boulevard, Farrell, PA 16121) on December 8, 2015, the Department re-issued a Title V Permit to convert slabs to coils in hot and cold rolled processes in Farrell City, **Mercer County**. The primary sources at the facility include two natural gas steam boilers, three slab rehear furnaces, a 60 inch hot strip mill, #21 slitter, #2 shot blast, #7 pickle line, #4 tandem mill, #21 and #22 annealing furnaces, #26, #27, #28 and #35 temper mills, #2 shear, #26 slitter, #1 tension leveler, #3 shotblast and rotoblast, miscellaneous combustion sources, slab cutting torch, emergency diesel engine for the fire pump, emergency generators for the IT building and #7 pickle line, degreasers, and fugitive emissions from the facility. The sources are part of two cold rolling lines and a hot rolling line. The #27 temper mill and the #4 tandem mill are each controlled by an oil mist collector. The #2 and #3 shotblast units are each controlled by a dust collector. The #7 pickle line is controlled by a scrubber. The facility is a major facility due to its potential to emit Oxides of Nitrogen, Volatile Organic Compounds, and Hazardous Air Pollutants. Actual reported emissions for 2014 were: CO 42.1 TPY; NO<sub>x</sub> 184.4 TPY; PM<sub>10</sub> 19.7 TPY; PM<sub>2.5</sub> 4.7 TPY; SO<sub>x</sub> 1.1 TPY; VOC 72.7 TPY; HAP 1.3 TPY; HCL 1.1 TPY and CO<sub>2</sub> 199,921 TPY. The pickle line is subject to National Emission Standards for Hazardous Air Pollutants for Steel Pickling 40 CFR 63 Subpart CCC. The two boilers are natural gas fired. They are subject to 40 CFR 63 Subpart DDDDD—NESHAPs for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The stationary engines for the emergency diesel generators are subject to 40 CFR 63 Subpart ZZZZ. Subpart ZZZZ is for Stationary Reciprocating Internal Combustion Engines (RICE). The facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G.

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

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

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

**54-00049: US Department of Justice; FCI Schuylkill** (P. O. Box 700, Minersville, PA 17954) on December 20, 2015, for the operation of a prison in Butler Township, **Schuylkill County**. The sources consist of three (3) boilers and an emergency generator. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Dave Balog, New Source Review Chief—Telephone: 814-332-6940*

**16-00043: J. M. Smucker, Inc.**, (300 Kleck Avenue, New Bethlehem, PA 16242) on December 1, 2015, renewed the State Only operating permit for the peanut processing facility located in the Borough of New Bethlehem, **Clarion County**. The sources at the facility include peanut processing equipment, 2 natural gas-fueled peanut roasters, peanut skin transfer, and natural gas fueled heaters for comfort heating. The facility is a Natural Minor. Emissions from the facility are as follows: VOCs,

< 1 tpy; CO, < 1 tpy; NO<sub>x</sub>, < 1 tpy; SO<sub>2</sub>, < 1 tpy; PM, < 1 tpy; and all combined HAPs < 1 tpy. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**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.**

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

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

**59-00006: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) on November 24, 2015, for the minor corrections to language contained within Sources 035, 108 and 109 at the Boom Compressor Station located in Lawrence Township, **Tioga County**. The revised operating permit includes emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

**08-00002: E.I. DuPont de Nemours and Company** (192 Patterson Blvd, Towanda, PA 18848) on December 7, 2015, issued a revised Title V operating permit for their Towanda facility located in North Towanda Township, **Bradford County**. The revision was for a change in ownership to which the responsible official was revised to Mr. Stephen F. Irwin, Plant Manager. In addition, the requirements for 40 CFR Part 63 Subpart DDDDD were incorporated into Sources 031 through 034. The revised Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**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*

**30841317 and NPDES No. PA0213517. Consol Pennsylvania Coal Company LLC**, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Richhill Township,

**Greene County**, South Franklin Township, **Washington County** and related NPDES Permit. To add surface acres for construction of the E29 Bleeder Site. Surface Acres Proposed 22.6. No additional discharges. The application was considered administratively complete on May 13, 2015. Application received February 24, 2015. Permit issued December 8, 2015.

**30841316 and NPDES No. PA0213535. Consol Pennsylvania Coal Company LLC**, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** and related NPDES permit for installation of airshaft and Outfall 34. Surface Acres Proposed 7.0. Receiving Stream: Unnamed Tributary to North Fork Dunkard Fork, classified for the following use: TSF. The application was considered administratively complete on May 29, 2015. Application received February 27, 2015. Permit issued October 28, 2015. NPDES Permit Issued December 9, 2015.

**30121301 and NPDES No. PA0236195. Consol Pennsylvania Coal Company LLC**, (1000 CONSOL Energy Drive, Canonsburg, PA 15317). To revise the permit for the Harvey Mine in Morris Township, **Washington County** and related NPDES permit to install three degasification boreholes. Surface Acres Proposed 22.7. No additional discharges. The application was considered administratively complete on March 30, 2015. Application received January 23, 2015. Permit issued December 9, 2015.

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

**33-14-20 and NPDES Permit No. PA0259608. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767) Proposal to enter into a Government Financed Construction Contract and associated NPDES permit on a 35.0 acre site in Winslow Township, **Jefferson County**. This proposal includes 19.7 acres of incidental removal and the reclamation of 35.0 acres of abandoned deep mine and subsidence areas. Receiving streams: Fehley Run. Application received: April 24, 2015. Contract Issued: November 30, 2015.

*Noncoal Permits Issued*

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

**37150301 and NPDES Permit No. PA0259616. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201), Commencement, operation and restoration of a large industrial minerals mine in Slippery Rock Township, **Lawrence County**, affecting 71.4 acres. Receiving streams: Unnamed tributary to Slippery Rock Creek. Application received: June 26, 2015. Permit Issued: December 8, 2015.

**1270-37150301-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201), Stream encroachment to conduct mining activities within 100 feet of unnamed tributary "B" to Slippery Rock Creek in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek. In conjunction with the 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 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: June 26, 2015. Permit Issued: December 8, 2015.

**37150301. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201), Wetlands encroachment to allow for direct impacts to 2.39 acres of wetlands connected to unnamed tributary "B" to Slippery Rock Creek. As replacement for the wetlands, 3.33 acres of wetlands will be developed according to the Module 14.4 mitigation plan in Slippery Rock Township, **Lawrence County**. Receiving streams: Unnamed tributary to Slippery Rock Creek. In conjunction with the 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 U.S.C.A. § 1341) and will not violate applicable Federal and State water quality standards. Application received: June 26, 2015. Permit Issued: December 8, 2015.

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

**Permit No. 6575SM2A2C4 and NPDES Permit No. PA 0224936. Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914-0249), commencement operation and restoration of a quarry operation and NPDES permit for discharge of treated mine drainage in Hamilton Township, **Monroe County** affecting 118.6 acres, receiving stream: Unnamed Tributary to McMichael Creek. Application received: March 8, 2011. Permit issued: December 10, 2015.

**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*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**32154001 Senex Explosives, Inc.**, 710 Millers Run Road, Cuddy, PA 15031, Blasting Activity Permit issued for landfill expansion in Center Township, **Indiana County**. Blasting activity permit end date is December 31, 2016. Permit issued December 9, 2015.

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

**02154003. KESCO, Inc.** (215 South Main Street, Zelienople, PA 16063). Blasting activity permit for the implosion of the Greenfield Bridge, located in the City of Pittsburgh, **Allegheny County** with an exploration date of March 31, 2016. Blasting permit issued: December 7, 2015.

**30154004. Mountaineer Drilling and Blasting** (3969 Shinnston Pike, Clarksburg, WV 26301). Blasting activity permit to conduct seismic activity for the Vantage Energy Well Site Job 9044.04, located in Center Township, **Greene County** with an exploration date of April 1, 2016. Blasting permit issued: December 9, 2015.

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

**Permit No. 22154106. Abel Construction Co., Inc.**, (3925 Columbia Avenue, Mountville, PA 17554-1805), construction blasting for The Point in Derry Township, **Dauphin County** with an expiration date of December 7, 2016. Permit issued: December 9, 2015.

**Permit No. 40154113. Maurer & Scott Sales, Inc.,** (122 Thomas Street, Coopersburg, PA 18036-2100), construction blasting for Moxie Freedom Generation Plant in Salem Township, **Luzerne County** with an expiration date of November 1, 2016. Permit issued: December 9, 2015.

**Permit No. 58154130. John H. Brainard,** (3978 State Route 2073, Kingsley, PA 18826-7039), construction blasting for Andrew Chichura Spring in Lenox Township, **Susquehanna County** with an expiration date of January 31, 2016. Permit issued: December 9, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

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

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

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

\* The parameter is applicable at all times.

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding (MOU)

Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

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

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

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

#### *Coal NPDES Draft Permits*

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**NPDES No. PA0262889 (Mining Permit No. 32090103), Alverda Enterprises, Inc.**, P. O. Box 245 Alverda, PA 15710, renewal of an NPDES permit for discharge from stormwater controls on a surface coal mine in Pine Township, **Indiana County**, affecting 19.3 acres. Receiving stream: Yellow Creek classified for the following use: cold water fishes. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: November 9, 2015.

The outfall listed below discharges to Yellow Creek:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
001 (Sediment Pond A)	N

The proposed effluent limits for the above listed outfall are as follows:

<i>Outfalls: (All Weather Conditions) Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	1.5	3.0	3.7
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times			
Alkalinity must exceed acidity at all times			

## **FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

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

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501–508 and 701–704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin* unless the appropriate

statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Northeast Regional Office, Waterways and Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511*

**E40-770. Pennsylvania Department of Transportation, Engineering District 4-0**, 55 Keystone Industrial Park, Dunmore, PA 18512. Hunlock Township, **Luzerne County**, Army Corps of Engineers Baltimore District.

To remove the existing structure; and to construct and maintain a 50-foot wide road crossing of a tributary to Roaring Brook (CWF, MF) consisting of an aluminum open bottom arch culvert with a normal clear span of 15.5 feet and an underclearance of 6.92 feet. The project is located along S.R. 4026, Section 574, Segment 0020, Offset 1355 (Harveys Lake, PA Quadrangle Latitude: 41°15'21.3"; Longitude: -76°07'10.1").

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

**E21-445: Silver Spring Township**, 8 Flowers Drive, Mechanicsburg, PA 17050 in Silver Spring Township, **Cumberland County**, U.S. Army Corps of Engineers, Baltimore District.

To place and maintain approximately 432 cubic yards of fill material in the floodplain of the Conodoguinet Creek (WWF/MF) for the purpose of constructing a parking area for the Vincent Difilippo Nature Preserve, impacting approximately 0.53 acre of floodplain. The permit was issued on December 9, 2015.

**E06-699: Berks County Parks and Recreation Department**, 2083 Tulpehocken Road, Wyomissing, PA 19610 in Alsace and Lower Alsace Townships, **Berks County**, U.S. Army Corps of Engineers, Baltimore District.

To 1) remove an existing culvert and install a pedestrian bridge in and across an unnamed tributary to Antietam Creek (CWF, MF) permanently impacting 13 linear feet of stream; 2) install an open bottom concrete arch culvert bridge in and across of an Unnamed Tributary to Antietam Creek (CWF, MF) while maintaining the existing stream bed and permanently impacting 25 linear feet of stream; 3) install a pedestrian bridge in and across an unnamed tributary to Antietam Creek (CWF, MF) and permanently impacting 8 linear feet of stream, 0.01 acre of floodway and 0.003 acre of floodplain of the UNT to Antietam Creek and Antietam Creek/Lake; 4) install a pedestrian bridge in and across a UNT to Antietam Creek (identified as Bingaman Run) (CWF, MF) and permanently impacting 12 linear feet of stream; 5) install a parking lot, trail, constructed wetlands, and restroom facilities all permanently impacting 0.71 acre of floodway and 0.06 acre of floodplain of Antietam Creek/Lake (CWF, MF) and an Unnamed Tributary to Antietam Creek (CWF, MF); 6) install a stone walking trail, temporary construction facilities, and parking lot all permanently impacting 0.2 acre of floodway and 0.11 acre of floodplain of a UNT to Antietam Creek (identified as Bingaman Run) (CWF, MF) and Antietam Creek/Lake (CWF, MF); 7) install a parking lot, rain garden, and walking trail all permanently impacting 0.35 acre of floodway and 0.16 acre of floodplain of Antietam Creek (CWF, MF); 8) repair an existing stone wall in, along, and lining Antietam Creek (CWF, MF) and permanently impacting 205 linear

feet of Antietam Creek; 9) install an observation and fishing platform permanently impacting 0.09 acre of floodplain of Antietam Creek/Lake (CWF, MF); 10) install two 4-inch diameter PVC outfall pipes from proposed constructed wetlands in and along and impacting 4-linear feet of an Unnamed Tributary to Antietam Creek (CWF, MF); 11) install a rock drain outfall structure in and across and impacting 2 linear feet of an unnamed tributary to Antietam Creek (WWF, MF); and, 12) construct and maintain 25 linear feet of a stream bank boulder wall in and along a UNT to Antietam Creek (identified as Bingaman Run) (CWF, MF). The project site is located in the Antietam Lake County Park along Angora Road and Seidel Road (Latitude: 40° 21' 22.8"; Longitude: -75° 52' 25.98") in Alsace and Lower Alsace Townships, Berks County. The permit was issued on December 10, 2015.

**E67-918: P.H. Glatfelter Company**, 96 South George Street, Suite 500, York, PA 17401 in Jackson and Paradise Townships, **York County**, U.S. Army Corps of Engineers, Baltimore District.

To install and maintain a natural gas connector line spanning approximately 6 miles in Jackson and Paradise Townships beginning at 39° 55' 22" N, 76° 56' 15" W and ending at 39° 52' 33" N, 76° 52' 22" W. Ten (10) wetland crossings and thirteen (13) stream crossings are necessary for the proposed project. Wetland impacts comprise 21,541 square feet (permanent) and 19,997 square feet (temporary). Temporary linear stream impacts total 759 feet with an impact area of 6,072 square feet. Floodway impacts total 2.66 acres. Nine (9) additional stream crossings accompany the project which qualify for a waiver of permit requirements under 25 Pa. Code § 105.12(a)(2). Crossings will be permitted open cut and timber matted for temporary access, with the exception of KLF-WETLAND03 and KLF-WETLAND04 which will utilize bore methods. KLF-WETLAND01 will be permanently impacted with the construction of a new impervious surface (157-ft by 150-ft) for a valve site. KLF-WETLAND03 and KLF-WETLAND04 are classified as Exceptional Value. The permit was issued on December 4, 2015.

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

**E63-666, MAX Environmental Technologies, Inc.**, 1815 Washington Road, Pittsburgh, PA 15241, Smith Township, **Washington County**, ACOE Pittsburgh District.

Has been given consent to:

Place fill in 0.03 acre of wetlands for the purpose of construction of a new hazardous waste treatment and processing facility and residual waste processing landfill area at the existing MAX Bulger facility. The project is located east of Bulger Candor Road, and north of Bulger Block Road in Smith Township, Washington County (USGS Clinton, PA topographic quadrangle; Latitude: 40° 23' 6"; Longitude: -80° 19' 12"; Sub-basin: 20D; Chapter 93 Type: WWF).

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

**E42-08-018: NFG Midstream Clermont, LLC**, 6363 Main Street, Williamsport, NY 14221, **McKean County**, ACOE Baltimore District.

To construct, operate and maintain the Clermont to Rich Valley Pipeline Project, which consists of two 36-inch natural gas lines, with the following impacts:

1. 3,005 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'22.64", Longitude: W78°25'27.31");

2. 74.0 linear feet of Elk Fork (EV, CWF) and 5,252 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'21.06", Longitude: W78°25'23.26"); and

3. 74.0 linear feet of a UNT to Elk Fork (EV, CWF) and 1,024 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°37'10.82", Longitude: W78°24'58.06").

The project will result in 148.0 linear feet of temporary stream impacts, and 9,281 square feet (0.21 acre) of temporary EV PEM wetland impacts all for the purpose of installing two natural gas lines and associated access roadways for Marcellus shale development.

**E1229-006: NFG Midstream Clermont, LLC, 6363 Main Street, Williamsville, NY 14221, Cameron County, ACOE Baltimore District.**

To construct, operate and maintain the Clermont to Rich Valley Pipeline Project, which consists of two 36-inch natural gas lines, with the following impacts:

1. 83.0 linear feet of Oviatt Branch (EV, CWF) and 4,762 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'54.98", Longitude: W78°24'17.16");

2. 3,879 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'54.90", Longitude: W78°24'14.76");

3. 67.0 linear feet of a UNT to Brewer Fork (EV, CWF) and 14,983 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'53.22", Longitude: W78°23'45.57"); and

4. 73.0 linear feet of a UNT to Brewer Fork (EV, CWF) and 418 square feet of temporary impacts to Exceptional Value (EV) Palustrine Emergent (PEM) Wetlands via open cut trenching and a temporary road crossing (Wildwood Fire Tower, PA Quadrangle, Latitude: N41°36'50.94", Longitude: W78°23'06.10").

The project will result in 223.0 linear feet of temporary stream impacts, and 24,042 square feet (0.55 acre) of temporary EV PEM wetland impacts all for the purpose of installing two natural gas lines and associated access roadways for Marcellus shale development.

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section

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

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

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

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

ESCGP-2 #ESG15-019-0045—McCalmont Road Vault to Spang Impoundment Waterline  
Applicant XTO Energy, Inc  
Contact Ms. Melissa Breitenbach  
Address 190 Thorn Hill Road  
City Warrendale State PA Zip Code 15086  
County Butler Township(s) Butler and Penn  
Receiving Stream(s) and Classification(s) UNT to Connoquenessing Creek (WWF), Connoquenessing Creek (WWF), and Thorn Creek (CWF)/Connoquenessing Creek

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

ESCGP-2 # ESX10-081-0075(02)  
Applicant Name EXCO Resources LLC  
Contact Person Brian Rushe  
Address 260 Executive Drive, Suite 100  
City, State, Zip Cranberry Twp, PA 16066  
County Lycoming  
Township(s) Franklin  
Receiving Stream(s) and Classification(s) UNTs to Beaver Run (CWF)  
Secondary—Beaver Run (CWF)

ESCGP-2 # ESG29-081-15-0026  
Applicant Name Regency Marcellus Gas Gathering LLC  
Contact Person Kevin Roberts  
Address 101 W Third St  
City, State, Zip Williamsport, PA 17701  
County Lycoming  
Township(s) Cummings  
Receiving Stream(s) and Classification(s) UNTs to First Fork Larrys Creek (EV), First Fork Larrys Creek  
Secondary—Larrys Creek (EV)

[Pa.B. Doc. No. 15-2279. Filed for public inspection December 24, 2015, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Pennsylvania Achieving Better Care by Monitoring All Prescriptions Board Meeting

The Pennsylvania Achieving better Care by Monitoring All Prescriptions Board, established under the Achieving Better Care by Monitoring All Prescriptions Program (ABC-MAP) Act (35 P. S. §§ 872.1—872.40), will hold a meeting on Tuesday, January 19, 2016, at 9:30 a.m. in Room 129, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Items to be discussed at the meeting include: evaluating and securing a vendor of an electronic prescription monitoring system; appointing an advisory group; creating a written notice to be used by prescribers and dispensers; and developing policies and procedures.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Amy Stum, Executive Secretary, Department of Health, Executive Offices, 8th Floor, West, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 783-1078, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) for speech and/or hearing impaired persons.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-2280. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold its quarterly public meeting on Friday, January 15, 2016, from 10 a.m. to 1 p.m. in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. The purpose of the meeting is to discuss new and ongoing issues relating to treatment of chronic renal disease and the Department of Health's programs related to care and treatment.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Carolyn S. Cass, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-2281. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices

### Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

#### Maximum Allowable Prices

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.25
Beans/Peas—Dry—16 oz.....	\$2.18
Canned Fish—Pink Salmon.....	\$2.20
Canned Fish—Sardines.....	\$1.50
Canned Fish—Tuna.....	\$1.29
Cereal (per oz.).....	\$0.33
Cheese, 16 oz.....	\$7.31
Eggs.....	\$2.95
Infant Cereal—8 oz.....	\$2.25
Infant Fruits, 100%—4 oz.....	\$0.72
Infant Vegetables, 100%—4 oz.....	\$0.72
Infant Meats, 100%—2.5 oz.....	\$1.06
Juice—11.5/12 oz.....	\$2.36
Juice—48 oz.....	\$3.05
Juice—64 oz.....	\$3.89
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.69
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.27
Milk, Dry—25.6 oz.....	\$9.55
Milk, Evaporated—12 oz.....	\$1.43
Milk, Low Fat—quart.....	\$1.36
Milk, Low Fat—1/2 gallon.....	\$2.49
Milk, Low Fat Lactose Free—quart.....	\$2.32
Milk, Low Fat Lactose Free—1/2 gallon.....	\$3.89
Milk, Whole—quart.....	\$1.45
Milk, Whole—1/2 gallon.....	\$2.49
Milk, Whole Lactose Free—quart.....	\$2.47
Milk, Whole Lactose Free—1/2 gallon.....	\$3.79
Peanut Butter—16-18 oz.....	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.29
Soy Beverage—8th Continent 64 oz.....	\$3.49
Tofu—16 oz.....	\$2.57
Whole Grain—Bread, 16 oz.....	\$3.49
Whole Grain—Bread, 24 oz.....	\$3.95
Whole Grain—Brown Rice, 16 oz.....	\$1.80
Whole Grain—Brown Rice, 24 oz.....	\$3.32
Whole Grain—Oats, 16 oz.....	\$2.44
Whole Grain—Oats, 24 oz.....	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.57
Whole Wheat Pasta.....	\$1.37
Yogurt Nonfat.....	\$2.90



<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Lowfat . . . . .	\$2.90
Yogurt Wholefat . . . . .	\$2.90
Boost RTF Formula—8 oz. . . . .	\$1.69
EnfaCare RTF Formula—32 oz. . . . .	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz. . . . .	\$16.70
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.39
Nutramigen RTF Formula—32 oz. . . . .	\$9.69
Nutramigen w/Enflora Powder Formula—12.6 oz. . . . .	\$24.50
Pediasure RTF Formula—8 oz. . . . .	\$1.93
Pediasure w/Fiber RTF Formula—8 oz. . . . .	\$1.99
Pediasure Sidekicks RTF Formula—8 oz. . . . .	\$1.85
Similac Advance Concentrate Formula—Blue—13 oz. . . . .	\$4.95
Similac Advance RTF Formula—Blue—32 oz. . . . .	\$7.45
Similac Advance Powder Formula—Blue—12.4 oz. . . . .	\$15.46
Similac Expert Care Alimentum RTF Formula—32 oz. . . . .	\$9.99
Similac Expert Care Alimentum Powder Formula—16 oz. . . . .	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz. . . . .	\$7.69
Similac Expert Care NeoSure RTF Formula—32 oz. . . . .	\$8.15
Similac Expert Care NeoSure Powder Formula—13.1 oz. . . . .	\$16.99
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. . . . .	\$22.49
Similac Go & Grow Powder—Sensitive—1.38 lbs. . . . .	\$22.59
Similac for Spit Up RTF Formula—Green—32 oz. . . . .	\$7.65
Similac for Spit Up Powder Formula—Green—12.0 oz. . . . .	\$15.69
Similac Sensitive RTF Formula—Orange—32 oz. . . . .	\$7.29
Similac Sensitive Powder Formula—Orange—12.0 oz. . . . .	\$15.59
Similac Soy Isomil Concentrate Formula—Pink—13 oz. . . . .	\$5.11
Similac Soy Isomil RTF Formula—Pink—32 oz. . . . .	\$7.59
Similac Soy Isomil Powder Formula—Pink—12.4 oz. . . . .	\$15.89
Similac Total Comfort Powder Formula—Purple—12.0 oz. . . . .	\$16.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices January 1, 2016, through March 31, 2016, for WIC Authorization for Type 1 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.19
Beans/Peas—Dry—16 oz. . . . .	\$1.98
Canned Fish—Pink Salmon. . . . .	\$2.19
Canned Fish—Sardines . . . . .	\$1.43

<i>Description</i>	<i>Competitive Prices</i>
Canned Fish—Tuna . . . . .	\$1.19
Cereal (per oz.) . . . . .	\$0.31
Cheese, 16 oz. . . . .	\$6.84
Eggs . . . . .	\$2.89
Infant Cereal—8 oz. . . . .	\$2.24
Infant Fruits, 100%—4 oz. . . . .	\$0.69
Infant Vegetables, 100%—4 oz. . . . .	\$0.69
Infant Meats, 100%—2.5 oz. . . . .	\$1.05
Juice—11.5/12 oz. . . . .	\$2.29
Juice—48 oz. . . . .	\$3.00
Juice—64 oz. . . . .	\$3.59
Kosher Cheese—16 oz. . . . .	\$7.79
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.15
Kosher Whole Milk—1/2 gallon . . . . .	\$3.19
Milk, Low Fat—1/2 gallon . . . . .	\$2.35
Milk, Whole—1/2 gallon . . . . .	\$2.42
Peanut Butter—16-18 oz. . . . .	\$3.20
Whole Grain—Bread, 16 oz. . . . .	\$3.35
Whole Grain—Brown Rice, 16 oz. . . . .	\$1.69
Whole Grain—Oats, 16 oz. . . . .	\$2.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . .	\$2.43
Whole Wheat Pasta . . . . .	\$1.35
Similac Advance Concentrate Formula—Blue—13 oz. . . . .	\$4.95
Similac Advance Powder Formula—Blue—12.4 oz. . . . .	\$15.46
Similac Soy Isomil Concentrate Formula—Pink—13 oz. . . . .	\$5.11
Similac Soy Isomil Powder Formula—Pink—12.4 oz. . . . .	\$15.89

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.35
Beans/Peas—Dry—16 oz. . . . .	\$2.26
Canned Fish—Pink Salmon. . . . .	\$2.26
Canned Fish—Sardines . . . . .	\$1.59
Canned Fish—Tuna . . . . .	\$1.35
Cereal (per oz.) . . . . .	\$0.34
Cheese, 16 oz. . . . .	\$7.33
Eggs . . . . .	\$3.05
Infant Cereal—8 oz. . . . .	\$2.35
Infant Fruits, 100%—4 oz. . . . .	\$0.75
Infant Vegetables, 100%—4 oz. . . . .	\$0.75
Infant Meats, 100%—2.5 oz. . . . .	\$1.12
Juice—11.5/12 oz. . . . .	\$2.51
Juice—48 oz. . . . .	\$3.19
Juice—64 oz. . . . .	\$4.18
Kosher Cheese—16 oz. . . . .	\$8.40
Kosher Low Fat Milk—quart . . . . .	\$1.69
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.27
Kosher Whole Milk—quart . . . . .	\$1.80

<i>Description</i>	<i>Maximum Allowable Price</i>
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.46
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.53
Milk, Low Fat—quart	\$1.42
Milk, Low Fat—1/2 gallon	\$2.52
Milk, Low Fat Lactose Free—quart	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon	\$4.09
Milk, Whole—quart	\$1.50
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.56
Milk, Whole Lactose Free—1/2 gallon	\$4.19
Peanut Butter—16-18 oz.	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.59
Tofu—16 oz.	\$2.62
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$4.00
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.55
Whole Grain—Oats, 24 oz.	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.64
Yogurt Nonfat	\$2.95
Yogurt Lowfat	\$2.95
Yogurt Wholefat	\$2.95
Boost RTF Formula—8 oz.	\$1.75
EnfaCare RTF Formula—32 oz.	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.74
Nutramigen Concentrate Formula—13 oz.	\$7.45
Nutramigen RTF Formula—32 oz.	\$9.79
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.55
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.94
Similac Advance Concentrate—Blue Formula—13 oz.	\$5.00
Similac Advance RTF—Blue Formula—32 oz.	\$7.55
Similac Advance Powder—Blue Formula—12.4 oz.	\$15.58
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.09
Similac Expert Care Alimentum Powder Formula—16 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.27
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.19
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$22.55
Similac Go & Grow Powder—Sensitive—1.38 lbs.	\$22.69
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.75
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$15.99
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.50
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.79
Similac Soy Isomil Concentrate—Pink Formula—13 oz.	\$5.29
Similac Soy Isomil RTF—Pink Formula—32 oz.	\$7.79

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Powder—Pink Formula—12.4 oz.	\$16.19
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2016, through March 31, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.	\$1.20
Beans/Peas—Dry—16 oz.	\$2.10
Canned Fish—Pink Salmon	\$2.25
Canned Fish—Sardines	\$1.49
Canned Fish—Tuna	\$1.27
Cereal (per oz.)	\$0.32
Cheese, 16 oz.	\$6.86
Eggs	\$2.99
Infant Cereal—8 oz.	\$2.30
Infant Fruits, 100%—4 oz.	\$0.74
Infant Vegetables, 100%—4 oz.	\$0.74
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.42
Juice—48 oz.	\$3.07
Juice—64 oz.	\$3.85
Kosher Cheese—16 oz.	\$7.89
Kosher Low Fat Milk—1/2 gallon	\$3.19
Kosher Whole Milk—1/2 gallon	\$3.25
Milk, Low Fat—1/2 gallon	\$2.39
Milk, Whole—1/2 gallon	\$2.45
Peanut Butter—16-18 oz.	\$3.30
Whole Grain—Bread, 16 oz.	\$3.39
Whole Grain—Brown Rice, 16 oz.	\$1.79
Whole Grain—Oats, 16 oz.	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.45
Whole Wheat Pasta	\$1.60
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.00
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.58
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.29
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.19

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

Maximum Allowable Prices

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in Regular Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.37
Beans/Peas—Dry—16 oz.	\$2.35
Canned Fish—Pink Salmon.	\$2.30
Canned Fish—Sardines	\$1.65
Canned Fish—Tuna	\$1.40
Cereal (per oz.)	\$0.36
Cheese, 16 oz.	\$7.35
Eggs	\$3.15
Infant Cereal—8 oz.	\$2.40
Infant Fruits, 100%—4 oz.	\$0.80
Infant Vegetables, 100%—4 oz.	\$0.80
Infant Meats, 100%—2.5 oz.	\$1.17
Juice—11.5/12 oz.	\$2.56
Juice—48 oz.	\$3.30
Juice—64 oz.	\$4.27
Kosher Cheese—16 oz.	\$8.40
Kosher Low Fat Milk—quart	\$1.69
Kosher Low Fat Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.55
Milk, Dry—25.6 oz.	\$9.75
Milk, Evaporated—12 oz.	\$1.60
Milk, Low Fat—quart	\$1.47
Milk, Low Fat—1/2 gallon	\$2.62
Milk, Low Fat Lactose Free—quart	\$2.49
Milk, Low Fat Lactose Free—1/2 gallon	\$4.19
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.66
Milk, Whole Lactose Free—1/2 gallon	\$4.25
Peanut Butter—16-18 oz.	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.45
Soy Beverage—8th Continent 64 oz.	\$3.76
Tofu—16 oz.	\$2.72
Whole Grain—Bread, 16 oz.	\$3.63
Whole Grain—Bread, 24 oz.	\$4.07
Whole Grain—Brown Rice, 16 oz.	\$2.09
Whole Grain—Brown Rice, 24 oz.	\$3.59
Whole Grain—Oats, 16 oz.	\$2.70
Whole Grain—Oats, 24 oz.	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz.	\$1.79
EnfaCare RTF Formula—32 oz.	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.	\$17.51
Nutramigen Concentrate Formula—13 oz.	\$7.49
Nutramigen RTF Formula—32 oz.	\$9.89
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.65
Pediasure RTF Formula—8 oz.	\$1.99
Pediasure w/Fiber RTF Formula—8 oz.	\$2.11
Pediasure Sidekicks RTF Formula—8 oz.	\$2.06
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.15
Similac Advance RTF Formula—Blue—32 oz.	\$7.65

Maximum Allowable Price

Description	Maximum Allowable Price
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.37
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.29
Similac Expert Care Alimentum Powder Formula—16 oz.	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.99
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.44
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.29
Similac Go & Grow Powder—Sensitive—1.38 lbs.	\$23.10
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.89
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.99
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.99
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.39
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

Competitive Prices

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2016, through March 31, 2016, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

Description	Competitive Prices
Beans, Canned—15.5/16 oz.	\$1.29
Beans/Peas—Dry—16 oz.	\$2.12
Canned Fish—Pink Salmon.	\$2.29
Canned Fish—Sardines	\$1.54
Canned Fish—Tuna	\$1.30
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$6.88
Eggs	\$3.09
Infant Cereal—8 oz.	\$2.35
Infant Fruits, 100%—4 oz.	\$0.77
Infant Vegetables, 100%—4 oz.	\$0.77
Infant Meats, 100%—2.5 oz.	\$1.15
Juice—11.5/12 oz.	\$2.47
Juice—48 oz.	\$3.29
Juice—64 oz.	\$4.00
Kosher Cheese—16 oz.	\$8.30
Kosher Low Fat Milk—1/2 gallon	\$3.29

Description	Competitive Prices
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Low Fat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16-18 oz.	\$3.40
Whole Grain—Bread, 16 oz.	\$3.45
Whole Grain—Brown Rice, 16 oz.	\$2.05
Whole Grain—Oats, 16 oz.	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.15
Similac Advance Powder Formula—Blue—12.4 oz.	\$16.37
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.39

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 1 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
Beans, Canned—15.5/16 oz.	\$1.28
Beans/Peas—Dry—16 oz.	\$2.20
Canned Fish—Pink Salmon	\$2.27
Canned Fish—Sardines	\$1.60
Canned Fish—Tuna	\$1.35
Cereal (per oz.)	\$0.34
Cheese, 16 oz.	\$7.45
Eggs	\$3.05
Infant Cereal—8 oz.	\$2.32
Infant Fruits, 100%—4 oz.	\$0.74
Infant Vegetables, 100%—4 oz.	\$0.74
Infant Meats, 100%—2.5 oz.	\$1.10
Juice—11.5/12 oz.	\$2.45
Juice—48 oz.	\$3.14
Juice—64 oz.	\$3.95
Kosher Cheese—16 oz.	\$8.40
Kosher Low Fat Milk—quart	\$1.69
Kosher Low Fat Milk—1/2 gallon	\$3.27
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz.	\$4.43
Milk, Dry—25.6 oz.	\$9.65
Milk, Evaporated—12 oz.	\$1.49
Milk, Low Fat—quart	\$1.40
Milk, Low Fat—1/2 gallon	\$2.52
Milk, Low Fat Lactose Free—quart	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon	\$3.99
Milk, Whole—quart	\$1.52
Milk, Whole—1/2 gallon	\$2.59
Milk, Whole Lactose Free—quart	\$2.55
Milk, Whole Lactose Free—1/2 gallon	\$3.89

Description	Maximum Allowable Price
Peanut Butter—16-18 oz.	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz.	\$3.35
Soy Beverage—8th Continent 64 oz.	\$3.55
Tofu—16 oz.	\$2.61
Whole Grain—Bread, 16 oz.	\$3.55
Whole Grain—Bread, 24 oz.	\$3.99
Whole Grain—Brown Rice, 16 oz.	\$1.95
Whole Grain—Brown Rice, 24 oz.	\$3.39
Whole Grain—Oats, 16 oz.	\$2.52
Whole Grain—Oats, 24 oz.	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.	\$2.59
Whole Wheat Pasta	\$1.47
Yogurt Nonfat	\$2.95
Yogurt Lowfat	\$2.95
Yogurt Wholefat	\$2.95
Boost RTF Formula—8 oz.	\$1.70
EnfaCare RTF Formula—32 oz.	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz.	\$16.94
Nutramigen Concentrate Formula—13 oz.	\$7.43
Nutramigen RTF Formula—32 oz.	\$9.75
Nutramigen w/Enflora Powder Formula—12.6 oz.	\$24.80
Pediasure RTF Formula—8 oz.	\$2.04
Pediasure w/Fiber RTF Formula—8 oz.	\$2.05
Pediasure Sidekicks RTF Formula—8 oz.	\$1.89
Similac Advance Concentrate Formula—Blue—13 oz.	\$5.00
Similac Advance RTF Formula—Blue—32 oz.	\$7.49
Similac Advance Powder Formula—Blue—12.4 oz.	\$15.79
Similac Expert Care Alimentum RTF Formula—32 oz.	\$10.09
Similac Expert Care Alimentum Powder Formula—16 oz.	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz.	\$8.29
Similac Expert Care NeoSure Powder Formula—13.1 oz.	\$17.29
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs.	\$23.17
Similac Go & Grow Powder—Sensitive—1.38 lbs.	\$23.00
Similac for Spit Up RTF Formula—Green—32 oz.	\$7.69
Similac for Spit Up Powder Formula—Green—12.0 oz.	\$16.19
Similac Sensitive RTF Formula—Orange—32 oz.	\$7.49
Similac Sensitive Powder Formula—Orange—12.0 oz.	\$15.89
Similac Soy Isomil Concentrate Formula—Pink—13 oz.	\$5.21
Similac Soy Isomil RTF Formula—Pink—32 oz.	\$7.79
Similac Soy Isomil Powder Formula—Pink—12.4 oz.	\$16.35
Similac Total Comfort Powder Formula—Purple—12.0 oz.	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2016, through March 31, 2016, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz.....	\$1.20
Beans/Peas—Dry—16 oz.....	\$2.10
Canned Fish—Pink Salmon.....	\$2.25
Canned Fish—Sardines.....	\$1.48
Canned Fish—Tuna.....	\$1.30
Cereal (per oz.).....	\$0.32
Cheese, 16 oz.....	\$6.91
Eggs.....	\$2.99
Infant Cereal—8 oz.....	\$2.29
Infant Fruits, 100%—4 oz.....	\$0.73
Infant Vegetables, 100%—4 oz.....	\$0.73
Infant Meats, 100%—2.5 oz.....	\$1.09
Juice—11.5/12 oz.....	\$2.35
Juice—48 oz.....	\$3.06
Juice—64 oz.....	\$3.66
Kosher Cheese—16 oz.....	\$7.89
Kosher Low Fat Milk—1/2 gallon.....	\$3.19
Kosher Whole Milk—1/2 gallon.....	\$3.25
Milk, Low Fat—1/2 gallon.....	\$2.49
Milk, Whole—1/2 gallon.....	\$2.55
Peanut Butter—16-18 oz.....	\$3.29
Whole Grain—Bread, 16 oz.....	\$3.39
Whole Grain—Brown Rice, 16 oz.....	\$1.79
Whole Grain—Oats, 16 oz.....	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.50
Whole Wheat Pasta.....	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.79
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.35

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz.....	\$1.35
Beans/Peas—Dry—16 oz.....	\$2.30
Canned Fish—Pink Salmon.....	\$2.30
Canned Fish—Sardines.....	\$1.72
Canned Fish—Tuna.....	\$1.40
Cereal (per oz.).....	\$0.36
Cheese, 16 oz.....	\$7.55

*Maximum Allowable Price*

<i>Description</i>	<i>Maximum Allowable Price</i>
Eggs.....	\$3.15
Infant Cereal—8 oz.....	\$2.46
Infant Fruits, 100%—4 oz.....	\$0.76
Infant Vegetables, 100%—4 oz.....	\$0.76
Infant Meats, 100%—2.5 oz.....	\$1.17
Juice—11.5/12 oz.....	\$2.56
Juice—48 oz.....	\$3.33
Juice—64 oz.....	\$4.24
Kosher Cheese—16 oz.....	\$8.40
Kosher Low Fat Milk—quart.....	\$1.69
Kosher Low Fat Milk—1/2 gallon.....	\$3.27
Kosher Whole Milk—quart.....	\$1.80
Kosher Whole Milk—1/2 gallon.....	\$3.37
Milk, Dry—9.6 oz.....	\$4.50
Milk, Dry—25.6 oz.....	\$9.75
Milk, Evaporated—12 oz.....	\$1.55
Milk, Low Fat—quart.....	\$1.44
Milk, Low Fat—1/2 gallon.....	\$2.62
Milk, Low Fat Lactose Free—quart.....	\$2.50
Milk, Low Fat Lactose Free—1/2 gallon.....	\$4.15
Milk, Whole—quart.....	\$1.57
Milk, Whole—1/2 gallon.....	\$2.69
Milk, Whole Lactose Free—quart.....	\$2.60
Milk, Whole Lactose Free—1/2 gallon.....	\$4.21
Peanut Butter—16-18 oz.....	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz.....	\$3.40
Soy Beverage—8th Continent 64 oz.....	\$3.75
Tofu—16 oz.....	\$2.68
Whole Grain—Bread, 16 oz.....	\$3.59
Whole Grain—Bread, 24 oz.....	\$4.05
Whole Grain—Brown Rice, 16 oz.....	\$1.99
Whole Grain—Brown Rice, 24 oz.....	\$3.69
Whole Grain—Oats, 16 oz.....	\$2.88
Whole Grain—Oats, 24 oz.....	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz.....	\$2.64
Whole Wheat Pasta.....	\$1.74
Yogurt Nonfat.....	\$3.00
Yogurt Lowfat.....	\$3.00
Yogurt Wholefat.....	\$3.00
Boost RTF Formula—8 oz.....	\$1.76
EnfaCare RTF Formula—32 oz.....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz.....	\$17.08
Nutramigen Concentrate Formula—13 oz.....	\$7.49
Nutramigen RTF Formula—32 oz.....	\$9.85
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$25.20
Pediasure RTF Formula—8 oz.....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz.....	\$1.97
Similac Advance Concentrate Formula—Blue— 13 oz.....	\$5.10
Similac Advance RTF Formula—Blue—32 oz.....	\$7.59
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$15.89
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.19
Similac Expert Care Alimentum Powder Formula—16 oz.....	\$29.09
Similac Expert Care for Diarrhea RTF Formula— 32 oz.....	\$8.19
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.34
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$17.39

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.40
Similac Go & Grow Powder—Sensitive—1.38 lbs..	\$23.19
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.39
Similac Sensitive RTF Formula—Orange—32 oz..	\$7.59
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.50
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2016, through March 31, 2016, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.23
Beans/Peas—Dry—16 oz. ....	\$2.13
Canned Fish—Pink Salmon. ....	\$2.29
Canned Fish—Sardines ....	\$1.62
Canned Fish—Tuna ....	\$1.32
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.00
Eggs ....	\$3.09
Infant Cereal—8 oz. ....	\$2.42
Infant Fruits, 100%—4 oz. ....	\$0.75
Infant Vegetables, 100%—4 oz. ....	\$0.75
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.50
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$3.90
Kosher Cheese—16 oz. ....	\$8.00
Kosher Low Fat Milk—1/2 gallon ....	\$3.25
Kosher Whole Milk—1/2 gallon ....	\$3.35
Milk, Low Fat—1/2 gallon ....	\$2.55
Milk, Whole—1/2 gallon ....	\$2.59
Peanut Butter—16-18 oz. ....	\$3.39
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Brown Rice, 16 oz. ....	\$1.90
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.55
Whole Wheat Pasta ....	\$1.70
Similac Advance Concentrate Formula—Blue—13 oz. ....	\$5.10
Similac Advance Powder Formula—Blue—12.4 oz. ....	\$15.89

<i>Description</i>	<i>Competitive Prices</i>
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.50

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective January 1, 2016, through March 31, 2016, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.44
Beans/Peas—Dry—16 oz. ....	\$2.40
Canned Fish—Pink Salmon. ....	\$2.49
Canned Fish—Sardines ....	\$1.75
Canned Fish—Tuna ....	\$1.50
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.70
Eggs ....	\$3.25
Infant Cereal—8 oz. ....	\$2.80
Infant Fruits, 100%—4 oz. ....	\$0.93
Infant Vegetables, 100%—4 oz. ....	\$0.93
Infant Meats, 100%—2.5 oz. ....	\$1.27
Juice—11.5/12 oz. ....	\$2.63
Juice—48 oz. ....	\$3.46
Juice—64 oz. ....	\$4.33
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.87
Kosher Low Fat Milk—1/2 gallon ....	\$3.37
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.40
Milk, Dry—9.6 oz. ....	\$4.60
Milk, Dry—25.6 oz. ....	\$9.85
Milk, Evaporated—12 oz. ....	\$1.62
Milk, Low Fat—quart ....	\$1.59
Milk, Low Fat—1/2 gallon ....	\$2.72
Milk, Low Fat Lactose Free—quart ....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.25
Milk, Whole—quart ....	\$1.74
Milk, Whole—1/2 gallon ....	\$2.79
Milk, Whole Lactose Free—quart ....	\$2.69
Milk, Whole Lactose Free—1/2 gallon ....	\$4.29
Peanut Butter—16-18 oz. ....	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.50
Soy Beverage—8th Continent 64 oz. ....	\$3.90
Tofu—16 oz. ....	\$2.75
Whole Grain—Bread, 16 oz. ....	\$3.65
Whole Grain—Bread, 24 oz. ....	\$4.10
Whole Grain—Brown Rice, 16 oz. ....	\$2.45
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$3.00
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Whole Wheat Pasta ....	\$2.77
Yogurt Nonfat ....	\$3.05
Yogurt Lowfat ....	\$3.05

<i>Description</i>	<i>Maximum Allowable Price</i>
Yogurt Wholefat . . . . .	\$3.05
Boost RTF Formula—8 oz. . . . .	\$1.89
EnfaCare RTF Formula—32 oz. . . . .	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz. . . . .	\$17.51
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.99
Nutramigen RTF Formula—32 oz. . . . .	\$9.95
Nutramigen w/Enflora Powder Formula— 12.6 oz. . . . .	\$25.50
Pediasure RTF Formula—8 oz. . . . .	\$2.30
Pediasure w/Fiber RTF Formula—8 oz. . . . .	\$2.30
Pediasure Sidekicks RTF Formula—8 oz. . . . .	\$2.35
Similac Advance Concentrate Formula—Blue— 13 oz. . . . .	\$5.58
Similac Advance RTF Formula—Blue—32 oz. . . . .	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$17.39
Similac Expert Care Alimentum RTF Formula— 32 oz. . . . .	\$10.39
Similac Expert Care Alimentum Powder Formula—16 oz. . . . .	\$29.99
Similac Expert Care for Diarrhea RTF Formula— 32 oz. . . . .	\$8.49
Similac Expert Care NeoSure RTF Formula— 32 oz. . . . .	\$8.54
Similac Expert Care NeoSure Powder Formula— 13.1 oz. . . . .	\$17.49
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. . . . .	\$23.45
Similac Go & Grow Powder—Sensitive—1.38 lbs..	\$23.50
Similac for Spit Up RTF Formula—Green— 32 oz. . . . .	\$8.19
Similac for Spit Up Powder Formula—Green— 12.0 oz. . . . .	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz..	\$8.09
Similac Sensitive Powder Formula—Orange— 12.0 oz. . . . .	\$16.99
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.85
Similac Soy Isomil RTF Formula—Pink—32 oz..	\$8.04
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$17.49
Similac Total Comfort Powder Formula—Purple— 12.0 oz. . . . .	\$17.49

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective January 1, 2016, through March 31, 2016, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. . . . .	\$1.40
Beans/Peas—Dry—16 oz. . . . .	\$2.15
Canned Fish—Pink Salmon. . . . .	\$2.48
Canned Fish—Sardines . . . . .	\$1.68
Canned Fish—Tuna . . . . .	\$1.48

<i>Description</i>	<i>Competitive Prices</i>
Cereal (per oz.) . . . . .	\$0.35
Cheese, 16 oz. . . . .	\$7.20
Eggs . . . . .	\$3.19
Infant Cereal—8 oz. . . . .	\$2.76
Infant Fruits, 100%—4 oz. . . . .	\$0.90
Infant Vegetables, 100%—4 oz. . . . .	\$0.90
Infant Meats, 100%—2.5 oz. . . . .	\$1.25
Juice—11.5/12 oz. . . . .	\$2.60
Juice—48 oz. . . . .	\$3.37
Juice—64 oz. . . . .	\$4.20
Kosher Cheese—16 oz. . . . .	\$8.40
Kosher Low Fat Milk—1/2 gallon . . . . .	\$3.35
Kosher Whole Milk—1/2 gallon . . . . .	\$3.39
Milk, Low Fat—1/2 gallon . . . . .	\$2.58
Milk, Whole—1/2 gallon . . . . .	\$2.70
Peanut Butter—16-18 oz. . . . .	\$3.59
Whole Grain—Bread, 16 oz. . . . .	\$3.55
Whole Grain—Brown Rice, 16 oz. . . . .	\$2.40
Whole Grain—Oats, 16 oz. . . . .	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. . . . .	\$2.60
Whole Wheat Pasta . . . . .	\$2.70
Similac Advance Concentrate Formula—Blue— 13 oz. . . . .	\$5.58
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$17.39
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.85
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$17.49

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-2282. Filed for public inspection December 24, 2015, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2015, the maximum compensation payable under sections 105.1 and 105.2 of the Workers' Compensation Act (77 P. S. §§ 25.1 and 25.2) shall be \$978 per week for injuries occurring on and after January 1, 2016. For purposes of calculating the update to payments for medical treatment rendered on and after January 1, 2016, the percentage increase in the Statewide Average Weekly Wage is 2.9%.

KATHY M. MANDARINO,  
*Secretary*

[Pa.B. Doc. No. 15-2283. Filed for public inspection December 24, 2015, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following property is available for sale by the Department.

City of DuBois and Sandy Township, Clearfield County. The parcel contains 16,340 square feet of improved land situated in DuBois, PA. The estimated fair market value is \$6,500.

Interested persons are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to the Department of Transportation, Engineering District 2-0, Attn: John R. Gaylor, Right-of-Way Administrator, 70 PennDOT Drive, P. O. Box 342, Clearfield, PA 16830.

LESLIE S. RICHARDS,  
Secretary

[Pa.B. Doc. No. 15-2284. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Finding

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) establishing the Department of Transportation (Department), the Deputy Secretary for Highway Administration, as delegated by the Secretary of Transportation, makes the following written finding:

The Department is planning to replace the Hunters Station Bridge (State Route 62), which crosses the Allegheny River in Tionesta Township, Forest County. Information describing the project, with the associated environmental analysis, is contained in the Environmental Assessment and the supporting technical reports as listed in the Finding of No Significant Impact that was received for this project.

This project will require the demolition of the National Register of Historic Places eligible structure, which qualifies as a Section 4(f)/Section 2002 resource. Potential temporary impacts to the Middle Allegheny River Water Trail will occur during construction activities including short-term closures during overhead girder erection for the new bridge and demolition of the existing bridge.

Based upon studies, there is no prudent and feasible alternative to the proposed action. The environmental, economic, social and other effects of the proposed project, as enumerated in section 2002 of The Administrative Code of 1929, have been considered.

It has been concluded that there is no feasible and prudent alternative to the project as designed and all reasonable steps have been taken to minimize the effects.

R. SCOTT CHRISTIE, PE,  
Deputy Secretary for  
Highway Administration

[Pa.B. Doc. No. 15-2285. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Findings

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)) establishing the Department of Transportation (Department), the Deputy Secretary for Highway Administration, as delegated by the Secretary of Transportation, makes the following written findings:

### • SR 0154 Section 040—SR 0154 over Pole Bridge Run, Sullivan County.

*Project Description:* The project consists of extending and slip lining the reinforced concrete arch carrying SR 0154 over Pole Bridge Run in Shrewsbury Township, Bradford County. It also will include replacement of wing-walls, headwalls and streambed paving.

*Environmental Documents:* BRPA CEE Reevaluation approved on August 27, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 19, 2013.

*Proposed Use of Section 4(f)/2002 Resource:* The subject bridge is completely surrounded by Loyalsock State Forest. The project will require some permanent right-of-way (ROW) acquisition and a temporary construction easement (TCE). The permanent acquisition is estimated at 0.078 acre and the TCE is estimated at 0.087 acre. Hikers using the Link Trail, which is part of the larger Loyalsock Trail system, will be accommodated throughout the duration of the project. There will be no adverse effects to the Loyalsock State Forest or Link Trail due to this project.

### • SR 0422 Section 29A—Muddy Creek and Worth Townships, Butler County.

*Project Description:* The proposed project involves construction of a new connector road, SR 4017, between westbound SR 0422 and North Shore Drive and a new loop ramp, SR 8002/Ramp L. The SR 4017 connector will replace the deteriorating SR 8002/Ramp J Bridge over Muddy Creek. The project will also include the lengthening of the SR 0422 left turn lane to I-79 northbound, and possible signalization of the SR 0422/I-79 SB ramps, if traffic signal warrants are met.

*Environmental Documents:* Level 2 CEE approved on August 3, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on September 11, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* A portion of the current North Country National Scenic Trail (NCNST) route is located on State Park property within the project limits. Approximately 175 linear feet of the trail will be removed with the removal of the existing bridge over Muddy Creek. However, NCNST is independently relocating their trail away from the present location and will avoid the new Muddy Creek Bridge. The trail relocation is well outside of the project area and is anticipated to be completed before this project goes to construction. North Shore Drive in Moraine State Park lies within the project area. An estimated 1.93 acres of permanent ROW acquisition is required for this project. The Moraine State Park property utilized as a part of this project is being coordinated by the Federal Highway Administration, the Department and the Department of Conservation and Natural Resources (DCNR) as a nonconversion of Section 6(f) property. Furthermore, the property utilized for the roadway improvement is antici-



pated to be owned by both the Department and DCNR under joint jurisdictional ownership.

• **SR 0739 Section ELR—Blooming Grove Township, Pike County.**

*Project Description:* The proposed project involves safety improvements on SR 0739 from north of the I-84 Interchange at Lords Valley north to Pike County Boulevard in Blooming Grove Township, Pike County. The scope of work includes shoulder widening, installation of edge-line/shoulder rumble strips and drainage upgrades.

*Environmental Documents:* BRPA CEE approved on May 11, 2015, and two Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on April 24, 2015, and April 30, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The project will result in acquisition of 1.31 acres of required ROW, 1.74 acres of required drainage easement and 0.16 acre of TCE within the boundary of the Delaware State Forest. The project will result in no perceivable impacts to the recreational uses of the State Forest during or after the project.

• **SR 1003 Section 01B—Leesport Borough, Berks County.**

*Project Description:* The proposed project involves the replacement of the existing SR 1003 (Wall Street) bridge over the Schuylkill River. The project also includes improvements made to provide the required sight distance and reconstruction of the canoe launch/fishing pier, which will be demolished during construction.

*Environmental Documents:* Level 1b CEE approved on July 13, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on June 9, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The Wall Street Bridge crosses over the Schuylkill River, which has been designated as a water trail by the Fish and Boat Commission (Commission). A canoe launch/fishing pier is located under the northeastern portion of the bridge with driveway access located in the northwestern quadrant; nearby parking is provided. The canoe launch is considered part of the water trail and is identified as an access point on the Schuylkill River Water Trail map and guide. The existing canoe launch/fishing pier, owned by Leesport Borough, will be destroyed and reconstructed as part of the project. A portion of the access road will become a drainage easement. A Commission-approved Aids to Navigation (ATON) plan will direct boaters through the area during construction. Temporary signage and buoys will be placed per the ATON plan upstream and downstream of the bridge to warn boaters of bridge construction and to guide them safely past the causeway. Work will be restricted during the Annual Schuylkill River Sojourn in mid-June. With these mitigation measures, public use of the water trail can continue during construction, and public access to the canoe launch/fishing pier will be temporarily interrupted.

• **SR 1004 Section ORV—Hatfield Township, Montgomery County.**

*Project Description:* The proposed project involves the rehabilitation of the SR 1004 bridge over the West Branch of Neshaminy Creek. The approach and bridge roadway will be resurfaced out to the guiderails and

guiderail attachments will be replaced. The roadway shoulder will be improved along the southwest quadrant of the bridge. The project also includes the installation of scour protection measures around piers and abutments.

*Environmental Documents:* BRPA CEE approved on July 8, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic properties approved on July 5, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The Orvilla Road Bridge was built in 1874, and is listed on the National Register of Historic Places (NRHP). The bridge rehabilitation will be completed in accordance with the Secretary of the Interior's Standards for Rehabilitation. No permanent or temporary acquisition of land will be required to rehabilitate the bridge and all construction activities will be contained within existing Department ROW. The rehabilitation of the bridge structure will consist of reconstruction of spandrel walls and wing-walls, stone masonry parapets and portions of the arch barrels using existing stone salvaged from the bridge wherever possible. Consulting parties will be shown sample boards of the color and type of new stone materials during construction. The bridge's masonry capstones will be salvaged and given to members of the consulting parties. Also, the existing bridge plaque will be rehabilitated and put back on the bridge. The State Historic Preservation Office found the proposed rehabilitation project to have no adverse effect to the NRHP listed Orvilla Road Bridge.

• **SR 1006 Section MFB—Lower Salford Township, Montgomery County.**

*Project Description:* The proposed project involves the replacement of the existing SR 1006 (Old Forty Foot Road) structure over Skippack Creek. The project activities include minor adjustments to vertical alignment, full-depth replacement and overlay, guiderail work and minor widening of the roadway approaches to tie in with the proposed bridge.

*Environmental Documents:* BRPA CEE approved on September 11, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on August 13, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* Evansburg State Park is located in southcentral Montgomery County. The park is used for recreational activities throughout the year and is accessible to vehicles, pedestrians, bicyclists and horseback riders, including some ADA accessible facilities. Approximately 0.559 acre of permanent ROW acquisition from Evansburg State Park is required on the north and south sides of the bridge for replacement of the bridge and future maintenance activities by the Department. The proposed project will have no effect on the qualities, activities, features or attributes of Evansburg State Park that qualify it for protection.

• **SR 2018 Section A01—Haines Township, Centre County.**

*Project Description:* The proposed project involves the replacement of the existing SR 2018 Bridge over Pine Creek locally known as Woodward Cave Road. The bridge has been determined structurally deficient and functionally obsolete requiring replacement.

*Environmental Documents:* Level 2 CEE approved on August 27, 2015, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges approved on July 8, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* Built in 1940, the existing bridge over Pine Creek has been determined to have been present during the period of significance and related to the documented significance of the historic district and possesses historic integrity. The bridge cannot be rehabilitated to meet the minimum acceptable load carrying requirements without affecting its historic integrity and needs to be replaced. To ensure compatibility, architectural surface treatment mirroring design features of the historic district will be used in the abutments and wing-walls and a pigeon-hole design detail comparable to that on the existing structure will be used on the railing barrier. Through coordination with the Pennsylvania Historical and Museum Commission, the included context sensitive design proposed, with the bridge replacement, will provide mitigation for the adverse effect of the project to the bridge.

• **SR 2043 Section BBR—Southampton Township, Bucks County.**

*Project Description:* The proposed project involves the replacement of the existing SR 2043 (Brownsville Road) bridge over Neshaminy Creek. The approach roadways will be reconstructed to raise the vertical alignment of the bridge to provide an adequate waterway opening and to improve the existing sight distance on both approaches to the bridge.

*Environmental Documents:* Level 1b CEE approved on August 14, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on May 13, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* Periwinkle Park owned by Middletown Township is situated in the northeast quadrant of the project area. The proposed project will require permanent ROW acquisition of approximately 0.05 acre. The land to be used is on the existing roadway slope and is not designated with a particular use within the park. The project will not affect any qualities, activities, features or attributes of Periwinkle Park.

• **SR 2087 Section 001—York Township, York County.**

*Project Description:* The proposed project involves the replacement of the bridge carrying SR 2087 (Iron Stone Hill Road) over Inners Creek. As part of this project, the adjacent downstream pedestrian bridge will be removed and a sidewalk will be provided on the new bridge.

*Environmental Documents:* Level 1b CEE approved on July 20, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse use Public parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on October 27, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The William H. Kain Park is an established 1,637-acre park that includes Lake Williams and Lake Redman and is open to the public. The York Water Company owns the property where the park is situated but it is managed and maintained by York County Parks and Recreation Department through a lease agreement. The project area is located in the southeastern corner of the Park adjacent to Lake Redman. There is a gravel parking lot on the west side of SR 2087 that serves this portion of the park including Lake Redman. The project will require a permanent ROW acquisition totaling 0.308 acre from William H. Kain Park for the construction of the new bridge. Impacts

to the property of the William H. Kain Park will be minimal and will have no adverse effects.

• **SR 4015 Section 350—Fairmount Township, Luzerne County.**

*Project Description:* The proposed project involves the replacement of the existing SR 4015 bridge over Crooked Creek. The project will also include full depth pavement reconstruction, shoulder regrading and new guiderail installed on both sides of the road.

*Environmental Documents:* BRPA CEE approved on July 15, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 14, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* Ricketts Glen State Park contains the Glens Natural Area listed as a National Natural Landmark in 1969 covering 2,845 acres of scenic waterfalls and hiking trails along two branches of Kitchen Creek. This project will require permanent ROW acquisition totaling 0.070 acre from the park. This project will not affect any features, which qualify it for protection or access to the remainder of the park or recreational use areas.

• **SR 7203 Section BR—Blacklick Township, Indiana County.**

*Project Description:* The proposed project involves the replacement of the T-460 (Aultmans Run Road) over Aultmans Run.

*Environmental Documents:* Level 1b CEE approved on July 15, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Public Parks, Recreation Areas, Wildlife and/or Waterfowl Refuges, State Forest Land and State Game Land approved on July 1, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* State Game Land #332 was acquired by the Game Commission in 2010 for the protection of wildlife resources and use for recreation. There will be a permanent ROW acquisition totaling 0.09 acre. The proposed project will not adversely impact the current or future land use of State Game Land #332. Access to the game land and its recreational opportunities adjacent to the new structure will be maintained. Mitigation in the form of debiting 0.09 acre will occur to the State Game Land #50 Bank located in Somerset County.

• **SR 7415 Section OMB—Saltillo Borough, Huntingdon County.**

*Project Description:* The proposed project involves the replacement of the T-328 (Old Mill Road) over North Spring Creek. Old Mill Road will be improved with minor shoulder widening, new guiderail and replacing and extending a former mill race culvert.

*Environmental Documents:* BRPA CEE approved on August 13, 2015, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties approved on June 20, 2015.

*Proposed Use of Section 4(f)/2002 Resource:* The Hudson Grist Mill, located in the northeast quadrant of the bridge, is listed on the NRHP. The project will require permanent ROW acquisition totaling approximately 0.029-acre from the historic property along the eastern and western boundaries. In addition, the project scope includes the replacement of a stone raceway culvert (that is, mill race), which is a contributing feature to the

Hudson Grist Mill. The mill race will be replaced by a new pipe and headwalls. As mitigation, the new headwalls will be faced with stone from the existing raceway.

R. SCOTT CHRISTIE, PE,  
*Deputy Secretary for  
Highway Administration*

[Pa.B. Doc. No. 15-2286. Filed for public inspection December 24, 2015, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program (HEMAP); Interest Rate for HEMAP Loans Closed in 2016

Under section 406-C of the Housing Finance Agency Law (35 P.S. § 1680.406c), the Housing Finance Agency (Agency) is to determine prior to the end of each calendar year the rate of interest for Homeowner's Emergency Mortgage Assistance Program (HEMAP) loans closed in the next calendar year, which rate is not to exceed the rate of interest established by the Department of Banking and Securities under section 301 of the act of January 30, 1974 (P.L. 13, No. 6) (41 P.S. § 301), referred to as the Loan Interest and Protection Law, and referred to commonly as the Usury Law.

The Agency has determined that the rate of interest for HEMAP loans closed during calendar year 2016 shall be 4.75%.

This notice shall take effect December 14, 2015.

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

[Pa.B. Doc. No. 15-2287. Filed for public inspection December 24, 2015, 9:00 a.m.]

### Marcellus Shale Impact Fee; Pennsylvania Housing Affordability and Rehabilitation Enhancement Fund; Principles and Elements of Plan

#### *Background*

#### *Pennsylvania Housing Affordability and Rehabilitation Enhancement (PHARE) Fund*

The PHARE Fund was established by the act of November 23, 2010 (P.L. 1035, No. 105) (PHARE Act) to provide the mechanism by which certain allocated State or Federal funds, as well as funds from other outside sources, would be used to assist with the creation, rehabilitation and support of affordable housing throughout this Commonwealth.

The PHARE Act did not allocate any funding but did outline specific requirements that include preferences, considerations, match funding options and obligations to utilize a percentage of the funds to assist households below 50% of the median area income. The PHARE Act provides a fairly broad canvas regarding the types of programs and the specific uses of any funding to allow flexibility in working with other State and Federal acts and programs.

#### *Marcellus Shale Impact Fee*

The Marcellus Shale impact fee legislation, the act of February 14, 2012 (P.L. 87, No. 13) (Act 13), codified at 58 Pa.C.S. §§ 2301—2318 (relating to unconventional gas well fee) (Impact Fee Act), specifically allocates certain amounts from the impact fee into the PHARE Fund to address the following needs, including;

- Support for projects that increase the availability of affordable housing for low and moderate income persons and families, persons with disabilities and elderly persons in counties where unconventional gas wells have been drilled (regardless of production levels).

- Provide rental assistance, in counties where unconventional gas wells have been drilled, for persons or families whose household income does not exceed the area median income.

- Specifies that no less than 50% of the funds are to be used in fifth, sixth, seventh and eighth class counties.

*Direct Allocation*—The PHARE Fund will receive a direct yearly allocation from the portion of funds set aside for local distribution. The direct allocation is as follows: \$5 million each fiscal year beginning in 2012 and thereafter.

*Windfall/Spillover Funds*—Additional funds may become available because the Impact Fee Act limits amounts allocated to qualifying municipalities (as defined in the Impact Fee Act) and provides that any money remaining, after all allocations have been made to qualified municipalities, would also be deposited into the PHARE Fund.

#### *Purpose*

The PHARE Act provides the mechanism to address the housing needs in impacted counties/communities of the Marcellus Shale region.

#### *Principles*

In accordance with the PHARE Act and the Impact Fee Act, the moneys will be used to address significant housing needs in impacted counties and communities with the following additional criteria:

- 50% of the funds must be spent in fifth through eighth class counties.

- 30% of the funds must benefit persons/families below 50% of the median area income.

#1) *Maximize resource leveraging*—To the greatest extent possible, the resources allocated will be used as leverage for other public and private resources. Additionally, local nonfinancial assets should be identified and leveraged when possible—including transportation, schools, recreation, employment, health, community and economic development support and other amenities. *Preference*: Applications that also include Optional Affordable Housing funds (under 53 Pa.C.S. Chapter 60 (relating to optional affordable housing funding)) or local share portions of the impact fee, or both.

a) The Housing Finance Agency (Agency) encourages applicants to address the issue of long-term affordability based on the local housing market conditions. To the greatest extent possible, programs and projects should be designed in ways to both maintain the investment made in the housing stock and to continue affordability after initial assistance. This could include revolving loan programs, shared equity homeownership and other strategies for addressing this objective.

#2) *Address greatest need*—The moneys will be allocated in communities where the greatest housing needs are identified based on housing needs studies and assessments, interviews, real estate price factors, housing stock analysis, market studies and consideration of the extent of gas wells drilled and related activity. The limited resources available should be used to meet the most significant and pressing housing needs but may also be used to address longer term housing needs. *Preference:* Projects/programs that: 1) Assist with the rehabilitation of blighted, abandoned or otherwise at risk housing and the reuse of vacant land where housing was once located; or 2) provide funding for owner-occupied rehabilitation, first time homebuyers and rental assistance.

#3) *Foster partnerships*—The funds should be used to maximize sustainable partnerships that will be committed to addressing the housing needs in these communities over a significant period of time. While the funds are to be used to directly support housing to meet the needs in the impacted communities, the projects should also help establish capacity to address those needs over the long term. *Preference:* Projects/programs that incorporate social service entities that offer additional services to the residents within the community where the project/program is taking place.

#4) *Effective and efficient*—Ensure that the resources are used effectively and efficiently to meet the housing needs of the impacted communities. Given the expectation that demand for many types of housing will greatly exceed the funds available, it will be critical to maximize the effectiveness and efficiency for housing investments by the PHARE Fund. *Preference:* Projects/programs that assist the residents with the greatest need in that particular region.

#5) *Equitable and transparent*—Create a plan and allocation process that will equitably meet the housing needs in impacted communities and establish a process that provides transparency to all stakeholders. Funding decisions and reporting will be done in accordance with the legislative requirements.

#### *Elements of the Plan*

*Analysis of need*—One of the most critical components of the plan is to continually assess housing need in these communities. From both a quantitative and qualitative perspective the requirement to have accurate, reliable data from which funding decisions can be made is imperative.

It is important to recognize that this data will need to be municipality-specific to capture the unique and likely different housing needs in the various communities. In addition, the housing/real estate markets are diverse across the impacted communities and the analysis of need will require an understanding (qualitative and quantitative) of individual markets to make appropriate resource allocation decisions.

Building upon analysis already undertaken by the Agency and the Commonwealth, additional analysis may be performed to assess specific housing issues in the impacted communities and to identify housing needs (persons with special needs, elderly, larger households, physical disabilities, homeless, and the like) to appropriately target PHARE Fund resources to those in greatest need of housing, especially due to the impact of the Marcellus Shale development. In addition to types of housing analysis, the Agency will consider different income levels, nature of housing stock and the housing needs of those across a broad spectrum (homeless, near

homeless, very low income, low income, temporary and seasonal workers, and permanent work force, and the like)

*Understanding of real estate market dynamics*—The plan for the utilization of these resources has been developed to address and continuously reevaluate the specific housing real estate markets in each community. The “micro” markets could be significantly different in the impacted communities and the plan is sufficiently flexible to address those differences.

The housing and real estate development “capacity” will also have significant impact on the ability of these funds to be used effectively and efficiently to meet the needs of the communities. The most recently completed analysis of the impact of Marcellus natural gas development on housing performed by The Center for the Study of Community and Economy at Lycoming College will soon be available and should be used by counties and municipalities when assessing their local housing needs.

There will be need for ongoing analysis of capacity (private, nonprofit, public) as part of the plan. Some communities may not have had a significant housing market in decades while in others there may be a robust market addressing a significant portion of housing needs. The plan will help determine where additional housing development may be necessary, or where other strategies may be implemented for meeting the housing needs in those communities.

*Allocation and use*—The funding vehicle’s allocation process, created by the plan, must also be supportive of and responsive to the needs of the housing and real estate development market and should foster coordinated local trust fund plans and resources. Funds may be used to support predevelopment, site acquisition and infrastructure development, planning and preconstruction activity in addition to direct support of development and operation of projects and housing programs including employee assisted housing programs. Funds may be provided in various forms designed to best support the particular activity including: grants; market rate, amortizing, balloon, bridge or soft loans; capital contributions; capital financing subsidy support; operating and supportive service reserve funding; and rental or homeowner assistance. Funds may be specifically allocated to address timing issues presented in the development of affordable housing projects, when other financing is available, construction season, local zoning or other approvals. In addition, funding may be directed for administration by the Agency for certain projects approved for low income housing tax credits or other Agency resources. Preliminary allocations may be made for projects/programs awaiting approval of additional resources. Projects/programs that do not begin within 1 year may have the preliminary allocation withdrawn.

*High quality design and construction*—A vital element of the plan will be the development of housing that is both of good quality design and construction and will be sustainable over a long period of time.

The opportunity to meet the growing housing needs in these communities will necessitate that this housing be available as an asset for the community for many generations. To meet that objective it will require that projects funded with these resources meet the highest design and construction quality standards available and that all projects ensure sustainability to the long term (both financial and physical). Funds may be specifically allocated to support green and renewable energy sources and

as leverage to consumer programs available through utility companies or other business partners.

*Targeting of resources*—It is likely that the funds in this program will not be sufficient to meet all the housing needs and mitigate every housing impact created by the shale gas development; therefore investment decisions will target the limited funds to projects that meet the principles outlined above and most comprehensively address the elements of the plan.

When possible these funds will be targeted and stay focused on mitigating the very specific housing impacts created by the shale development in the impacted and designated communities. This element will likely result in the determination that while there may be worthy housing projects that could be funded with these resources, the focus of development will be on most comprehensively addressing the direct and tangible housing impacts. Priority may be given to target resources in tandem with approved county housing trust fund plans or plans for the utilization of local share impact fee funds, or both.

*Stakeholder input*—The plan for allocation of resources will provide for broad stakeholder input concerning the principles and elements of the plan.

There are many diverse interests that are concerned about the anticipated housing impact and therefore how these resources will be allocated to address the need. To the greatest extent possible opportunities should be created for relevant and legitimate stakeholders to comment and advise the plan. This element will need to be managed for practicality and efficiency to maximize input. *Preference*: Applicants who provide a process where members of the community and other stakeholders may provide input on the application prior to submission.

#### *Application/Allocation Process*

Based on both the legislative requirements of the PHARE Act and the Impact Fee Act, the Agency has developed an application/request for proposals (RFP) for eligible applicants interested in applying for the funds.

Eligible applicants include counties that have adopted impact fees as well as municipalities who have further contributed to PHARE by windfall/spill over funds from the impact fee. While only eligible applicants may apply, nonprofit and for profit organizations may be part of the application process.

The elements of the application and allocation process include:

- Adoption of “plan” for managing the anticipated funds by the Agency.
- Announcement of application and possible training/information session concerning the elements of the application.
- Applications accepted and reviewed by Agency staff based on the application and plan requirements.
- Project recommendations reviewed by the Agency.
- Announcement of preliminary funding approval.
- The Agency will establish an annual application process that will allow the Agency to address housing needs in the impacted communities.
- The Agency may amend the plan, application and the allocation process at any time, upon written publication of amendments.
- The Agency, as part of the RFP process, will require all applicants to target a minimum of 30% of their funding to support households with incomes below 50% of median area income.

- The Agency will require applicants to include information on how the county is using its Act 137 (Local Housing Trust Fund) moneys to address housing needs in the community. This will be included as part of the Comprehensive Plan section of the RFP.

Preliminary approval and funding of applications is contingent upon receipt of funds under Act 13.

*Note*: The Agency anticipates that new, additional funding sources may become available to the PHARE program in 2016. If and when this occurs, a supplement to the plan will be published for public comment and final adoption by the Agency Board.

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

[Pa.B. Doc. No. 15-2288. Filed for public inspection December 24, 2015, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, December 10, 2015, and announced the following:

*Regulation Deemed Approved Pursuant to Section 5(g) of the Regulatory Review Act—Effective December 9, 2015:*

Environmental Quality Board #7-493: Security Rule for Radioactive Material (amends Chapter 215)

*Action Taken—Regulations Approved:*

Pennsylvania Liquor Control Board #54-69: Discount Pricing Practices (amends 40 Pa. Code Sections 1.1 and 13.102)

State Board of Certified Real Estate Appraisers #16A-7020: Biennial License Fee for Licensed Appraiser Trainees (amends 49 Pa. Code Section 36.6)

Pennsylvania Public Utility Commission #57-297: Recovery of Fuel Costs by Gas Utilities (amends 52 Pa. Code Chapter 53)

### Approval Order

Public Meeting Held  
December 10, 2015

*Commissioners Voting*: John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Liquor Control Board—  
Discount Pricing Practices  
Regulation No. 54-69 (#3094)*

On April 21, 2015, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Sections 1.1 and 13.102. The proposed regulation was published in the May 23, 2015 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 14, 2015.

This rulemaking conforms the Board's regulation to amendments made to the Liquor Code by Acts 11 and 113 of 2011 (47 P. S. §§ 4-406(g) and 4-442(g)), that allow a licensee to have happy hours of up to four hours of discounted drinks in one day, but no more than 14 hours in a week.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
December 10, 2015

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*State Board of Certified Real Estate Appraisers—  
Biennial License Fee for Licensed Appraiser Trainees  
Regulation No. 16A-7020 (#3025)*

On September 20, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Certified Real Estate Appraisers (Board). This rulemaking amends 49 Pa. Code Section 36.6. The proposed regulation was published in the October 5, 2013 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 29, 2015.

This regulation establishes a \$150 biennial renewal fee for licensed appraiser trainees.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 457.9) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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### Approval Order

Public Meeting Held  
December 10, 2015

*Commissioners Voting:* John F. Mizner, Esq., Chairperson; George D. Bedwick, Vice Chairperson; W. Russell Faber; Murray Ufberg, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission—  
Recovery of Fuel Costs by Gas Utilities  
Regulation No. 57-297 (#3038)*

On October 17, 2013, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 53. The proposed regulation was published in the November 2, 2013 *Pennsylvania Bulletin* with a 45-day public comment period. The final-form regulation was submitted to the Commission on November 9, 2015.

This regulation consolidates the classifications of small gas utilities, and amends their Gas Cost Rate calculations and filing requirements.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501, 504, 523, 1301, 1307, and 1501) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

JOHN F. MIZNER, Esq.,  
Chairperson

[Pa.B. Doc. No. 15-2289. Filed for public inspection December 24, 2015, 9:00 a.m.]

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## INSURANCE DEPARTMENT

### Geisinger Quality Options, Inc. PPO—Medical and Pharmacy; Small Group Transitional Policies; Rate Filing; Correction

An error occurred in the notice published at 45 Pa.B. 7076 (December 12, 2015). The proposed rate increase in the first paragraph was incorrect and is corrected as follows. The remainder of the notice is accurate as published.

Geisinger Quality Options, Inc. submitted a rate filing to increase the medical premium rates for its small group nongrandfathered PPO plans to be offered to groups renewing June 1, 2016, through October 2016. The filing proposes a rate increase of 3.5% for groups with medical and pharmacy coverage. Approximately 17,200 members will be impacted. The proposed rate increase will generate approximately \$3 million of additional revenue. The requested effective date of the change is June 1, 2016.

TERESA D. MILLER,  
Insurance Commissioner

[Pa.B. Doc. No. 15-2290. Filed for public inspection December 24, 2015, 9:00 a.m.]

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### Qualified Unlicensed Reinsurers List

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

### Qualified Unlicensed Reinsurers List

1. 26883 AIG Specialty Insurance Company, Chicago, Illinois
2. 10852 Allstate New Jersey Insurance Company, Northbrook, Illinois
3. 37990 American Empire Insurance Company, Cincinnati, Ohio
4. 10316 Appalachian Insurance Company, Johnston, Rhode Island

5. 14673 Aspen Bermuda, Limited, Hamilton, Bermuda
6. 11680 Aspen Insurance UK Limited, London, England
7. 27189 Associated International Insurance Company, Deerfield, Illinois
8. 14927 AXIS Specialty Limited, Pembroke, Bermuda
9. 98167 Blue Cross Blue Shield of Florida, Jacksonville, Florida
10. 27081 Bond Safeguard Insurance Company, Sioux Falls, South Dakota
11. 30511 Castle Key Insurance Company, Northbrook, Illinois
12. 36951 Century Surety Company, Westerville, Ohio
13. 36552 Coliseum Reinsurance Company, Wilmington, Delaware
14. 39993 Colony Insurance Company, Richmond, Virginia
15. 27812 Columbia Insurance Company, Omaha, Nebraska
16. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
17. 15539 CSAA Insurance Exchange, Walnut Creek, California
18. 14034 DaVinci Reinsurance Limited, Pembroke, Bermuda
19. 40509 EMC Reinsurance Company, Des Moines, Iowa
20. 39020 Essex Insurance Company, Wilmington, Delaware
21. 35378 Evanston Insurance Company, Deerfield, Illinois
22. 21555 Farm Bureau Mutual Insurance Company of Michigan, Lansing, Michigan
23. 37532 Great American E & S Insurance Company, Wilmington, Delaware
24. 41858 Great American Fidelity Insurance Company, Wilmington, Delaware
25. 88340 Hannover Life Reassurance Company of America, Orlando, Florida
26. 10241 Hannover Ruck SE, Hannover, Germany
27. 54828 Highmark West Virginia, Parkersburg, West Virginia
28. 42374 Houston Casualty Company, Houston, Texas
29. 12936 Houston Specialty Insurance Company, Houston, Texas
30. 27960 Illinois Union Insurance Company, Chicago, Illinois
31. 22829 Interstate Fire & Casualty Company, Chicago, Illinois
32. 25445 Ironshore Specialty Insurance Company, Scottsdale, Arizona
33. 22993 Kentucky Farm Bureau Mutual Insurance Company, Louisville, Kentucky
34. 14925 Lancashire Insurance Company, Limited, Hamilton, Bermuda
35. 19437 Lexington Insurance Company, Wilmington, Delaware
36. Lloyd's Underwriters, London, England
37. 12324 Mapfre Re, Compania de Reaseguros, S.A., Madrid, Spain
38. Markel Bermuda Limited, Hamilton, Bermuda
39. 10744 Markel International Insurance Company Limited, London, England
40. 26743 Maxum Indemnity Company, Wilmington, Delaware
41. 13921 Montpelier Reinsurance Limited, Pembroke, Bermuda
42. 20079 National Fire & Marine Insurance Company, Omaha, Nebraska
43. 41629 New England Reinsurance Corporation, Hartford, Connecticut
44. 17400 Noetic Specialty Insurance Company, Montpelier, Vermont
45. 31143 Old Republic Union Insurance Company, Chicago, Illinois
46. 88099 Optimum Re Insurance Company, Dallas, Texas
47. 13787 Partner Reinsurance Company Limited, Pembroke, Bermuda
48. 38636 Partner Reinsurance Company of the U. S., New York, New York
49. 88536 Protective Life and Annuity Insurance Company, Birmingham, Alabama
50. 29807 PXRE Reinsurance Company, Hartford, Connecticut
51. 11515 QBE Specialty Insurance Company, Bismarck, North Dakota
52. 14033 Renaissance Reinsurance Limited, Pembroke, Bermuda
53. 12318 RiverStone Insurance (UK) Limited, Brighton, England
54. 21911 San Francisco Reinsurance Company, Novato, California
55. 87017 SCOR Global Life Re Insurance Company of Delaware, Wilmington, Delaware
56. 97071 SCOR Global Life USA Reinsurance Company, Wilmington, Delaware
57. 87572 Scottish Re (US) Inc., Dover, Delaware
58. 41297 Scottsdale Insurance Company, Columbus, Ohio
59. 23388 Shelter Mutual Insurance Company, Columbia, Missouri
60. 26557 Shelter Reinsurance Company, Columbia, Missouri

61. 13604 Starr Surplus Lines Insurance Company, Chicago, Illinois

62. 39187 Suecia Insurance Company, Tarrytown, New York

63. 15529 Tokio Millennium Re AG, New York, New York

64. 19887 Trinity Universal Insurance Company, Dallas, Texas

65. 37982 Tudor Insurance Company, Keene, New Hampshire

66. 10292 Unionamerica Insurance Company Limited, Guildford, England

67. 36048 Unione Italiana Reinsurance Company of America, Inc., Flushing, New York

68. 15635 Validus Reinsurance, Limited, Pembroke, Bermuda

69. 10172 Westchester Surplus Lines Insurance Company, Alpharetta, Georgia

70. 13196 Western World Insurance Company, Keene, New Hampshire

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-2291. Filed for public inspection December 24, 2015, 9:00 a.m.]

# PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY

## Financial Statement

Under section 207 of the Pennsylvania Intergovernmental Cooperation Authority Act for Cities of the First Class (53 P. S. § 12720.207), the Pennsylvania Intergovernmental Cooperation Authority (Authority) is required to publish a “concise financial statement” annually in the *Pennsylvania Bulletin*. The Authority has issued its annual report for its fiscal year ended June 30, 2015, which includes an audit for the period performed in accordance with generally accepted auditing standards by an independent firm of certified public accountants. The complete annual report of the Authority may be obtained from the Authority’s web site at [www.picapa.org](http://www.picapa.org) or from the Pennsylvania Intergovernmental Cooperation Authority, 1500 Walnut Street, Suite 1600, Philadelphia, PA 19102, (215) 561-9160.

HARVEY M. RICE,  
*Executive Director*



**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY**  
**STATEMENT OF NET POSITION**  
**JUNE 30, 2015**

	Governmental Activities
<b>ASSETS</b>	
Cash and cash equivalents:	
Held by trustee	\$ 29,080,151
Other	10,073,204
Investments	69,321,689
Accounts receivable	1,803
PICA taxes receivable	2,143,720
Fair value of derivative instruments	4,003,933
Accrued interest receivable	3,086
Prepaid expenses	20,403
Equipment, net	7,999
Total assets	\$ 114,655,988
Deferred outflows of resources:	
Deferred outflows related to pensions	\$ 36,867
Contributions subsequent to measurement date	46,741
Total deferred outflows of resources	\$ 83,608
<b>LIABILITIES</b>	
Accounts payable and accrued expenses	\$ 135,096
Due to the City of Philadelphia	2,143,720
Current portion of bonds payable	49,860,000
Net pension liability	1,074,154
Noncurrent portion of bonds payable	295,305,940
Total liabilities	348,518,910
Deferred inflows of resources	
Deferred inflows related to pension	\$ 7,439
<b>NET POSITION</b>	
Restricted for debt service	79,423,494
Restricted for the benefit of the City of Philadelphia	7,978,053
Unrestricted:	
Board-designated for operating budget	600,000
Net investment in capital assets	7,999
Undesignated (deficit)	(321,796,299)
Total net position	\$ (233,786,753)

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF ACTIVITIES  
YEAR ENDED JUNE 30, 2015**

	Governmental Activities
Expenses:	
Grants to the City of Philadelphia	\$ 351,325,215
General management and support - general operations	946,083
Interest on long-term debt	18,136,100
Investment expenses	632,308
Realized loss on sale of investment	845,714
	<hr/>
Total Expenses	371,885,420
Revenues:	
PICA taxes	409,268,345
Amortization of bond premium	3,912,711
Investment income	2,622,839
Other	1,274,470
	<hr/>
Total Revenues	417,078,365
Change in net position	45,192,945
Net position - July 1, 2014, as originally reported	(278,017,605)
Cumulative effect of a change in accounting principle (Note 7)	(962,093)
	<hr/>
Net position - July 1, 2014, restated	(278,979,698)
Net position- June 30, 2015	<hr/> <hr/> \$ (233,786,753)

**PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF FUND NET POSITION - GOVERNMENTAL FUNDS  
JUNE 30, 2015**

	General	Debt Service Funds			Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds Capital Projects Funds		
		2010	2009	2009			1992	1993	1994
<b>Assets:</b>									
Cash and cash equivalents	\$ 10,073,204	\$ -	\$ 3,412,404	\$ 13,641,086	\$ 1,993,497	\$ 209,296	\$ 184,165	\$ 7,584,140	\$ 39,153,355
Investments	10,402,909	-	-	58,918,780	-	-	-	-	69,321,689
Accounts Receivable	1,803	-	-	-	-	-	-	-	1,803
PICA Taxes receivable	-	2,143,720	-	-	-	-	-	-	2,143,720
Accrued interest receivable	470	674	1,117	258	115	10	9	433	3,086
Prepaid expenses	20,403	-	-	-	-	-	-	-	20,403
<b>Total assets</b>	<b>\$ 20,498,789</b>	<b>2,056,237</b>	<b>3,413,521</b>	<b>72,560,124</b>	<b>1,993,612</b>	<b>209,306</b>	<b>184,174</b>	<b>7,584,573</b>	<b>\$ 110,644,056</b>
<b>Liabilities:</b>									
Accounts payable	105,756	-	-	-	-	-	-	-	\$ 105,756
Due to the City of Philadelphia	-	2,143,720	-	-	-	-	-	-	2,143,720
Accrued payroll and taxes	29,340	-	-	-	-	-	-	-	29,340
<b>Total liabilities</b>	<b>135,096</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,278,816</b>
<b>Fund balances:</b>									
Nonspendable to:									
Restricted:									
For debt service	-	2,056,237	3,413,521	71,960,124	1,993,612	-	-	-	79,423,494
For benefit of City of Philadelphia	-	-	-	-	-	209,306	184,174	7,584,573	7,978,053
Committed:									
For subsequent PICA administration	-	-	-	600,000	-	-	-	-	600,000
For future swapion activity	13,895,778	-	-	-	-	-	-	-	13,895,778
Unassigned	6,467,915	-	-	-	-	-	-	-	6,467,915
<b>Total fund balances</b>	<b>20,363,693</b>	<b>2,056,237</b>	<b>3,413,521</b>	<b>72,560,124</b>	<b>1,993,612</b>	<b>209,306</b>	<b>184,174</b>	<b>7,584,573</b>	<b>108,365,240</b>
<b>Total liabilities and fund balances</b>	<b>\$ 20,498,789</b>	<b>\$ 2,056,237</b>	<b>\$ 3,413,521</b>	<b>\$ 72,560,124</b>	<b>\$ 1,993,612</b>	<b>\$ 209,306</b>	<b>\$ 184,174</b>	<b>\$ 7,584,573</b>	<b>\$ 110,644,056</b>

Amounts reported for governmental activities in the statement of net position are different due to:  
 Long-term liabilities are not due and payable in the current period and therefore are not reported in the governmental fund statements \$ (315,955,000)  
 Fair value derivative instruments are not reported in the governmental funds statements 4,003,933  
 Capital assets used in governmental funds are not financial resources and, therefore, are not reported in the funds 7,999  
 Net pension liability and related deferred inflows and outflows of resources are not reported in the governmental funds statements (997,985)  
 Premium on bonds is deferred in the government wide statements (29,210,940)  
 Net position of governmental activities \$ (233,166,753)

PENNSYLVANIA INTERGOVERNMENTAL COOPERATION AUTHORITY  
STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES -- GOVERNMENTAL FUNDS  
YEAR ENDED JUNE 30, 2015

	General	Debt Service Funds			Debt Service Reserve Fund	Rebate Fund	Expendable Trust Funds Capital Projects Funds			Total Governmental Funds
		2010	2009	1994			1993	1994		
<b>Revenue:</b>										
PICA taxes										
Investment income		\$ 409,268,345	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 409,268,345
Other		19,006	4,018	6,773	1,687,279	532	56	56	2,557	1,720,277
Total revenue		1,274,470	4,018	6,773	1,687,279	532	56	56	2,557	1,274,470
<b>Expenditures:</b>										
Grants to the City of Philadelphia										
Debt Service:										
Principal		346,282,049	-	-	-	-	108,518	265,829	4,608,819	351,325,215
Interest		-	17,670,000	30,015,000	-	-	-	-	-	47,685,000
Administration:										
Investment expenses		-	-	-	-	-	-	-	-	632,308
Realized Loss on Sale of Investment		-	-	-	-	-	-	-	-	845,714
Operations		-	-	-	-	-	-	-	-	909,302
Capital Outlay		8,888	-	-	-	-	-	-	-	8,888
Total expenditures		2,396,212	24,843,250	48,975,850	-	-	168,518	265,829	4,608,819	419,542,527
Excess of revenues over (under) expenditures		(1,121,742)	(24,841,232)	(46,969,077)	1,687,279	532	(188,462)	(265,773)	(4,606,262)	(7,279,435)
Other financing sources (uses)-										
Net operating transfers in (out)		543,931	24,803,189	40,987,780	(3,309,598)	-	-	-	-	-
Change in net position		(577,811)	(38,043)	(1,297)	(1,622,319)	532	(168,462)	(265,773)	(4,606,262)	(7,279,435)
Fund Balances, July 1, 2014		20,941,504	2,094,280	3,414,818	74,182,443	1,993,080	377,708	449,947	12,190,835	115,644,675
Fund Balances June 30, 2015		20,363,693	2,056,237	3,413,521	72,560,124	1,993,612	209,306	184,174	7,584,573	108,365,240

Reconciliation of change in fund balances to change in net position.

Change in fund balance	\$ (7,279,435)
Repayment of bond principal is an expenditure in the governmental funds, but the repayment reduces the long-term liabilities in the government-wide statements	47,685,000
Bond premium is amortized over the life of bonds in the government-wide statements	3,912,711
Capital outlays are reported as expenditures in the governmental funds, however, in the statement of activities, assets are capitalized.	8,888
Cost of capital outlays is allocated over their estimated useful lives as depreciation in the government wide statements.	(889)
Pension expense difference between governmental funds and government-wide statements	(95,892)
Derivative valuation adjustment is recognized as an asset and revenue in the government wide statements	902,552
Change in net position	\$ 45,192,845

[Pa.B. Doc. No. 15-2292. Filed for public inspection December 24, 2015, 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 January 11, 2016. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-2015-2516192. Danielle Johnson** (608 South 55th Street, Philadelphia, Philadelphia County, PA 19143) for the right to transport as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Pennsylvania, to Commonwealth correctional facilities in Pennsylvania, and return.

**A-2015-2517017. G.I. Driver, LLC** (4716 Ellsworth Avenue, Pittsburgh, Allegheny County, PA 15213) in limousine service, between points in the City of Pittsburgh, Allegheny County.

### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.

**A-2015-2516834. Rubano Moving Company, LLC** (345 Utah Avenue, McDonald, OH 44437) for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in Mercer County, to points in Pennsylvania. *Attorney:* William J. Moder, III, Esquire, Kerrwood Place, Suite 104, 2500 Highland Road, P. O. Box 1071, Hermitage, PA 16148.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-2293. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 11, 2016, and must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy to the First Deputy Chief Prosecutor, Pennsylvania Public Utility Commission.

## Pennsylvania Public Utility Commission; Bureau of Investigation and Enforcement v. Freight Solutions Services, Inc.; Docket No. C-2015-2512317

### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to Freight Solutions Services, Inc., (respondent) is under suspension effective October 28, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 47054, Philadelphia, PA 19160.

3. That respondent was issued a Certificate of Public Convenience by this Commission on February 03, 2015, at A-8917179.

4. That respondent has failed to maintain evidence of Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8917179 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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

### VERIFICATION

I, David W. Loucks, Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the

statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: 11/10/2015

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

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

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

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. Accord certificates of insurance and faxed form Es and Hs are unacceptable as evidence of insurance.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Payment of the fine must be made to the Commonwealth of Pennsylvania and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of

insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.

F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code § 1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-2294. Filed for public inspection December 24, 2015, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v.  
Nancy Sue Koontz, RN; File No. 13-51-08250;  
Doc. No. 0454-51-2015**

On October 30, 2015, Nancy Sue Koontz, RN, Pennsylvania license no. RN596156, last known of Wheeling, WV, had her license indefinitely suspended retroactive to April 29, 2015, because she is unable to practice with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Bridget K. Guilfoyle, Board Counsel, State Board of Nursing, P. O. Box 69523, Harrisburg, PA 17106-9523.

This order represents the final State Board of Nursing (Board) 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 appeals is the previously-named Board counsel.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 15-2295. Filed for public inspection December 24, 2015, 9:00 a.m.]

# STATE CONSERVATION COMMISSION

## Access to Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission (Commission) is notifying the public that information relating to Odor Management Plans (Plan) submitted for Commission action under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management) will be available on the Commission's webpage at <http://www.pda.state.pa.us/scc> (select "Protect," then "State Conservation Commission," then "Odor Management Program," then "Odor Management plans currently under review by the State Conservation Commission") or by contacting the Commission office.

The Commission's Odor Management Program webpage provides the name, address, animal equivalent units, animal type, Odor Site Index score and submission type for the various Plans under review by the Commission. This listing of Plans under review can also be accessed by contacting the Commission at (717) 787-8821. The Commission will not take an action on a submitted Plan until it has been noticed on this list for a minimum of 21 days.

All Commission actions on submitted Plans will be published in the *Pennsylvania Bulletin*.

Persons wishing to view or obtain a copy of submitted Plans are directed to submit a Right-To-Know request to the Department of Agriculture (Department) to arrange access to Plans currently under review.

Persons wishing to comment on a Plan under review by the Commission are invited to submit a written statement outlining their comments on the Plan to the Commission's Odor Management Program within 21 days from the Plan notice date provided on the Commission's listing of Plans under review. Persons with a question relating to the submission of comments on a Plan under review may contact the Commission office by phone to discuss the process for the submission of comments. Comments should include the name, address and telephone number of the writer, and a concise statement to inform the Commission of the exact basis of the comments and the relevant facts upon which they are based. Comments may be submitted, in writing, to the State Conservation Commission, Department of Agriculture, Attn: Odor Management Program Coordinator, 2301 North Cameron Street, Room 311, Harrisburg, PA 17110.

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

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 15-2296. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
S. & A. Kreider and Sons— Stoner Farm 128 Black Bear Road Quarryville, PA 17566	Lancaster County/ East Drumore Township	80	Cattle	New	Withdrawn
Clifford Zimmerman 2993 Mill Road Elizabethtown, PA 17022	Dauphin County/ Conewago Township	0	Broiler	Amended	Approved

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Lamar Brubacker 294 Sawmill Road Liverpool, PA 17045	SnyderCounty/ ChapmanTownship	193.6	Broiler	New	Approved
Matthew Beiler 1601 Mine Road Paradise, PA 17562	LancasterCounty/ ParadiseTownship	0	Broilers	New	Approved
Kimberly Schlappich 1345 Main Street Mohrsville, PA 19541	BerksCounty/ CenterTownship	148.1	Duck	Amended	Approved
Heisler's Egg Farm, Inc.— Farm 1 757 Valley Road Tamaqua, PA 17252	SchuylkillCounty/ WalkerTownship	1,222.2	Layers	Amended	Approved
Garrett Weaver 1501 Eshelman Mill Road Willow Street, PA 17584	LancasterCounty/ WestLampeter Township	131.57	Duck	New	Approved
Galen Boyd 581 Pine Road Mohrsville, PA 19541	BerksCounty/ CentreTownship	268.52	Broilers	New	Approved

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 15-2297. Filed for public inspection December 24, 2015, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's request concerning the indicated accounts.

The hearing will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

January 12, 2016      Robert Kinser (D)      1 p.m.  
Contested Death Benefit;  
Beneficiary Issue

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearing will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 15-2298. Filed for public inspection December 24, 2015, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) approved by rule the following list of projects from November 1, 2015, through November 30, 2015.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

#### Supplementary Information

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period previously specified:

#### Approvals by Rule Issued Under 18 CFR 806.22(f):

1. Seneca Resources Corporation, Pad ID: Gamble Pad J, ABR-201511001, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 6, 2015.
2. Seneca Resources Corporation, Pad ID: Gamble Pad I, ABR-201511002, Gamble Township, Lycoming County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 6, 2015.
3. EQT Production Company, Pad ID: Phoenix B, ABR-201511003, Morris Township, Tioga County, PA; Consumptive Use of Up to 3.0000 mgd; Approval Date: November 6, 2015.



4. Cabot Oil & Gas Corporation, Pad ID: MyersR P1, ABR-201511004, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 6, 2015.

5. Chesapeake Appalachia, LLC, Pad ID: Gary, ABR-201012019.R1, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 9, 2015.

6. Chesapeake Appalachia, LLC, Pad ID: Roland, ABR-201012021.R1, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 9, 2015.

7. Chesapeake Appalachia, LLC, Pad ID: Kinnarney, ABR-201012030.R1, Albany Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 9, 2015.

8. EOG Resources, Inc., Pad ID: Rightmire 1H Pad, ABR-201008082.R1, Ridgebury Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 9, 2015.

9. EOG Resources, Inc., Pad ID: RIGHTMIRE 2H Pad, ABR-201008083.R1, Ridgebury Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 9, 2015.

10. EOG Resources, Inc., Pad ID: WENGER Pad, ABR-201008118.R1, Springfield Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 9, 2015.

11. EOG Resources, Inc., Pad ID: STURDEVANT 1H, ABR-201008155.R1, Ridgebury Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 9, 2015.

12. EOG Resources, Inc., Pad ID: OBERKAMPER Pad, ABR-201009004.R1, Springfield Township, Bradford County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 9, 2015.

13. SWEPI, LP, Pad ID: Hotchkiss 472, ABR-201009045.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 9, 2015.

14. SWEPI, LP, Pad ID: Williams 889, ABR-201009051.R1, Deerfield Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 9, 2015.

15. SWEPI, LP, Pad ID: Klettlinger 294, ABR-201009054.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 9, 2015.

16. SWEPI, LP, Pad ID: Kindon 374, ABR-201010002.R1, Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 9, 2015.

17. Cabot Oil & Gas Corporation, Pad ID: RomeikaJ P1, ABR-201511005, Gibson Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 13, 2015.

18. Chesapeake Appalachia, LLC, Pad ID: Franclaire, ABR-201012011.R1, Braintrim Township, Wyoming County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 13, 2015.

19. Chesapeake Appalachia, LLC, Pad ID: SGL 289A, ABR-201012015.R1, West Burlington Township, Bradford County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 13, 2015.

20. Chesapeake Appalachia, LLC, Pad ID: Baltzley, ABR-201012020.R1, Rush Township, Susquehanna County, PA; Consumptive Use of Up to 7.5000 mgd; Approval Date: November 13, 2015.

21. SWEPI, LP, Pad ID: Wolfe 1114, ABR-201007098.R1, Nelson Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

22. SWEPI, LP, Pad ID: Fish 826, ABR-201009027.R1, Middlebury Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

23. SWEPI, LP, Pad ID: Guindon 706, ABR-201009029.R1, Union Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

24. SWEPI, LP, Pad ID: Byrne 510, ABR-201009059.R1, Rutland Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

25. SWEPI, LP, Pad ID: Ingalls 710, ABR-201009080.R1, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

26. SWEPI, LP, Pad ID: Smith 589, ABR-201009088.R1, Richmond Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

27. SWEPI, LP, Pad ID: Martin 421, ABR-201009089.R1, Delmar Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

28. SWEPI, LP, Pad ID: Schimmel 830, ABR-201009090.R1, Farmington Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

29. SWEPI, LP, Pad ID: Lopatofsky 287, ABR-201009091.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

30. SWEPI, LP, Pad ID: Worden 571, ABR-201009092.R1, Charleston Township, Tioga County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 13, 2015.

31. Talisman Energy USA, Inc., Pad ID: 05 035 Antidel, ABR-201009015.R1, Warren and Windham Townships, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 13, 2015.

32. Talisman Energy USA, Inc., Pad ID: 05 036 Antidel, ABR-201009016.R1, Warren Township, Bradford County, PA; Consumptive Use of Up to 6.0000 mgd; Approval Date: November 13, 2015.

33. SWN Production Company, LLC, Pad ID: TI-14 Connolly A Pad, ABR-201511006, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 16, 2015.

34. SWN Production Company, LLC, Pad ID: TI-19 Connolly B Pad, ABR-201511007, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 16, 2015.

35. SWN Production Company, LLC, Pad ID: TI-22 Creek A-Pad, ABR-201511008, Liberty Township, Tioga County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 16, 2015.

36. Cabot Oil & Gas Corporation, Pad ID: JHHC P1, ABR-201511009, Jessup Township, Susquehanna County, PA; Consumptive Use of Up to 4.2500 mgd; Approval Date: November 16, 2015.

37. Carrizo Marcellus, LLC, Pad ID: Yarasavage Well Pad, ABR-201102021.R1, Washington Township, Wyoming County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: November 23, 2015.

38. Carrizo Marcellus, LLC, Pad ID: Kile, ABR-201103026.R1, Washington Township, Wyoming County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: November 23, 2015.

39. Carrizo Marcellus, LLC, Pad ID: Mazzara, ABR-201103035.R1, Washington Township, Wyoming County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: November 23, 2015.

40. Carrizo Marcellus, LLC, Pad ID: Baker West (Brothers), ABR-201103049.R1, Forest Lake Township, Susquehanna County, PA; Consumptive Use of Up to 2.1000 mgd; Approval Date: November 23, 2015.

41. Energy Corporation of America, Pad ID: Whitetail #1-5MH, ABR-201008112.R1, Goshen and Girard Townships, Clearfield County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 23, 2015.

42. Energy Corporation of America, Pad ID: Coldstream Affiliates #1MH, ABR-201007051.R1, Goshen Township, Clearfield County, PA; Consumptive Use of Up to 5.0000 mgd; Approval Date: November 23, 2015.

43. Enerplus Resources (USA) Corporation, Pad ID: Winner 4H, ABR-201009094.R1, West Keating Township, Clinton County, PA; Consumptive Use of Up to 4.0000 mgd; Approval Date: November 23, 2015.

44. EOG Resources, Inc., Pad ID: GHC Pad A, ABR-201009012.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 23, 2015.

45. EOG Resources, Inc., Pad ID: COP Pad P, ABR-201009038.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 23, 2015.

46. EOG Resources, Inc., Pad ID: SSHC Pad A, ABR-201009055.R1, Lawrence Township, Clearfield County, PA; Consumptive Use of Up to 4.9990 mgd; Approval Date: November 23, 2015.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* December 14, 2015.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 15-2299. Filed for public inspection December 24, 2015, 9:00 a.m.]

## Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects from November 1, 2015, through November 30, 2015.

For further information contact Jason E. Oyler, General Counsel, (717) 238-0423, Ext. 1312, fax (717) 238-2436, joyler@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 4423 North Front Street, Harrisburg, PA 17110-1788.

### *Supplementary Information*

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period specified previously:

### *Rescinded ABR Issued*

1. Chesapeake Appalachia, LLC, Pad ID: Carter, ABR-201205015, North Towanda Township, Bradford County, PA; Rescind Date: November 19, 2015.

2. Chesapeake Appalachia, LLC, Pad ID: Gene, ABR-201209011, Overton Township, Bradford County, PA; Rescind Date: November 19, 2015.

3. Chesapeake Appalachia, LLC, Pad ID: Outback, ABR-201301015, Elkland Township, Sullivan County, PA; Rescind Date: November 19, 2015.

4. Chesapeake Appalachia, LLC, Pad ID: Rock Ridge, ABR-201108015, Towanda Township, Bradford County, PA; Rescind Date: November 19, 2015.

5. Chesapeake Appalachia, LLC, Pad ID: Walters, ABR-201305007, Mehoopany Township, Wyoming County, PA; Rescind Date: November 19, 2015.

6. Chesapeake Appalachia, LLC, Pad ID: Beaver Dam, ABR-201104009, Cherry and Colley Townships, Sullivan County, PA; Rescind Date: November 24, 2015.

7. WPX Energy Appalachia, LLC, Pad ID: Nayavich Well Pad, ABR-201105010, Sugarloaf Township, Columbia County, PA; Rescind Date: November 24, 2015.

8. Talisman Energy USA, Inc., Pad ID: 05 092 Upham, ABR-201009078.R1, Pike Township, Bradford County, PA; Rescind Date: November 27, 2015.

9. Range Resources—Appalachia, LLC, Pad ID: Carmen III Unit #1H Drilling Pad, ABR-201104005, Rush Township, Centre County, PA; Rescind Date: November 27, 2015.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* December 14, 2015.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 15-2300. Filed for public inspection December 24, 2015, 9:00 a.m.]





