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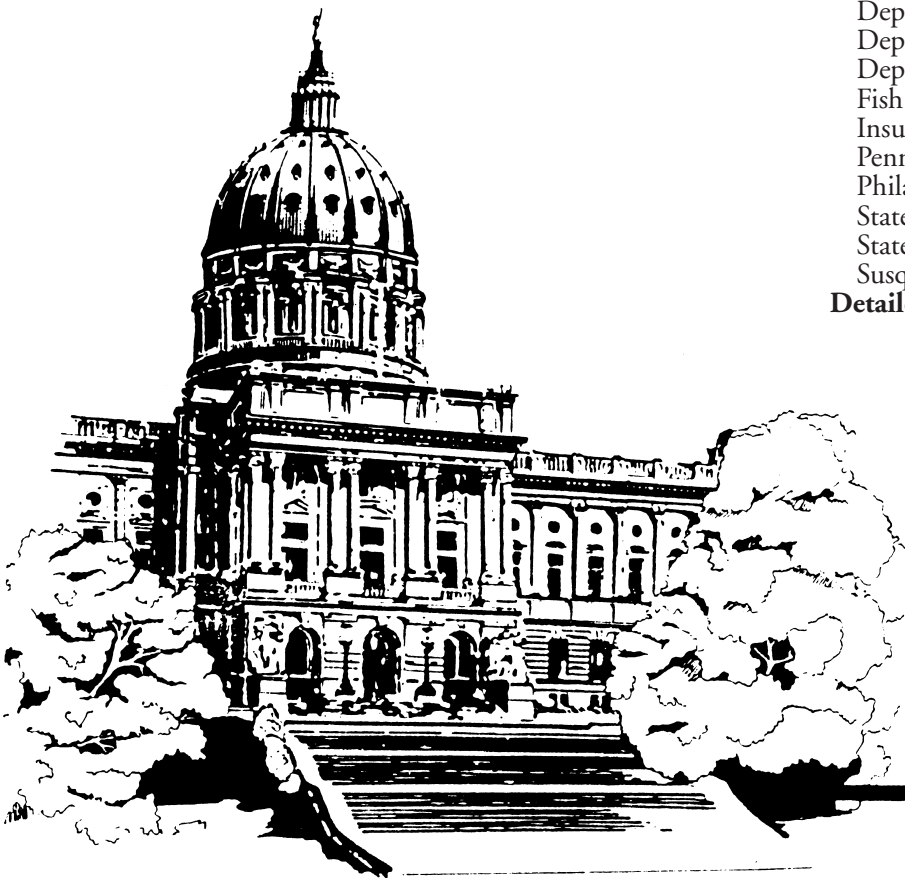
# PENNSYLVANIA BULLETIN

Volume 46  
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Department of Education  
Department of Environmental Protection  
Department of General Services  
Department of Health  
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Philadelphia Regional Port Authority  
State Conservation Commission  
State Employees' Retirement Board  
Susquehanna River Basin Commission

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(Master Transmittal Sheet):**

**No. 505, December 2016**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

#### **Fiscal Notes**

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

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

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# 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 2016.

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8029, 3030, 8031, 8032, 8033, 8174, 8176, 8177, 8178,  
8179, 8183

# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 51 ]

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

[ 246 PA. CODE CH. 300 ]

**Order Rescinding Rule 3.9 and Amending Rules 3.10 and 3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and Amending Rule 323 of the Rules of Civil Procedure before Magisterial District Judges; No. 405 Magisterial Rules Doc.**

#### Order

*Per Curiam*

*And Now*, this 14th day of December 2016, upon the recommendation of the Minor Court Rules Committee; the proposal having been published for public comment at 33 Pa.B. 745 (February 8, 2003), 37 Pa.B. 6902 (December 29, 2007), and 43 Pa.B. 2269 (April 27, 2013):

It is *Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 3.9 is rescinded, and that Rules 3.10-3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and Rule 323 of the Pennsylvania Rules of Civil Procedure Before Magisterial District Judges, are amended in the following form.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective April 1, 2017.

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

##### CHAPTER 51. STANDARDS OF CONDUCT OF MAGISTERIAL DISTRICT JUDGES

**Canon 3. A magisterial district judge shall conduct the magisterial district judge's personal and extrajudicial activities to minimize the risk of conflict with the obligations of judicial office.**

Rule 3.9. [ Incompatible Practices ] (Reserved).

[ A. Magisterial district judges and all employees assigned to or appointed by magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper and impartial discharge of their duties, including, but not limited to, (1) in any activity prohibited by law; (2) in the collection business; or (3) in the acceptance of any premium or fee for any judicial bond. Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage. Magis-

terial district judges shall not receive any fee or emolument for performing the duties of an arbitrator.

B. Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth. ]

#### Comment:

The provisions of former Rule 3.9 were added to Rule 3.10 to reflect limitations on outside activities applicable to all magisterial district judges.

Rule 3.10. [ Prohibited Practice of Attorney Magisterial District Judges ] Incompatible Practices and Limitations.

[ A. Attorneys who are magisterial district judges shall not practice before any magisterial district judge in the Commonwealth, nor shall they act as a lawyer in a proceeding in which they have served as a magisterial district judge or in any other proceeding related thereto. Nor shall they practice criminal law in the county within which their magisterial district is located. An employer, employee, partner of office associate of such magisterial district judges shall not appear or practice before them.

B. Attorneys who are magisterial district judges shall not practice before, or act as an attorney or solicitor for, any county or local municipal, governmental or quasi governmental agency, board, authority or commission operating within the Commonwealth. ]

(A) Magisterial district judges shall not engage, directly or indirectly, in any activity or act incompatible with the expeditious, proper, and impartial discharge of their duties, including, but not limited to, any of the following:

- (1) any activity prohibited by law;
- (2) any activity related to the collection of a claim or judgment for money; or
- (3) in the acceptance of any premium or fee for any judicial bond.

(B) Magisterial district judges shall not exploit their judicial position for financial gain or for any business or professional advantage.

(C) Magisterial district judges shall not hold another office or position of profit in the government of the United States, the Commonwealth or any political subdivision thereof, except in the armed services of the United States or the Commonwealth.

(D) Magisterial district judges shall not receive any fee or emolument for performing the duties of an arbitrator or a mediator.

(E) Magisterial district judges who are attorneys shall not practice law:

- (1) before any magisterial district judge in the Commonwealth;

(2) in any proceeding in which they have served as a magisterial district judge;

(3) in any proceeding related to a proceeding in which they served as a magisterial district judge; or

(4) in any criminal proceeding in the county within which their magisterial district is located. Magisterial district judges who are attorneys shall neither practice before nor act as an attorney or solicitor for any county or local municipal, governmental or quasi-governmental agency, board, authority or commission operating within the Commonwealth.

(F) Magisterial district judges who are attorneys shall not permit their employers, employees, partners or legal associates to appear or practice before them.

**Comment:**

(1) Paragraphs (A)—(D) of this rule apply to all magisterial district judges, including magisterial district judges who are attorneys, and are derived from former Rule 3.9.

(2) Magisterial district judges are prohibited from receiving any fee or emolument for performing the duties of an arbitrator or mediator. See 42 Pa.C.S. § 3304(b). Mediation was added to this rule in recognition of the growth of alternative dispute resolution after the statute and rule were originally promulgated.

**Rule 3.11. Financial Activities.**

\* \* \* \* \*

(B) Except as provided in Rule [ 3.9 and Rule ] 3.10, a magisterial district judge may serve as an officer, director, manager, general partner, advisor, or employee of any business entity.

\* \* \* \* \*

**Rule 3.12. Compensation for Extrajudicial Activities.**

A magisterial district judge may accept reasonable compensation for extrajudicial activities such as speaking, teaching and writing unless such acceptance would appear to a reasonable person to undermine the magisterial district judge's independence, integrity, or impartiality.

**Comment:**

(1) A magisterial district judge is permitted to accept honoraria, stipends, fees, wages, salaries, royalties, or other compensation for speaking, teaching, writing, and other similar extrajudicial activities, provided the compensation is reasonable and commensurate with the task performed. The magisterial district judge should be mindful, however, that judicial duties must take precedence over other activities. See Rule 2.1.

(2) Compensation derived from extrajudicial activities shall be subject to public reporting. See Rule 3.15.

(3) The provisions of this rule are subject to the restrictions imposed by [ Rules 3.9 and ] Rule 3.10.

**TITLE 246. MINOR COURT CIVIL RULES**

**PART I. GENERAL**

**CHAPTER 300. CIVIL ACTION**

**Rule 323. Judgment—Payment in Installments.**

The magisterial district judge may in the entry of judgment order the payment of the same in periodic installments that shall not extend beyond 12 months from the date of judgment.

*Official Note:* Since many of the defendants coming before magisterial district judges are apt to be in financial difficulties, it was thought advisable to provide for payment in installments. The payments are to be made to the plaintiff and not to the magisterial district judge. See Rule [ 3.9 ] 3.10 of the Rules Governing Standards of Conduct of Magisterial District Judges.

**FINAL REPORT<sup>1</sup>**

**Recommendation 5-2008, Minor Court Rules Committee**

***Rescission of Rule 3.9, Amendment of Rules 3.10-3.11 and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, and the Official Note to Rule 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges***

*Incompatible Practices and Limitations*

On December 14, 2016, effective April 1, 2017, upon recommendation of the Minor Court Rules Committee,<sup>2</sup> the Supreme Court of Pennsylvania approved the rescission of Rule 3.9, the amendment of Rules 3.10 and 3.11, and the Comment to Rule 3.12 of the Rules Governing Standards of Conduct of Magisterial District Judges, as well as the amendment of the Official Note to Rule 323 of the Pennsylvania Rules of Civil Procedure before Magisterial District Judges.<sup>3</sup>

*I. Background and Discussion*

The Minor Court Rules Committee (the "Committee") recommended the rescission of Rule 3.9 and the amendment of Rule 3.10 of the Rules Governing Standards of Conduct of Magisterial District Judges. Rule 3.9 addresses activities prohibited for all magisterial district judges, while Rule 3.10 sets forth practices prohibited for attorney-magisterial district judges only. The goal of these changes is to combine Rules 3.9 and 3.10 into one rule encompassing all limitations on magisterial district judges.

The issue of limitations on magisterial district judges was under review by the Committee since at least 2002. The Committee received an inquiry as to whether attorney-magisterial district judges could also serve as arbitrators, particularly in arbitration cases where the arbitrators' fees are paid by the parties. There appeared to be conflicting interpretations as to whether the prohibition on "receiving any fee or emolument for performing the duties of an arbitrator", set forth in former Rule 13, applied to attorney-magisterial district judges, who were also subject to the additional prohibited practices set forth in former Rule 14. The Committee noted that 42 Pa.C.S. § 3304(b) prohibited a judge or magisterial district judge from serving as a paid arbitrator, providing

<sup>1</sup> The Committee's Final Report should not be confused with the Official Notes to the Rules. Also, the Supreme Court of Pennsylvania does not adopt the Committee's Official Notes or the content of the explanatory Final Reports.

<sup>2</sup> Minor Court Rules Committee Recommendation 5-2008.

<sup>3</sup> Rules 3.9 and 3.10 are derived from former Rules 13 and 14 respectively, which were rescinded in light of the Court's adoption of the new Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014.

that “[n]o judge or magisterial district judge shall receive any fee or emolument for performing the duties of an arbitrator.” After consideration of the inquiry, and review of the relevant rules, statutes, and other authorities, the Committee agreed that amendments to the rules were advisable to clarify that no magisterial district judge, including a judge who was also an attorney, may act as an arbitrator for a fee.

The Committee published its initial proposal in 2003, at 33 Pa.B. 745 (February 8, 2003). After receiving comments from various sources, the Committee reworked the proposal, and subsequently tabled it while other groups attempted to achieve a legislative solution to the question. In the absence of a legislative solution, the Committee republished the proposal at 37 Pa.B. 6902 (December 29, 2007), and received additional valuable input. The Committee submitted a recommendation to the Pennsylvania Supreme Court (“Court”) in 2008, but was instructed by the Court to engage in further review. After further drafting efforts, the proposal was published for public comment at 43 Pa.B. 2269 (April 27, 2013), and resubmitted to the Court later that year. Following the Court’s adoption of the new Rules Governing Standards of Conduct of Magisterial District Judges, effective December 1, 2014, the Committee revised the recommendation to reflect the new Conduct Rules, as well as to make further modifications. Subsequently, the Court directed the Committee to revisit the recommendation, and the Committee undertook further efforts to revise the rules consistent with the Court’s guidance.

## II. Proposed Rule Changes

### A. Rule 3.9

Rule 3.9, titled “Incompatible Practices”, set forth prohibitions applicable to all magisterial district judges. The Committee recommended rescinding Rule 3.9 and incorporating its provisions into Rule 3.10 as the simplest way to ensure that all magisterial district judges, both attorneys and non-attorneys, are following the same guidelines for incompatible practices and limitations. The substantive material of Rule 3.9, with modification, is found in Rule 3.10. A note was added to Rule 3.9, directing readers to Rule 3.10.

### B. Rule 3.10

The prior version of Rule 3.10, titled, “Prohibited Practice of Attorney-Magisterial District Judges”, set forth those limitations applicable only to attorney-magisterial district judges. As explained above, the Committee’s goals in redrafting Rules 3.9 and 3.10 were to clarify the limitations on all judges, as well as to remove the distinction between attorney and non-attorney judges. The rule has been retitled “Incompatible Practices and Limitations.”

Paragraphs (A) and (B) of Rule 3.10 are taken from the first two sentences of rescinded Rule 3.9A. Paragraph (C) is derived from paragraph B of rescinded Rule 3.9. Paragraph (D) of Rule 3.10 is derived from the last sentence of rescinded Rule 3.9A, and explicitly provides that a magisterial district judge shall not receive any fee or emolument for performing the duties of an arbitrator or mediator. Paragraphs (E)—(F) pertain to the conduct of attorney magisterial district judges.

While 42 Pa.C.S. § 3304(b) and rescinded Rule 3.9 solely reference “arbitration,” amended Rule 3.10 references both arbitration and mediation, which reflects the growth in the use of alternative dispute resolution methods since the original promulgation of the statute and the

rule. Moreover, there should not be a distinction between a magisterial district judge serving as an arbitrator or a mediator for a fee.

Finally, application of the prohibitions to “all employees assigned to or appointed by magisterial district judges”, as set forth in former Rule 3.9, has been deleted. These rules apply to the conduct of magisterial district judges, and prohibitions on the activities of court employees are addressed as part of the terms and conditions of employment for those persons rather than appearing in the Rules Governing Standards of Conduct of Magisterial District Judges. As set forth in the *Application* provision of the Rules Governing Standards of Conduct of Magisterial District Judges, the definition of magisterial district judge contains the following footnote pertaining to court employees:

Though not covered by these Conduct Rules, there is a Code of Conduct for Employees of the Unified Judicial System (“Employee Code”). It applies to “employees” defined as, “Employees of the Unified Judicial System” and includes 1) all state-level court employees, and 2) all county-level court employees who are under the supervision and authority of the President Judge of a Judicial District of Pennsylvania, unless otherwise indicated by Supreme Court order or rule.

See Rules Governing Standards of Conduct of Magisterial District Judges, *Application* [2], n.1.

### C. Rules 3.11 and 3.12

Rule 3.11(B) is amended to delete the reference to rescinded Rule 3.9. Similarly, the Comment to Rule 3.12 is amended to delete the reference to rescinded Rule 3.9.

### D. Rule 323

The Official Note to Rule 323 is amended to replace the reference to rescinded Rule 3.9 with a reference to Rule 3.10.

[Pa.B. Doc. No. 16-2294. Filed for public inspection December 30, 2016, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

### PHILADELPHIA COUNTY

### SEPTA Strike; Administrative Judge Administrative Order No. 2016-5

#### Order

*And Now*, this 26th day of October, 2016 in light of the announced strike by SEPTA commencing on November 1, 2016, in order to safeguard the rights of the various parties in litigation pending in the Courts of the First Judicial District of Pennsylvania for or against SEPTA, *It Is Hereby Ordered, Adjudged and Decreed* that:

1) all arbitrations, jury and non-jury trials in which SEPTA is a party will be continued for the duration of the strike and four (4) days after it ends;

2) any Order issued in matters where SEPTA or a SEPTA employee represented by SEPTA counsel is a party are stayed during the pendency of the work stoppage and for twenty (20) days thereafter; and

3) no default for failure to answer a Complaint, Petition or Motion, or to comply with a discovery Order will be issued for the duration of the strike and twenty (20) days thereafter.

This Order is issued in accordance with Pa.R.C.P. No. 239 and the April 11, 1986 Order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration and shall become effective immediately. The original Order shall be filed with the Office of Judicial Records, Civil (formerly, Prothonotary) in a Docket maintained for Administrative Orders issued by the Administrative Judge of the Trial Division, Court of Common Pleas of Philadelphia County, and shall be submitted to the *Pennsylvania Bulletin* for publication. Copies of the Order shall be submitted to the Administrative Office of Pennsylvania Courts, the Civil Procedural Rules Committee, American Lawyer Media, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania, and shall be posted on the website of the First Judicial District of Pennsylvania: <http://www.courts.phila.gov/regs>.

By the Court

HONORABLE JACQUELINE F. ALLEN,  
Administrative Judge, Trial Division  
Court of Common Pleas  
Philadelphia County  
First Judicial District of Pennsylvania

[Pa.B. Doc. No. 16-2295. Filed for public inspection December 30, 2016, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### CLINTON COUNTY

#### Local Rule of Judicial Administration 4007 Court Reporters and Transcripts; No. AD-1619-2016

##### Administrative Order of Court

And Now, this 9th day of December, 2016, *It Is Hereby Ordered* that the following Clinton County Local Rule of Judicial Administration 4007 Court Reporters and Transcripts is adopted and shall become effective thirty (30) days after the publication of same in the *Pennsylvania Bulletin*.

*It Is Further Ordered* that one (1) copy of this Order and rule shall be sent via email to the Administrative Office of Pennsylvania Courts ([adminrules@pacourts.us](mailto:adminrules@pacourts.us)), that two (2) copies of this Order and rule shall be sent to Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* and one (1) copy emailed to [bulletin@palrb.us](mailto:bulletin@palrb.us), that one (1) copy of the Order and rule be filed with the Office of the Prothonotary of Clinton County, Pennsylvania, and that the new rule be incorporated into the Court Rules section of the Clinton County Court website ([http://www.clintoncountypa.com/departments/court\\_services/county\\_courts/](http://www.clintoncountypa.com/departments/court_services/county_courts/)) within thirty (30) days after the publication in the *Pennsylvania Bulletin*.

By the Court

CRAIG P. MILLER,  
President Judge

#### Clinton County Local Rule of Judicial Administration 4007. Court Reporters and Transcripts.

##### 1. GENERAL PROVISIONS

(A) The District Court Administrator is the designee for purposes of the administration of this local rule.

(B) This rule shall not interfere with or otherwise limit the income of Court Reporters. Court Reporters shall continue to be properly compensated for their professional services as related to the preparation of transcripts and orders.

##### 2. PROCEDURES

###### (A) Format

Requests for ordinary transcripts shall be set forth on a standardized form provided by the District Court Administrator of the Commonwealth of Pennsylvania and available at the Office of the District Court Administrator of Clinton County or the Clinton County Website.

###### (B) Requests for Transcripts

For an ordinary transcript, the party requesting the full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court (Clerk of Courts, Prothonotary, or Orphan's Court).

###### (C) Service

The Requesting Party shall serve copies of the formal request to:

1. The Presiding Judge;
2. The Court Reporter(s) assigned to the proceeding;
3. The District Court Administrator; and
4. All opposing counsel or parties if party is unrepresented.

###### (D) Costs

The Court Reporter, upon receipt of request, shall estimate the cost of transcribing the requested transcript and provide that information to the District Court Administrator. The District Court Administrator shall forward that information to the requesting party.

(E) *Requests for Daily, Expedited or Same Day Transcript:*

(1) Requests for daily, expedited or same day transcript shall be filed in writing in the appropriate filing office at least thirty (30) days prior to the beginning of proceedings.

(2) Copies of the written request shall be served as provided for by Section (C) supra.

(3) In the event of an emergency, a party may request by oral motion to the court a daily, expedited or same day transcript. Granting said request shall be at the discretion of the Court.

###### (F) Private Litigants

When a private litigant requests a transcript, the party ordering said transcript shall make a payment of 75% of the estimated cost of the transcript as determined on the official request for transcript form.

###### (G) Payment of Costs

Deposit checks shall be made payable to The County of Clinton—Transcript Deposit Fund and shall be delivered to the District Court Administrator.

*(H) Preparation of Transcript*

Upon receipt of the 75% deposit, the Court Reporter assigned to the proceeding shall be directed by the District Court Administrator to prepare the transcript.

*(I) Notice of Completion*

The Court Reporter(s) shall notify the ordering party and the District Court Administrator of the completion of the transcript and the final cost thereof. The Court Reporter(s) shall deliver a copy to the District Court Administrator. The original transcript shall not be filed and counsel or parties shall not receive copies until payment in full is received by the District Court Administrator.

*(J) Payment of Balance*

Checks for the final balance due will be made payable to The County of Clinton—Transcript Deposit Fund and delivered to the District Court Administrator. Upon receipt of payment in full, the Court Reporter shall file and deliver the transcript to the requesting party or parties and upon presentation of an appropriate bill by the Court Reporter, the County shall make payment to the Court Reporter.

*(K) Economic Hardship*

(1) The application to waive all or a portion of the costs for an ordinary transcript shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application should be prepared in the form of a petition to waive all or a portion of the transcript costs and filed in the appropriate filing office.

(2) When a litigant requests a transcript but cannot pay for the transcript due to alleged economic hardship, the Court will determine economic hardship pursuant to the procedure set forth in Paragraph 3(C) *infra*.

(3) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the cost of procuring the transcript shall be waived or otherwise adjusted by the Court.

(4) In cases of economic hardship where there is no pending appeal or there exist no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need for said transcript which shall be set forth in the request for transcript before the Court shall waive or adjust the cost of obtaining the transcript. The Court will determine if the requesting party has demonstrated reasonable need to have the transcript prepared without payment of the cost of the transcript.

*3. Rates*

Transcript cost payable by a requesting party other than the Commonwealth or a subdivision thereof shall be governed as follows:

*(A) Costs Payable*

The costs payable by the initial ordering party for a transcript delivered via electronic format shall be:

1. For an Ordinary Transcript, \$2.50 per page
2. For an Expedited Transcript, \$3.50 per page
3. For a Daily Transcript, \$4.50 per page
4. For Same Day delivery, \$6.50 per page
5. For Rough Draft, \$1.00 per page

6. For complex litigation add \$0.50 to the per page price for each class of transcript. The Court will determine at the request of any party or Court Reporter, if the litigation shall be deemed “complex.”

*(B) Bound Paper Format*

1. When a transcript is requested in bound paper form, the costs shall be in accordance with Section 3(A) *supra* relating to electronic format plus a surcharge of \$0.25 per page.

2. When a transcript is requested to be delivered in electronic format, the Court Reporter shall prepare an additional transcript in bound paper format if one is needed to be filed of record at no additional cost.

*(C) Economic Hardship*

1. Transcript cost shall not be waived for daily, expedited or same day transcript.

2. The transcript cost for necessary ordinary transcripts shall be waived as follows:

a. If requester has been permitted to proceed in forma pauperis.

b. If requester has income less than 125 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

c. If requester is represented by an attorney providing free legal service and the attorney files a praecipe which contains a certification by the attorney that the attorney is providing free legal service to the party and believes that the party is unable to pay the costs.

3. The transcript cost for necessary ordinary transcripts shall be reduced by one half if requester has income less than 200 percent of the poverty line as defined by the U.S. Department of Health and Human Services poverty guidelines for the current year.

4. Transcript costs for ordinary transcripts that are not subject to appeal, where the transcript is not necessary to advance the litigation, may be waived at the Court's discretion for parties who qualify for economic hardship under 2(K) if the party demonstrates reasonable need.

*(D) Assignment and Allocation of Transcript Costs*

1. The requesting party or the party required by rule to file the transcript shall be responsible for the cost of the transcript. Costs shall not be assessed against any party for any transcript ordered by the Court, unless requesting a copy as provided by Subparagraph (E).

2. When more than one party requests a transcript, or more than one party is required by rule to file a transcript, the costs will be divided equally among the parties.

*(E) Copies of a transcript*

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

1. \$0.75 per page bound, paper format
2. \$0.50 per page for an electronic copy

Any request for a copy of a transcript shall be directed to the District Court Administrator. Filing offices must direct all requests for copies of any transcript to the District Court Administrator.



The District Court Administrator shall notify the responsible Court Reporter to prepare a copy of the ordered transcript. All payments shall be paid to The County of Clinton Transcript Deposit Fund and upon presentation of appropriate bill by the Court Reporter, the County shall pay said fee to the Court Reporter.

(F) *Other Costs*

1. Costs payable to a Court Reporter by the Commonwealth, any subdivision of the Commonwealth or indigent parties for preparation of an ordered transcript and/or other necessary document shall be paid by the County at the rate as follows:

(a) Ordinary transcripts and orders—\$2.25 per page; and

(b) All other requests as set forth in Subparagraph 3(A) *supra*.

2. Said payment by the County shall be made upon presentation of appropriate billing document from the Court Reporter.

[Pa.B. Doc. No. 16-2296. Filed for public inspection December 30, 2016, 9:00 a.m.]

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**COLUMBIA AND MONTOUR COUNTIES**  
**Business of the Courts; Case No. X of 2016**

**Order**

*And Now*, this 8th day of December, 2016, it is hereby *Ordered and Decreed* that L.R. Nos. 4007 and 4008 shall be adopted to the 26th Judicial District's Local Rules of Judicial Administration is adopted for use in both Columbia, and Montour Counties, Court of Common Pleas of the 26th Judicial District, Commonwealth of Pennsylvania, and shall become effective 30 days after publication in the *Pennsylvania Bulletin*.

The 26th Judicial District Court Administrator is Ordered and Directed to do the following:

1) File one (1) copy to the Administrative Office of Pennsylvania Courts via e-mail to adminrules@pacourts.us.

2) Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3) Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.

4) File one copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

HONORABLE THOMAS A. JAMES, Jr.,  
*President Judge*

**L.R. No. 4007. Requests for Transcripts.**

(A) All requests for transcripts shall be set forth on a standardized form provided by the District Court Administrator. The form shall be available on the Columbia/Montour County website at: ([www.columbia/montourcourts](http://www.columbia/montourcourts)) or in the office of court administration.

(B) *The Request for Ordinary Transcripts*: The party requesting the full or partial transcript of a trial or other

proceeding shall file the original request with the Prothonotary/Clerk of Courts, or Clerk of Orphans Court office.

(C) *Service*: The requesting party shall serve copies of the formal request to:

1. The Presiding Judge
2. The court reporter assigned to the proceeding
3. District Court Administrator
4. Opposing counsel or party, if party is unrepresented

(D) *Filing*: Daily, expedited or same-day transcripts are available upon written request with the appropriate filing office at least 10 days prior to the proceeding. Copies of the request shall be served as provided by Section (C).

(E) *Private Litigant Requests*: When a private litigant requests a transcript or other proceeding, the litigant making the request shall make payment in the amount of 75% of the estimated total cost of the transcript to the Court Reporter assigned to the proceeding.

(F) *Payment of Costs*: All checks are to be made payable to The 26th Judicial District and shall be delivered to the Court Reporter. All payments received by the Court Reporter shall be remitted to the Prothonotary/Clerk of Courts, Clerk of Orphans Court office for receipt of said payment(s).

(G) *Preparation of Transcripts*: Upon receipt of the 75% deposit, the court reporter(s) assigned to the proceeding shall prepare the transcript.

(H) *Notice of Completion*: The court reporter(s) shall notify the ordering party of the completion of the transcript. Upon final payment of any balance due for said transcript(s), the Court Reporter shall obtain the signature of the presiding judge on the original transcript and file the original transcript in the appropriate filing office. Copies shall also be delivered to the parties by the court reporter.

When a transcript is requested for which the court or county is irresponsible for the cost(s), the court reporter shall prepare the transcript without the necessity of a deposit.

(I) *Economic Hardship*:

(1) When a litigant requests a transcript, but cannot pay for the transcript because of an alleged economic hardship, the Court shall determine the economic hardship based upon application of the litigant to waive or reduce the cost(s) pursuant to R.C.P. 240. Such application shall be filed in the appropriate filing office with the request for transcript.

(2) In cases of economic hardship where the matter is under appeal or a transcript is necessary to advance litigation, the costs of procuring the transcript shall be waived or otherwise adjusted by the Court.

(3) In cases of economic hardship where there is no appeal pending or there exists no obvious need for the transcript to advance litigation, the requesting party must demonstrate reasonable need before the Court shall waive or adjust the cost of obtaining the transcript.

Litigants represented by legal aid services are not required to prove economic hardship. Legal aid services must verify on the Transcript Request Form that the matter is under appeal or that the transcript being requested is necessary to advance current litigation.

**Rule 4008. Transcript Costs Payable by a Requesting Party, other than the Commonwealth or a Subdivision Thereof.**

(A) Costs payable to the initial ordering party for transcripts delivered via electronic format shall not exceed:

1. For an ordinary transcript, \$2.50 per page
2. For an expedited transcript, \$3.50 per page
3. For a daily transcript, \$4.50 per page
4. For same-day delivery, \$6.50 per page
5. For copies, \$.25 per page
6. For complex litigation, \$4.50 per page (i.e. Medical Malpractice)

(B) Costs payable by the Commonwealth or a subdivision thereof shall be governed as follows:

1. For an ordinary transcript, \$2.00 per page
2. For an expedited transcript \$2.25 per page
3. For a daily transcript \$3.50 per page
4. For same-day delivery, \$5.50 per page
5. For copies, \$.25 per page
6. For complex litigation, \$3.50 per page

(C) When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties. Costs shall not be assessed against any party for transcripts prepared at the initiation of the Court.

(D) Requests for copies of Transcripts previously ordered and filed of record shall be directed to and produced solely by the Court Reporters' office. Costs for filed transcripts shall be as follows:

1. \$.75 per page, paper format
2. \$.50 per page, electronic format

[Pa.B. Doc. No. 16-2297. Filed for public inspection December 30, 2016, 9:00 a.m.]

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**HUNTINGDON COUNTY**

**Adoption of Local Rules LR 4007 and LR 4008; No. CP-31-MD-265-2016; AO-2-2016**

**Administrative Order of Court**

*And Now*, this 16th day of December, 2016, Local Rules of Judicial Administration governing court reporting and transcripts, as follows, are hereby adopted and shall be referenced as LR 4007 and LR 4008. The effective date shall be thirty (30) days after publication in the *Pennsylvania Bulletin*. The Huntingdon County District Court Administrator is Ordered and Directed to do the following:

1. File one copy of the Rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. Distribute two paper copies and a computer diskette containing the text of the Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;
3. Publish the local rules on the Huntingdon County Court of Common Pleas' website; and

4. Incorporate the local rules into the set of local rules on the Huntingdon County Court of Common Pleas website within thirty (30) days after the publication of the local rules in the *Pennsylvania Bulletin*.

5. The Huntingdon County Prothonotary shall ensure that the Rules are continuously available for public inspection in the office of Prothonotary.

*By the Court*

GEORGE N. ZANIC,  
*President Judge*

**Huntingdon County Local Rules of Judicial Administration 4007 and 4008**

**Rule 4007. Requests for Transcripts.**

(A) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court and submit a request with the Court Administrator's office.

(B) When daily, expedited, same day or rough draft transcripts are available, requests for these transcripts shall be filed in writing in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (A). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft transcript.

(C) When a litigant requests a transcript,

(1) the litigant ordering a transcript shall make partial payment of 50% of the estimated transcript cost. Deposit checks are to be made payable to Huntingdon County, and shall be delivered to the District Court Administrator.

(2) upon payment of any balance owed, the court reporter, court recorder or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties. Checks for the final balance are to be made payable to Huntingdon County and shall be delivered to the District Court Administrator.

**Rule 4008. Transcript Costs Payable by a Requesting Party Other Than the Commonwealth or a Subdivision Thereof.**

(A) *Costs*

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

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

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

(B) *Economic hardship—minimum standards*

The application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit substantially in the form required by Rule 240(h) of the Pennsylvania Rules of Civil Procedure. Such application

should be prepared in the form of a Petition to Waive All or a Portion of the Transcript Costs and filed in the appropriate filing office.

(C) *Copies of transcript*

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

- (1) \$.75 per page bound, paper format; and,
- (2) \$.50 per page electronic copy.

(D) *Additional costs*

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

[Pa.B. Doc. No. 16-2298. Filed for public inspection December 30, 2016, 9:00 a.m.]

## SULLIVAN COUNTY

### Local Rules of Court; No. 2016-238

#### Order of Court

*And Now*, this 16th day of December, 2016,

*It Is Ordered* that the Sullivan County Court of Common Pleas adopts the following Local Rules of Court governing court reporting and transcripts for the 44th Judicial District to be effective thirty (30) days after publication.

*It Is Further Ordered* that the District Court Administrator of Sullivan County is directed to:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;
2. Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish local rules on the court's website after publication in the *Pennsylvania Bulletin*.
4. File one copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

#### Local Rules of Judicial Administration

These rules supplement the Pennsylvania Rules of Judicial Administration and implemented to comply with Pa.R.J.A. 4009.

#### Rule 4007. Requests for Transcripts.

(A) All Requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from the Sullivan County Court Administrator's Office or on the county website when available.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding

shall file the original request with the Prothonotary's Office. The requesting party shall also serve copies of the formal request to:

- 1) The judge presiding over the matter;
- 2) The court reporter or court recorder;
- 3) The district court administrator or his or her designee;
- 4) Opposing counsel, but if not represented, the opposing party.

An affidavit of service shall be filed after service.

(C) Daily, expedited, same day and rough draft transcripts are not available.

(D) When a litigant requests a transcript:

1) The litigant ordering a transcript shall make a deposit payment in the amount of 75% of the estimated total of the transcript. Deposit checks are to be payable to the Prothonotary of Sullivan County and shall be delivered the District Court Administrator.

2) Upon receipt of the 75% deposit, the court reporter assigned to the proceeding shall be directed by order of the presiding judge to prepare the transcript.

3) The court reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks for the final balance due are to be made payable to the Prothonotary of Sullivan County and shall be delivered to the District Court Administrator.

4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(E) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must proceed pursuant to S.C.R.J.A. 4008(B).

(F) Deposits pursuant to S.C.R.J.A. 4007(D)(2).

#### Rule 4008. Transcripts Costs.

(A) *Costs payable:*

(1) *Electronic Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court, for a transcript delivered via electronic format shall be \$2.25 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via electronic format shall be \$1.75 per page.

(2) *Paper Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.50 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, Court or Court for a transcript delivered via paper format shall be \$2.00 per page.

(B) *Economic Hardship—minimum standards*

(1) See Pa.R.J.A. 4008(B)(1).

(2) See Pa.R.J.A. 4008(B)(2).

(3) See Pa.R.J.A. 4008(B)(3).

(4) Request to waive all or a portion of costs.

(a) To request a waiver or reduction of transcript costs:

(i) Legal Aid Services must attach to their request for transcript a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibility and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(ii) Self-represented litigants claiming economic hardship must attach to the request for transcript (1) a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240 and (2) a letter of certification that the matter is under appeal and setting forth the reasons a transcript is needed for appeal or that the transcript being requested is necessary to advance the current litigation and set forth the reasons for such need.

(C) See Pa.R.J.A. 4008(C)

(D) *Copies of transcripts*—Any requests to the filing office for copies of filed transcript shall be directed to the District Court Administrator's Office. Any copy of transcripts shall be produced solely by the court report or court recorder. The costs of copies shall be in accordance with Pa.R.J.A. 4008(D) and shall be paid in advance payable to the Prothonotary of Sullivan County and delivered to the District Court Administrator.

[Pa.B. Doc. No. 16-2299. Filed for public inspection December 30, 2016, 9:00 a.m.]

## WASHINGTON COUNTY

### Uniform Rules Governing Court Reporting and Transcripts; No. 2016-1

#### Order

*And Now*, this 13th day of December, 2016, *It Is Hereby Ordered and Decreed* that the following Local Rules of Judicial Administration be adopted.

*It Is Further Ordered* that Washington County Local Rule of Civil Procedure L-507.1 is hereby rescinded. The District Court Administrator is directed to do the following:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts.
2. Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.
3. Publish the local rules on the court's website to be incorporated into the set of local rules on the website within 30 days after the publication of the local rules in *Pennsylvania Bulletin*.
4. File one (1) copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

KATHERINE B. EMERY,  
President Judge

#### L-4007. Transcript Requests. Deposits.

(A) All original transcript requests shall be made on the standardized form promulgated by the Court Administrator of Pennsylvania, and filed in the filing office in which the matter being transcribed is filed of record.

(1) The requesting party shall serve copies of the formal request on:

- (a) the presiding judge;
- (b) the court reporter, court recorder, or transcriptionist;
- (c) the District Court Administrator; and
- (d) opposing counsel, or if not represented, the opposing party.

(2) The requesting party may be required to provide additional information or documentation as required by the judicial district.

(3) The request for transcription shall be processed and approved by the District Court Administrator or his/her designee.

(B) A deposit of \$50.00 shall be required for all transcript requests, unless the costs of transcription are waived pursuant to a state or local rule of court. This amount shall be paid by cash, credit card (if permitted by the filing office), money order, or check from an attorney, made payable to the County of Washington. The deposit shall be applied to the final cost of the transcript, and may include an administrative fee for the processing of the request, at an amount to be set by the District Court Administrator.

(1) The balance for a completed transcript shall be due at the time of delivery of the transcript. This amount shall be paid by cash, credit card (if permitted by the filing office), money order, or check from an attorney, made payable to the County of Washington. A receipt evidencing full payment must be produced prior to the release of a transcript to the requesting party.

(2) The deposit, and any other payments for transcription costs, shall be remitted to the filing office in which the matter being transcribed is filed of record.

(3) A deposit shall not be required in cases in which the judicial district, the county, or the Commonwealth or a subdivision thereof, is responsible for the costs of transcription.

(4) All deposits are non-refundable upon filing of a transcript request.

(C) Requests for daily, expedited, same day, or rough draft transcripts shall be made in writing on the Transcript Request Form available in the office of Court Administration, or at [www.washingtoncourts.us](http://www.washingtoncourts.us).

(1) A copy of the completed request shall be served the same day on the District Court Administrator.

(2) The decision to permit a daily, expedited, same day, or rough draft transcript shall be made by the presiding judge in consultation with the District Court Administrator.

(3) Nothing in these rules shall be read to entitle a requesting party to an expedited transcript, daily transcript, or rough draft transcript, or to receive a transcript via same day delivery.

(D) An application to waive all or a portion of costs for ordinary transcripts shall be supported by an affidavit on a form substantially similar to the following:

\_\_\_\_\_ :  
 \_\_\_\_\_ :  
 Plaintiff(s)/Petitioner(s)/Commonwealth :  
 \_\_\_\_\_ : No. \_\_\_\_\_  
 Vs. :  
 \_\_\_\_\_ :  
 \_\_\_\_\_ :  
 Defendant(s)/Respondent(s) :

Application and Affidavit for a Free or Reduced Cost Transcript

1. I, \_\_\_\_\_, am the (Plaintiff) (Defendant) in the above matter and because of my financial condition am unable to pay the fees and costs for a transcript of the proceeding.

2. I am unable to obtain funds from anyone, including my family and associates, to pay the costs of transcription.

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

a. Name: \_\_\_\_\_

Address: \_\_\_\_\_

b. Employment:

If you are presently employed, state:

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

If you are presently unemployed, state:

Date of last employment: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

c. Other Income Within The Past Twelve (12) Months (state as dollar amounts):

Business or Profession: \_\_\_\_\_

Other Self-Employment: \_\_\_\_\_

Interest: \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and Annuities: \_\_\_\_\_

Social Security Benefits: \_\_\_\_\_

Support Payments: \_\_\_\_\_

Disability Payments: \_\_\_\_\_

Unemployment Compensation & Supplemental Benefits: \_\_\_\_\_

Workman's Compensation: \_\_\_\_\_

Public Assistance: \_\_\_\_\_

Other: \_\_\_\_\_

d. Other Contributions to Household Support (state as dollar amounts):

(Wife) (Husband) (Friend) Name: \_\_\_\_\_

If your (wife) (husband) (friend) is employed, state:

Employer: \_\_\_\_\_

Salary/wages per month: \_\_\_\_\_

Type of work: \_\_\_\_\_

Contribution from Children: \_\_\_\_\_

Contribution from Parents: \_\_\_\_\_

Other Contributions: \_\_\_\_\_

e. Property Owned (state as dollar amounts):

Cash: \_\_\_\_\_
Checking Account: \_\_\_\_\_
Savings Account: \_\_\_\_\_
Certificates of Deposit: \_\_\_\_\_
Real Estate (Including Home): \_\_\_\_\_
Motor Vehicle: Make \_\_\_\_\_ Year: \_\_\_\_\_
Cost: \_\_\_\_\_ Amount Owed: \_\_\_\_\_
Stocks & Bonds: \_\_\_\_\_
Other: \_\_\_\_\_

f. Debts and Obligations (state as dollar amounts):

Mortgage: \_\_\_\_\_
Rent: \_\_\_\_\_
Loans: \_\_\_\_\_
Other: \_\_\_\_\_

g. Persons Dependent Upon You For Support:

(Wife) (Husband) Name: \_\_\_\_\_
Children, if any: \_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
\_\_\_\_\_ Age: \_\_\_\_\_
Other Persons: \_\_\_\_\_
Name: \_\_\_\_\_
Relationship: \_\_\_\_\_

4. I understand that I have a continuing obligation to inform the Court of improvement in my financial circumstances which would permit me to pay the costs incurred herein.

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

\_\_\_\_\_ Date Requestor (Print Name)
Requestor (Sign Name)
(end form)

(1) The waiver application shall be filed with the standardized request form and any other documentation as provided for in subsection (A) of this rule.

(2) The waiver application shall be served as set forth in subsection (A) of this rule.

(3) The waiver application shall be processed by the District Court Administrator or his/her designee.

(a) The waiver application may be approved by the District Court Administrator when:

(i) the record demonstrates that the requesting party has been granted permission to proceed in forma pauperis by the court in the matter for which the transcript has been requested;

(ii) the requesting party has submitted sufficient documentation of income to establish entitlement to a free or reduced ordinary transcript pursuant to Local Rule of Judicial Administration 4008(E); or

(iii) documentation that establishes that a free legal aid service attorney has entered an appearance on behalf

of the requesting party in the matter for which the transcript has been requested.

Note: A determination under subsection (D)(3)(a)(ii) or (iii) that a litigant is entitled to an ordinary transcript at a free or reduced rate only applies to the requested transcript, and is not a substitute for the procedures under state or local rules of court for a litigant to receive permission to proceed in forma pauperis in any matter.

(4) If the requesting party applies for a waiver or reduction and does not qualify based on the criteria set forth above, they may proceed with their request at the applicable rate set forth in these rules.

L-4008. Transcript Costs for a Private Individual or Entity. Waiver of Costs for the Commonwealth or a Subdivision. Economic Hardship.

(A) The transcript costs for a requesting party other than the Court and the Commonwealth shall be the maximum rate set forth in Pennsylvania Rule of Judicial Administration 4008. For the purpose of this local rule,

the Court is defined as any judge or master. The Commonwealth is defined as the District Attorney, Public Defender, or any other department or agency of the County of Washington.

(1) The rates set forth above shall include the original transcript, filed of record with the appropriate filing office, one (1) copy of the transcript for the presiding judge (if requested), and one (1) copy of the transcript to be provided to the initial requesting party. When more than one party requests the transcript, or is required by general rule to file the transcript, the cost shall be divided equally among the parties, and each party shall receive one (1) copy of the transcript.

(2) When the transcript is in bound paper format, the requesting party shall be charged a surcharge of \$0.25 per page.

(3) Payments for all transcript costs shall be made at the filing office. If paying by check or money order, the payee shall be the County of Washington. A convenience fee may be charged for payments by credit card, or made online.

(a) Monies collected for transcripts shall be remitted by the filing office to an account maintained by the Treasurer of the County of Washington. The monies collected shall be deposited monthly by the Treasurer to the general fund of the County of Washington to be used to supplement the County's appropriation for court reporters and court reporting services.

(4) All requests for a copy of any transcript previously ordered, transcribed, and filed of record shall be made to the filing office in which the transcript is lodged of record.

(a) The cost for a copy of any transcript previously ordered, transcribed, and filed of record shall be \$0.75 per page for bound, paper format, and \$0.50 per page for an electronic copy. Copies shall be obtained from the filing office in which the transcript is lodged of record.

(b) Monies collected for copies shall be remitted by the filing office to an account maintained by the Treasurer of the County of Washington. The filing office may deduct a \$0.25 fee per page for administrative costs. The remaining monies collected for copies of transcripts shall be deposited monthly by the Treasurer to the general fund of the County of Washington to be used to supplement the County's appropriation for court reporters and court reporting services.

(B) The transcript costs for a request made by the Court or the Commonwealth, if applicable, shall be set by administrative order.

(1) Nothing herein shall prohibit a filing office from charging a fee of \$0.25 per page to the Commonwealth for a copy of a transcript previously ordered, transcribed, and filed of record; provided however, that no fee shall be charged to a court-appointed counsel, hearing officer, expert, or master, for a transcript in a case in which they have been appointed.

(C) At the discretion of the trial judge, a reasonable surcharge may be imposed on a transcript request in cases such as mass tort, medical malpractice or other unusually complex litigation where there is a need for court reporters to significantly expand their dictionary. The surcharge shall be set in consultation with the District Court Administrator.

(D) At the discretion of the District Court Administrator or his/her designee, a reasonable fee may be charged for a secure electronic feed which instantaneously delivers

the translated notes from the court reporter to a laptop, tablet, phone, or other portable electronic device to parties, the media, or other interested individuals. Permission to install or obtain such a feed must be received from the presiding judge and the District Court Administrator, and will be subject to the availability of the necessary court reporting resources.

(E) Transcript costs for ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation shall be waived for a litigant who has been permitted by the court to proceed in forma pauperis or whose income is less than 125 percent of the poverty line as defined by the United States Department of Health and Human Services for the calendar year in which the request is made, and shall be reduced by one-half for a litigant whose income is less than 200 percent of the poverty line as defined by the United States Department of Health and Human Services for the calendar year in which the request is made.

(1) Litigants who are represented by a free legal aid service for low-income citizens shall not be required to prove economic hardship, and are entitled to obtain ordinary transcripts in matters under appeal or where the transcript is necessary to advance the litigation for no cost.

(a) To receive a no-cost ordinary transcript, clients of a free legal service must demonstrate that a legal aid service attorney has entered an appearance on their behalf in the case for which a transcript is requested. Legal aid services shall provide the District Court Administrator with a letter certifying that the client meets financial eligibility and that the matter is under appeal or is necessary to advance the current litigation.

(2) Transcript costs for ordinary transcripts in matters that are not subject to appeal or necessary to advance the litigation shall not be waived or reduced for litigants who qualify for economic hardship, unless ordered by the court for cause shown.

*Note:* The procedure to waive all or a portion of costs for ordinary transcripts is set forth in Local Rule of Judicial Administration 4007.

(F) Nothing in this rule shall be read to prescribe or specify a fee to be paid to a court reporter or transcriptionist for both transcripts requested by litigants and transcripts requested by the Commonwealth or a subdivision thereof. The compensation of court reporters or transcriptionists is a matter for the judicial district and county funding authority.

#### **L-4014. Redaction of Personal Data Identifiers.**

(A) The following personal data identifiers shall be redacted by the court reporter or transcriptionist preparing a transcript, unless otherwise ordered by the court:

- (1) Social Security numbers;
- (2) financial institution account identifiers; and
- (3) names of minor children.

(B) Nothing in this rule shall prevent the redaction of additional personal data identifiers upon motion of any party, or sua sponte the court.

#### **L-4016. Storage and Retention of Notes of Testimony and Transcripts.**

(A) In criminal cases in which the most serious crime charged is a misdemeanor of the first degree or less, the District Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court

reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

(B) In felony cases, the District Court Administrator is authorized to direct the destruction of all court reporter notes or tapes at any time after fifty (50) years from the date when such notes were taken or tapes were made.

(1) Where there has been an acquittal in a felony case, the District Court Administrator is authorized to direct the destruction of all court reporter notes or tapes after seven (7) years from the date when such notes were taken or tapes were made. Prior to destruction, thirty (30) days notice shall be given to all interested parties, and a court order authorizing the destruction shall be obtained and filed.

(C) In all cases other than criminal cases, the District Court Administrator is authorized to direct the destruction of notes taken and/or tapes made by the court reporter at any time after seven (7) years from the date when such notes were taken or tapes were made.

(D) Notwithstanding the provisions of subsections A through C of this Rule, in any case in which the court reporter has transcribed from notes taken and/or tapes made and such transcription has been approved by the Court and filed, the court reporter may destroy any such notes and/or tapes any time after thirty (30) days from the date of filing of the transcription.

(E) Notwithstanding the provisions of subsections A through D of this Rule, any party may petition the Court for an order directing the retention of particular notes and/or tapes of the court reporter for a period of time beyond that required herein.

(F) The District Court Administrator shall establish a policy making provision for the archiving, storage, and retention of untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools, or dictionaries necessary for proper transcription, according to the retention schedule herein.

[Pa.B. Doc. No. 16-2300. Filed for public inspection December 30, 2016, 9:00 a.m.]

## WYOMING COUNTY

### Local Rules of Court; No. 2016-1373

#### Order of Court

*And Now*, this 16th day of December, 2016,

*It Is Ordered* that the Wyoming County Court of Common Pleas adopts the following Local Rules of Court governing court reporting and transcripts for the 44th Judicial District to be effective thirty (30) days after publication.

*It Is Further Ordered* that the District Court Administrator of Wyoming County is directed to:

1. File one (1) copy of the local rules with the Administrative Office of Pennsylvania Courts via email to adminrules@pacourts.us;

2. Forward two (2) paper copies and one (1) electronic copy in a Microsoft Word format to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. Publish local rules on the court's website after publication in the *Pennsylvania Bulletin*.

4. File one copy of the local rules in the appropriate filing offices for public inspection and copying.

*By the Court*

RUSSELL D. SHURTLEFF,  
*President Judge*

#### Local Rules of Judicial Administration

These rules supplement the Pennsylvania Rules of Judicial Administration and implemented to comply with Pa.R.J.A. 4009.

#### Rule 4007. Requests for Transcripts.

(A) All Requests for transcripts shall be set forth on the standardized form provided by the Commonwealth of Pennsylvania Court Administrator. This form may be obtained from the Wyoming County Court Administrator's Office or on the county website when available.

(B) For an ordinary transcript, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the Prothonotary's Office. The requesting party shall also serve copies of the formal request to:

- 1) The judge presiding over the matter;
- 2) The court reporter or court recorder;
- 3) The district court administrator or his or her designee;
- 4) Opposing counsel, but if not represented, the opposing party.

An affidavit of service shall be filed after service.

(C) Daily, expedited, same day and rough draft transcripts are not available.

(D) When a litigant requests a transcript:

1) The litigant ordering a transcript shall make a deposit payment in the amount of 75% of the estimated total of the transcript. Deposit checks are to be payable to the Prothonotary of Wyoming County and shall be delivered the District Court Administrator.

2) Upon receipt of the 75% deposit, the court reporter assigned to the proceeding shall be directed by order of the presiding judge to prepare the transcript.

3) The court reporter(s) shall notify the ordering party and the District Court Administrator upon completion of the transcript and shall indicate the balance due. Checks for the final balance due are to be made payable to the Prothonotary of Wyoming County and shall be delivered to the District Court Administrator.

4) Transcripts shall not be filed and copies shall not be delivered until the final balance is paid as set forth above.

(E) Any request by a litigant for a transcript alleging inability to pay due to economic hardship must proceed pursuant to W.C.R.J.A. 4008(B).

(F) Deposits pursuant to W.C.R.J.A. 4007(D)(2).

#### Rule 4008. Transcripts Costs.

(A) *Costs payable:*

(1) *Electronic Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court, for a transcript delivered via electronic format shall be \$2.25 per page.



(b) The costs payable by the initial ordering party who is the Commonwealth, County or Court for a transcript delivered via electronic format shall be \$1.75 per page.

(2) *Paper Format.*

(a) The costs payable by the initial ordering party other than the Commonwealth, County or Court for a transcript delivered via paper format shall be \$2.50 per page.

(b) The costs payable by the initial ordering party who is the Commonwealth, Court or Court for a transcript delivered via paper format shall be \$2.00 per page.

(B) *Economic Hardship—minimum standards*

(1) See Pa.R.J.A. 4008(B)(1).

(2) See Pa.R.J.A. 4008(B)(2).

(3) See Pa.R.J.A. 4008(B)(3).

(4) Request to waive all or a portion of costs.

(a) To request a waiver or reduction of transcript costs:

(i) Legal Aid Services must attach to their request for transcript a letter of certification verifying, as provided in Pa.R.J.A. 4008(B), that the client meets financial eligibil-

ity and that the matter is under appeal or that the transcript being requested is necessary to advance the current litigation.

(ii) Self-represented litigants claiming economic hardship must attach to the request for transcript (1) a fully completed In Forma Pauperis Petition pursuant to Pennsylvania Rule of Civil Procedure 240 and (2) a letter of certification that the matter is under appeal and setting forth the reasons a transcript is needed for appeal or that the transcript being requested is necessary to advance the current litigation and set forth the reasons for such need.

(C) See Pa.R.J.A. 4008(C)

(D) *Copies of transcripts*—Any requests to the filing office for copies of filed transcript shall be directed to the District Court Administrator's Office. Any copy of transcripts shall be produced solely by the court report or court recorder. The costs of copies shall be in accordance with Pa.R.J.A. 4008(D) and shall be paid in advance payable to the Prothonotary of Wyoming County and delivered to the District Court Administrator.

[Pa.B. Doc. No. 16-2301. Filed for public inspection December 30, 2016, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 67—TRANSPORTATION

### DEPARTMENT OF TRANSPORTATION

[ 67 PA. CODE CH. 101 ]

#### Authorizing Appropriately Attired Persons to Direct, Control or Regulate Traffic

The Department of Transportation (Department), under the authority in 75 Pa.C.S. §§ 3102 and 6103 (relating to obedience to authorized persons directing traffic; and promulgation of rules and regulations by department), amends Chapter 101 (relating to authorizing appropriately attired persons to direct, control or regulate traffic) to read as set forth in Annex A.

##### *Purpose of Chapter 101*

The purpose of Chapter 101 is to identify those persons authorized to direct, control or regulate traffic and to prescribe minimum suitable safety attire in accordance with 75 Pa.C.S. § 3102.

##### *Purpose of Final-Form Rulemaking*

The purpose of this final-form rulemaking is to clarify and expand, as appropriate, the enumeration of appropriately attired persons authorized to direct, control and regulate traffic. This final-form rulemaking also ensures compliance with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD), which is incorporated by reference in § 212.2 (relating to adoption of Federal standards). The MUTCD contains the National standards governing traffic control devices, including appropriate attire. Federal regulations in 23 CFR 655.603 (relating to standards) require state MUTCDs "be in substantial conformance with the National MUTCD" and to adopt changes to the National MUTCD issued by the FHWA. Further, under 23 CFR 655.603 states "are encouraged to adopt the National MUTCD in its entirety as their official Manual on Uniform Traffic Control Devices." Section 6121 of 75 Pa.C.S. (relating to uniform system of traffic-control devices) requires the Department to publish a manual for a uniform system of traffic control devices that correlates with and so far as possible conforms to the National MUTCD and other FHWA issued or endorsed standards.

The Department adopted the Federal MUTCD in 2006. Chapter 101 is amended to more fully align with the current Federal standards, as the MUTCD was revised in 2009 with respect to safety apparel. Individuals currently covered under Chapter 101 as well as those being added in this final-form rulemaking should already be following the National safety apparel standards and training requirements in the MUTCD. This final-form rulemaking provides clarity and reinforces the applicability of the MUTCD.

##### *Summary of Comments and Changes to this Final-Form Rulemaking*

Notice of proposed rulemaking was published at 44 Pa.B. 7069 (November 8, 2014), with a 30-day public comment period. The proposed rulemaking was also submitted to the Independent Regulatory Review Commission (IRRC) and the House and Senate Transportation Committees. Two comments were received from the public and IRRC submitted several comments. The House and Senate Committees did not comment.

Kathleen K. Ryan, Esq., General Counsel and Chief Operating Officer, Pennsylvania Funeral Directors Association, requested that licensed funeral directors be exempted from the training component of the proposed rulemaking. Her reasoning was that funeral directors are already subject to 6 hours of continuing education per renewal cycle and, furthermore, not all of them direct traffic. She believed that to require licensees to complete the training would be unduly burdensome to those who do not direct traffic.

In response to this comment, which was echoed by IRRC, the Department amended § 101.1 (relating to purpose) to clarify its scope. Additionally, to avoid confusion the Department deleted the language regarding training, which conforms this final-form rulemaking to the scope of the regulation prior to this amendment.

Matt Anderson, PE, PTOE, Roadway Engineer, Williams Midstream Service, LLC, submitted comments regarding §§ 101.2 and 101.3 (relating to persons authorized to direct traffic; and minimum attire). Regarding § 101.2(9), he requested that:

[L]anguage [be] added to this paragraph to ensure midstream activities are not excluded, purely by definition. As written, this applies to "natural resource or mineral extraction sites", it would be best to add "including transmission and gathering facilities" or similar wording.

After carefully considering this comment, the Department determined that "transmission and gathering facilities" would fall under § 101.2(9), which authorizes traffic control by "[p]ersons assisting to improve highway safety by the directing, control or regulation of traffic volumes created by the ingress or egress to or from a commercial, industrial, manufacturing, agricultural, or natural resource or mineral extraction operation." "Transmission and gathering facilities" are by their very nature commercial activities and incidental to "natural resource or mineral extraction sites."

Regarding § 101.3, this commentator noted that "[t]he option of controlling traffic with a red flag at intersections was not mentioned." This comment appears to refer to text that was proposed to be deleted from former § 101.3(1). The Department determined that the use of a red flag at intersections is already permissible under § 212.412 (relating to flagger signaling devices); therefore it does not need to be repeated in this regulation.

This commentator suggested that industrial, mineral and natural resource sites be addressed in § 101.3 either in paragraph (7) or by adding relevant language to paragraph (1) "to make sure the industry is covered, and has clear direction." This comment appears to refer to text that was proposed to be deleted. Section 101.3 sets forth the minimum attire to be worn by those individuals authorized to direct traffic. Industrial, mineral and natural resource sites fall under § 101.2(9), as previously explained, and thus any further amendments are unnecessary. Cross-references to § 212.2 in this regulation add clear direction to the impacted industry and further explain responsibilities. Additional amendments are not necessary.

Moreover, to the extent that there was a lack of clarity in § 101.3 by addressing emergency and incident responders separate from other authorized persons, the Department has made further edits to this section.

IRRC noted that more details were needed to determine whether rulemaking is in the public interest. In response, the Department added language in the “purpose of final-form rulemaking” section of this preamble to better explain this final-form rulemaking as it relates to Federal requirements relative to traffic control and updated the Regulatory Analysis Form (RAF) to further substantiate that this final-form rulemaking is in the public interest.

IRRC noted a contradiction between § 101.1 and proposed § 101.2(10) and stated the two provisions should be reconciled. In response, the Department deleted proposed § 101.2(10) to eliminate the contradictory language and provided further clarification to § 101.1.

IRRC noted several concerns regarding the details of the Department’s flagger training requirements. As a preliminary matter, former §§ 101.1—101.4 did not address training. The Department has met its obligations under the MUTCD and Federal regulations relative to training by requiring training by contract and as express conditions of permits, including without limitation highway occupancy permits governing ingress and egress from State highways. While the Department will consider future amendments to this and other relevant regulations, the Department agrees with IRRC’s comments and concerns regarding training. The proposed addition of training had the potential to confuse the regulated community. To avoid confusion, the Department deleted references in Chapter 101 to flagger training requirements and will continue to meet its obligations relative to public safety through contractual and permit-based programs. To the extent that it determines that additional clarity is required regarding training, the Department will either amend this or another of its regulations.

Regarding IRRC’s comment about the training requirement in § 101.2(8), based on Kathleen K. Ryan’s comment about the same matter, the Department amended the scope of § 101.1. Additionally, the Department deleted references in Chapter 101 to flagger training requirements for the reasons previously stated.

Additionally, deletion of references in Chapter 101 to flagger training requirements has rendered IRRC’s comments regarding Question 19 of the RAF moot and the RAF has been reviewed and amended to account for all comments.

IRRC also noted that the phrase “or an equivalent designated by the Department through publication in the *Pennsylvania Bulletin*” in proposed § 101.3(1) and (2) does not comply with the requirements of the Regulatory Review Act (71 P.S. §§ 745.1—745.14). The Department deleted this language.

IRRC raised concerns about future amendments to the requirements of the American National Standards Institute/International Safety Equipment Association (ANSI/ISEA). The Department deleted direct references to ANSI/ISEA or standards regarding the color of specific safety attire and instead references § 212.2 and its adoption of the current version of the MUTCD. The MUTCD already refers to the current version of the ANSI/ISEA. As ANSI/ISEA requirements change, the MUTCD will be amended and made applicable to the Department and regulated community under § 212.2.

#### *Persons and Entities Affected*

This final-form rulemaking will affect persons who are authorized to direct, control or regulate traffic in accordance with Chapter 101 and 75 Pa.C.S. § 3102. However,

those impacts are minimal as this final-form rulemaking ensures this chapter is consistent with Federal requirements.

#### *Fiscal Impact*

This final-form rulemaking should not require the expenditure of additional funds by the Commonwealth, local municipalities or persons referenced in Chapter 101 and 75 Pa.C.S. § 3102 as the regulated community has already incurred costs to meet FHWA standards that are already followed by the regulated community.

#### *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 28, 2014, the Department submitted a copy of the notice of proposed rulemaking, published at 44 Pa.B. 7069, to IRRC and the Chairpersons of the House and Senate Transportation Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, the Department shall submit to IRRC and the House and Senate Committees copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments from IRRC and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P.S. § 745.5a(j.2)), on November 16, 2016, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on November 17, 2016, and approved the final-form rulemaking.

#### *Sunset Provisions*

This final-form rulemaking is effective upon publication. The Department is not establishing a sunset date for these regulations, since these regulations are needed to administer provisions required under 75 Pa.C.S. (relating to Vehicle Code), Federal regulations and FHWA standards. The Department, however, will continue to closely monitor these regulations for their effectiveness.

#### *Contact Person*

The contact person for technical questions about this final-form rulemaking is Glenn C. Rowe, PE, Chief, Highway Safety and Traffic Operations Division, Bureau of Maintenance and Operations, Department of Transportation, Commonwealth Keystone Building, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 783-6479, glrowe@pa.gov.

#### *Findings*

The Department finds that:

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

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

(3) These regulations do not enlarge the purpose of the proposed rulemaking published at 44 Pa.B. 7069.

#### *Order*

The Department orders that:

(a) The regulations of the Department, 67 Pa. Code Chapter 101, are amended by amending §§ 101.1—101.4 to read as set forth in Annex A.

(b) The Secretary of the Department shall submit this order and Annex A to IRRC and the Senate and House Committees as required under the Regulatory Review Act.

(c) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General for approval as to legality and form as required by law.

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

LESLIE S. RICHARDS,  
Secretary

(Editor's Note: See 46 Pa.B. 7603 (December 3, 2016) for IRRC's approval order.)

**Fiscal Note:** Fiscal Note 18-461 remains valid for the final adoption of the subject regulations.

**Annex A**

**TITLE 67. TRANSPORTATION**

**PART I. DEPARTMENT OF TRANSPORTATION**

**Subpart A. VEHICLE CODE PROVISIONS**

**ARTICLE VI. OPERATION OF VEHICLES**

**CHAPTER 101. AUTHORIZING APPROPRIATELY  
ATTIRED PERSONS TO DIRECT, CONTROL OR  
REGULATE TRAFFIC**

**§ 101.1. Purpose.**

This chapter indicates those persons, other than persons enumerated in 75 Pa.C.S. § 3102 (relating to obedience to authorized persons directing traffic), who are authorized to direct, control or regulate traffic, and prescribes minimum appropriate attire.

**§ 101.2. Persons authorized to direct traffic.**

Subject to § 212.2 (relating to adoption of Federal standards), which incorporates the Federal Highway Administration's Manual on Uniform Traffic Control Devices, available at <http://mutcd.fhwa.dot.gov>, the following persons are authorized to direct, control or regulate traffic:

- (1) Traffic control persons on utility, maintenance or construction projects.
- (2) Adult school crossing guards for assisting school children across busy or hazardous highways or for assisting the ingress or egress of vehicles to and from a school.
- (3) Railroad crossing guards at railroad grade crossings, for purposes of stopping vehicular traffic to permit the safe passage of trains.

(4) Civil defense, National Guard and military police while performing their regular duties or during National or local emergencies.

(5) Personnel of emergency organizations such as fire departments, hospitals, river rescue associations, ambulance associations and personnel of emergency vehicles designated by the State Police under 75 Pa.C.S. § 6106 (relating to designation of emergency vehicles by the Pennsylvania State Police) while performing their duties.

(6) Highway service vehicle personnel of tow trucks and road service vehicles.

(7) Department of Conservation and Natural Resources personnel while performing their official duties.

(8) Persons controlling traffic at authorized parades, processions or other public assemblies.

(9) Persons assisting to improve highway safety by the directing, control or regulation of traffic volumes created by the ingress or egress to or from a commercial, industrial, manufacturing, agricultural, or natural resource or mineral extraction operation.

**§ 101.3. Minimum attire.**

This section sets forth the minimum standards for high-visibility safety attire for authorized persons directing, controlling or regulating traffic so that they are more easily distinguishable. Appropriately attired persons including authorized persons directing, controlling or regulating traffic as identified in § 101.2 (relating to persons authorized to direct traffic) shall wear high-visibility safety attire that is intended to provide conspicuity during daytime and nighttime usage and that meets the requirements of the Manual on Uniform Traffic Control Devices incorporated by § 212.2 (relating to adoption of Federal standards).

**§ 101.4. Emergencies.**

(a) A person at the scene of an emergency may temporarily direct traffic, with or without being properly attired, until an authorized person as identified in § 101.2 (relating to persons authorized to direct traffic) or 75 Pa.C.S. § 3102 (relating to obedience to authorized persons directing traffic) arrives.

(b) An emergency as used in subsection (a) means an unplanned or unforeseen incident that warrants an immediate action to direct, control or regulate traffic to minimize threats to public health or public safety.

[Pa.B. Doc. No. 16-2302. Filed for public inspection December 30, 2016, 9:00 a.m.]

# PROPOSED RULEMAKING

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

[ 52 PA. CODE CH. 58 ]

### Initiative to Review and Revise the Existing Low-Income Usage Reduction Program Regulations; Doc. No. L-2016-2557886

With this Secretarial Letter, the Pennsylvania Public Utility Commission (Commission) seeks stakeholder input on a number of important topics that will be instrumental in determining the scope of a future rulemaking to update the Commission's existing Low-Income Usage Reduction Program (LIURP) regulations in §§ 58.1—58.18 (relating to residential low income usage reduction programs).

Due to the advanced age of building stock in this Commonwealth, which is the second oldest in the Nation, and the increasing need for affordable housing, LIURP is an essential program in reducing energy consumption for low-income households. However, much has changed in the marketplace since the LIURP regulations were first promulgated in 1993,<sup>1</sup> and the Commission is interested in leveraging the knowledge and experience gained to-date by the utilities, consumers and other stakeholders to improve the operation of the various energy utility LIURPs, thereby maximizing ratepayer benefits.

Responses to this Secretarial Letter are due 30 days after notice of this Secretarial Letter is published in the *Pennsylvania Bulletin*. Reply responses are due 30 days thereafter. Parties may include proposed regulatory language with their responses and replies.

#### Background

The endeavors of the Commission and the various stakeholders to formally address low-income policies, practices and services began at least as early as 1984. See, for example, Recommendations for Dealing with Payment Troubled Customers, Docket No. M-840403. As a result of that proceeding, the energy utilities began considering how to better address arrearages for low-income customers.

The Commission's existing LIURP regulations apply to covered natural gas distribution companies (NGDC) and electric distribution companies (EDC).<sup>2</sup> These utilities are required to include a low-income weatherization program in their Universal Service and Energy Conservation Program (USECP) portfolios.<sup>3</sup> USECPs also include customer assistance programs (CAP),<sup>4</sup> hardship funds, and customer assistance referral and evaluation programs.<sup>5</sup>

Utility LIURPs are subject to revision, stakeholder comment and Commission review every 3 years as part of each utility's on-the-record triennial USECP review, which is overseen by the Commission's Bureau of Consumer Services. Additionally, the USECPs, including the

<sup>1</sup> Chapter 58 was effective January 16, 1993. See 23 Pa.B. 265. Sections 58.2, 58.3, 58.8 and 58.10 were amended effective January 3, 1998. See 28 Pa.B. 25.

<sup>2</sup> See § 58.2 (relating to definitions) for the definition of "covered utility."

<sup>3</sup> A low-income customer is one with household income at or below 150% of the Federal Poverty Income Guidelines (FPIG). A utility may spend up to 20% of its annual LIURP budget on customers having an arrearage and whose household income is at or below 200% of the FPIG. See §§ 58.1, 58.2 and 58.10.

<sup>4</sup> The CAP policy statement in §§ 69.261—69.267 (relating to policy statement on customer assistance programs) was adopted effective July 25, 1992, and amended effective May 8, 1999.

<sup>5</sup> See [http://www.puc.state.pa.us/consumer\\_info/electricity/energy\\_assistance\\_programs.aspx](http://www.puc.state.pa.us/consumer_info/electricity/energy_assistance_programs.aspx).

LIURPs, are subject to independent third-party analyses at least every 6 years<sup>6</sup> and may also be considered in a utility's base rate proceedings, rider proceedings, demand side management filings or other proceedings.

In January 2009, the Consumer Services Information System Project at Pennsylvania State University (CSIS PSU), under contract with the Commission, published a long-term study on the Commonwealth's LIURP, including recommendations.<sup>7</sup> To date, no formal Commission action has been taken on the CSIS PSU report. Instead, the Commission deferred its review of the LIURP regulations in deference to then-pending CAP and universal service rulemakings. CAP regulations, however, were not adopted,<sup>8</sup> and USECP reporting requirements also were not changed.<sup>9</sup>

In the interim, the Commission has been working with the Department of Community and Economic Development (DCED) on a Statewide weatherization initiative and interagency coordination effort regarding DCED's Weatherization Assistance Program (WAP) and LIURP. DCED and the Commission have agreed, pursuant to a memorandum of understanding, to share data and analyses of the two agencies' weatherization programs. This will allow for additional analysis in conjunction with the Commission's oversight of the EDCs' Act 129<sup>10</sup> low-income programs. This will allow CSIS PSU to compile data from these weatherization programs and perform analyses under its existing contract with the Commission.

#### Justification for Reviewing LIURP Regulations

It is important for the Commission to update the LIURP regulations to keep pace with the changing energy landscape and technology improvements, to ensure proper coordination among Commonwealth energy reduction programs and to ensure that these programs continue to meet the goals established. Nationally accepted benefit/cost models now measure results on a whole-job basis rather than a piecemeal basis as was the case when the LIURP regulations were first promulgated. Utilities have reported that an increasing number of low-income households, particularly those in rental properties, are being disqualified under the regulations from receiving weatherization services, yet these households are some of the highest energy consumers. Further, there are no work specifications, contractor certification requirements or quality control standards in the current LIURP regulations.

Thus, it is prudent and reasonable to revisit the LIURP regulations to ensure they are fostering fair, effective and efficient energy usage reduction programs.

The Commission is interested in leveraging the knowledge and experience of utilities, consumers, advocates and other stakeholders to consider improvements to the design and the cost-effective operation of LIURPs, thereby

<sup>6</sup> See § 54.76 (relating to evaluation reporting requirements) for EDCs and § 62.5 (relating to annual residential collection and universal service and energy conservation program reporting requirements) for NGDCs.

<sup>7</sup> See Shingler, J. (2009). "Long Term Study of Pennsylvania's Low Income Usage Reduction Program: Results of Analyses and Discussion." Penn State University Consumer Services Information System Project. <http://aese.psu.edu/research/centers/csis/publications> (retrieved August 24, 2016).

<sup>8</sup> See Final Investigatory Order on CAPs: Funding Levels and Cost Recovery Mechanisms, Docket No. M-00051923 (December 18, 2006). The matter was terminated without promulgating CAP regulations at Docket No. L-00060181 or amending the CAP policy statement at Docket No. M-00072036.

<sup>9</sup> On September 4, 2007, the Commission initiated a proposed rulemaking on USECP reporting requirements and CAPs at Docket No. L-00070186. That rulemaking was discontinued by Commission order entered on May 12, 2012, at that docket.

<sup>10</sup> See 66 Pa.C.S. § 2806.1 (relating to energy efficiency and conservation program). There are no corresponding requirements for NGDCs.

maximizing ratepayer benefits. Currently, there is little uniformity in terms of the various EDCs' and NGDCs' approaches to LIURPs and USECPs.

#### *Proposed LIURP Initiative*

The purpose of the LIURP regulations, as stated in § 58.1 (relating to purpose), is to require:

[C]overed utilities to establish fair, effective and efficient energy usage reduction programs for their low income customers. The programs are intended to assist low income customers conserve energy and reduce residential energy bills. The reduction in energy bills should decrease the incidence and risk of customer payment delinquencies and the attendant utility costs associated with uncollectible accounts expense, collection costs and arrearage carrying costs. The programs are also intended to reduce the residential demand for electricity and gas and the peak demand for electricity so as to reduce costs related to the purchase of fuel or of power and concomitantly reduce demand which could lead to the need to construct new generating capacity. The programs should also result in improved health, safety and comfort levels for program recipients.

In the Commission's review of the existing regulations and with the goal of ensuring effective and efficient use of ratepayer funds, the Commission poses the following questions relative to revising the LIURP regulations:

1. Are the existing regulations meeting the charge in 52 Pa. Code § 58.1? If not, what changes should be made?
2. How should LIURPs be structured to maximize coordination with other weatherization programs such as DCED's WAP and Act 129 programs?
3. How can utilities ensure that they are reaching all demographics of the eligible populations in their service territories?
4. What design would better assist/encourage all low-income customers<sup>11</sup> to conserve energy to reduce their residential energy bills and decrease the incidence and risk of payment delinquencies? How does energy education play a role in behavior change?
5. How can the utilities to use their LIURPs to better address costs associated with uncollectible accounts expense, collection costs, and arrearage carrying costs?
6. How can LIURPs best provide for increased health, safety, and comfort levels for participants?
7. How can LIURPs maximize participation and avoid disqualifications of households due to factors such housing stock conditions?
8. What is the appropriate percentage of federal poverty income level to determine eligibility for LIURP?
9. With the additional energy burdens associated with warm weather, what if any changes are necessary to place a greater emphasis on cooling needs?
10. What are options to better serve renters, encourage landlord participation, and reach residents of multifamily housing?
11. Should the requirements regarding a needs assessment in developing LIURP budgets, as outlined at 52 Pa. Code § 58.4(c), be updated to provide a calculation methodology uniform across all utilities? If so, provide possible methodologies.

<sup>11</sup> All income-qualifying, low-income customers are potentially eligible for LIURP, regardless of whether they participate in CAP programs.

12. Should the interplay between CAPs and LIURPs be addressed within the context of LIURP regulations? If so, how?

13. Are there specific "best practices" that would better serve the LIURP objectives which should be standardized across all the utilities? If so, what are they? For example, is there a more optimal and cost effective method(s) of procuring energy efficiency services so as to maximize energy savings at lower unit costs?

14. The Commission also welcomes stakeholder input on other LIURP issues or topics.

Parties are encouraged to submit proposed regulatory language with their responses and replies. Filings should adhere to this numbering format.

#### *CAP Implications*

While a LIURP rulemaking may touch on the relationship between LIURPs and CAPs, it is not the Commission's intention to enter into a CAP rulemaking or a revision of the CAP policy statement at this time. CAP participation is not a requirement for LIURP eligibility. High usage, arrears and income parameters are currently the primary eligibility requirements for LIURP services. See § 58.10 (relating to program announcement).

LIURP conservation and efficiency efforts do not always result in lower energy bills or usage for customers/households receiving LIURP services. CAP asked-to-pay (ATP) amounts do not necessarily change as a result of the household receiving LIURP services.

Effective individual LIURPs and CAPs, more often than not, do help to reduce the costs of a utility's uncollectible accounts and USECPs, but the two programs are most effective when working in tandem. Further, when CAP participation is coupled with LIURP participation, the impact may lower a utility's CAP shortfall<sup>12</sup> by reducing the differences between the actual cost of energy used and CAP ATP amount.<sup>13</sup>

While the Commission encourages utilities to continue to prioritize CAP participants for LIURP consideration, utilities must remember that non-CAP, higher-use, low-income customers are also eligible for LIURP services.

#### *Procedure*

Having set forth herein a number of questions upon which stakeholders may provide input, the Commission directs that the Secretary deposit a notice of this Secretarial Letter with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. The Commission further directs that this Secretarial Letter be published on the Commission's web site. Parties may participate and provide input by filing responses to the Secretarial Letter or replies to other responses, or both, either of which may include proposed regulatory language.

Further, this Secretarial Letter shall be served on the covered EDCs and NGDCs/CNGDC, the Office of Consumer Advocate, the Office of the Small Business Advocate, the Commission's Bureau of Investigation and Enforcement, DCED, the Department of Human Services, the Department of Environmental Protection, the Energy Association of Pennsylvania, CSIS PSU, the Pennsylvania Utility Law Project, the Coalition for Affordable Utility

<sup>12</sup> The CAP shortfall (also known as the CAP Credit) is the difference between the actual tariff rate for jurisdictional residential energy service and the discounted amount that a CAP participant is expected/asked to pay for that service.

<sup>13</sup> The ATP amount for a CAP participant may only cover a portion of the tariff cost of energy that the customer uses. In some cases, the ATP is tied to usage, in other cases it might be based on a percent of income or other formula not based solely on usage. Thus, a CAP participant whose CAP ATP is not tied to household usage may have limited incentive to conserve energy.

Services and Energy Efficiency in Pennsylvania, the Tenants Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia, and Community Legal Services. Other interested persons are encouraged to participate. In addition, the Commission will consider holding a stakeholder meeting once it has reviewed the responses and replies filed at this docket.

Written responses are due 30 days after publication in the *Pennsylvania Bulletin* and must reference Docket No. L-2016-2557886. Written replies are due 30 days after the due date of responses. Responses and replies may be filed electronically through the Commission's e-filing system, in which case no paper copy needs to be filed with the Secretary provided that the filing is less than 250 pages.<sup>14</sup> Attachments may not exceed 3 megabytes. Alternatively, one original signed copy of responses and replies shall be filed with the Commission's Secretary at the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. A Microsoft Word-compatible formatted copy of filings including any proposed regula-

tory language shall be e-mailed to Sarah Dewey at [sdewey@pa.gov](mailto:sdewey@pa.gov) and Louise Fink Smith at [finksmith@pa.gov](mailto:finksmith@pa.gov).

The Commission will post copies of this Secretarial Letter, responses, replies and proposed regulatory language on its web site at the docket number and on the Energy Assistance Programs page under the LIURP heading.<sup>15</sup>

Individuals with questions regarding this Secretarial Letter should contact Sarah Dewey, (717) 705-4029, [sdewey@pa.gov](mailto:sdewey@pa.gov) regarding technical or operational issues or Louise Fink Smith, [finksmith@pa.gov](mailto:finksmith@pa.gov) regarding legal or procedural issues.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2303. Filed for public inspection December 30, 2016, 9:00 a.m.]

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<sup>14</sup> See E-filing instructions at <http://www.puc.state.pa.us/efiling/default.aspx>.  
<sup>15</sup> The docket number search page is [http://www.puc.state.pa.us/filing\\_resources.aspx](http://www.puc.state.pa.us/filing_resources.aspx).  
The Energy Assistance Program page is [http://www.puc.pa.gov/consumer\\_info/electricity/energy\\_assistance\\_programs.aspx](http://www.puc.pa.gov/consumer_info/electricity/energy_assistance_programs.aspx).

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Continuation of the Pennsylvania Wine Marketing and Research Program

Under the applicable provisions of 3 Pa.C.S. §§ 4501—4513 (relating to Agricultural Commodities Marketing Act), a review referendum was held from November 14—30, 2016, to determine if the producers affected by the Pennsylvania Wine Marketing and Research Program (Program) wished to continue the Program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the Program's continuation. An impartial Teller Committee (Committee) met on December 7, 2016, to count the ballots. The following results were submitted by the Committee: a total of 96 eligible votes were cast with 77 producers voting in favor of and 19 voting against the continuation of the Program. Four ballots were invalid because they were received late. Votes favoring continuation of the Program by number of producers represented 80% of eligible votes and votes against continuation of the Program represented 20% of eligible votes. Because a majority of the votes were cast in favor of the Program, the Program shall continue for 5 years, effective 21 days from publication of this notice in accordance with 3 Pa.C.S. § 4509 (relating to notice of issuance).

RUSSELL C. REDDING,  
*Secretary*

[Pa.B. Doc. No. 16-2304. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Pennsylvania Wine Marketing and Research Program 2016 Order, as Amended

#### Article I—Declaration.

In accordance with the requirements of the Agricultural Commodities Marketing Act, the Secretary of Agriculture finds that this program—the Pennsylvania Wine Marketing and Research Program—effectuates the purposes of that statute.

#### Article II—Definitions.

The following words and terms, when used in this marketing and research program, shall have the following meanings:

1. “*ACMA*”—The Agricultural Commodities Marketing Act (act of March 24, 1998, P.L. 217, No. 39) (3 Pa.C.S. §§ 4501—4513).
2. “*Board*”—The persons appointed by the Secretary from among those producers whose commodities are subject to this marketing and research program.
3. “*Department*”—The Department of Agriculture of the Commonwealth of Pennsylvania.
4. “*Limited Winery*”—The holder of a limited winery license issued under authority of the Liquor Code (47 P.S. §§ 1-101 through 8-803).

5. “*Marketing Contract*”—Any contract or agreement between the Board and a person for the performance of service related to advertising, promotion, research, marketing, or other objectives in furtherance of this marketing and research program.

6. “*Marketing Season*”—The initial marketing season for purposes of this order shall be from July 1, 2001 through December 31, 2001. Thereafter, the marketing season shall be the period beginning January 1 of any year and extending through December 31 of the same year.

7. “*Person*”—An individual, partnership, firm, corporation, association or any other business unit.

8. “*Producer*”—A person who produces or sells wine under authority of a limited winery license during a particular marketing season, except those who are not in the business of producing agricultural commodities or causing agricultural commodities to be produced within this Commonwealth.

9. “*Program*”—The Pennsylvania Wine Marketing and Research Program.

10. “*Secretary*”—The Secretary of Agriculture of the Commonwealth of Pennsylvania.

#### Article III—Scope of the Program.

The area affected by this program shall be the Commonwealth of Pennsylvania and the program shall apply to persons who produce or sell wine under authority of a limited winery license during a particular marketing season, except those who are not in the business of producing agricultural commodities or causing agricultural commodities to be produced within this Commonwealth.

#### Article IV—The Program Board.

##### *Section A. Membership and Terms of Office.*

1. *Number.* The Board shall consist of nine (9) members, one of whom shall be the Secretary, or his designee.
2. *Appointment.* The Secretary shall appoint eight (8) of the Board members.
3. *Eligibility for Appointment.* Persons who are current producers and who are current with their obligations under this program shall be eligible for appointment to the Board.
4. *Nominations.* The Secretary shall consider nominations submitted by producers.
5. *Representation.* The Secretary shall endeavor to select Board members representing a cross-section of the various wine production areas of the Commonwealth.
6. *Appointment.* The Secretary shall appoint a person to the Board by providing that person written notification of appointment.
7. *Qualification.* A person appointed to the Board shall qualify by filing a written acceptance of appointment within 15 days of receiving written notification of appointment.
8. *Term of Office.* The Secretary shall appoint three of the initial Board members to 3-year terms, three to 2-year terms and two to 1-year terms. Thereafter, all terms of office shall be three years. Board members shall



serve until their successors are appointed. If a Board member is not able to serve a full term, the Secretary shall appoint a person to serve the balance of that term.

*Section B. Representation and Qualifications.*

Any person appointed as a member of the Board shall represent the interest of producers, as those interests relate to the program.

*Section C. Schedule of Meetings.*

Regular meetings of the Board will be held during the months of March and August. Special meetings of the Board may be called by either the Secretary, the Board Chairman or the majority of the Board members.

*Section D. Powers and Duties of the Board.*

1. *General Powers.* The Board shall have all of the authority granted a commodity marketing board under ACMA.

2. *Specific Powers and Duties.* The Board shall have primary decision making authority relative to marketing contracts and other projects in furtherance of this marketing and research program and includes the following powers and duties:

- (a) To determine all matters pertaining to the program.
- (b) To hire and employ personnel which the Board deems necessary for the proper administration of the program and to fix the compensation and terms of employment of such personnel.
- (c) To adopt written procedures for acquiring and disposing of property, and subject to these procedures, to acquire, own, use, hire, lease, operate and dispose of personal property, real property and interests in real property.
- (d) To make and enter into all contracts and agreements, in accordance with the provisions of the law, which the Board deems necessary or incidental for the furtherance of the program or performance of duties and powers set forth in ACMA.
- (e) To receive, account for and disburse all monies collected pursuant to the program.
- (f) To prepare a budget for the administration, operating costs and expenses of the program.
- (g) To receive and report to the Secretary complaints or violations of the program and to assist and cooperate with the Secretary in the enforcement thereof.
- (h) To establish committees or subcommittees to carry out assigned duties and functions, and to designate Board members and non-Board members to serve on such committees and subcommittees. These non-Board members might include wine grape growers, wine retailers and any other persons the Board, in its discretion, chooses to assign to a particular committee or subcommittee. There will be at least three standing committees, including Marketing, Enology, and Viticulture. The viticulture standing committee is to include 3 (three) independent (non-winery-affiliated) wine grape growers.
- (i) To collect and gather information and data relevant to the proper administration of the program.
- (j) To charge fees and to assist the Secretary in the imposition of fees and the collection of fees and revenues pursuant to the Act. The Board may also afford affected

producers the opportunity to designate the specific percentage of the fees collected from that producer to be used for marketing (including generic advertising and other promotional activities) and the specific percentage to be applied to non-marketing activities (such as research).

(k) To issue an annual report on the operation of the program.

(l) To recommend amendments to the program and amendments to ACMA and any regulations relating to the program.

3. *Duty to Adopt Written Procurement Procedures.* The Board shall adopt written procurement procedures for all marketing contracts, in accordance with ACMA.

*Section E. Expenses and Compensation.*

No member of the Board shall receive a salary, but each shall be entitled to actual expenses incurred while engaged in performing the duties authorized by ACMA or this Order. However, no per diem payment shall be made to any Board, committee or subcommittee member.

**Article V—Powers and Duties of the Secretary.**

The Secretary shall have all of the powers and perform all of the duties prescribed under ACMA, and shall exercise all administrative powers necessary to effectuate the purposes of that statute. These powers and duties include the issuance of this Order, the appointment of members to the Board and the providing of personnel, staff, legal counsel, and office facilities required for the administration and enforcement of the program.

**Article VI—Purpose.**

1. *General Purpose.* The program will provide funds for wine and wine grape research and to support promotion and marketing of wines for the benefit of Pennsylvania's producers.

2. *Cooperation with other Persons and Organizations.* The Secretary and the Board may cooperate with any other organizations whose activities may be deemed beneficial to the purpose of this program.

3. *Special Relationship to the Wine Grape Production Industry.* The interests of the Commonwealth's wine grape production industry and its wine production industry are intertwined. Growers of wine grapes will benefit from the research and promotion efforts to be funded by the program. As a consequence of the mutual interests of wine producers and wine grape producers, the Board shall, to the extent practicable, endeavor to include growers of wine grapes, or organizations representing such growers, in its consideration of appropriate research or marketing projects relating to wine grapes or wine production.

**Article VII—The Program Budget.**

The Board shall prepare a budget for each marketing season. The budget shall be prepared by December 1 of the year immediately preceding the marketing season. The budget shall address administrative and operating costs of the program, and the costs of carrying on duly authorized research and marketing projects, programs and activities.

**Article VIII—Disbursement of Funds.**

Disbursement of funds shall be made by the Board in the manner described in ACMA and in accordance with the provisions of this marketing order.

At least 30% of annual funding shall be allocated to viticultural research. This allocation, or any unexpended portion thereof, may be carried-forward from year to year to fund viticultural research.

#### **Article IX—Producer Charges.**

1. *Obligation of Producer to Pay Producer Charge.* A producer shall account for and pay the producer charge described in this article in the amount and manner described herein.

2. *Producer Charge Amount.* A producer shall pay the program \$.20 (twenty cents) with respect to each gallon of wine sold (excludes instate winery to winery sales in bond) within a given marketing season.

3. *Mandatory Deadline for Payment of Producer Charges.* A producer shall make remittance and accounting of the proper producer charge to the Secretary or his designated fiscal agent by February 1 of the year immediately following the marketing season with respect to which payment is due.

4. *Optional Payments of Producer Charges.* The program will provide producers an opportunity to pay producer charges during the marketing season on a monthly or other periodic basis. Full payment must be made by February 1 of the year immediately following the marketing season with respect to which payment is due.

5. *Sales Figures to be used in Calculating Producer Charges.* A producer—as a holder of a limited winery license—is obligated by law to provide the Pennsylvania Liquor Control Board (“PLCB”) reports of wine production and sales. For purposes of calculating the appropriate producer charges due the program with respect to a particular marketing season, a producer shall use the same sales figures it provides the PLCB with respect to that same marketing season. All statements of fact about sales volumes which form the basis for the calculation of the amount of producer charges owed shall be verified by oath or affirmation or made subject to the penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

6. *Civil Penalties and Interest.* A producer who fails to account for and pay producer charges owed the program by March 1 of the year immediately following the marketing season with respect to which payment is due shall be required to pay an additional penalty of not less than \$100 nor more than \$5,000. The penalty shall be as nearly equivalent to 100% of the amount of delinquent producer charges as is practicable.

7. *Special Provisions for the Initial Marketing Season.* The initial marketing season for the program shall be the six-month period from July 1, 2001 through December 31, 2001. Producers shall pay the program producer charges with respect to this abbreviated initial marketing season, in accordance with this Article.

8. *Voluntary Contributions.* The program may encourage and accept financial contributions from persons other

than producers. This may include but not be limited to contributions from wine grape growers (who shall benefit from the research and marketing efforts of the program).

#### **Article X—Effecting the Program.**

This program, or any amendment thereto, shall not become effective unless and until the Secretary determines by a referendum whether or not the affected producers assent to the proposed action. The Secretary shall conduct the referendum among affected producers and the affected producers shall be deemed to have assented to the proposed program if, of those voting, not less than a majority by number and by volume assent to the proposed program.

#### **Article XI—Terminating the Marketing Program.**

Subject to approval of the Board, the Secretary shall suspend or terminate this program or any provisions of this program whenever he finds that such provisions or program do not tend to effectuate ACMA within the standards and subject to the limitations and restrictions imposed in ACMA; provided, that such suspension or termination shall not be effective until the expiration of the current marketing season.

If the Secretary finds that the termination of the program is requested, in writing, by more than thirty-three and one-third percent of the affected producers who sell more than fifty percent of the volume of wines produced within the Commonwealth, he shall terminate or suspend for a specified period such program or provisions thereof, provided that such termination shall be effective only if announced on or before a date thirty days in advance of the beginning of the current marketing season. If fifteen percent of the producers request, in writing, that a referendum be held on the question of terminating the program, the Secretary must announce and conduct such a referendum within a reasonable period of time, and in any case, within one year of the request, the marketing and research program shall be terminated if so voted by a majority of those voting.

#### **Article XII—Review of Program at 5-Year Intervals.**

Every five years, the Secretary shall call a referendum to determine whether or not a majority of the affected producers voting still desire the marketing and research program.

#### **Article XIII—Interpretation.**

Applicable provisions of this program shall be interpreted consistent with ACMA and ACMA shall take precedence in the event of any conflict with this program.

#### **Article XIV—Effective date.**

This Program shall become effective 21 days from publication of the notice of issuance in accordance with Section 9 of the Act.

RUSSELL C. REDDING,  
Secretary

[Pa.B. Doc. No. 16-2305. Filed for public inspection December 30, 2016, 9:00 a.m.]

# DEPARTMENT OF BANKING AND SECURITIES

## Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P.L. 847, No. 356), known as the Banking Code of 1965; the act of May 15, 1933 (P.L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P.L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending December 20, 2016.

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

### BANKING INSTITUTIONS

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-12-2016	Mid Penn Bank Millersburg Dauphin County	1817 Oregon Pike Lancaster Lancaster County	Opened
12-14-2016	Peoples Security Bank and Trust Company Scranton Lackawanna County	3920 Tilghman Street Allentown Lehigh County	Filed
12-20-2016	Riverview Bank Marysville Perry County	4930 North Fifth Street Highway Temple Berks County	Approved
12-20-2016	PeoplesBank, A Codorus Valley Company York York County	1001 East Oregon Pike Lititz Lancaster County (Limited Service Facility)	Approved
12-20-2016	PeoplesBank, A Codorus Valley Company York York County	600 East Main Street Lititz Lancaster County (Limited Service Facility)	Approved
12-20-2016	PeoplesBank, A Codorus Valley Company York York County	2001 Harrisburg Pike Lancaster Lancaster County (Limited Service Facility)	Approved
12-20-2016	Jersey Shore State Bank Williamsport Lycoming County	3081 Route 405 Highway Muncy Lycoming County	Approved
12-20-2016	Jersey Shore State Bank Williamsport Lycoming County	491 Sycamore Road Snow Shoe Centre County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-20-2016	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 214 East College Avenue State College Centre County  <i>From:</i> 122 West College Avenue State College Centre County	Approved
12-20-2016	Jersey Shore State Bank Williamsport Lycoming County	<i>To:</i> 2774 Earlstown Road Centre Hall Centre County  <i>From:</i> 2842 Earlstown Road Centre Hall Centre County	Approved

**CREDIT UNIONS**  
**Branch Applications**  
**De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-16-2016	1st Ed Credit Union Chambersburg Franklin County	2463 Loop Road Chambersburg Franklin County	Approved

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-16-2016	Belco Community Credit Union Harrisburg Dauphin County  Application for approval to merge Cornerstone Federal Credit Union, Carlisle, with and into Belco Community Credit Union, Harrisburg.	Filed

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. 16-2306. Filed for public inspection December 30, 2016, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Execution of Oil and Gas Lease for Publicly- Owned Streambeds

Effective July 11, 2016, First Amendment to Oil and Gas Lease for Publicly-Owned Streambeds, Contract No. M-2102030-04, was executed by and between the Commonwealth of Pennsylvania, acting through the Department of Conservation and Natural Resources (Department) (lessor), and EQT Production Company (lessee), with its principal place of business located at 625 Liberty Avenue, Pittsburgh, PA 15222.

The lease is for Streambed Tract 2030, and includes three separate parcels encompassing a total of 39.55 acres of submerged lands located in Morgan, Jefferson and East Bethlehem Townships, Greene County. The lease was recorded at the Greene County Courthouse on August 8, 2016, book no. 495, pages 77—93. The lease allows for the development of oil and natural gas below and between the ordinary low water marks of the Tenmile Creek solely by means of directional, including horizontal, drilling on a nondevelopment basis that will not disturb the river or its bed. Contract No. M-2102030-04 may be viewed at <http://contracts.patreaury.gov/View.aspx?ContractID=386619>.

Questions regarding this lease should be directed to the Department's Bureau of Forestry, Minerals Division, (717) 787-2703.

CINDY ADAMS DUNN,  
*Secretary*

[Pa.B. Doc. No. 16-2307. Filed for public inspection December 30, 2016, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

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

December 19, 2016

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 the School District of Philadelphia Action Plan 3.0, a strategic plan to transform schools and improve student achievement;
- Launching the Turnaround Network by announcing a revised model focused on school leadership and teacher development, committing \$15 million of new and redirected resources aimed at creating academic improvement and adding five schools to the existing network;

- Continuing the School Redesign Initiative—an open call to teachers, school leaders, families, community groups, and others to work together to redesign schools to meet the needs of 21st century learning;

- Designating eleven schools for rapid academic improvement through the District's System of Great Schools initiative which considers schools for intensive interventions, including the District's turnaround network, partnering with a contract provider and/or merging with a high quality program;

- Implementing the Authorizer Quality Initiative, a set of new charter school authorizing policies, performance standards, and procedures;

- Placing early literacy specialists in elementary schools and providing intensive literacy training for 93 principals and 1,100 teachers, in addition to spearheading an early literacy campaign to meet the District's Anchor Goal of all 8-year-olds reading at grade level;

- Investing in new Math, ELA, ELL, and AP/IB instructional resources, inclusive of training/professional development, for all District schools;

- Offering summer programs for students attending state-designated priority schools and District-designated turnaround schools.

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

- Managing resources to end the 2015 and 2016 fiscal years with a modest fund balance;

- Refinancing approximately \$1.5 billion of existing debt, saving approximately \$140 million over the next 17 years;

- Earning an improved credit outlook from two rating agencies, Fitch and Moody's, for the first time since 2010, resulting in lower borrowing costs for the District;

- Negotiating a new four-year contract with the District's SEIU-32BJ union;

- Approving a two-year extension to the existing contract with the District's local 634 union;

- Completing a School and Partner Census for all District schools detailing current partners, impact areas, and expressed needs areas.

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. 16-2308. Filed for public inspection December 30, 2016, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

For applications for new NPDES permits and renewal applications with major changes in Section II, as well as applications for MS4 Individual Permits and Individual Stormwater Construction Permits in Sections IV and VI, the Department, based upon preliminary reviews, has made tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed

discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0205761 (Sewage)	Harshbarger MHP 207 Main Street Dawson, PA 15428	Beaver County Hanover Township	Unnamed Tributary to Little Traverse Creek (20-D)	Yes

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0260967— SEW	Hodges Mobile Home Park 82 Linda Drive Mechanicsburg, PA 17050	Cumberland County/ Silver Spring Township	UNT Conodoguinet Creek/7B	Y
PA0247677— SEW	East Waterford Sewer Auth 12988 Rt 75 S. Suite 1 Honey Grove, PA 17035-7305	Juniata County/ Lack & Tuscarora Township	Tuscarora Creek CWF	Y
PA0247618— SEW	East Salem Sewer Auth Route 235 East Salem, PA 17094	Juniata County/ Delaware Township	Delaware Creek	Y
PA0088536— SEW	Camp Hebron 957 Camp Hebron Halifax, PA 17032	Dauphin County/ Halifax Township	Powell Creek TSF	Y
PA0085430— SEW	MHC—Robin Hill 2 North Riverside Plaza Chicago, IL 60606-2682	Berks County/ Greenwich Township	UNT of Maiden Creek	Y
PA0088609— SEW	Broad Top Twp 187 Municipal Road PO Box 57 Defiance, PA 16633-0057	Bedford County/ Broad Top Township	Raystown Branch Juniata River TSF	Y
PA0081051— SEW	Round Top Campground 6701 Democracy Blvd Suite 300 Bethesda, MD 20817	Adams County/ Cumberland Township	UNT to Plum Run WWF, MF	Y

*Northcentral Regional Office: Clean Water Program Manager, 208 W Third Street, Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3636.*

<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>
PA0113182 (Sewage)	Nittany Grove MHP 113 Ramsey Way Boalsburg, PA 16827-1904	Centre County Harris Township	Spring Creek (9-C)	Yes
PA0114472 (Sewage)	Cherry Township Wastewater Treatment Plant 11961 Route 87 Dushore, PA 18614-7440	Sullivan County Cherry Township	Birch Creek (10-B)	Yes

*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>
PA0103675 (Sewage)	Miracle Mountain Ranch 101 Rodeo Drive Spring Creek, PA 16436-2829	Warren County Spring Creek Township	Unnamed Tributary to Brokenstraw Creek (16-B)	Yes

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

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

**PA0264687**, Industrial, SIC Code 4941, **PA American Water Company**, 800 West Hershey Park Drive, Hershey, PA 17033. Facility Name: PA American Water Ellwood. This proposed facility is located in New Beaver Borough, **Lawrence County**.

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

The receiving stream(s), Beaver River, is located in State Water Plan watershed 20-B 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 3.2688 MGD.

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>			<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0 Min	XXX	9.0	XXX
Total Residual Chlorine (TRC)	XXX	XXX	0.5	1.0	XXX	1.2
Total Suspended Solids	Report	Report	30.0	60.0	XXX	75.0
Aluminum, Total	35	70	1.3	2.6	XXX	3.25
Iron, Total	Report	Report	2.0	4.0	XXX	5.0
Manganese, Total	Report	Report	1.0	2.0	XXX	2.5

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.

**PA0264849**, Sewage, SIC Code 4952, 8800, **Howard Stanford**, 450 Stanford Road, Prospect, PA 16052. Facility Name: Howard Stanford SRSTP. This proposed facility is located in Muddy Creek Township, **Butler County**.

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

The receiving stream is an unnamed tributary to Yellow Creek, located in State Water Plan watershed 20-C and classified for Cold Water Fish, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

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

<i>Parameters</i>	<i>Mass Units (lbs/day)</i>			<i>Concentrations (mg/L)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Biochemical Oxygen Demand (BOD <sub>5</sub> )	XXX	XXX	XXX	10.0	XXX	20.0

Parameters	Mass Units (lbs/day)		Minimum	Concentrations (mg/L)		Instant. Maximum
	Average Monthly	Average Weekly		Average Monthly	Maximum	
Total Suspended Solids	XXX	XXX	XXX	10.0	XXX	20.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200 Geo Mean	XXX	1,000

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

The EPA Waiver is in effect.

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

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

**WQM Permit No. 6516403**, Sewage, **Fox Den Acres Enterprises Inc.**, 390 Wilson Fox Road, New Stanton, PA 15672.

This proposed facility is located in Hempfield Township, **Westmoreland County**.

Description of Proposed Action/Activity: The applicant proposed to install a UV Disinfection System at their existing STP.

**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
* PAD150004	Immaculata University 1145 King Road Immaculata, PA 19345	Chester	East Whiteland Township	Valley Creek EV

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

Monroe County Conservation District, 8050 Running Valley Rd., Stroudsburg, PA 18360-0917.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD450010	Aqua Pennsylvania, Inc. 1 Aqua Way White Haven, PA 18661	Monroe	Chestnuthill Township	Pohopoco Creek (EV, MF)

Pike County Conservation District, 556 Route 402, Hawley, PA 18428.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAD520002	PPL Electric Utilities Corporation c/o Ms. Colleen Kester 2 North 9th Street GENN 4 Allentown, PA 18101	Pike and Wayne	Palmyra Township and Blooming Grove Township	Middle Creek (HQ-CWF, MF) Wallenpaupack Creek (HQ-WWF, MF) Lackawaxen River (HQ-TSF, MF) Decker Creek (HQ-CWF, MF) Gates Run (HQ-CWF, MF) Blooming Grove Creek (HQ-CWF, MF) EV Wetlands



*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>
PAD580001	Robert Davidson UGI, Penn Natural Gas 2525 North 12th Street Suite 360 Reading, PA 19612	Susquehanna	Union Dale, Clifford, Forest City, Clinton, Vandling, Fell & Carbondale City	Lackawanna River (HQ-CWF, MF) UNT to Lackawanna River (HQ-CWF, MF) Meredith Brook (CWF, MF) Wilson Creek (CWF, MF) Coal Brook (CWF, MF)

*Wayne County Conservation District, 648 Park Street, Honesdale PA 18431.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD640003	Wayne Memorial Hospital 601 Park Street Honesdale, PA 18431	Wayne	Honesdale Borough	Lackawaxen River (HQ-TSF, 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>
PAD210001	Daniel Worrall 290 Petersburg Road Carlisle, PA 17013	Cumberland	South Middleton Township	LeTort Spring Run (EV)

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315.*

<i>Permit No.</i>	<i>Applicant &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Stream Name</i>
PAD650003	James and Lori Thomas P.O. Box 968, Pleasant Unity, PA 15676	Westmoreland County	Salem Township	Saxman Run (WWF), Millers Run (WWF)

## STATE CONSERVATION COMMISSION

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Misty Glen Properties LP Leon Snyder 230 Poplar Road Fleetwood, PA 19522  Farm Address: 150 Hain Ave. Lebanon, PA 17046	Lebanon	62	1,800	Poultry— Layers	NA	New
Leonard Hoover Lenrose Farm 6188A Old Route 22 Bernville, PA 19506	Berks	146.6	401.82	Broilers, Dairy	N/A	R

**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**

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

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<b>Permit No. 3916506</b> , Public Water Supply.	
Applicant	<b>Nestle Waters North America, Inc.</b> Attention: Mr. Michael Franceschetti 305 Nestle Way Breinigsville, PA 18031
[Borough or Township]	Breinigsville
County	<b>Lehigh County</b>
Type of Facility	
PWS	
Consulting Engineer	Mr. Edward E. Davis Sr., P.E. Miller Brothers Construction, Inc. P.O. Box 472 Schuylkill Haven, PA 17972-0472 (570) 385-1662
Application Received Date	12/08/2016
Description of Action	Upgrade the Arrowhead Load Station by adding storage silos, new load-out pumps and the CO <sub>2</sub> system.

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

<b>Permit No. 4300503-T1-MA8</b> , Public Water Supply.	
Applicant	<b>Aqua PA Shenango Valley WTP</b>
Township or Borough	Shenango Township
County	<b>Mercer</b>
Responsible Official	Zach Martin
Type of Facility	Water Treatment Plant
Consulting Engineer	Robert Horvat/Entech Engineering
Application Received Date	December 8, 2016
Description of Action	Installing mixing system Mitchell Storage Tank

**Permit No. 4300503-T1-MA10**, Public Water Supply.

Applicant **Aqua PA Shenango Valley WTP**  
 Township or Borough City of Hermitage  
 County **Mercer**  
 Responsible Official Zach Martin  
 Type of Facility Water Treatment Plant  
 Consulting Engineer Robert Horvat/Entech Engineering  
 Application Received Date December 8, 2016  
 Description of Action Installing mixing system to the Homewood Tank

**Permit No. 2716501**, Public Water Supply.

Applicant **Jill E. Huddleson**  
 Township or Borough Howe Township  
 County **Forest County**  
 Responsible Official Jill E. Huddleson  
 4114 Blue Jay Creek Road  
 Sheffield, PA 16347  
 Type of Facility Transient Non-Community Water Supply  
 Consulting Engineer Michael A. Basista  
 Bankson Engineers, Inc.  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024  
 Application Received Date December 8, 2016  
 Description of Action 4-Log Inactivation of Viruses

**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 44-800A**, Water Allocations. **Allensville Municipal Authority (PWS ID No. 4440008), Mifflin County.** Renewal of existing water allocation to withdraw up to 77,000 gallons per day (gpd) from the Webbs Gap Run and an additional 35,000 gpd from Webbs Gap Spring No. 4. Applicant Address: Bradley Yoder, Chairman, Allensville Municipal Authority, PO Box 96, Allensville, PA 17002. Consulting Engineer: Joshua D. Gunnett, P.E. Gwin Dobson & Foreman, 3121 Fairway Drive, Altoona, PA 16602. Application Received: 12/12/2016.

**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.*

**Dollar General/Former Uni-Mart**, 55 York Street, Wellsville, PA 17365, Wellsville Borough, **York County.** United Environmental Services, LP, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of MBC Development LP, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Notice of Intent to Remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Non-Residential Statewide Health Standard. The property currently operates as a Dollar General Store. The Notice of Intent to Remediate was published in the *Dillsburg Banner* on November 17, 2016.

**North American Communications**, 141 NAC Drive, Duncansville, PA 16635, Blair Township and Duncansville Borough, **Blair County**. Mountain Research, 825 25th Street, Altoona, PA 16601, on behalf of North American Communications, 141 NAC Drive, Duncansville, PA 16635, submitted a Notice of Intent to Remediate site soil and groundwater contaminated with Chlorinated Solvents, VOCs and PAHs. The site has been used for commercial printing. The site will be remediated to the Site Specific Standard. Future intended use of the site is commercial in nature. The Notice of Intent to Remediate was published in the *Altoona Mirror* on November 17, 2016.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

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

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

Permits issued to the owners or operators of sources subject to 25 Pa. Code Chapter 127, Subchapter D or E, or located within a Title V facility or subject to 25 Pa. Code § 129.51(a) or permits issued for sources with limitations on their potential to emit used to avoid

otherwise applicable Federal requirements may be submitted to the United States Environmental Protection Agency for review and approval as a revision to the State Implementation Plan. Final Plan Approvals and Operating Permits will contain terms and conditions to ensure that the sources are constructed and operating in compliance with applicable requirements in the Air Pollution Control Act (35 P.S. §§ 4001—4015), 25 Pa. Code Chapters 121—145, the Federal Clean Air Act (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air Act.

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

### PLAN APPROVALS

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

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

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

**35-00014C: Keystone Sanitary Landfill** (249 Dunham Drive, Dunmore, PA 18512) for the increase in VOC and Ammonia emissions from their existing leachate pre-treatment plant at their facility located in Dunmore Borough and Throop Borough, **Lackawanna County**.

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

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

*Contact: Alan Binder, P.E., Environmental Engineer Manager—Telephone: 412-442-4168.*

**63-01003A: EQT Gathering, LLC** (625 Liberty Ave, Suite 1700, Pittsburgh, PA 15222) pursuant to 25 Pa. Code §§ 127.44 and 127.45 for intent to issue Air Quality plan approval to authorize construction and temporary operation of sources and controls associated with natural gas compression operations at its McIntosh Compressor Station, a proposed natural gas gathering station to be located in Union Township, **Washington County**. The proposed sources and controls include four (4) Caterpillar G3616 natural gas-fired spark ignition compressor engines, each rated at 5,350-bhp and fitted with EMIT EBX-9000-3036F-8C4E-48C (or equivalent) oxidation catalyst with four (4) EMIT RT-4815-H (or equivalent) catalyst elements and integrated Caterpillar ADEM4 engine control with automatic air-fuel ratio control; two (2) 259 MMsctd triethylene glycol (TEG) dehydrators, each equipped with a flash tank, 3.85 MMBtu/hr reboiler, and a 7.0 MMBtu/hr enclosed ground flare; six (6) Capstone C200 200-kW natural gas-fired microturbine gensets for primary power generation; one (1) 0.83 MMBtu/hr natural gas-fired fuel heater; two (2) 8,200-

gallon produced fluids storage tanks; one (1) 2,000-gallon engine oil storage tank; one (1) 2,000-gallon compressor lube oil storage tank; one (1) 2,000-gallon monoethylene glycol (MEG) storage tank; one (1) 2,000-gallon waste MEG storage tank; one (1) 4,200-gallon waste oil storage tank; two (2) 2,000-gallon TEG storage tanks; two (2) 2,000-gallon waste TEG storage tanks; pipeline pigging operations; and facility fugitive emissions, including component leaks and liquids loading operations.

Annual potential to emit (PTE) from the facility will not equal or exceed 74 tons of nitrogen oxides (NO<sub>x</sub>); 50 tons of carbon monoxide (CO); 43 tons of volatile organic compounds (VOC); 9 tons each of PM, PM<sub>10</sub>, and PM<sub>2.5</sub>; 1 ton of sulfur oxides (SO<sub>x</sub>); 8.5 tons of formaldehyde (HCHO); 24.5 tons of total hazardous air pollutants (HAP); and 128,711 tons of greenhouse gases (GHGs) as carbon dioxide equivalents (CO<sub>2e</sub>).

The proposed sources are subject to applicable portions of 25 Pa. Code Chapters 121, 123 and 127, and the requirement to meet Best Available Technology (BAT) pursuant to 25 Pa. Code § 127.1. The proposed sources have been determined to meet BAT, which for the proposed compressor engines includes the installation of Caterpillar ADEM4 engine control systems which permits operation at a NO<sub>x</sub> emission rate of 0.3 g/bhp-hr; good combustion practices, proper operation and maintenance, and post-combustion control by oxidation catalysts. BAT for control of VOC, HAP, and CH<sub>4</sub> emissions from each proposed dehydrator has been determined to be proper operation and maintenance, control by capturing and routing flash tank emissions to the reboiler as fuel, and control by capturing and routing any excess flash tank emissions and all still vent emissions to an enclosed ground flare with a minimum control efficiency of 98%. The proposed plan approval has been conditioned to ensure compliance with all applicable requirements specified in the Pa. Code and Code of Federal Regulations, and includes testing, work practice, monitoring, recordkeeping, and reporting requirements; and emissions limitations.

One or more of the proposed sources is subject to certain applicable requirements in the following New Source Performance Standards (NSPS): 40 CFR Part 60 Subpart A—General Provisions; 40 CFR Part 60 Subpart JJJJ—Standards of Performance for Stationary Spark Ignition Internal Combustion Engines; 40 CFR Part 60 Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification, or Reconstruction Commenced after September 18, 2015. One or more of the proposed sources is also subject to certain applicable requirements in the following National Emissions Standards for Hazardous Air Pollutants: 40 CFR Part 63 Subpart A; 40 CFR Part 63 Subpart HH—National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities; 40 CFR Part 63 Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

The plan approval application, the Department's Air Quality review memorandum, and the proposed Air Quality plan approval for the facility 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 schedule an appointment to review the plan approval application or proposed plan approval, or to receive an electronic copy of the Department's Air Quality review memorandum or an electronic copy of the Department's proposed Air

Quality plan approval for the facility, a person may contact Devin P. Tomko via email at dtomko@pa.gov or via telephone at 412-442-5231.

A person may oppose the proposed Air Quality plan approval by filing a written protest with the Department or may submit written comments through Devin P. Tomko via the U.S. Postal Service to the Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; written comments may also be submitted via email to dtomko@pa.gov or via fax to 412-442-4194. Each set of written comments or protest must contain the name, address, and telephone number of the person submitting the comments or protest, identification of the proposed plan approval (63-01003A) and a 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. A protest to the 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 § 127.44 (relating to public notice).

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons who have properly filed a protest under 25 Pa. Code § 127.46 may appear and give testimony. The applicant, the protestant and other participants will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient.

#### OPERATING PERMITS

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

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

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

**23-00011: Sunoco Partners Marketing & Terminal, L.P.—Darby Creek Tank Farm** (Hook & Calcon Hook Roads, Sharon Hill, PA 19079) located in Darby Township, Delaware County, for a renewal of Title V Operating Permit (TVOP) No. 23-00011. The facility's air emissions sources consist of 26 external floating roof (crude oil [24] or crude oil/transmix [2]) storage tanks, a fixed roof (waste oil) storage tank, and a wastewater separator. The external floating roof storage tanks and the fixed roof storage tank are subject to volatile organic compound (VOC) emission rate restrictions of 95 tons/yr and 2 tons/yr, respectively (both calculated monthly as a 12-month rolling sum).

The TVOP was most recently modified in April 2016 to permit the storage of transmix (or any other volatile organic liquid with a true vapor pressure of less than 11 psia under actual storage conditions) in two of the external floating roof storage tanks at the facility, not only crude oil. As part of the renewal, the rest of the external floating roof storage tanks will also be permitted to store transmix (though the projected transmix throughput for the facility of 2,100,000 gallons per month will not change).

In addition, SPMT has conducted a review of the facility to determine whether it is subject to any of the additional Reasonably Available Control Technology requirements for major sources of nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOCs), as codified in 25 Pa. Code §§ 129.96—129.100 (RACT II). The external floating roof storage tanks and the fixed roof storage tank are already subject to RACT I requirements for storage tanks pursuant to 25 Pa. Code § 129.56 and, thus, are exempt from RACT II requirements. While the wastewater separator has historically been subject to a VOC emission rate restriction of 10 tons/yr, calculated monthly as a 12-month rolling sum, SPMT has recently determined that the potential to emit VOCs from the wastewater separator is actually less than 1.0 tons/yr. To ensure that the wastewater separator is not considered subject to RACT II requirements, as part of the renewal, the VOC emission rate restriction for the wastewater separator will be removed from the TVOP.

The facility is not subject to the Compliance Assurance Monitoring (“CAM”) requirements of 40 CFR Part 64.

The Title V Operating Permit will continue to include monitoring, recordkeeping, reporting, and work practice 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.*

**67-05005: Brunner Island, LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-2400) to issue a Title V Operating Permit significant modification for its Brunner Island Steam Electric Station located in East Manchester Township, **York County**, pursuant to 25 Pa. Code § 127.541 in order to incorporate the applicable RACT II requirements of 25 Pa. Code §§ 129.96—129.100. Brunner Island, LLC has elected to comply with the presumptive NO<sub>x</sub> RACT II emission limits in 25 Pa. Code § 129.97(g)(1) for the three utility boilers (Source IDs 031A, 032 and 033A) by averaging NO<sub>x</sub> emissions on a system-wide basis using a 30-day rolling average pursuant to 25 Pa. Code § 129.98(a). “System-wide basis” is defined as Brunner Island, LLC’s three utility boilers and the two utility boilers (Unit 1—Source ID 031 and Unit 2—Source ID 032) at Montour, LLC’s Steam Electric Station (Title V O.P. No. 47-00001) located in Derry Township, Montour County. Brunner Island, LLC and Montour, LLC are under the common ownership of Talen Energy and within the same ozone nonattainment area in this Commonwealth as required by 25 Pa. Code § 129.98(a). The three utility boilers will comply with the presumptive VOC RACT II requirements pursuant to 25 Pa. Code § 129.97(d). The three emergency engines (Source IDs 034, 035 and 036) will comply with the presumptive NO<sub>x</sub> and VOC RACT II requirements pursuant to 25 Pa. Code § 129.97(c)(7). The two quench pump engines (Source IDs 037 and 038) will comply with the presumptive NO<sub>x</sub> and VOC RACT II requirements pursuant to 25 Pa. Code § 129.97(c)(5). The actual emissions from the facility in 2015 were reported to be the following: 8,304.9 tons NO<sub>x</sub>; 8,243.8 tons SO<sub>x</sub>; 425.9 tons CO; 120.5 tons PM<sub>10</sub>; 90.0 tons PM<sub>2.5</sub>; 13.9 tons VOC; 10.3 tons HCl; 9.9 tons HF; 0.9 ton selenium; 0.5 ton arsenic; 0.3 ton nickel; 0.3 ton manganese; 0.2 ton formaldehyde; 0.2 ton lead; 0.2 ton toluene; 0.2 ton chromium; 0.1 ton mercury; 23.1 tons total HAPs;

5,021,540.5 tons CO<sub>2</sub>; 74.0 tons N<sub>2</sub>O; 33.7 tons CH<sub>4</sub>; and 5,044,434.1 tons CO<sub>2</sub>e. The Operating Permit will include emission limits and work practice standards along with testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart UUUUU—National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units (Source IDs 031A, 032 and 033A); the Title IV Acid Rain Provisions of the Clean Air Act Amendments of 1990, as well as 25 Pa. Code § 127.531 (Source IDs 031A, 032 and 033A); the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64 (Source IDs 031A, 032 and 033A); and the continuous emission monitoring systems (CEMS) requirements of 25 Pa. Code § 139.101 and 40 CFR Part 75 (Source IDs 031A, 032 and 033A); 40 CFR Part 60, Subpart III—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (Source IDs 037 and 038); and 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (Source IDs 037 and 038).

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

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

**54-00071: Van Hoekelen Greenhouses, Inc., Lofty Road Greenhouse** (Route 309, P.O. Box 88, McAdoo, PA 18237-0088). The Department intends to issue a renewal State-Only Synthetic Minor Permit for this facility located in Kline Township, **Schuylkill County**. The main sources at this facility consist of two (2) boilers and (4) Emergency Generators. The coal-fired boiler is controlled with a Flyash Arrestor (Multiclone). The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP) and VOC’s. The proposed permit contains applicable requirements for emission limitations, work practice standards, testing, monitoring, recordkeeping, and reporting standards used to verify facility compliance with Federal and State air pollution regulations.

*Southcentral Region: Air Quality Program, 909 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.*

**67-03098: White Rose Crematorium, LLC** (420 Patison Street, York, PA 17403) for the operation of a human crematory controlled by afterburners at the facility in the City of York, **York County**. The facility has the following potential air emissions: 1.68 ton of CO, 2.04 tons of NO<sub>x</sub>, 1.61 ton of PM, 0.73 ton of SO<sub>2</sub> & 0.14 ton of VOC. The State Only 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.

**67-03052: Bimax, Inc.** (158 Industrial Road, York, PA 17327) to issue a State Only Operating Permit for

chemical reactor process in Springfield Township, **York County**. The primary emission from the facility is VOCs. The 2015 VOC emission after control device is less than one ton. 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.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

#### *Coal Applications Received*

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

**30753712 and NPDES No. PA0215724. Emerald Contura, LLC**, (158 Portal Road, P.O. Box 1020,

Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1—Coal Refuse Disposal Facility No. 1 in Franklin Township, **Greene County** and related NPDES permit from Emerald Coal Resources, LP. No additional discharges. The application was considered administratively complete on December 12, 2016. Application received September 9, 2016.

**30841317 and NPDES No. PA0213527. Consol Pennsylvania Coal Company LLC**, (1000 Consol Energy Drive, Canonsburg, PA 15317). To revise the permit for the Enlow Fork Mine in Buffalo, East Finley and South Franklin Townships, **Washington County**, Richhill Township, **Greene County** and related NPDES Permit to revise underground and subsidence control plan acres for longwall mining. No additional discharges. The application was considered administratively complete on December 13, 2016. Application received March 14, 2016.

**30960701 and NPDES No. PA0215201. Emerald Contura, LLC**, (158 Portal Road, P.O. Box 1020, Waynesburg, PA 15370). To transfer the permit for the Emerald Mine No. 1—Coal Refuse Disposal Area No. 2 in Franklin Township, **Greene County** and related NPDES permit from Emerald Coal Resources, L.P. No additional discharges. The application was considered administratively complete on December 16, 2016. Application received September 9, 2016.

**32041301 and NPDES No. PA0235644. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Brush Valley Mine in Center and Brush Valley Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on December 16, 2016. Application received May 24, 2016.

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

**Permit No. 11050101 and NPDES No. PA0249718, E.P. Bender Coal Co., Inc.**, P.O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Cresson Township, **Cambria County**, affecting 197.7 acres. Receiving stream: unnamed tributary to Bear Rock Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Lilly Borough surface water intake on Bear Rock Run, PWS No. 4110046. Application received: December 9, 2016.

**Permit No. 56110104 and NPDES No. PA0263206. Wilson Creek Energy LLC**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Jenner Township, **Somerset County**, affecting 132.5 acres. Receiving streams: unnamed tributaries to/and Hoffman Run classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Cambria-Somerset Authority, Quemahoning Reservoir. Application received: December 9, 2016.

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

**33110104. P. and N. Coal Company, Inc.** (P.O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous surface mine in Union Township, **Jefferson County**, affecting 73.2 acres. Receiving streams: Little Mill Creek, classified for the following uses: CWF; and Mill Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within

10 miles downstream. This renewal is for reclamation only. Application received: December 6, 2016.

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

**Permit No. 54960101R4. Mountaintop Coal Mining, Inc.**, (P.O. Box 183, Elysburg, PA 17824), renewal of an existing anthracite surface mine and coal refuse disposal operation in Barry and Foster Townships, **Schuylkill County** affecting 255.2 acres, receiving stream: Deep Creek Watershed and Hans Yost Creek Watershed, classified for the following uses: cold water and migratory fishes. Application received: December 5, 2016.

**Permit No. 54960101C6. Mountaintop Coal Mining, Inc.**, (P.O. Box 183, Elysburg, PA 17824), correction to update the post-mining land use from forestland to unmanaged natural habitat of an existing anthracite surface mine and coal refuse disposal operation in Barry and Foster Townships, **Schuylkill County** affecting 255.2 acres, receiving stream: Deep Creek Watershed and

Hans Yost Creek Watershed, classified for the following uses: cold water and migratory fishes. Application received: December 5, 2016.

*Coal Applications Withdrawn*

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

**Permit No. 56090107 and NPDES No. PA0262790. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a bituminous surface and auger mine to change the land use from Woodland to Cropland, in Stonycreek Township, **Somerset County**, affecting 108.7 acres. Receiving stream: unnamed tributary to Stonycreek, classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: October 3, 2016. Application Withdrawn: December 14, 2016.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**37020306. East Fairfield Coal Co.** (P.O. Box 217, North Lima, OH 44452). Renewal of NPDES Permit No. PA0259241 in North Beaver Township, **Lawrence County**. Receiving streams: Honey Creek, classified for the following uses: HQ-CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 14, 2016.

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

**Permit No. 58890808. Michael A. Koneski**, (674 Mitchell Road, Meshoppen, PA 18630), Stage I & II bond release of a quarry operation in Springville Township, **Susquehanna County** affecting 3.0 acres on property owned by Michael A. Koneski. Application received: December 12, 2016.

**MINING ACTIVITY NPDES DRAFT PERMITS**

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

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

*Effluent Limits for Coal Mining Activities*

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

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



<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*

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

**NPDES No. PA0234192 (Mining Permit No. 56960106), Rosebud Mining Company**, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for surface mining of coal in Lincoln Township, **Somerset County**, affecting 111.5 acres. Receiving streams: North Branch Quemahoning Creek/Stoneycreek River, classified for the following use: cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: May 16, 2016.

The outfalls listed below discharge to North Branch Quemahoning Creek/Stoney Creek River:

<i>Outfall Nos.</i>	<i>New Outfall (Y/N)</i>
007	N
008	N
013	N

The proposed effluent limits for the above listed outfalls are as follows:

<i>Outfalls: (All Weather Conditions)</i> <i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Iron (mg/l)	3.0	6.0	7.0
Manganese (mg/l)	2.0	4.0	6.0
Aluminum (mg/l)	2.0	4.0	6.0
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			

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

**NPDES No. PA0259004 (Permit No. 33100106). Strishock, LLC** (P.O. Box 1006, DuBois, PA 15801) Renewal of an existing NPDES permit for a bituminous surface mine in Washington Township, **Jefferson County**, affecting 257.5 acres. Receiving streams: Unnamed tributaries to Horm Run and Five Mile Run, classified for the following uses: CWF. TMDL: N/A. Application received: November 16, 2016.

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

The outfall(s) listed below discharge to unnamed tributaries to Horm Run and Five Mile Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TC	N
TD	N
TE	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)		3.0	6.0	7.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		2.0	4.0	5.0
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35	70	90

<sup>1</sup> The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributaries to Horm Run and Five Mile Run:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
A	N
C	N
D	N
E	N
G	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH <sup>1</sup> (S.U.)	6.0			9.0
Iron (mg/l)				7.0
Alkalinity greater than acidity <sup>1</sup>				
Total Settleable Solids (ml/l)				0.5

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

**NPDES Permit No. PA0592749 on Surface Mining Permit No. 54850104. Jeddo-Highland Coal Company**, renewal of an NPDES Permit for an anthracite coal refuse reprocessing operation in Porter Township, **Schuylkill County**, affecting 1,756.0 acres. Receiving stream: Wiconisco Creek, classified for the following use: cold water and migratory fishes; TMDL Wiconisco Creek (metal and pH). Application received: July 24, 2016.

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

The outfall listed below discharge to Wiconisco Creek:

<i>Outfall</i>	<i>New Outfall (Y/N)</i>
001D	No

The proposed effluent limits for the above listed outfall.

Parameter	Minimum	30-Day Average	Daily Maximum	Instantaneous Maximum
pH <sup>1</sup> (S.U.)	6.0			
Iron (mg/l)		3.0	3.0	9.0
Manganese (mg/l)		2.0	4.0	5.0
Aluminum (mg/l)		1.4	2.8	3.5
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids		35.0	70.0	90.0

<sup>1</sup> The parameter is applicable at all times.

*Noncoal NPDES Draft Permits*

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

**NPDES No. PA0595055 (Mining Permit No. 21900301), E.E. Kough Sons, Inc.**, P.O. Box 134, 195 Green Spring Road, Newville, PA 17241-0134, renewal of an NPDES permit for a large noncoal (industrial mineral) surface mine operation located in North Newton Township, **Cumberland County**, affecting 117.35 acres. Receiving stream: unnamed tributary to Conodoguient Creek, classified for the following use: warm water fishes. This receiving stream is included in the Conodoguient Creek Watershed TMDL. Application received: December 2, 2016.

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

The outfall listed below requires a non-discharge alternative:

Outfall Nos.	New Outfall (Y/N)
001—Sedimentation Pond 1	N

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

Outfall: 001 Parameter	30-Day Average	Daily Maximum	Instant. Maximum
Total Suspended Solids (mg/l)	35.0	70.0	90.0

Settleable Solids

(applies only during a precipitation event and for 48 hours after)

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times

Alkalinity must exceed acidity at all times

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request

are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E39-551. Ridgeview Limited Partners**, 1390 Ridgeview Drive, Suite 301, Allentown, PA 18104, in South Whitehall Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To fill a de minimus area of wetlands (Other) equal to 0.01 acre for the purpose of construction of a restaurant and parking lot. The project is located on the parcel of land at the southwest corner of the intersection of Ridgeview Drive and Hausman Road (Allentown West, PA Quadrangle, Latitude: 40.605815; Longitude: -75.565344).

**E13-188. Lehigh Canal Recreation Commission, 1** Constitution Avenue, Lehighon, PA 18235, in Franklin Township, **Carbon County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments within existing spillway areas discharging overflow from the Lehigh Canal (CWF, MF) into the Lehigh River (TSF-MF):

- 1) A 60-ft long, 2.5-ft high, 12-ft wide concrete spillway with a 29-ft long, 40-ft long R-5 riprap apron.
- 2) A 60-ft long, 2.5-ft high, 12-ft wide concrete spillway with a 32-ft long, 40-ft long R-5 riprap apron.
- 3) A 60-ft long, 2.5-ft high, 12-ft wide concrete spillway with a 19-ft long, 40-ft long R-5 riprap apron.

The project is located approximately 0.40 mile northwest of the intersection of Packerton Dam Road and Route 209 (Lehighon, PA Quadrangle, Latitude: 40°50'47.43"; Longitude: -75°42'27.75").

**E54-362. Future Power PA, LLC, 7500 College Boulevard, Suite 400, Overland Park, KS 66210, Good Spring Combined Cycle Facility & Electric Utility Line Project, in Butler, Foster, Frailey, Hegins and Porter Townships, Schuylkill County, U.S. Army Corps of Engineers, Baltimore District.** The proposed project starts approximately 0.8 mile northwest of the intersection of Route 209 and Main Street (Pine Grove, PA Quadrangle Latitude: 40°, 37', 23.88"; Longitude: -76°, 27', 37.38") and ends approximately 0.31 mile northwest of the intersection of Gordon Mountain Road and I-81 (Minersville, PA Quadrangle Latitude: 40°, 44', 13.16"; Longitude: -76°, 18',

43.51") in Butler, Foster, Frailey, Hegins, and Porter Townships, Schuylkill County.

The project consists of the installation and maintenance of approximately 12.15-miles of a 230 kV overhead electric utility and appurtenant structures, an 8-in diameter and a 10-in diameter water line, 20-ft wide permanent and temporary access roads, meter stations, switchyards, and a 60-acre natural gas-fired 340 MW combined cycle electric generating facility. The proposed project impacts include a total of 3,346 linear feet (0.43 acre) of temporary stream impacts to Good Spring Creek (CWF, MF), Pine Creek (CWF, MF), Hans Yost Creek (CWF, MF), and Crystal Run (CWF, MF), 93 linear feet (0.007 acre) of permanent stream impacts to Good Spring Creek (CWF, MF), Pine Creek (CWF, MF), Hans Yost Creek (CWF, MF), and Crystal Run (CWF, MF), 7.16 acres of temporary floodway impacts, 0.58 acre of permanent floodway impacts, 1.63 acre of temporary PEM, PFO, and PSS wetland impacts, and 0.09 acre of permanent PEM, PFO, and PSS wetland impacts. To compensate for the proposed permanent project impacts in, the applicant is proposing the creation of 1.81 acre of wetland mitigation. The proposed project impacts in this permit application are associated with the Good Spring Combined Cycle Facility & Electric Utility Line Project, extending approximately 12.15 miles between Porter Township, Schuylkill County, PA and Butler Township, Schuylkill County, PA.

For more detailed information regarding the Chapter 105 permit application related to this proposed project, which is available at the DEP's Northeast Regional Office, please contact Joseph J. Buczynski, PE, at (570) 826-2521 to request a file review.

Wetland Impact Table																	
Impact Number	Wetland Identification	Location				Wetland Impacts						Crossing Information		State Wetland Classification (Other OR EV)			
		Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Impact Area (acres)			Permanent Impact Area (acres)			Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>				
						PFO	PSS	PEM	PFO	PSS	PEM	PFO	PSS	PEM			
1	W-T2-002	40.6233	-76.460383	Porter	Pine Grove	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.06	E	III	Other
2	W-T2-011(1)	40.624964	-76.461005	Porter	Pine Grove	0.00	0.00	0.08	0.00	0.00	0.00	0.00	0.00	0.00	D	I	Other
3	W-T2-009(2)	40.626158	-76.461814	Porter	Pine Grove	0.00	0.00	0.000	0.00	0.00	0.000	0.00	0.000	0.000	D & E	I	Other
4	W-T1-051	40.627384	-76.461617	Porter	Pine Grove	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	D & E	I	Other
5	W-T1-050	40.627691	-76.46165	Porter	Pine Grove	0.00	0.00	0.06	0.00	0.00	0.00	0.00	0.00	0.00	D & E	I	Other
6	W-T2-011(2)	40.62535	-76.459555	Porter	Pine Grove	0.00	0.00	0.03	0.00	0.00	0.00	0.00	0.00	0.00	A	IV	Other
7	W-T1-004	40.626124	-76.459467	Porter	Pine Grove	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
8	W-T2-009(2)	40.626569	-76.459675	Porter	Pine Grove	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
9	W-T1-002	40.627045	-76.459563	Porter	Pine Grove	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
10	W-T1-001	40.627609	-76.459734	Porter	Pine Grove	0.00	0.00	0.19	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
11	W-T1-009	40.648888	-76.421941	Frailey	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
12	W-T1-012	40.654651	-76.412914	Frailey	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
13	W-T1-016	40.674348	-76.396197	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
14	W-T1-018	40.675198	-76.396717	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A	IV	Other
15	W-T1-019	40.676199	-76.397218	Foster	Minersville	0.00	0.00	0.05	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
16	W-T1-019(2)	40.678246	-76.398314	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other
17	W-T1-020	40.68014	-76.397833	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	A & E	IV	Other

<i>Wetland Impact Table</i>												
<i>Identification</i>		<i>Location</i>				<i>Wetland Impacts</i>				<i>Crossing Information</i>		
<i>Impact Number</i>	<i>Wetland Identification</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Municipality (Township)</i>	<i>Quadrangle</i>	<i>Temporary Impact Area (acres)</i>		<i>Permanent Impact Area (acres)</i>		<i>Crossing Type<sup>a</sup></i>	<i>Crossing Method<sup>b</sup></i>	<i>State Wetland Classification (Other OR EV)</i>
18	W-T1-030	40.694052	-76.373075	Foster	Minersville	0.00	0.00	0.10	0.00	0.00	0.00	Other
19	W-T1-031	40.696342	-76.371347	Foster	Minersville	0.00	0.00	1.01	0.00	0.00	0.00	Other
20	W-T1-054	40.700797	-76.367022	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	Other
21	W-T1-033	40.703648	-76.364201	Foster	Minersville	0.00	0.00	0.00	0.00	0.00	0.00	Other
22	W-T1-037	40.722046	-76.337431	Foster	Minersville	0.00	0.00	0.06	0.00	0.00	0.00	Other
23	W-T4-003	40.736802	-76.312746	Butler	Minersville	0.00	0.00	0.00	0.00	0.02	0.00	Other
24	W-T4-005	40.736988	-76.312087	Butler	Minersville	0.00	0.00	0.00	0.00	0.01	0.00	Other
Totals						0.00	0.00	1.62	0.00	0.00	0.09	

<sup>a</sup>

<sup>b</sup> **I** = Open Trenching, **II** = Temporary Matting, **III** = Permanent Wetland Fill, **IV** = Aerial

Stream Impact Table																
Impact Number	Identification		Location				Stream Impacts			Floodway Impacts		Crossing Information				
	Stream Identification	Stream Name	Chapter 93 Designated Use	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Crossing Length (feet)	Permanent Crossing Length (feet)	Temporary Impact Area (sq ft)	Permanent Impact Area (sq ft)	Temporary Impact (sq ft)	Permanent Impact (sq ft)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	Trout Identification <sup>c</sup>
1	WW-T2-001	Good Spring Creek	CWF, MF	40.623300	-76.464880	Porter	Pine Grove	0	0.00	0.00	0.00	0.00	3,049.20	B	V	N/A
2	WW-T2-004	Good Spring Creek	CWF, MF	40.626233	-76.461690	Porter	Pine Grove	0	0.00	0.00	0.00	1,306.80	0.00	D	IV	N/A
3	Good Spring Creek	Good Spring Creek	CWF, MF	40.626404	-76.461910	Porter	Pine Grove	54	17.00	1,011.00	0.00	5,227.20	0.00	D	IV	N/A
4	Good Spring Creek	Good Spring Creek	CWF, MF	40.626859	-76.459640	Porter	Pine Grove	112	28.00	2,701.00	0.00	11,325.60	0.00	A	IV	N/A
5	WW-T1-003	Good Spring Creek	CWF, MF	40.627318	-76.458120	Porter	Pine Grove	16	2.50	40.00	0.00	3,484.80	0.00	E	V	N/A
6	WW-T1-206	Good Spring Creek	CWF, MF	40.632704	-76.459690	Hegins	Pine Grove	87	3.00	261.00	0.00	13,503.60	0.00	A	IV	N/A
7	WW-T1-006	Good Spring Creek	CWF, MF	40.634104	-76.450320	Frailey	Minersville	115	1.50	173.00	0.00	11,325.60	435.60	A	IV	N/A
8	WW-T1-008	Pine Creek	CWF, MF	40.644640	-76.428290	Frailey	Minersville	212	2.50	530.00	0.00	10,890.00	0.00	A	IV	WT
9	WW-T1-007	Pine Creek	CWF, MF	40.646132	-76.426130	Frailey	Minersville	208	1.50	312.00	0.00	10,454.40	0.00	A	IV	WT
10	WW-T1-009	Pine Creek	CWF, MF	40.647250	-76.424350	Frailey	Minersville	102	1.50	153.00	0.00	10,454.40	435.60	A	IV	WT
11	WW-T1-010	Pine Creek	CWF, MF	40.648674	-76.422460	Frailey	Minersville	3	1.50	5.00	0.00	5,227.20	0.00	A	IV	WT
12	WW-T1-011	Pine Creek	CWF, MF	40.648779	-76.421940	Frailey	Minersville	120	14.00	1,237.00	0.00	15,681.60	0.00	A	IV	WT
13	WW-T1-012	Pine Creek	CWF, MF	40.649097	-76.421340	Frailey	Minersville	101	6.00	560.00	0.00	12,196.80	0.00	A	IV	WT

Stream Impact Table																
Impact Number	Identification		Location				Stream Impacts			Floodway Impacts		Crossing Information				
	Stream Identification	Stream Name	Chapter 93 Designated Use	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Crossing Length (feet)	Permanent Crossing Length (feet)	Temporary Impact Area (sq ft)	Permanent Impact Area (sq ft)	Temporary Impact (sq ft)	Permanent Impact (sq ft)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	Trout Identification <sup>c</sup>
14	WW-T1-013	Pine Creek	CWF, MF	40.654634	-76.412680	Frailey	Minersville	167	23.00	1,744.00	0.00	12,632.40	0.00	A	IV	WT
15	WW-T1-015	Pine Creek	CWF, MF	40.663997	-76.39747	Frailey	Minersville	133	10.00	1,234.00	0.00	15,246.00	0.00	A	IV	WT
16	WW-T1-016	Pine Creek	CWF, MF	40.664089	-76.3975	Frailey	Minersville	97	1.50	146.00	0.00	871.20	0.00	A	IV	WT
17	WW-T1-017	Pine Creek	CWF, MF	40.669317	-76.39202	Foster	Minersville	159	7.00	924.00	0.00	16,988.40	0.00	A	IV	WT
18	WW-T1-018	Pine Creek	CWF, MF	40.676109	-76.397009	Foster	Minersville	128	8.00	892.00	0.00	13,503.60	0.00	A	IV	WT
19	WW-T1-021	Hans Yost Creek	CWF, MF	40.68536	-76.399991	Foster	Minersville	135	2.00	270.00	0.00	8,276.40	0.00	A	IV	N/A
20	WW-T1-020	Hans Yost Creek	CWF, MF	40.685482	-76.39977	Foster	Minersville	114	3.50	399.00	0.00	10,454.40	0.00	A	IV	N/A
21	WW-T1-024	Hans Yost Creek	CWF, MF	40.686353	-76.39873	Foster	Minersville	100	9.00	1,032.00	0.00	11,325.60	0.00	A	IV	N/A
22	WW-T1-037	Hans Yost Creek	CWF, MF	40.686668	-76.39828	Foster	Minersville	141	3.50	494.00	0.00	12,632.40	0.00	A	III	N/A
23	WW-T1-028	Crystal Run	CWF, MF	40.695852	-76.37172	Foster	Minersville	14	2.00	77.00	0.00	3,630.00	0.00	A	IV	N/A
24	WW-T5-001	Crystal Run	CWF, MF	40.696091	-76.37159	Foster	Minersville	45	2.50	68.00	0.00	3,630.00	0.00	A	IV	N/A
25	WW-T1-029	Crystal Run	CWF, MF	40.696275	-76.37142	Foster	Minersville	57	7.00	114.00	0.00	3,630.00	0.00	A	IV	N/A
26	WW-T1-030	Crystal Run	CWF, MF	40.697878	-76.37016	Foster	Minersville	27	3.00	149.00	0.00	1,989.22	0.00	A	IV	N/A
27	WW-T1-031	Crystal Run	CWF, MF	40.699058	-76.3689	Foster	Minersville	324	2.50	2,430.00	0.00	1,989.23	0.00	A	IV	N/A



Stream Impact Table																
Impact Number	Identification		Location				Stream Impacts			Floodway Impacts		Crossing Information				
	Stream Identification	Stream Name	Chapter 93 Designated Use	Latitude	Longitude	Municipality (Township)	Quadrangle	Temporary Crossing Length (feet)	Permanent Crossing Length (feet)	Temporary Impact Area (sq ft)	Permanent Impact Area (sq ft)	Temporary Impact (sq ft)	Permanent Impact (sq ft)	Crossing Type <sup>a</sup>	Crossing Method <sup>b</sup>	Trout Identification <sup>c</sup>
28	WW-T1-032	Crystal Run	CWF, MF	40.699282	-76.36868	Foster	Minersville	284	2.00	1,136.00	0.00	1,989.2.4	435.60	A	IV	N/A
30	WW-T1-033	Deep Creek	CWF, MF	40.704354	-76.36404	Foster	Minersville	118	2.50	295.00	0.00	11,761.20	0.00	A	IV	N/A
31	WW-T1-034	Deep Creek	CWF, MF	40.717497	-76.34834	Foster	Minersville	71	3.50	249.00	0.00	6,969.60	0.00	A	III	N/A
32	WW-T1-035	Rattling Run	CWF, MF	40.717863	-76.34778	Butler	Minersville	102	2.50	255.00	0.00	10,890.00	0.00	A	IV	N/A
33	WW-T4-001	Rattling Run	CWF, MF	40.735156	-76.31771	Butler	Minersville	0	4.50	0.00	107.00	0.00	0.00	B	V	N/A
34	WW-T4-002	Rattling Run	CWF, MF	40.736782	-76.31267	Butler	Minersville	0	2.50	0.00	72.00	0.00	4,936.80	B	V	N/A
36	WW-T4-003(1)	Rattling Run	CWF, MF	40.736954	-76.31211	Butler	Minersville	0	2.50	0.00	69.00	0.00	4,936.80	B	V	N/A
37	WW-T4-003(2)	Rattling Run	CWF, MF	40.736954	-76.31211	Butler	Minersville	0	2.50	0.00	66.00	0.00	4,936.80	B	V	N/A
38	WW-T4-004	Rattling Run	CWF, MF	40.737117	-76.3115	Butler	Minersville	0	11.00	0.00	0.00	0.00	4,356.00	B	V	N/A
Totals								3,346	197	18,891.00	253,519.20	253,519.20	23,522.40			

<sup>a</sup> **A** = Overhead Aerial Electric Line, **B** = Permanent Roadway, **C** = Temporary Roadway,

**D** = Water Line, **E** = Floodway Only

<sup>b</sup> **I** = Open Trenching, **II** = Temporary Matting, **III** = Aerial, **IV** = Temporary Bridge,

**V** = Permanent Bridge/Culvert

<sup>c</sup> **ST** = Stocked Trout; **WT** = Wild Trout; **CA** = Class A Trout

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

**E08-499. Wayne Salsman**, 2188 Route 187, Sugar Run, PA 18846, Wilmot Township, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District.

Mr. Wayne Salsman has applied for a joint permit to place a new pipe culvert in Sugar Run Creek to allow access to private farm land. Presently, the crossing will be installed as a low flow stream crossing, allowing higher streamflow to pass over the top of the roadway to limit any impacts on the 100-year floodplain. The Crossing is in the same location as a previously permitted temporary crossing installed (via GP-8) during oil and gas activities on the same lands. The temporary crossing has been removed.

The project is located at Quadrangle: Jenningsville; Latitude: 41° 34' 44", Longitude: -76° 13' 21".

**E08-498. Troy Borough**, 49 Elmira Street, Troy, PA 16947-1230, Troy Borough, **Bradford County**, U.S. Army Corps of Engineers, Baltimore District.

The Department of Transportation is replacing their bridge on State Route 14 in Troy Borough. The water and sewer mains must be relocated for the bridge construction to take place. Fall Brook divides the Borough so it is necessary for the water and sewer mains to cross the stream to deliver service to all customers. Troy Borough's new concrete encased water and sewer mains will be diverted around the bridge, under Fall Brook, and tie into the existing water and sewer mains. The construction will take place in the state road, and the permanent easements that are established for the project. After both of the utility lines are relocated, the site will be rehabilitated to its original state. All proposed construction is shown on the site plans. The project is not anticipated to have any adverse effects on public health or safety, or the environment. Temporary environmental impacts related to construction of the crossing will be minimized by implementing erosion and sediment control best practices, and restoration of the project area to preexisting grades and vegetative cover.

The project is located at Quadrangle: Troy; Latitude: 41° 46' 35.5552", Longitude: -76° 47' 32.4550".

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

**E63-683, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, East Bethlehem Township, **Washington County**, Pittsburgh ACOE District.

Has been given consent to:

Operate and maintain an anchored sheet pile retaining wall along 450 linear feet of Tenmile Creek (WWF). 450 linear feet of retaining wall was removed and replaced under an emergency permit (DEP File No. EP6313205) to prevent further loss of the SR 88 road surface. The project is located near the intersection of SR 88 and Morton Street in East Bethlehem Township, Washington County. (PA Quadrangle: Carmichaels; N: 19.8 inches; W: 17.25 inches; Latitude: 39° 59' 5.1"; Longitude: -79° 59' 57.5").

**E65-979, PennDOT District 12-0**, 825 North Gallatin Avenue, Uniontown, PA 15401, Donegal Borough and Donegal Township, **Westmoreland County**, Pittsburgh ACOE District.

Has been given consent to:

1. Construct and maintain a 9' long extension to an existing 48' long 18" diameter concrete pipe conveying an unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres;

2. Remove the existing 179' long 18" diameter concrete pipe enclosure conveying a second unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres and construct and maintain a replacement 193' long 36" diameter pipe enclosure in the same location;

3. Place and maintain fill in 384' of three unnamed tributaries to Minnow Run (CWF) with drainage areas less than 100 acres; construct and maintain a single 368' long relocated replacement channel;

4. Place and maintain fill in 180' of three unnamed tributaries to Minnow Run (CWF) with drainage areas less than 100 acres;

5. Remove the existing 233' long 60" diameter pipe culvert enclosure conveying a ninth unnamed tributary to Minnow Run (CWF) with a drainage area of 0.20 square mile; construct and maintain a 476' long 72" diameter replacement pipe culvert enclosure approximately 100' east of the existing pipe;

6. Place and maintain fill in 142' of a tenth unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres; construct and maintain a 185' long relocated replacement channel;

7. Construct and maintain a 184' long 36" diameter extension to an existing 110' long 24" diameter concrete pipe enclosure conveying an eleventh unnamed tributary to Minnow Run (CWF) with a drainage area less than 100 acres;

8. Construct and maintain a 31' long 18" diameter extension to an existing 48' long 18" diameter concrete pipe conveying an unnamed tributary to Indian Creek (HQ-CWF) with a drainage area less than 100 acres;

9. Construct and maintain a 70' long 30" diameter extension to an existing 44' long 30" diameter concrete pipe conveying a second unnamed tributary to Indian Creek (HQ-CWF) with a drainage area less than 100 acres;

10. Place and maintain fill in 1.21 acre of PEM/PSS/PFO wetlands, construct and maintain roadway associated stormwater basins and outfalls, and temporarily impact 2,183' of stream and 0.07 acre of wetland for the purpose of constructing these encroachments.

Stream mitigation will occur offsite on Jacobs Creek (WWF) in Mount Pleasant and Bullskin Township in Westmoreland and Fayette Counties (Mount Pleasant, PA Quadrangle, Latitude: 40° 8' 14" and Longitude: -79° 30' 36"). 0.01 acre of PEM and 0.42 acre of PSS wetland mitigation will occur offsite at the Jacobs Creek Advanced Wetland Compensation site in Bullskin Township, Fayette County (Mount Pleasant, PA Quadrangle, Latitude: 40° 8' 6.5" and Longitude: -79° 30' 37"). The remaining wetland mitigation will be constructed offsite near Acme Dam in Chestnut Ridge Park, Mount Pleasant Township, Westmoreland County (Donegal, PA Quadrangle, Latitude: 40° 6' 50.4" and Longitude: -79° 25' 40.1"). These encroachments are associated with the SR 31 and PA Turnpike Donegal Interchange realignment and upgrade project (Donegal, PA Quadrangle, Beginning Latitude: 40° 6' 39.25" and Longitude: -79° 23' 10.26"; Ending Latitude: 40° 5' 28.42" and Longitude: -79° 20' 51.36") in Donegal Borough and Donegal Township, Westmoreland County.

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

**E27-090, Plenary Walsh Keystone Partners**, 2000 Cliff Mine Road, Park West Two, 3rd Floor, Pittsburgh, PA 15275. JV 009 State Route 0062 Segment 0130 Offset 2194 Section B02 over Tubbs Run, in Tionesta Borough, **Forest County**, ACOE Pittsburgh District (West Hickory, PA Quadrangle N: 41.5088°, W: -79.4497°).

To remove the existing State Route 0062 bridge over Tubbs Run and to construct and maintain a single span concrete spread box beam bridge having a clear span of 57 feet and an underclearance of 17.7 feet at a point adjacent to the State Route 0062 and Pigeon Hill Road intersection in Tionesta Borough, Forest County.

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

**E5829-115: Harford Township, Williams Field Services Company, LLC**; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Harford Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 50 linear feet of Nine Partners Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 48' 17", Longitude: -75° 41' 32"),

2) a temporary timber mat crossing impacting 24 square feet (<0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 48' 17", Longitude: -75° 41' 33"),

3) a temporary timber mat crossing impacting 1,260 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 49", Longitude: -75° 42' 33"),

4) a temporary timber bridge crossing impacting 187 linear feet of floodway to an unnamed tributary to Leslie Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 48", Longitude: -75° 42' 35"),

5) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 80 linear feet of a tributary to Leslie Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 47", Longitude: -75° 42' 36"),

6) a temporary timber mat crossing impacting 75 square feet (<0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 47", Longitude: -75° 42' 36"),

7) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 282 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 47", Longitude: -75° 42' 36"),

8) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 101 linear feet of an unnamed tributary to Leslie Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 47", Longitude: -75° 42' 37"),

9) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,725 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 45", Longitude: -75° 42' 38"),

10) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 49 linear feet of Leslie Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 38", Longitude: -75° 42' 47"),

11) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 1,000 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 37", Longitude: -75° 42' 47"),

12) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 3,666 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 06", Longitude: -75° 42' 54"),

13) a temporary timber bridge crossing impacting 120 linear feet of floodway to an unnamed tributary to Leslie Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 01", Longitude: -75° 43' 46"),

14) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 55 linear feet of an unnamed tributary to East Branch Martins Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 00", Longitude: -75° 43' 51"),

15) a 16 inch diameter steel natural gas pipeline and temporary timber mat crossing impacting 2,508 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Harford, PA Quadrangle; Latitude: 41° 47' 01", Longitude: -75° 43' 53"),

16) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 52 linear feet of an unnamed tributary to East Branch Martins Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 02", Longitude: -75° 43' 58"),

17) a 16 inch diameter steel natural gas pipeline and temporary timber bridge crossing impacting 51 linear feet of an unnamed tributary to East Branch Martins Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 47' 10", Longitude: -75° 44' 06"),

18) a temporary existing bridge crossing impacting 10 linear feet of an unnamed tributary to Nine Partners Creek (CWF, MF) (Harford, PA Quadrangle; Latitude: 41° 48' 20", Longitude: -75° 41' 29").

The Harding Pipeline project consists of constructing approximately 4.80 miles of new 16" steel natural gas gathering line located in Harford Township, Susquehanna County. The project will result in 448 lineal feet of temporary stream impacts, 307 lineal feet (0.15 acre) of floodway only impacts, and 10,540 square feet (0.26 acre) of temporary wetlands impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

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

**E34-137: PennDOT Engineering District 2.0**, 70 PennDOT Drive, P.O. Box 342, Clearfield, PA 16830 in Monroe Township, **Juniata County**, U.S. Army Corps of Engineers Baltimore District.

The project proposed to remove existing structure and to (1) install and maintain a 30 L.F. 11 foot x 5-foot box culvert with 1-foot uniform depression in Cocolamus Creek (TSF, MF) with R-6 chocked with R-4 scour protection and (2) relocate 225 linear feet of UNT Cocolamus Creek (TSF, MF). The project proposed a total of 89 linear feet of temporary stream channel impacts,

280 linear feet of permanent impacts, 0.1 ac of temporary, and 0.1 ac of permanent wetland impacts for the purpose of improving roadway safety. The project is located in Monroe Township, Juniata County. (40° 40' 19.6", -77° 10' 28.2")

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 2, 400 Market Street, P.O. Box 8460, Harrisburg, PA 17105-8460.*

**D51-008EA. Rick Howley, Ecological Manager,** Philadelphia Water Department, 1101 Market Street, Aramark Tower, 2nd Floor, Philadelphia, PA 19107-2934, City of Philadelphia, **Philadelphia County,** USACOE Philadelphia District.

Project proposes to remove the Debris Dam for the purpose of eliminating a threat to public safety and restoring approximately 1,600 feet of stream channel to a free-flowing condition. The project is located across Frankford Creek (WWF, MF) (Frankford, PA Quadrangle, Latitude: 40.0162; Longitude: -75.0994).

**D52-061EA. Anthony Paone,** Girl Scouts of Eastern Pennsylvania, 100 Juliette Low Way, Valley Forge, PA 19482, Lehman Township, **Pike County,** USACOE Philadelphia District.

Project proposes to remove the Gorson Dam for the purpose of eliminating a threat to public safety and restoring approximately 1,620 feet of stream channel to a free-flowing condition. The project is located across a tributary to the Delaware River (HQ-CWF, MF) (Lake Maskenozha, PA Quadrangle, Latitude: 41.1808; Longitude: -74.9346).

**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**

*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>
PA0020044 (Sewage)	Fredonia WWTP PO Box 487 45 Water Street Fredonia, PA 16124-0487	Mercer County Fredonia Borough	Mill Run (20-A)	Yes

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

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

**NPDES Permit No. PA0253359**, Industrial, SIC Code 4941; Permittee: **Cambria Somerset Authority**, 110 Franklin Street, Suite 200, Johnstown, PA 15901-1829; Co-Permittee: CPV Fairview, LLC, 50 Braintree Hill Office Park, Suite 300, Braintree, MA 02184

The permittee's existing facility is located in Quemahoning Township, **Somerset County**. The co-permittee's proposed power plant will be located in Jackson Township, **Cambria County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of untreated excess reservoir supply water and a new discharge of treated industrial wastewater.

**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. 4515401**, Sewage, SIC Code 4952, **Mount Pocono Municipal Authority**, 1361 Pocono Boulevard, Suite 101, Mount Pocono, PA 18344.

This proposed facility is located in Mount Pocono Borough, **Monroe County**.

Description of Proposed Action/Activity: This permit is for proposed upgrades to the Authority's existing wastewater treatment plant and the construction of a new spray irrigation system. The upgrades include: a rotating screen to remove non-degradable solids; modifications to the comminutor vault; the addition of an influent equalization tank and pump station; new dissolved oxygen probes to refine control of the blowers and a new computer operating system for the existing Sequencing Batch Reactor (SBR) system; a new decant equalization tank and pump station; a new utility water tank; a new transfer pump station and two spray storage tanks; a new spray irrigation pump station and spray irrigation system; the addition of an effluent cooling system; installation of a new flow measuring flume; repairs to the existing outfall structure in Forest Hills Run; and installation of three (3) temperature monitoring stations in Forest Hills Run. The spray irrigation system will consist of five areas totaling approximately 80 acres. The combined disposal capacity of all five areas will vary over the spray season from 272,000 gpd during late fall to 599,000 gpd during the summer months. The system will be deactivated and winterized from November 16th through March 14th each year.

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

**WQM Permit No. WQG01671601**, Sewerage, **Clair R. Spangler Jr.**, T220 James Buchanan Drive, Elizabethtown, PA 17022.

This proposed facility is located in York Township, **York County**.

Description of Proposed Action/Activity: Applicant is applying to discharge from a facility located at 2725 Water Street, York, PA 17403 in York Township, York County to dry swale to Unnamed Tributary to East Branch Codorus Creek which is listed in Watershed 7-H in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

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

**WQM Permit No. 1079405 A-1**, Sewage, **Edward Gulick**, 106 Beatty Drive, Saxonburg, PA 16056-9520.

This existing facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: Amendment to add sludge holding and dewatering bed.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023916012	Elizabeth A. Roma 2721 Post Road Orefield, PA 18069-2836	Lehigh	Lowhill Township	Hassen Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030615003 Issued	Pennsylvania Department of Transportation, District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Bedford	South Woodbury Township	Yellow Creek (HQ-CWF) Three Springs Run (HQ-CWF) Wetlands (EV)
PAG02003616081 Issued	Delbert Marting 22 Parkway Ephrata, PA 17522	Lancaster	Brecknock Township	UNT Muddy Creek (WWF)
PAG02003616090 Issued	Sherman & Walton Inc. 2071 B Old Philadelphia Pike Lancaster, PA 17602	Lancaster	East Lampeter Township	Mill Creek (WWF)
PAC360007 Maj Mod Issued	King Court Properties LLC 2926 Lincoln Highway East Gordonville, PA 17529	Lancaster	Earl Township	UNT Mill Creek (TSF, MF)
PAC360019 Issued	Thaddeus Stevens College of Technology 750 East King Street Lancaster, PA 17602	Lancaster	Lancaster City	Conestoga River (WWF, MF)
PAC010007 Issued	James Muller-Adams County Law Enforcement Association 1815 Lake Meade Road York Springs, PA 17372	Adams	Straban Township	Beaverdam Creek (WWF)
PAC060015 Issued	Sean McKenna, Road-Con, Inc. 902 Camaro Run West Chester, PA 19380	Berks	Richmond Township	Willow Creek (CWF, MF)
PAC060008 Issued	Lisa Salamone, New Century Properties, LP P.O. Box 918 Devon, PA 19333	Berks	Borough of Leesport	UNT Shuylkill River (WWF, MF)

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3574.*

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAD140001	Michele Brandt 47 Marvin Street Port Matilda, PA 16870	Centre	Patton Twp	UNT to Buffalo Run HA-CWF

*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>
PAI056516001	PA Department of Transportation District 12-0 825 North Gallatin Avenue Uniontown, PA 15401	Westmoreland County	Donegal Township Donegal Borough	UNTs to Minnow Run (CWF); UNTs to Indian Creek (HQ-CWF)

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities

PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines
PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

*Facility Location:*

<i>Municipality &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>
Hanover Township Lehigh County	PAC390001	Charles R. Everett, Jr. Lehigh Northampton Airport Authority 3311 Airport Road Allentown, PA 18109-3040	UNT to Catasauqua Creek (CWF, MF)	Lehigh County Conservation District 610-391-9583

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

<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>
Orange Twp Columbia Cnty	PAC190001	PPL Electric Utilities Corp Two North Ninth Street Allentown, PA 18101	Fishing Creek	Columbia County Conservation District 702 Sawmill Rd Ste 204 Bloomsburg, PA 17815 (570) 784-1310 X 102
City of Williamsport Lycoming Cnty	PAC410001	Michael Bender PennDOT District 3 715 Jordan Ave Montoursville, PA 17754	Fox Hollow Run—WWF Spring Creek—WWF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003
Clinton Twp Lycoming Cnty	PAG02004116018	J. Michael Lutz Wenger Feeds LLC PO Box 26 Rheems, PA 17570	Turkey Run—WWF, MF	Lycoming County Conservation District 542 County Farm Rd Ste 202 Montoursville, PA 17754 (570) 433-3003

## NOTICES

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

<i>Facility Location and Municipality</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office and Phone No.</i>
Chartiers Township	PAC630011	Columbia Gas of PA 2021 West State Street New Castle, PA 16101	Chartiers Run (WWF)	Washington County Conservation District 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

*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>
Bethlehem City Lehigh County	PAR202253	Barker Steel LLC 1700 Riverside Drive Bethlehem, PA 18015	Lehigh River (WWF)	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Scott Township Lackawanna County	PAR222209	Brojak Lumber Co. 350 Commerce Drive Scott Township, PA 18447	Hull Creek (CWF) and South Branch Tunkhannock Creek (CWF)	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Banks Township Carbon County	PAR602230	Hazleton Oil & Environmental Inc. 300 S. Tamaqua Street Hazleton, PA 18201	Catawissa Creek (CWF)	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
Archbald Borough Lackawanna County	PAR802241	General Dynamics Land Systems Scranton Operations 175 East Street Eynon, PA 18403	Wildcat Creek (CWF)	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
West Brunswick Township Schuylkill County	PAR202256	Shalmet Corporation 116 Pinedale Industrial Road Orwigsburg, PA 17961	Unnamed Tributary to Pine Creek—3-A	DEP Northeast Regional Office Clean Water Program 2 Public Square Wilkes-Barre, PA 18701-1915 570.826.2511
225 Peach Street Leesport PA 19533-8644/ Ontelaunee Twp	PAG033545	Fleetwood Industries Inc. 25 Peach Street Leesport, PA 19533-8644	Schuylkill River	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-4*

<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>
York Township/ York County	PAG043958	Clair R. Jr. & Joanne M. Spangler T220 James Buchanan Drive Elizabethtown, PA 17022	dry swale to Unnamed Tributary to East Branch Codorus Creek/ Watershed 7-H	DEP—SCRO—Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707



*General Permit Type—PAG-7*

<i>Facility Location &amp; County/Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Burlington County Cocomposting Facility Biosolids Proc Fac 800 Co Co Lane Columbus, NJ 08022-0247	PAG079904	Burlington County Board of Chosen Freeholders PO Box 6000 Mount Holly, NJ 08060	Burlington County Cocomposting Facility 800 Co Co Lane Columbus, NJ 08022-0247	DEP—Bureau of Clean Water 400 Market Street PO Box 8774 Harrisburg, PA 17105-8774 Telephone: 717-787-8184
Burlington County/ Mansfield Township				

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Clair Burkholder 1050 Oregon Hollor Road Drumore, PA 17518	Lancaster	323.8	792.69	Beef/Swine/ Layer	HQ	A
Robert Brubaker Sr. 1051 Fairview Rd. Manheim, PA 17545	Lancaster	25.1	15.07	Broilers	NA	A
Benjamin Nissley 125 Aberdeen Rd. Elizabethtown, PA 17022	Lancaster	130	681.7	Swine	NA	A
Scott Brinton 323 Riverview Rd. Peach Bottom, PA 17563	Lancaster	413.2	471.76	Swine	HQ	A
Melvin Huber 457 Cold Springs Rd. Elizabethtown, PA 17022	Lancaster	53.3	437.69	Layers	None	A

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Christopher Barry Barry Farms 259 Obie Road Newmanstown, PA 17073	Lebanon	547.2	915.29	Swine & Beef Cattle	NA	Approved
Lamar Sensenig 114 Huckleberry Road Newmanstown, PA 17073 (permit transfer in process from Marlin Sensenig)	Lebanon	66.1	340.19	Poultry—Broilers	NA	Approved

**PUBLIC WATER SUPPLY PERMITS**

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

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania 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. 2359008, Operation Permit, Public Water Supply.**

Applicant	<b>Pennsylvania-American Water Company</b> (Lake Scranton Water System) 800 West Hershey Park Drive Hershey, PA 17033
Municipality	Dunmore Borough
County	<b>Lackawanna</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 15, 2016

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

**Permit No. 0716502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Hillcrest Communities</b>
Municipality	Logan Township
County	<b>Blair</b>
Responsible Official	Roland Black, Office Manager 122 California Drive Altoona, PA 16602

Type of Facility This project consists of the installation of approximately 55' of 12" diameter chlorine contact piping at Entry Point (EP) 101 to replace the existing chlorine contact tanks that are leaking and in need of replacement.

Consulting Engineer	David M. Cunningham, P.E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648
Permit to Construct Issued	12/13/2016

**Permit No. 2816502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Mercersburg Water Authority</b>
Municipality	Peters Township
County	<b>Franklin</b>
Responsible Official	Derek Stoy, Assistant Authority Manager 113 South Main Street Mercersburg, PA 17236

Type of Facility Replacement of filter media and inspection of underdrains, backwash, and air scour systems.

Consulting Engineer	Lance S. Kegerreis, P.E. Dennis E. Black Engineering Inc. 2400 Philadelphia Avenue Chambersburg, PA 17201
Permit to Construct Issued	12/13/2016
<b>Permit No. 2116507 MA, Minor Amendment, Public Water Supply.</b>	
Applicant	<b>Regency Woods Mobile Home Park</b>
Municipality	Middlesex Township
County	<b>Cumberland</b>
Responsible Official	Lynde K. Blymier, Property Manager 130 Rex Drive Carlisle, PA 17013
Type of Facility	Replacement and upgrade of greensand filter units for Iron and Manganese removal.
Consulting Engineer	Sean Sweeney, P.E. Barton & Loguidice 3901 Hartzdale Drive Camp Hill, PA 17011
Permit to Construct Issued	12/13/2016

**Operation Permit No. 4070022** issued to: **Williamsburg Municipal Authority (PWS ID No. 4070022)**, Woodbury Township, **Blair County** on 12/13/2016 for facilities approved under Construction Permit No. 0715501.

**Transferred Comprehensive Operation Permit No. 7010965** issued to: **Weis Markets, Inc. (PWS ID No. 7010965)**, Hamilton Township, **Adams County** on 12/13/2016. Action is for a Change in Ownership for Weis Markets Store # 200, Adams County for the operation of facilities previously issued to Nell's, Inc.

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

**Transfer of Operation Permit** issued to **Morrow & VanGuilder Sales & Rentals, LLC, PWSID No. 6620005**, Pittsfield Township, **Warren County** on December 13, 2016. Action is for change in ownership; the potable water supplier will do business as Valley View Village MHP. The new permit number is 6286502-T2.

#### **SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

#### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Woodbury Township	125 North Road New Enterprise, PA 16664	Bedford County

*Plan Description:* The planning module for the Replogle Subdivision, DEP Code No. A3-05931-217-2, APS Id 924949, consisting of converting a 24 acre non-building

lot into a building lot using an on lot sewage system and a well is disapproved. The proposed development is located along North Road. This plan is disapproved because the chosen alternative is not supported by the information provided in the plan. The use of conventional on lot sewage disposal or denitrification systems couldn't be approved for this project, since a preliminary hydrogeologic evaluation wasn't completed as set forth in Chapter 71, Section 71.62(c)(2).

## **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.*

**ARMACS Associates**, 2 Old Market Street, Mount Joy, PA 17552, Mount Joy Borough, **Lancaster County**. AECOM, 4507 North Front Street, Harrisburg, PA 17110, on behalf of ARMACS Associates, 2 Old Market Street, Mount Joy, PA 17552, submitted a Final Report for site soil and groundwater contaminated with # 6 fuel oil. The

Report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific Standards.

**Max-Mile Car Care Center**, 145 Guy Street, Hallam, PA 17406, Hallam Borough, **York County**. Reliance Environmental, Inc., 235 North Duke Street, Lancaster, PA 17602, on behalf of Jump Start Garage, 2739 Black Bear Road, Needmore, PA 17238, submitted a Final Report to remediate site soil contaminated with No. 2 fuel oil. The Report is intended to meet the Residential Statewide Health Standard.

**Dollar General/Former Uni-Mart**, 55 York Street, Wellsville, PA 17365, Wellsville Borough, **York County**. United Environmental Services, LP, P.O. Box 701, Schuylkill Haven, PA 17972, on behalf of MBC Development LP, 950 East Main Street, Schuylkill Haven, PA 17972, submitted a Final Report to remediate site soil contaminated with No. 2 fuel oil. The site will be remediated to the Non-Residential Statewide Health Standard.

**Southeast Corner of Susquehanna Court and Lowther Street**, Lemoyne, PA 17403, Lemoyne Borough, **Cumberland County**. August Mack Environmental, Inc., 941 Wheatland Avenue, Suite 202, Lancaster, PA 17603, on behalf of G&G, LLC, 1420 King Street, Suite 411, Alexandria, VA 22314, and Lemoyne Harrisburg Development LLC, 1420 King Street, Suite 411, Alexandria, VA 22314, submitted a Remedial Investigation, Risk Assessment, and Final Report concerning remediation of site soil contaminated with PAHs from fill material at a former quarry. The combined report is intended to document remediation of the site to meet the Site Specific Standard.

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

**Townhouse at Evansburg, Germantown Pike/River Road & Germantown Pike/Crosskeys Road**, Lower Providence Township, **Montgomery County**. Walter H. Hungarter, III, PE, RT Environmental Service Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Christopher Canavan, Prospect Acquisitions, LP & Stoneridge Acquisitions, LP, 404 Sumneytown Pike, Suite 200, North Wales, PA 19454 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with metals and chlorinated solvents. The report is intended to document remediation of the site to meet the Site Specific Standard. PF779739.

**Pier 60 Properties**, 1499/1505/1533 Christopher Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Joel Zickler, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Tina Roberts, Sugarmill Development Associates, LP, 817 North 3rd Street, Philadelphia, PA 19123 has submitted a Remedial Investigation and Cleanup Plan concerning remediation of site soil and groundwater at the site contaminated with the release of heavy metals and naphthalene. The report is intended to document remediation of the site to meet the Site Specific Standard. PF66027.

**Sunoco Twin Oaks Terminal # 0234-3267**, 4041 Market Street, Upper Chichester, **Delaware County**. David Schantz, Aquaterra Technologies, Inc., 122 S. Church Street, West Chester, PA 19382, William Brochu, Evergreen Resource Management Operations, 2 Righter Parkway, Suite 200, Wilmington, DE 19803 on behalf of

Bradford Fish, Sr., Sunoco Partners Market & Terminal, LP, 4041 Market Street, Aston, PA 19014 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site Specific Standard. PF733789.

**Preserved Open Space Cheltenham Township**, 1100 Ashbourne Road, Cheltenham Township, **Montgomery County**. Michael Potts, Ramboll Environ US Corporation, 101 Carnegie Center, Princeton, NJ 08540 on behalf of Kenneth Griffin, Matrix Ashbourne Associates, LP, Forsgate Drive, CN 4000, Cranbury, NJ 08540 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF813019.

**144 Lancaster Avenue Site**, Easttown Township, **Chester County**. Michael A. Welsh, PE, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of Eli Kahn, 144 Lancaster Avenue Associates, LP, 55 County Drive, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with other organics. The report is intended to document remediation of the site to meet the Site Specific Standard. PF781305.

**Mack Oil Berwyn**, 45 Branch Avenue, Easttown Township, **Chester County**, Tim McCorry, Mack Services Company, Inc., 45 Branch Avenue, Berwyn, PA 19312 on behalf of Michael S. Welsh, PE, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site Specific Standard. PF617237.

**Frog Hollow Racquet Club**, 2115 Weber Road, Worcester Township, **Montgomery County**. Staci Cotton, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Harold Conway, R&H Sport, LP, 2115 Weber Road, Lansdale, PA 19446 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813855.

**1521 Spruce Street**, 1521 Spruce Street, City of Philadelphia, **Philadelphia County**. Scott Bisbort Sr., Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, Ernest Salandria, 2 Pelican Planc, North Cape May, NJ 08024, on behalf of David Lerman, Spruce 1521, LLC, 1521 Spruce Street, Philadelphia, PA 19102 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813363.

**Jaeger Residence**, 1876 East Sawmill Road, Haycock Township, **Bucks County**. Andrew Markoski, Patriot Environmental Management, LLC, 21 Unionville Road, P.O. Box 629, Douglasville, PA 19518 on behalf of Charles Jaeger, 9222 Old Easton Road, P.O. Box 116 Ferndale, PA 19021 has submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF808880.

**Hypex Inc.**, 1000 Industrial Boulevard, Upper Southampton Township, **Bucks County**. Greg Firely, Langan, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of James Hasson, Hypex, Inc., 1000

Industrials Boulevard, Southampton, PA 18966-4007 has submitted a Final Report concerning remediation of site soil contaminated with manganese. The report is intended to document remediation of the site to meet the Statewide Health Standard. PF813024.

**Sitewide BP Trainer Refinery Site (soil)**, Borough of Trainer and Marcus Hook, **Delaware County**. Matthew Troll, Monroe Energy, LLC, 4101 Post Road, Trainer, PA 19061 on behalf of Sasa Jazic, Remediation Management Service Company, 150 West Warrenville Road, Mail Code 200-1E, Naperville, IL 60563 has submitted a Cleanup Plan concerning remediation of site soil contaminated with petroleum hydrocarbon. The report is intended to document remediation of the site to meet the Site Specific Standard. PF747691.

**Festival Pier**, 501 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with pahs. The report is intended to document remediation of the site to meet the Site Specific Standard. PF811767.

## 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 environ-

mental 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.*

**Safety-Kleen New Kingstown Service Center**, 10 Eleanor Drive, New Kingstown, PA 17072, Silver Spring Township, **Cumberland County**. CB&I Environmental & Infrastructure, Inc., 13 British American Boulevard, Latham, NY 12110, on behalf of Safety-Kleen Systems, Inc., A Clean Harbors Company, 4120 Thunderbird Lane, Fairfield, OH 45014, submitted a Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with VOCs. The combined report did not demonstrate attainment of the Site Specific Standard, and was disapproved by the Department on December 12, 2016.

**Volume Transportation/RML Warehouse**, 350 Wiconisco Street, Millersburg, PA 17061, Millersburg Borough and Upper Paxton Township, **Dauphin County**. EP&S of Vermont, Inc., 1539 Bobali Drive, Harrisburg, PA 17104, on behalf of Volume Transportation, 2261 Plunket Road, Conyers, GA 30012, and RML Warehouse, 350 Wiconisco Street, Millersburg, PA 17061 submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department on December 13, 2016.

**Reading Housing Authority Oakbrook Boiler House**, 500 McClellan Street, Reading, PA 19611, Reading City, **Berks County**. Element Environmental Solutions, Inc., 61 Willow Street, Adamstown, PA 19501, on behalf of Reading Housing Authority, 400 Hancock Boulevard, Reading, PA 19611, submitted a Remedial Investigation/Final Report concerning remediation of site soils and groundwater contaminated with # 6 fuel oil. The combined report did not demonstrate attainment of the Residential Statewide Health and Site Specific Standards, and was disapproved by the Department on December 13, 2016.

**Conestoga MHP Lot 20**, 3327 Main Street, Lot 20, Conestoga, PA 17516, Conestoga Township, **Lancaster County**. Liberty Environmental, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Conestoga Mobile Home Park, 252 Willow Valley Road, Lancaster, PA 17602, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil. The Final Report was administratively incomplete and was disapproved by the Department on December 15, 2016.

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

**1521 Spruce Street**, 1521 Spruce Street, City of Philadelphia, **Philadelphia County**. Scott Bisbort, Ransom Environmental, 2127 Hamilton Avenue, Hamilton, NJ 08619, Ernest Salandria, 2 Pelican Planc, North Cape May, NJ 08204 on behalf of David Lerman, Spruce 1521, LLC, 1521 Spruce Street, Philadelphia, PA 19102 has submitted a 90 day Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 8, 2016. PF813363.

**Frog Hollow Racquet Club**, 215 Weber Road, Worcester Township, **Montgomery County**. Staci Cottle, J&J Environmental, P.O. Box 370, Blue Bell, PA 19422 on behalf of Harold Conway, R&H Sport, LP, 2115 Weber Road, Lansdale, PA 19464 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 8, 2016. PF813855.

**Festival Pier**, 501 North Columbus Boulevard, City of Philadelphia, **Philadelphia County**. Paul Martino, PG, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, Bill Schmidt, P.E., Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 has submitted a Remedial Investigation/Cleanup Plan concerning remediation of site soil and groundwater contaminated with pahs. The Remedial Investigation/Cleanup Plan was approved by the Department on December 6, 2016. PF811767.

**Sitewide BP Trainer Refinery Site-Wide LNAPL**, 4101 Post Road, Borough of Trainer and Marcus Hook, **Delaware County**. Ian Bryant, Sovereign Consulting, 11A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield Company, 28100 Torch Parkway, Mail Code 2-S, Warrenville, Illinois 60555 on behalf of Matthew Torell, Monroe Energy LLC, 4101 Post Road, Trainer, PA 19061 has submitted a Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with inorganics. The Risk Assessment was approved by the Department on November 28, 2016. PF747691.

**200 Welsh Road**, 200 Welsh Road, Horsham Township, **Montgomery County**. Paul Martino, PG Pennoni Associates Inc., 3001 Market Street, Philadelphia, PA 19104, William F. Schmidt, PE, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Peter Calatozzo, 20 Welsh LP, 825 Third Avenue, 36th Floor, New York, NY 10022 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site soil and groundwater contaminated with chlorinated compounds. The Remedial Investigation/Risk Assessment was approved by the Department on November 28, 2016. PF812603.

**Chester Valley Trail Phase 2**, Cedar Hollow Road to Eagle School Road, Tredyffrin Township, **Chester County**. Michael Gill, Esquire, Buckley Brion, McGuire & Morris, LLP, 118 West Market Street, Suite 300, West Chester, PA 19362 on behalf of Brian Law, Allan A. Myers, Inc., P.O. Box 98, Worcester, PA 19490 has submitted a Cleanup Plan/Remedial Investigation and

Final Report concerning the remediation of site soil contaminated with arsenic. The Cleanup Plan/Remedial Investigation and Final Report were approved by the Department on November 28, 2016. PF760483.

**Society Hill Shop Center**, 314-326 South 5th Street, City of Philadelphia, **Philadelphia County**. Michael A. Christie, PG Penn E&R, Inc., 2755 Begey Road, Hatfield, PA 19440, Darryl D. Borrell, Manko, Gold, Katcher & Fox, LLP, 401City Avenue, Suite 901, Bala Cynwyd, PA 19004 on behalf of Harry Feinber, Law Office of Harry Feinberg, 21 South 12th Street, Philadelphia, PA 19107 has submitted a Cleanup Plan/Risk Assessment and Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Cleanup Plan/Risk Assessment and Remedial Investigation Report were approved by the Department on December 1, 2016. PF785578.

**Hellberg Tract**, 32 North Main Street, Chalfont Borough, **Buck County**. Richard S. Werner Environmental Consulting Inc., 2002 Renaissance Boulevard, Suite 110, King of Prussia, PA 19406 on behalf of Robert White, Redevelopment Authority of Bucks County, 216 Pond Street, Bristol, PA 19007 has submitted a Final Report concerning the remediation of site soil contaminated with dieldrin, arsenic and lead. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on December 1, 2016. PF813017.

**Steere Residence**, 14 Dawn Road, Middletown Township, **Bucks County**. Richard D. Trimpi, PG, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Lisa Gagliardi, State Farm Insurance Company, P.O. Box 106169, Atlanta, GA 30348-6169 on behalf of Jennifer and Jason Steere, 14 Dawn Road, Levittown, PA 19056 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard was approved by the Department on November 29, 2016. PF783857.

**Drexeline Dry Cleaners**, 4998 State Road, Upper Darby Township, **Delaware County**. Michael S. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 on behalf of H. David Seegul, Drexeline Shopping Center, Inc., 5100 State Road, Drexel Hill, PA 19026 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on November 22, 2016.

**BP Trainer Refinery Lube Plant Area**, 4101 Post Road, Marcus Hook Borough, **Delaware County**. Ian Bryant, Sovereign Consulting, Inc., 111-A North Gold Drive, Robbinsville, NJ 08691, Sasa Jazic, Atlantic Richfield Company, 28100 Torch Parkway, Mail Code 2-S, Warrenville, Illinois 60555 on behalf of Matthew Torell, Monroe Energy LLC, 4101 Post Road, Trainer, PA 19061 has submitted Final Report concerning the remediation of site soil contaminated with petroleum hydrocarbon The Final report demonstrated attainment of the Site Specific Standard and was approved by the Department on May 4, 2016. PF617983.

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**HAZARDOUS WASTE TRANSPORTER LICENSE**


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

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

*Hazardous Waste Transporter License Reissued*

**Abington Reldan Metals, LLC**, 550 Old Bordentown Road, Fairless Hills, PA 19030. License No. PA-AH 0824. Effective Dec 19, 2016.

**Dart Trucking Company, Inc.**, PO Box 157, North Lima, OH 44452. License No. PA-AH 0219. Effective Dec 07, 2016.

**Empire Wrecking Co. of Reading, PA.**, 1420 Clarion Street, Reading, PA 19601. License No. PA-AH 0255. Effective Dec 12, 2016.

**Lancaster Oil Company dba Environmental Recovery Corporation of Pennsylvania**, 1076 Old Manheim Pike, Lancaster, PA 17601. License No. PA-AH 0679. Effective Dec 07, 2016.

**Philotechnics, Ltd.**, 201 Renovare Boulevard, Oak Ridge, TN 37830. License No. PA-AH 0782. Effective Dec 12, 2016.

**Ryan Environmental Transport, LLC**, 5793 West Veterans Memorial Highway, Bridgeport, WV 26330. License No. PA-AH 0815. Effective Dec 07, 2016.

*Renewal Applications Received*

**Abington Reldan Metals, LLC**, 550 Old Bordentown Road, Fairless Hills, PA 19030. License No. PA-AH 0824. Effective Dec 16, 2016.

**Empire Wrecking Co. of Reading, PA.**, 1420 Clarion Street, Reading, PA 19601. License No. PA-AH 0255. Effective.

**Philotechnics, Ltd.**, 201 Renovare Boulevard, Oak Ridge, TN 37830. License No. PA-AH 0782. Effective Dec 12, 2016.

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**REGULATED MEDICAL AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES**


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**Actions on applications for Regulated Medical and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and the act of June 28, 1988 (P.L. 525, No. 93) and regulations to transport regulated medical and chemotherapeutic waste.**

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

*Renewal Applications Received*

**Safeguard Waste Solutions, Inc.**, 6 Brown Road, Albany, NY 12205. License No. PA-HC 0263. Effective Dec. 19, 2016.

*Regulated Medical and Chemotherapeutic Waste Transporter Reissued*

**Safeguard Waste Solutions, Inc.**, 6 Brown Road, Albany, NY 12205. License No. PA-HC 0263. Effective Dec. 19, 2016.

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


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**Permits renewed under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

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

**Permit No. 101644 Blair County Resource Recovery Facility, Inc.**, 1356 Old Sixth Avenue Road, Altoona, PA 16603 (Municipal Waste Transfer Station) Logan Township, **Blair County**. The permit for Blair County Resource Recovery Facility, which expires on February 25, 2017, was renewed until February 25, 2027. The permit renewal was issued on December 16, 2016 for Solid Waste Permit No. 101644 for the operation of the municipal waste transfer station in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101, et seq.

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

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**AIR QUALITY**


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**Plan Approvals Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**66-00001H: Proctor and Gamble Paper Products Co.** (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) On December 15, 2016 for the modification of four gas fired boilers at their facility in Washington Township, **Wyoming County**.

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

*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.*

**67-05092H: Starbucks Coffee Company** (3000 Espresso Way, York, PA 17406) on December 13, 2016, for the construction of the following sources: two coffee roasters controlled by a regenerative thermal oxidizer; two cooling trays controlled by dedicated cyclones; two destoners controlled by dedicated cyclones; and a chaff press controlled by a cyclone at the York Roasting Plant in East Manchester Township, **York County**. The plan approval was extended.

**36-05002E: Armstrong World Industries, Inc.** (1067 Dillerville Road, Lancaster, PA 17604) on December 13,

2016, for installation of a new luxury vinyl tile line at their flooring plant in the City of Lancaster, **Lancaster County**. The LVT line will consist of raw material storage and handling, blanket forming, lamination, sizing, coating and curing, and edge detailing. The plan approval was extended.

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

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

**23-00119: Sunoco Partners Marketing & Terminals** (100 Green Street, Marcus Hook, PA 19061) On December 19, 2016 for a significant modification to incorporate plan approval 23-0001AD; incorporate by reference the following plan approvals: 23-01119; 23 0119A; 23-0119B; 23-0119C, and 23-0119D; and make minor corrections to the Title V Operating Permit for this facility in Marcus Hook Borough, **Delaware County**.

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

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

**06-05100: Ontelaunee Power Operating Co., LLC** (5115 Pottsville Pike, Reading, PA 19605-9729) on December 12, 2016, for the Ontelaunee Energy Center located in Ontelaunee Township, **Berks County**. The Title V permit was renewed.

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

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

*Contact: Tom Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**65-00042: Ranbar Electrical Materials, Inc./Manor Plant** (408 Manor Harrison City Road, Harrison City, PA 15636) on December 13, 2016, the Department issued a State Only Operating Permit (Synthetic Minor) for the manufacturing of resin and paints located in Manor Borough, **Westmoreland County**.

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**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.**

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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.*

**23-00014: Kimberly Clark of PA, LLC** (Front & Avenue of the States, Chester, PA 19013) On December 19, 2016 located in **Delaware County**. This PA bulletin is for a combination of an administrative amendment and for a minor modification. The amendment makes minor updates to the existing permit conditions for Boiler No. 10 (Source ID 035) to make adjustments necessary to docu-

ment compliance with Boiler MACT (40 CFR 63 Subpart DDDDD). In addition this administrative amendment incorporates a change in the responsible official from Mr. Robert B. Cross to Mr. Simon Woods. The minor modification adds a facility-wide VOC limit of 49 tons per year. The goal of this modification is to make the permit adjustments necessary to make Kimberly Clark a minor source of VOC emissions for RACT II purposes. Kimberly Clark remains a major source of NO<sub>x</sub> for RACT II purposes.

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

*Contact: Thomas Joseph, P.E., Facilities Permitting Chief—Telephone: 412-442-4336.*

**SOOP-63-00955: National Fuel Gas Supply Corporation** (6363 Main Street, Williamsville, NY 14221) Administrative Amendment issued on December 15, 2016, to change the name of the Responsible Person on the operating permit. The name of the Permit Contact is now Jeffery J. Kittka. The Buffalo Compressor Station is located in Buffalo Township, **Washington County**.

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

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**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).

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*Coal Permits Issued*

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

**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 full extraction mining under Polen and Ken Run in Panels 3L through 5L and perform stream restoration/remediation. The application was considered administratively complete on July 29, 2016. Application received February 23, 2016. Permit issued December 13, 2016.

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

**Permit No. 11150103 and NPDES Permit No. PA0269514. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001. Commencement, operation and restoration of a bituminous surface and auger mine in West Carroll Township, **Cambria County**, affecting 104.0 acres. Receiving streams: unnamed tributaries # 1 and # 2 to/and the West Branch of the Susquehanna River,



classified for the following uses: cold water fishes and warm water fishes. The applicant is requesting to obtain a variance to conduct surface mining activities within 100 feet of Unnamed Tributaries # 1 and # 2 to West Branch of the Susquehanna River. The first stream encroachment activity consists of the use and upgrading of an existing road crossing to Unnamed Tributary # 2. The next stream encroachment activity consists of construction of E & S Controls and the use and upgrading of an existing road crossing to Unnamed Tributary # 1. SMP No. 11150103 also authorizes a Chapter 105 encroachment permit and a 401 Water Quality Certification to conduct the activities described in these conditions. There are no potable water supply intakes within 10 miles downstream. Application received: March 16, 2016. Permit issued: December 12, 2016.

**Permit No. 32850114 and NPDES Permit No. PA0597457, Beilchick Brothers, P.O. Box 7, Heilwood, PA 15745, renewal of a bituminous surface mine in Pine Township, Indiana County, affecting 147.5 acres. Receiving streams: Unnamed tributaries of Little Yellow Creek, classified for the following use: high quality cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: March 18, 2016. Permit issued: December 13, 2016.**

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

**24090102 and NPDES Permit No. PA0258806. Tamburlin Brothers Coal Company, Inc. (P.O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous surface mine and associated NPDES permit in Fox Township, Elk County, affecting 145.0 acres. Receiving streams: Unnamed tributary to Sawmill Run, unnamed tributary to Limestone Run, and unnamed tributary to Little Toby Creek. Application received: June 27, 2016. Permit Issued: December 15, 2016.**

**33010102 and NPDES Permit No. PA0241890. McKay Coal Company, Inc. (P.O. Box 343, Punxsutawney, PA 15767) Renewal of an existing bituminous surface and auger mine in Perry Township, Jefferson County, affecting 69.4 acres. Receiving streams: Unnamed tributary to Foundry Run. Application received: August 22, 2016. Permit Issued: December 15, 2016.**

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

**14090102 and NPDES PA0257117. RES Coal LLC (224 Grange Hall Road, P.O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface coal and auger mine from Rosebud Mining Company located in Rush Township, Centre County affecting 236.6 acres. Receiving stream(s): Trout Run, Unnamed Tributaries to Trout Run and Unnamed Tributaries to Moshannon Creek classified for the following use(s): CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 2, 2016. Permit issued: December 8, 2016.**

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

**Permit No. 13160101. Hazleton Shaft Corp., (PO Box 435, Hazleton, PA 18201), commencement, operation and restoration of an anthracite surface mine, coal refuse reprocessing and preparation plant operation in Banks and Hazle Townships, Carbon and Luzerne Counties affecting 465.5 acres, receiving stream: Wetzel Run. Application received: December 10, 2015. Permit issued: December 12, 2016.**

**Permit No. PAM115045. Hazleton Shaft Corp., (PO Box 435, Hazleton, PA 18201), General NPDES Stormwater Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 13160101 in Banks and Hazle Townships, Carbon and Luzerne Counties, receiving stream: Wetzel Run. Application received: December 10, 2015. Permit issued: December 12, 2016.**

**Permit No. 13-305-002GP12. Hazleton Shaft Corp., (PO Box 435, Hazleton, PA 18201), general operating permit to operate a coal preparation plant on Surface Mining Permit No. 13160101 in Banks and Hazle Townships, Carbon and Luzerne Counties. Application received: December 10, 2015. Permit issued: December 12, 2016.**

*Noncoal Permits Issued*

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

**Permit No. 34100801, GP104 No. PAM410001. Timothy S. Manbeck, 9098 Mountain Road, Port Royal, PA 17082. General NPDES Permit for stormwater discharges associated with mining activities on Small Noncoal Permit No. 34100801 located in Milford Township, Juniata County. Receiving stream: East Licking Creek, classified for the following uses: cold water fishes and migratory fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: November 28, 2016. Coverage Approved: December 14, 2016.**

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

**37080303. Three Rivers Aggregates, LLC (1807 Shenango Road, New Galilee, PA 16141) Revision to an existing large industrial minerals mine to add 4.0 acres in Scott & Plain Grove Townships, Lawrence County, affecting a total of 75.6 acres. Receiving streams: One unnamed tributary to Taylor Run and Taylor Run. Application received: March 14, 2016. Permit Issued: December 13, 2016.**

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

**14160801. Ameron Construction Company, Inc. (2501 North Atherton Street, State College, PA 16803). Commencement, operation and restoration of a small noncoal industrial minerals (shale and sandstone) mine in Boggs Township, Centre County affecting 5.0 acres. Receiving stream(s): Unnamed Tributary to Bald Eagle Creek. Application received: July 29, 2016. Permit Issued: December 8, 2016.**

**PAM216017. Ameron Construction Company, Inc. (2501 North Atherton Street, State College, PA 16803). General NPDES permit for stormwater discharge associated with mining activities on Surface Mining Permit No. 14160801 in Boggs Township, Centre County. Receiving stream(s): Unnamed Tributary to Bald Eagle Creek. Application received: July 29, 2016. Permit Issued: December 8, 2016.**

**14090301 and NPDES PA0257087. Hanson Aggregates Pennsylvania, LLC (7660 Imperial Way, Allentown, PA 18195). NPDES renewal for continue operation and reclamation of a large noncoal surface mining site located in Spring and Marion Townships, Centre County affecting 76.7 acres. Receiving stream(s): Nittany Creek. Application received: September 16, 2016. Permit issued: December 12, 2016.**

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

**03142001 and NPDES Permit No. PA0278211. Britt Energies, Inc.** (P.O. Box 515, Indiana, PA 15701). Permit issued for commencement, operation and restoration of a large noncoal surface and underground mine, located in South Bend Township, **Armstrong County**, affecting 84.5 surface acres and 161.5 underground acres. Receiving stream: Crooked Creek. Application received: January 20, 2016. Permit issued: December 12, 2016.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Issued*

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

**59164105. Brubacher Excavating, Inc.** (P.O. Box 528, Bowmansville, PA 17507-0528). Blasting for a construction project on General Permit 59161001, Armenia Mountain Quarry in Sullivan Township, **Tioga County** with an expiration date of October 17, 2017. Permit issued: December 7, 2016.

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

**Permit No. 48164110. Maine Drilling & Blasting, Inc.,** (P.O. Box 1140, Gardiner, ME 04345), construction blasting on Newlins Mill Road in Palmer Township, **Northampton County** with an expiration date of November 22, 2017. Permit issued: December 12, 2016.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterway and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E23-531. Middletown Township**, 27 North Pennell Road, Lima, Aston Township, Middletown Township and Brookhaven Borough, **Delaware County**; ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Chester Creek Interceptor Phase 2 Project:

1. To construct and maintain a replacement sanitary sewer line across Chester Creek and its unnamed tributaries (TSF, WWF, MF) at seven locations, and to encroach upon their respective floodways and floodplains. Work includes approximately 51 manholes within the floodway and/or floodplain of Chester Creek and its tributaries.

2. To perform excavation and restoration work within the right of way of the project located within the floodway and/or floodplain of Chester Creek and its tributaries.

The proposed project will permanently impact 0.029 acre of stream channel and temporarily impact 0.061 of stream channel. The project will also permanently impact 1.283 acre of the floodway and temporarily impact 0.061 of floodway. The project commences at the Southwest Delaware County Municipal Authority Wastewater Treatment Plant, runs within and along the Chester Creek floodway, and terminates near the west of the West Knowlton Road (S.R. 3022) bridge over Chester Creek. The project traverses Aston Township, Middletown Township, and Brookhaven Borough in Delaware County (USGS Quadrangle, PA, Marcus Hook—Latitude 39°51'44.22"—Longitude 75°23'50.85").

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E5829-105:** Brooklyn Township, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Brooklyn Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,021 square feet (0.07 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 10", Longitude: -75° 47' 30"),

2) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 30,415 square feet (0.70 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 47' 06"),

3) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 67 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 59"),

4) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 69 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 57"),

5) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 1,734 square feet (0.10 acre) of a palustrine forested wetlands (PFO) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 57"),

6) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 308 square feet (0.01 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 59"),

7) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 4,032 square feet (0.09 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 56"),

8) a 24 inch diameter steel natural gas gathering pipeline and temporary timber mat crossing permanently impacting 837 square feet (0.02 acre) of a palustrine scrub-shrub wetlands (PSS) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 54"),

9) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 895 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 01", Longitude: -75° 46' 54"),

10) timber mat crossing temporarily impacting 2,393 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 46' 53"),

11) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 843 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 48' 00", Longitude: -75° 46' 50"),

12) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting

5,520 square feet (0.13 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 43", Longitude: -75° 46' 48"),

13) timber mat crossing temporarily impacting 30 lineal feet (0.06 acre) of an existing 15 inch culvert (Montrose East, PA Quadrangle; Latitude: 41° 47' 42", Longitude: -75° 46' 48"),

14) temporary timber mat crossing impacting 2,675 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 42", Longitude: -75° 46' 47"),

15) timber mat crossing temporarily impacting 584 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 41", Longitude: -75° 46' 47"),

16) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 85 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 38", Longitude: -75° 46' 48"),

17) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 3,374 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 38", Longitude: -75° 46' 48"),

18) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,717 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 35", Longitude: -75° 46' 48"),

19) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 269 square feet (<0.01 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 46' 43"),

20) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 89 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 11", Longitude: -75° 46' 43"),

21) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 82 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 47' 10", Longitude: -75° 46' 43"),

22) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,417 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 46' 57", Longitude: -75° 46' 29"),

23) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 77 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 56", Longitude: -75° 46' 28"),

24) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 98 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 38"),

25) a temporary timber mat bridge crossing impacting 27 lineal feet of an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 36"),

26) a right-of-way encroachment crossing impacting 11,310 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 34"),

27) a right-of-way encroachment crossing impacting 312 square feet of floodway to an unnamed tributary to Martins Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 46' 49", Longitude: -75° 46' 34"),

28) a 24 inch diameter steel natural gas gathering pipeline and timber mat crossing temporarily impacting 1,083 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Montrose East, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -75° 47' 02"),

29) a 24 inch diameter steel natural gas gathering pipelines and temporary timber mat bridge crossing impacting 30 lineal feet of an unnamed tributary to Dry Creek (CWF-MF) (Montrose East, PA Quadrangle; Latitude: 41° 45' 53", Longitude: -75° 47' 02").

The project consists of constructing approximately 3.78 miles of 24" steel natural gas gathering line located in Brooklyn Township, Susquehanna County. The project will result in 653 lineal feet of temporary stream impacts, 73,868 square feet (1.70 acre) of temporary floodway impacts, 56,737 square feet (1.30 acre) of temporary wetland impacts, and 2,878 square feet (0.07 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E5829-106: Dimock and Springville Townships,** Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Dimock and Springville Townships, **Susquehanna County,** ACOE Baltimore District.

To construct, operate, and maintain:

1) a temporary timber mat crossing impacting 22 square feet (<0.01 acre) of floodway to an unnamed tributary to West Branch Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 41' 58", Longitude: -75° 57' 40"),

2) a 12 inch diameter permanent steel natural gas gathering pipeline and temporary timber mat crossing impacting 2,184 square feet (0.05 acre) of a palustrine forested wetlands (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 00", Longitude: -75° 57' 10"),

3) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 3,367 square feet (0.08 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 01", Longitude: -75° 57' 07"),

4) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 71 linear feet of an unnamed tributary to West Branch Meshoppen Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 06", Longitude: -75° 56' 58"),

5) a temporary timber mat crossing impacting 887 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 09", Longitude: -75° 56' 50"),

6) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 1,735 square feet (0.04 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 11", Longitude: -75° 56' 49"),

7) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 6,317 square feet (0.15 acre) of a palustrine emergent wetlands (PEM) and permanently impacting 725 square feet (0.02 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 12", Longitude: -75° 56' 48"),

8) a temporary timber mat crossing impacting 5,219 square feet (0.12 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 13", Longitude: -75° 56' 47"),

9) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 13,127 square feet (0.30 acre) of a palustrine emergent wetlands (PEM), temporarily impacting 1,002 square feet (0.02 acre) of a palustrine scrub shrub wetland (PSS), and permanently impacting 3,611 square feet (0.08 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 18", Longitude: -75° 56' 46"),

10) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 54 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 21", Longitude: -75° 56' 45"),

11) a temporary bridge crossing impacting 26 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 30", Longitude: -75° 56' 44"),

12) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 53 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 30", Longitude: -75° 56' 46"),

13) a temporary timber mat crossing impacting 638 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 31", Longitude: -75° 56' 46"),

14) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 1,965 square feet (0.05 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 32", Longitude: -75° 56' 47"),

15) a temporary timber mat crossing impacting 1,232 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 48", Longitude: -75° 56' 48"),

16) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 1,456 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 53", Longitude: -75° 56' 46"),

17) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 53 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 55", Longitude: -75° 56' 26"),

18) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 213 square feet (0.01 acre) of a palustrine emergent wetlands (PEM) and permanently impacting 457 square feet (0.01 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 55", Longitude: -75° 56' 24"),

19) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 852 square feet (0.02 acre) of a palustrine emergent wetlands (PEM) and permanently impacting 372 square feet (0.01 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 55", Longitude: -75° 56' 23"),

20) a temporary timber mat crossing permanently impacting 719 square feet (0.02 acre) of palustrine forested wetland (PFO) (Springville, PA Quadrangle; Latitude: 41° 42' 54", Longitude: -75° 56' 20"),

21) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 54 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 57", Longitude: -75° 56' 12"),

22) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 54 linear feet of an White Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 57", Longitude: -75° 56' 12"),

23) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 4,126 square feet (0.10 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 57", Longitude: -75° 56' 11"),

24) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 5,166 square feet (0.12 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 48", Longitude: -75° 55' 30"),

25) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 18,534 square feet (0.43 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 49", Longitude: -75° 55' 26"),

26) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 2,421 square feet (0.06 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 49", Longitude: -75° 55' 22"),

27) a 12 inch diameter permanent steel natural gas gathering pipelines and temporary timber mat crossing impacting 1,177 square feet (0.03 acre) of a palustrine emergent wetlands (PEM) (Springville, PA Quadrangle; Latitude: 41° 42' 50", Longitude: -75° 55' 18"),

28) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 51 linear feet of an unnamed tributary to Thomas Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 49", Longitude: -75° 55' 20"),

29) a 12 inch diameter permanent steel natural gas gathering pipelines and a temporary bridge crossing impacting 93 linear feet of an unnamed tributary to Thomas Creek (CWF, MF) (Springville, PA Quadrangle; Latitude: 41° 42' 49", Longitude: -75° 55' 17").

The project consists of approximately 3.52 miles (18,597 feet) of single 12" steel natural gas gathering pipeline located in Dimock and Springville Townships, Susquehanna County, Pennsylvania. The project will result in 509 lineal feet of temporary stream impacts, 69,434 square feet (1.59 acre) of temporary PEM wetland impacts, and 8,068 square feet (0.19 acre) of permanent wetland impacts all for the purpose of providing safe reliable conveyance of Marcellus Shale natural gas to market.

**E0829-109: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Albany and Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 3,764 square feet of a Palustrine Emergent Wetland (Dushore, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°47'35");

2. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 2,871 square feet of a Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°28'25");

The project will result in 3,764 square feet (0.09 acre) of temporary PEM and 2,871 square feet (0.07 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Albany and Overton Township, Bradford County. This project is associated with permit application number E5729-087.

**E5729-087: Appalachia Midstream, LLC**, 400 IST Center, Suite 404, Horseheads, NY 14845, Cherry Township, **Sullivan County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,821 square feet of a Palustrine Forested Wetland (EV) (Dushore, PA Quadrangle, Latitude: 41°33'42", Longitude: -76°28'25");

The project will result in 1,821 square feet (0.04 acre) of permanent PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in Cherry Township, Sullivan County. This project is associated with permit application number E0829-109.

#### 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.

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

ESCP 2 # ESG00081160002  
Applicant Name Transcontinental Gas Pipe Line Co LLC  
Contact Person Joseph Dean  
Address 2000 Commerce Dr  
City, State, Zip Pittsburgh, PA 15276  
County Lycoming  
Township(s) Penn Township  
Receiving Stream(s) and Classification(s) Greys Run—  
CWF, MF; Muncy Creek-TSF, MF

*Southwest District: Oil & Gas Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222.*

ESCGP-2 # ESG15-125-0057  
Applicant Name Range Resources Appalachia, LLC  
Contact Person Karl Matz  
Address 3000 Town Center Blvd  
City, State, Zip Canonsburg, PA 15317  
County Washington County  
Township(s) Blaine Township  
Receiving Stream(s) and Classification(s) UNTs to Buffalo  
Creek (HQ)  
Secondary—Buffalo Creek

ESCGP-2 # ESX10-059-0049  
Applicant Name CNX Gas Company, LLC  
Contact Person Erika Whetstone  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene County and Washington County  
Township(s) Morris Township and Morris Township  
Receiving Stream(s) and Classification(s) UNTs to Bates  
Fork (HQ-WWF), UNTs to Tenmile Creek (TSF)  
Secondary Bates Fork and Tenmile Creek

ESCGP-2 # ESX10-129-0010  
Applicant Name CNX Gas Company, LLC  
Contact Person Erika Whetstone  
Address 1000 Consol Energy Drive  
City, State, Zip Canonsburg, PA 15317  
County Westmoreland County  
Township(s) Washington Township  
Receiving Stream(s) and Classification(s) UNTs to Beaver  
Run Reservoir (HQ-CWF), Beaver Run Reservoir (HQ-  
CWF), UNTs to Pike Run (HQ-CWF), UNTs to Pike  
Run (HQ-CWF)  
Secondary—Pike Run and Beaver Run Reservoir

ESCGP-2 # ESX16-125-0035  
Applicant Name EQT Production—Land PA  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Rd  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Amwell  
Receiving Stream(s) and Classification(s) UNT to Ten  
Mile Ck (TSF); UNT to Hufford Run (TSF)  
Secondary—Ten Mile Ck (TSF); Hufford Run (TSF)

ESCGP-2 # ESG16-059-0036  
Applicant Name EQT Production Co  
Contact Person Todd Klaner  
Address 2400 Zenith Ridge Rd, Suite 200  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Morris  
Receiving Stream(s) and Classification(s) UNT to Patter-  
son Ck (HQ-WWF); Patterson Ck (HW-WWF); UNT to  
Browns Ck (HQ-WWF)  
Secondary—S Fork Tenmile Ck (HQ-CWF); Browns Ck  
(HQ-WWF)

ESCGP-2 # ESG16-059-0046  
Applicant Name Rice Midstream Holdings LLC  
Contact Person Kyle Shirey  
Address 2200 Rice Drive  
City, State, Zip Canonsburg, PA 15317  
County Greene  
Township(s) Center  
Receiving Stream(s) and Classification(s) UNT to Hargus  
Ck (HQ-WWF); Hargus Ck (HQ-WWF)  
Secondary—South Fork Tenmile Ck

ESCGP-2 # ESG14-125-0050  
Applicant Name Mark West Liberty Midstream & Re-  
sources LLC  
Contact Person Rick Lowry  
Address 4600 J Barry Court, Suite 500  
City, State, Zip Canonsburg, PA 15317  
County Washington  
Township(s) Buffalo & Canton  
Receiving Stream(s) and Classification(s) UNTs to Buffalo  
Ck (HQ-WWF); UNTs to Chartiers Ck (WWF)  
Secondary—Buffalo Ck (HQ-WWF); Chartiers Ck  
(WWF)

*Eastern Region: Oil & Gas Management Program Man-  
ager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-2 # ESX29-115-16-0046  
Applicant Name Williams Field Services Co LLC  
Contact Person Kristy Grigas  
Address Park Place Corporate Ctr 2, 2000 Commerce Dr  
City, State, Zip Pittsburgh, PA 15275-1026  
County Susquehanna  
Township(s) Springville  
Receiving Stream(s) and Classification(s) N Branch  
Meshoppen Ck (CWF-MF); UNT to Meshoppen Ck  
(CWF-MF)

ESCGP-2 # ESX29-115-16-0045  
Applicant Name SWN Production Co LLC  
Contact Person Justin Moore  
Address 917 SR 92 N  
City, State, Zip Tunkhannock, PA 18657  
County Susquehanna  
Township(s) Lenox  
Receiving Stream(s) and Classification(s) Tunkhannock  
Ck (CWF-MF) and UNTs thereto

ESCGP-2 # ESG29-105-16-0009  
Applicant Name JKLM Energy LLC  
Contact Person Scott Blauvelt  
Address 2200 Georgetowne Dr, Suite 500  
City, State, Zip Sewickley, PA 15143  
County Potter  
Township(s) Sweden  
Receiving Stream(s) and Classification(s) UNTs to Nelson  
Run (HQ-CWF)  
Secondary—Nelson Run (HQ-CWF)

ESCGP-2 # ESX29-117-16-0031(01)  
Applicant Name SWEPI LP  
Contact Person Jason Shoemaker  
Address 2100 Georgetowne Dr, Suite 400  
City, State, Zip Sewickley, PA 15143  
County Tioga  
Township(s) Richmond  
Receiving Stream(s) and Classification(s) Canoe Camp Ck  
(CWF)

ESCGP-2 # ESG29-117-16-0002(01)  
Applicant Name HEP Tioga Gathering LLC  
Contact Person Kevin Williams  
Address 512 Towne Plaza, Suite 120, Rte 6

City, State, Zip Tunkhannock, PA 18657  
 County Tioga  
 Township(s) Liberty  
 Receiving Stream(s) and Classification(s) Zimmerman Ck  
 (EV); Blacks Ck (CWF)

## SPECIAL NOTICES

### Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 39-00006

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

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

Approval of a Reasonably Available Control Technology (RACT II) plan for **American Craft Brewery LLC** located in Upper Macungie Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department of Environmental Protection has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for their beer, FMB and hard cider manufacturing and packaging facility located in Upper Macungie Township, Lehigh County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (39-00006) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>New RACT Limit Proposed for VOC emissions</i>
Fermentation, Source Id 121	VOC—3.53 tons/year based on 12 month rolling average. Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Off Spec Product Destruction, Source Id 127	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Yeast Storage, Source Id 131	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.
Packaging Bottle Filler, Source Id 143	Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.

### Source

Waste Water treatment plant

### *New RACT Limit Proposed for VOC emissions*

Maintain and operates the source in accordance with the manufacturer's specification and with good operating practices.

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines this notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

### Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 48-00011

Approval of a Reasonably Available Control Technology (RACT II) plan for **Martins Creek, LLC** located in Lower Mount Bethel Township, **Northampton County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for their two (2) dry bottom tangentially-fired boilers rated at 7,721 MMBtu/hr, firing # 6, # 2 and natural gas as a fuel at the facility owned and operated by Martins Creek, LLC in Lower Mount Bethel Township, Northampton County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (48-00011) for the facility. The relevant RACT II requirements will be submitted to the

U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source	New RACT Interim Limit Proposed for $NO_x$
CE Unit 3-Boiler, Source ID 33	0.25 lb/mmBtu (natural gas), 30 operating day rolling average 0.31 lb/mmBtu (oil), 30 operating day rolling average
CE Unit 4-Boiler, Source ID 34	0.25 lb/mmBtu (natural gas), 30 operating day rolling average 0.31 lb/mmBtu (oil), 30 operating day rolling average

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines this notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 54-00006**

Approval of a Reasonably Available Control Technology (RACT II) plan for **WPS Westwood Generation LLC** located in Frailey Township, **Schuylkill County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for their Pyropower fluidized bed boiler rated at 592.4 MMBtu/hr, firing Anthracite

culm & # 2 fuel oil as a fuel at the facility owned and operated by WPS Westwood Generation LLC in Frailey Township, Schuylkill County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit (54-00006) for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

Source	New RACT Limit Proposed for $NO_x$
Fluidized Bed Boiler, Source ID 031	0.16 lb/MMBtu (Anthracite Culm), 30 operating day rolling average 0.12 lb/MMBtu (oil), 30 operating day rolling average

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines this notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.



**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 13-00001**

Approval of a Reasonably Available Control Technology (RACT II) plan for **Horsehead Corporation** located in Palmerton Borough, **Carbon County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Palmerton Facility owned and operated by Horsehead Corporation in Palmerton Borough, Carbon County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit 13-00001 for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
Kiln # 1- (source ID 149)	NO <sub>x</sub> emissions not to exceed 8.2 pounds per hour. Low NO <sub>x</sub> Natural gas burners (when in operation) in accordance with manufacturer's recommendations and use of good operating practices for the Kilns
Kiln # 2- (source ID 150)	NO <sub>x</sub> emissions not to exceed 9.9 pounds per hour. Low NO <sub>x</sub> Natural gas burners (when in operation) in accordance with manufacturer's recommendations and use of good operating practices for the Kilns
Kiln # 5- (source ID 152)	NO <sub>x</sub> emissions not to exceed 12.3 pounds per hour. Low NO <sub>x</sub> Natural gas burners (when in operation) in accordance with manufacturer's recommendations and use of good operating practices for the Kilns
Kiln # 6- (source ID 153)	NO <sub>x</sub> emissions not to exceed 5.3 pounds per hour. Low NO <sub>x</sub> Natural gas burners (when in operation) in accordance with manufacturer's recommendations and use of good operating practices for the Kilns

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit,

may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines this notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

**Notice of Proposed Revision to the State Implementation Plan for Oxides of Nitrogen, Volatile Organic Compounds, Notice of Public Hearing, and Notice of Intent to Issue Revised Air Quality Operating Permit 13-00003**

Approval of a Reasonably Available Control Technology (RACT II) plan for **Panther Creek Partners** located in Nesquehoning Borough, **Carbon County**.

In accordance with 25 Pa. Code §§ 129.96—129.100, the Department has made a preliminary determination to approve a RACT II plan and an amendment to the State Implementation Plan (SIP) for the Fossil Fuel Generating Station owned and operated by Panther Creek Partners in Nesquehoning Borough, Carbon County.

The proposed SIP revision does not adopt any new regulations. It incorporates the provisions and requirements contained in the amended RACT II approval for the facility, which are intended to satisfy the requirements for the 1997 National Ambient Air Quality Standard (NAAQS) and the 2008 NAAQS for ozone.

The proposed amendments to the RACT II determination, if finally approved, will be incorporated into a revised operating permit 13-00003 for the facility. The relevant RACT II requirements will be submitted to the U.S. Environmental Protection Agency (EPA) as a revision to Pennsylvania's State Implementation Plan and will remain in effect until replaced pursuant to 40 CFR 51 and approval by the EPA. Requirements that are not part of the RACT II determination will be excluded from the SIP submittal.

The following is a summary of the proposed amendments to the RACT II determination for this operation that will be submitted to the EPA as a SIP revision:

<i>Source</i>	<i>RACT II Requirement</i>
Boiler (Source ID 031)	0.15 lb/MMBtu (Anthracite Culm), 30 operating day rolling average 0.12 lb/MMBtu (oil), 30 operating day rolling average
Boiler (Source ID 032)	0.15 lb/MMBtu (Anthracite Culm), 30 operating day rolling average 0.12 lb/MMBtu (oil), 30 operating day rolling average

Persons wishing to file a written protest or provide comments or request a public hearing, which they believe should be considered prior to the issuance of a permit, may submit the information to Mr. Mark Wejkszner, Air Quality Program Manager, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. A 30-day comment period from the Date of Publication in the *Pennsylvania Bulletin* will exist for the submission of comments, protests and hearing request. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed RACT II Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the proposed RACT II Plan. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines this notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

All pertinent application documents are available for public review between 8 a.m. and 4 p.m. at the Pa DEP Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915. Appointments for scheduling a review may be made by calling 570-826-2419.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Colleen Connolly at 570-826-2035 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

[Pa.B. Doc. No. 16-2309. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Bid Opportunity

**OSM 26(2754)102.1, Abandoned Mine Reclamation Project, Fayette City, Fayette City Borough, Fayette County.** The principal items of work and approximate quantities include: mobilization and demobilization; preparation and implementation of the erosion and sediment pollution control plan; diversion and care of water; demolition; removal and disposal of house and sheds; trench excavation 760 cubic yards; subsurface drain 815 linear feet; precast concrete inlet box; concrete porch/patio 6 square yards; railing 20 linear feet; steps; sidewalk construction 55 square yards; driveway 150 square yards; and seeding.

This bid issues on January 13, 2017, and bids will be opened on February 16, 2017, at 2 p.m. Bid documents, including drawings in PDF format and Auto-Cad Map 3D format, may be downloaded for free beginning on the

issue date from the Department of Environmental Protection's web site at [www.dep.pa.gov/ConstructionContracts](http://www.dep.pa.gov/ConstructionContracts). This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1328) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 for more information on this bid. Note this is a Small Construction Business Program bid opportunity.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2310. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Request for Applications for Local Stormwater BMP Implementation Grant Program; Public Notice of Availability

Applications are now being accepted for grants to provide funds for the construction of urban stormwater Best Management Practices (BMP) to reduce the discharge of nutrients and sediments delivered to local waters and to the Chesapeake Bay. Counties, cities, boroughs, townships, incorporated towns and municipal authorities within the Chesapeake Bay drainage area and within Blair, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming and York Counties are eligible to apply. Other parties interested in promoting stormwater BMP construction are encouraged to approach local officials and offer to assist in application development and project management.

The due date for applications is March 3, 2017. The maximum funding amount per applicant is \$200,000. Construction must be complete by April 30, 2019. Federal requirements will apply to construction procurement. Funding recipients will be selected on a competitive basis.

Projects must be:

1. Within urbanized areas according to the latest Decennial Census in which National Pollutant Discharge Elimination System permit coverage is required for the discharge of stormwater from municipal separate storm sewer systems (MS4).
2. Located within the Chesapeake Bay watershed.
3. Within Blair, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming and York Counties.

Projects cannot be associated with new development. In addition, new detention basins are not eligible.

Projects must result in structural, on-the-ground BMPs that meet the requirements of the Commonwealth's Stormwater Best Management Practices Manual (363-0300-002), as applicable, and have been demonstrated to reduce the discharge of nutrient or sediment loads, or both, to surface waters. Examples include (but are not limited to):

1. Bioretention/raingardens
2. Bioswales
3. Permeable pavement
4. Urban nutrient management
5. Urban stream restoration

6. Urban tree planting
7. Vegetated open channels
8. Vegetated roofs
9. Wet ponds and wetlands
10. Other projects that reduce the flow of stormwater into MS4s

To apply visit the Department of Environmental Protection's web site at [www.dep.pa.gov](http://www.dep.pa.gov) and search "Stormwater Management." Individuals with questions should contact Dave Edinger at (717) 772-4060 or [dedinger@pa.gov](mailto:dedinger@pa.gov).

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2311. Filed for public inspection December 30, 2016, 9:00 a.m.]

### State Board for Certification of Sewage Enforcement Officers Rescheduled Meeting

The December 21, 2016, meeting of the State Board for Certification of Sewage Enforcement Officers (Board) has been rescheduled for January 11, 2017. The Board will meet at 10 a.m. in the 11th Floor Conference Room A, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting notice can be directed to [RA-seotrng@pa.gov](mailto:RA-seotrng@pa.gov) or (717) 772-2186. The agenda and meeting materials for the meeting are available through the Public Participation tab on the Department of Environmental Protection's (Department) web site at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Water Advisory Committees," then "State Board for Certification of Sewage Enforcement Officers").

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact the Department at (717) 772-2186 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2312. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Submission Deadline for Application for Reimbursement for Certified Host Municipality Inspectors under Act 101 (Section 1102), the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 and Act 108 (Section 304), the Hazardous Sites Cleanup Act of 1988

The Department of Environmental Protection (Department) hereby announces the submission deadline for 2016 Host Municipality Inspector Program (Program) reimbursement applications. Reimbursements are available to municipalities under the Municipal Waste Planning, Re-

cycling and Waste Reduction Act (Act 101) (53 P.S. §§ 4000.101—4000.1904) and the Hazardous Sites Cleanup Act (Act 108) (35 P.S. §§ 6020.101—6020.1305). Municipalities include cities, boroughs, incorporated towns, townships and home-rule municipalities.

Reimbursements are allocated from the Recycling Fund authorized under Act 101 for municipal waste facilities, or from the Hazardous Sites Cleanup Fund under Act 108 for hazardous waste facilities. Reimbursements are available to any municipality that has a municipal waste landfill, resource recovery facility, or commercial hazardous waste storage, treatment and disposal facility located within its geographic borders. Upon application from any host municipality, the Department shall award reimbursements for authorized costs incurred for the salary and expenses of up to two certified Host Municipality Inspectors. The reimbursement shall not exceed 50% of the approved costs of salaries and expenses. Reimbursement is available only for Host Municipality Inspectors trained and certified by the Department.

The application for reimbursement contains tables for specifying the itemized expenses for certified inspectors and for calculating the total reimbursement request. Complete instructions are included with the application, which is being distributed to all municipalities that have participated in the Program. Municipalities that do not receive but require an application and individuals with questions about this Program should contact the Program Development Section, Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, P.O. Box 8471, Harrisburg, PA 17105-8471, (717) 783-2388 or visit the Department's web site at [www.dep.pa.gov](http://www.dep.pa.gov) (DEP Keyword: Host Municipality Inspector).

The deadline for submitting applications is 4:30 p.m. on March 31, 2017. Applications postmarked after the deadline will not be considered.

PATRICK McDONNELL,  
*Acting Secretary*

[Pa.B. Doc. No. 16-2313. Filed for public inspection December 30, 2016, 9:00 a.m.]

## DEPARTMENT OF GENERAL SERVICES

### Lease Office Space to the Commonwealth Indiana County

Proposals are invited to provide the Department of General Services with 18,081 usable square feet of office space for the State Police in Indiana County. For more information on SFP No. 94857, which is due on January 27, 2017, visit [www.dgs.pa.gov](http://www.dgs.pa.gov) or contact Scott Shelton, (717) 787-5546, [scshelton@pa.gov](mailto:scshelton@pa.gov).

CURTIS M. TOPPER,  
*Secretary*

[Pa.B. Doc. No. 16-2314. Filed for public inspection December 30, 2016, 9:00 a.m.]

# DEPARTMENT OF HEALTH

## Ambulatory Surgical Facilities; Requests for Exceptions

The following ambulatory surgical facility (ASF) has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license ASFs under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exceptions relates to regulations governing ASF licensure in 28 Pa. Code Chapters 51 and 551—571 (relating to general information; and ambulatory surgical facilities).

*Facility Name*

Roy A. Himelfarb Surgery Center

*Regulation*

28 Pa. Code § 551.21 (relating to criteria for ambulatory surgery)  
(CPT Codes 49650 and 49651)

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2315. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Health Research Advisory Committee Meeting

The Department of Health's Health Research Advisory Committee (Committee), established by section 903(b) of the Tobacco Settlement Act (35 P.S. § 5701.903(b)), will hold a public meeting on January 12, 2017, from 9:30 a.m. to 11:30 a.m. The meeting will be held in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The purpose of this meeting is to discuss and decide the priorities for State Fiscal Year 2017-2018 for the nonformula grant application. The meeting is open to the public; however, it is not a hearing and therefore neither public testimony nor comment will be taken during the meeting. No reservations are required to attend.

For additional information or persons with disabilities who wish to attend the meeting and requiring an auxil-

iary aid, service or other accommodation, contact Penny E. Harris, MEd, CAC, LPC, Public Health Program Manager, Health Research Office or Sylvia Golas, DMD, MPH, Public Health Program Administrator, Health Research Office, (717) 231-2825, ra-healthresearch@pa.gov, by mail to Health and Welfare Building, Room 833, 625 Forster Street, Harrisburg, PA 17120-0701, or for speech and/or hearing impaired persons at V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2316. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Hospitals; Requests for Exceptions

The following hospital has filed a request for exceptions under 28 Pa. Code § 51.33 (relating to requests for exceptions) with the Department of Health (Department), which has authority to license hospitals under the Health Care Facilities Act (35 P.S. §§ 448.101—448.904b). The following request for exception relates to regulations governing hospital licensure in 28 Pa. Code Chapters 51 and 101—158 (relating to general information; and general and special hospitals).

*Facility Name*

Allegheny General Hospital

*Regulation*

28 Pa. Code § 153.1 (relating to minimum standards) (Table 2.1-2, 2.2-3.5.2  
Interventional imaging procedure rooms)

The previously listed request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@pa.gov. Persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division at the previously listed address. Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2317. Filed for public inspection December 30, 2016, 9:00 a.m.]

**Long-Term Care Nursing Facilities; Requests for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.22(d) and (e) (relating to prevention, control and surveillance of tuberculosis (TB)):

Pinecrest Manor  
763 Johnsonburg Road  
St. Mary's, PA 15857  
FAC ID # 010902

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.20(a) (relating to resident bedrooms):

St. Paul Homes  
339 East Jamestown Road  
Greenville, PA 16125  
FAC ID # 971602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Weatherwood Healthcare and Rehabilitation Center  
100 Evergreen Avenue  
Weatherly, PA 18255  
FAC ID # 030602

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

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

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

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

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 16-2318. Filed for public inspection December 30, 2016, 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 20, 2017, from 10 a.m. to 1 p.m. 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. The meeting will be held in Conference Room 907, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

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 Tara Landis, 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 a 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. 16-2319. Filed for public inspection December 30, 2016, 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 methods), 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, 2017, through March 31, 2017, 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

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Sardines . . . . .	\$1.50
Canned Fish—Tuna . . . . .	\$1.29
Cereal (per oz.) . . . . .	\$0.33
Cheese, 16 oz. . . . .	\$7.31
Eggs . . . . .	\$2.35
Infant Cereal—8 oz. . . . .	\$2.25
Infant Fruits, 100%—4 oz. . . . .	\$0.87
Infant Vegetables, 100%—4 oz. . . . .	\$0.87
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 Lowfat and 2% Milk—quart . . . . .	\$1.69
Kosher Lowfat and 2% 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. . . . .	\$1.53
Milk, Lowfat and 2%—quart . . . . .	\$1.36
Milk, Lowfat and 2%—1/2 gallon . . . . .	\$2.29
Milk, Lowfat and 2% Lactose Free—quart . . . . .	\$2.32
Milk, Lowfat and 2% Lactose Free—1/2 gallon . . . . .	\$3.89
Milk, Whole—quart . . . . .	\$1.45
Milk, Whole—1/2 gallon . . . . .	\$2.29
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
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. . . . .	\$17.10
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.39
Nutramigen RTF Formula—32 oz. . . . .	\$9.69
Nutramigen w/Enflora Powder Formula— 12.6 oz. . . . .	\$24.70
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. . . . .	\$15.76
Similac Expert Care Alimentum RTF Formula—32 oz. . . . .	\$10.19
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. . . . .	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz. . . . .	\$7.69

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure RTF Formula— 32 oz. . . . .	\$8.35
Similac Expert Care NeoSure Powder Formula—13.1 oz. . . . .	\$17.29
Similac Go and Grow Powder Milk Based Formula—Blue—1.38 lbs. . . . .	\$22.49
Similac for Spit Up RTF Formula—Green— 32 oz. . . . .	\$7.75
Similac for Spit Up Powder Formula—Green— 12.0 oz. . . . .	\$16.39
Similac Sensitive RTF Formula—Orange— 32 oz. . . . .	\$7.29
Similac Sensitive Powder Formula— Orange—12.0 oz. . . . .	\$15.79
Similac Soy Isomil Concentrate Formula— Pink—13 oz. . . . .	\$5.31
Similac Soy Isomil RTF Formula—Pink— 32 oz. . . . .	\$7.69
Similac Soy Isomil Powder Formula— Pink—12.4 oz. . . . .	\$16.39
Similac Total Comfort Powder Formula— Purple—12.0 oz. . . . .	\$16.39

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, 2017, through March 31, 2017, 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
Canned Fish—Tuna . . . . .	\$1.19
Cereal (per oz.) . . . . .	\$0.31
Cheese, 16 oz. . . . .	\$6.84
Eggs . . . . .	\$2.29
Infant Cereal—8 oz. . . . .	\$2.24
Infant Fruits, 100%—4 oz. . . . .	\$0.74
Infant Vegetables, 100%—4 oz. . . . .	\$0.74
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 Lowfat Milk—1/2 gallon . . . . .	\$3.15
Kosher Whole Milk—1/2 gallon . . . . .	\$3.19
Milk, Lowfat—1/2 gallon . . . . .	\$2.15
Milk, Whole—1/2 gallon . . . . .	\$2.22
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

<i>Description</i>	<i>Competitive Prices</i>
Whole Wheat Pasta .....	\$1.35
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$4.95
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.76
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$5.31
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.39

**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, 2017, through March 31, 2017, 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 .....	\$2.45
Infant Cereal—8 oz.....	\$2.35
Infant Fruits, 100%—4 oz.....	\$0.90
Infant Vegetables, 100%—4 oz.....	\$0.90
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 Lowfat and 2% Milk—quart .....	\$1.69
Kosher Lowfat and 2% 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.....	\$4.46
Milk, Dry—25.6 oz.....	\$9.65
Milk, Evaporated—12 oz.....	\$1.63
Milk, Lowfat and 2%—quart .....	\$1.42
Milk, Lowfat and 2%—1/2 gallon .....	\$2.32
Milk, Lowfat and 2% Lactose Free—quart .....	\$2.42
Milk, Lowfat and 2% Lactose Free— 1/2 gallon .....	\$4.09
Milk, Whole—quart .....	\$1.50
Milk, Whole—1/2 gallon .....	\$2.49
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

<i>Description</i>	<i>Maximum Allowable Price</i>
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.....	\$17.14
Nutramigen Concentrate Formula—13 oz.....	\$7.45
Nutramigen RTF Formula—32 oz.....	\$9.79
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$24.75
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.....	\$15.88
Similac Expert Care Alimentum RTF Formula—32 oz.....	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz.....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.47
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$17.49
Similac Go and Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$22.55
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$7.85
Similac for Spit Up Powder Formula—Green— 12.0 oz.....	\$16.69
Similac Sensitive RTF Formula—Orange— 32 oz.....	\$7.50
Similac Sensitive Powder Formula—Orange— 12.0 oz.....	\$15.99
Similac Soy Isomil Concentrate—Pink Formula—13 oz.....	\$5.49
Similac Soy Isomil RTF—Pink Formula— 32 oz.....	\$7.89
Similac Soy Isomil Powder—Pink Formula— 12.4 oz.....	\$16.69
Similac Total Comfort Powder Formula— Purple—12.0 oz.....	\$16.49

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, 2017, through March 31, 2017, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

Description	Competitive Prices
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.....	\$2.39
Infant Cereal—8 oz.....	\$2.30
Infant Fruits, 100%—4 oz.....	\$0.79
Infant Vegetables, 100%—4 oz.....	\$0.79
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 Lowfat Milk—1/2 gallon.....	\$3.19
Kosher Whole Milk—1/2 gallon.....	\$3.25
Milk, Lowfat—1/2 gallon.....	\$2.19
Milk, Whole—1/2 gallon.....	\$2.25
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.....	\$15.88
Similac Soy Isomil Concentrate Formula—Pink— 13 oz.....	\$5.49
Similac Soy Isomil Powder Formula—Pink— 12.4 oz.....	\$16.69

**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, 2017, through March 31, 2017, 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.....	\$3.05
Infant Cereal—8 oz.....	\$2.40
Infant Fruits, 100%—4 oz.....	\$0.95
Infant Vegetables, 100%—4 oz.....	\$0.95
Infant Meats, 100%—2.5 oz.....	\$1.17
Juice—11.5/12 oz.....	\$2.56
Juice—48 oz.....	\$3.30

Description	Maximum Allowable Price
Juice—64 oz.....	\$4.27
Kosher Cheese—16 oz.....	\$8.40
Kosher Lowfat and 2% Milk—quart.....	\$1.69
Kosher Lowfat and 2% 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.....	\$1.70
Milk, Lowfat and 2%—quart.....	\$1.47
Milk, Lowfat and 2%—1/2 gallon.....	\$2.62
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.49
Milk, Lowfat and 2% 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.....	\$17.91
Nutramigen Concentrate Formula—13 oz.....	\$7.49
Nutramigen RTF Formula—32 oz.....	\$9.89
Nutramigen w/Enflora Powder Formula— 12.6 oz.....	\$24.85
Pediasure RTF Formula—8 oz.....	\$2.30
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.30
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
Similac Advance Powder Formula—Blue— 12.4 oz.....	\$16.67
Similac Expert Care Alimentum RTF Formula— 32 oz.....	\$10.49
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.....	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz.....	\$8.64
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$17.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.38 lbs.....	\$23.29
Similac for Spit Up RTF Formula—Green— 32 oz.....	\$7.99
Similac for Spit Up Powder Formula— Green—12.0 oz.....	\$17.09



<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.99
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$16.19
Similac Soy Isomil Concentrate Formula— Pink—13 oz. ....	\$5.59
Similac Soy Isomil RTF Formula—Pink— 32 oz. ....	\$8.09
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.89
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, 2017, through March 31, 2017, the Competitive Prices for WIC authorization for Type 3 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
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 . ....	\$2.99
Infant Cereal—8 oz. ....	\$2.35
Infant Fruits, 100%—4 oz. ....	\$0.82
Infant Vegetables, 100%—4 oz. ....	\$0.82
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 Lowfat Milk—1/2 gallon . ....	\$3.29
Kosher Whole Milk—1/2 gallon . ....	\$3.35
Milk, Lowfat—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. ....	\$16.67
Similac Soy Isomil Concentrate Formula— Pink—13 oz. ....	\$5.59
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.89

**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, 2017, through March 31, 2017, the Maximum Allowable Prices the Department of Health will pay Type 1 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. ....	\$1.28
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 . ....	\$2.45
Infant Cereal—8 oz. ....	\$2.32
Infant Fruits, 100%—4 oz. ....	\$0.89
Infant Vegetables, 100%—4 oz. ....	\$0.89
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 Lowfat and 2% Milk—quart . ....	\$1.69
Kosher Lowfat and 2% 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. ....	\$1.59
Milk, Lowfat and 2%—quart . ....	\$1.40
Milk, Lowfat and 2%—1/2 gallon . ....	\$2.32
Milk, Lowfat and 2% Lactose Free—quart . ....	\$2.42
Milk, Lowfat and 2% Lactose Free— 1/2 gallon . ....	\$3.99
Milk, Whole—quart . ....	\$1.52
Milk, Whole—1/2 gallon . ....	\$2.49
Milk, Whole Lactose Free—quart . ....	\$2.55
Milk, Whole Lactose Free—1/2 gallon . ....	\$3.89
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. ....	\$17.34
Nutramigen Concentrate Formula—13 oz. ....	\$7.43
Nutramigen RTF Formula—32 oz. ....	\$9.75

<i>Description</i>	<i>Maximum Allowable Price</i>
Nutramigen w/Enflora Powder Formula—12.6 oz. ....	\$25.00
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. ....	\$16.09
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.29
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. ....	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.79
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$8.49
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.59
Similac Go and Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.17
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.89
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$7.59
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$16.09
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.41
Similac Soy Isomil RTF Formula—Pink—32 oz. ....	\$7.89
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.85
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, 2017, through March 31, 2017, 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. ....	\$2.39

<i>Description</i>	<i>Competitive Prices</i>
Infant Cereal—8 oz. ....	\$2.29
Infant Fruits, 100%—4 oz. ....	\$0.78
Infant Vegetables, 100%—4 oz. ....	\$0.78
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 Lowfat Milk—1/2 gallon. ....	\$3.19
Kosher Whole Milk—1/2 gallon. ....	\$3.25
Milk, Lowfat—1/2 gallon. ....	\$2.29
Milk, Whole—1/2 gallon. ....	\$2.35
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. ....	\$16.09
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.41
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$16.85

**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, 2017, through March 31, 2017, 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
Eggs. ....	\$2.65
Infant Cereal—8 oz. ....	\$2.46
Infant Fruits, 100%—4 oz. ....	\$0.91
Infant Vegetables, 100%—4 oz. ....	\$0.91
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 Lowfat and 2% Milk—quart. ....	\$1.69
Kosher Lowfat and 2% 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

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Evaporated—12 oz. ....	\$1.65
Milk, Lowfat and 2%—quart . . . . .	\$1.44
Milk, Lowfat and 2%—1/2 gallon . . . . .	\$2.42
Milk, Lowfat and 2% Lactose Free—quart . . . . .	\$2.50
Milk, Lowfat and 2% Lactose Free— 1/2 gallon . . . . .	\$4.15
Milk, Whole—quart . . . . .	\$1.57
Milk, Whole—1/2 gallon . . . . .	\$2.59
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. . . . .	\$17.48
Nutramigen Concentrate Formula—13 oz. . . . .	\$7.49
Nutramigen RTF Formula—32 oz. . . . .	\$9.85
Nutramigen w/Enflora Powder Formula— 12.6 oz. . . . .	\$25.40
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. . . . .	\$5.25
Similac Advance RTF Formula—Blue— 32 oz. . . . .	\$7.59
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$16.19
Similac Expert Care Alimentum RTF Formula—32 oz. . . . .	\$10.39
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz. . . . .	\$29.29
Similac Expert Care for Diarrhea RTF Formula—32 oz. . . . .	\$8.19
Similac Expert Care NeoSure RTF Formula— 32 oz. . . . .	\$8.54
Similac Expert Care NeoSure Powder Formula—13.1 oz. . . . .	\$17.69
Similac Go and Grow Powder Milk Based Formula—Blue—1.38 lbs. . . . .	\$23.40
Similac for Spit Up RTF Formula—Green— 32 oz. . . . .	\$7.89
Similac for Spit Up Powder Formula—Green— 12.0 oz. . . . .	\$17.09
Similac Sensitive RTF Formula—Orange— 32 oz. . . . .	\$7.69
Similac Sensitive Powder Formula—Orange— 12.0 oz. . . . .	\$16.19
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.59
Similac Soy Isomil RTF Formula—Pink— 32 oz. . . . .	\$7.99

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$17.00
Similac Total Comfort Powder Formula—Purple— 12.0 oz. . . . .	\$17.19

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, 2017, through March 31, 2017, 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 . . . . .	\$2.49
Infant Cereal—8 oz. . . . .	\$2.42
Infant Fruits, 100%—4 oz. . . . .	\$0.80
Infant Vegetables, 100%—4 oz. . . . .	\$0.80
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 Lowfat Milk—1/2 gallon . . . . .	\$3.25
Kosher Whole Milk—1/2 gallon . . . . .	\$3.35
Milk, Lowfat—1/2 gallon . . . . .	\$2.35
Milk, Whole—1/2 gallon . . . . .	\$2.39
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. . . . .	\$5.25
Similac Advance Powder Formula—Blue— 12.4 oz. . . . .	\$16.19
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. . . . .	\$5.59
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. . . . .	\$17.00

#### **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, 2017, through March 31, 2017, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

Description	Maximum Allowable Price
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.....	\$3.15
Infant Cereal—8 oz.....	\$2.80
Infant Fruits, 100%—4 oz.....	\$1.08
Infant Vegetables, 100%—4 oz.....	\$1.08
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 Lowfat and 2% Milk—quart.....	\$1.87
Kosher Lowfat and 2% 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.....	\$1.72
Milk, Lowfat and 2%—quart.....	\$1.59
Milk, Lowfat and 2%—1/2 gallon.....	\$2.72
Milk, Lowfat and 2% Lactose Free—quart.....	\$2.53
Milk, Lowfat and 2% 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
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.....	\$17.91
Nutramigen Concentrate Formula—13 oz.....	\$7.99
Nutramigen RTF Formula—32 oz.....	\$9.95
Nutramigen w/Enflora Powder Formula—12.6 oz.....	\$25.70
Pediasure RTF Formula—8 oz.....	\$2.35
Pediasure w/Fiber RTF Formula—8 oz.....	\$2.35
Pediasure Sidekicks RTF Formula—8 oz.....	\$2.35
Similac Advance Concentrate Formula—Blue—13 oz.....	\$5.58

Description

Description	Maximum Allowable Price
Similac Advance RTF Formula—Blue—32 oz.....	\$7.79
Similac Advance Powder Formula—Blue—12.4 oz.....	\$17.69
Similac Expert Care Alimentum RTF Formula—32 oz.....	\$10.59
Similac Expert Care Alimentum Powder Formula—16 or 12.1 oz.....	\$30.19
Similac Expert Care for Diarrhea RTF Formula—32 oz.....	\$8.49
Similac Expert Care NeoSure RTF Formula—32 oz.....	\$8.74
Similac Expert Care NeoSure Powder Formula—13.1 oz.....	\$17.79
Similac Go and Grow Powder Milk Based Formula—Blue—1.5 lbs.....	\$23.45
Similac for Spit Up RTF Formula—Green—32 oz.....	\$8.29
Similac for Spit Up Powder Formula—Green—12.0 oz.....	\$18.09
Similac Sensitive RTF Formula—Orange—32 oz.....	\$8.09
Similac Sensitive Powder Formula—Orange—12.0 oz.....	\$17.19
Similac Soy Isomil Concentrate Formula—Pink—13 oz.....	\$6.05
Similac Soy Isomil RTF Formula—Pink—32 oz.....	\$8.14
Similac Soy Isomil Powder Formula—Pink—12.4 oz.....	\$17.99
Similac Total Comfort Powder Formula—Purple—12.0 oz.....	\$17.79

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, 2017, through March 31, 2017, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

Description	Competitive Prices
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
Cereal (per oz.).....	\$0.35
Cheese, 16 oz.....	\$7.20
Eggs.....	\$3.09
Infant Cereal—8 oz.....	\$2.76
Infant Fruits, 100%—4 oz.....	\$0.95
Infant Vegetables, 100%—4 oz.....	\$0.95
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

<i>Description</i>	<i>Competitive Prices</i>
Kosher Lowfat Milk—1/2 gallon.....	\$3.35
Kosher Whole Milk—1/2 gallon .....	\$3.39
Milk, Lowfat—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. ....	\$17.69
Similac Soy Isomil Concentrate Formula—Pink— 13 oz. ....	\$6.05
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$17.99

Persons with a disability who require an alternative format of this listing (for example, large print, audiotope, 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. 16-2320. Filed for public inspection December 30, 2016, 9:00 a.m.]

Exemption program with an annual income of \$88,607 or less may have a need for the exemption unless the income presumption is rebutted by the specific facts and circumstances.

In applying the \$88,607 annual income level, the Office of Veterans' Affairs will follow the following approach in determining the effective date of the exemption:

Applications pending on December 31, 2016, which are determined to demonstrate need based on eligibility criteria applicable on or before that date, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25 (relating to effective date of exemption).

Applications pending on December 31, 2016, which did not demonstrate need applying the prior annual rebuttable presumption income level, but which be eligible to receive a rebuttable presumption of need under the revised income level applicable on January 1, 2017, shall be effective as of January 1, 2017, unless the presumption is rebutted.

Applications filed with the local boards for assessment and revision of taxes or similar board or agency on or after January 1, 2017, shall be effective based on the date of application as provided by 43 Pa. Code § 5.25.

Applicants who were denied certificates of need prior to January 1, 2017, but who believe they qualify after that date, may reapply, with the effective date of any exemption being based on the date of the new application as provided by 43 Pa. Code § 5.25 unless the presumption is rebutted.

ANTHONY J. CARRELLI,  
*Brigadier General, PAANG  
The Adjutant General*

[Pa.B. Doc. No. 16-2321. Filed for public inspection December 30, 2016, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Determination of Need; Disabled Veterans' Real Estate Tax Exemption

Under 51 Pa.C.S. § 8904 (relating to duty of commission), the State Veterans' Commission (Commission) fixes uniform and equitable standards for the determination of need for certain disabled veterans and their unmarried surviving spouses to qualify for an exemption from real estate taxes on their principal dwellings. In so doing, the Commission was required by law to apply a rebuttable presumption that an applicant with annual income of \$75,000 or less has a need for the exemption.

Section 8904 of 51 Pa.C.S. further provides that, beginning January 1, 2009, the Commission will adjust the annual income level qualifying for the rebuttable presumption in an amount equal to the change in the Consumer Price Index for the preceding 2 years. Adjustments were made effective on January 1, 2009, and January 1, 2011, and the law requires that income level be adjusted effective January 1, 2017.

During the 2-year period from November 1, 2014, until October 31, 2016, the Consumer Price Index (All Urban Consumers/Seasonally Adjusted) increased by a total of 1.60%. Accordingly, beginning January 1, 2017, the Commission will apply a rebuttable presumption that an applicant for the Disabled Veterans' Real Estate Tax

## DEPARTMENT OF TRANSPORTATION

### Approved Speed-Timing Devices and Appointment of Maintenance and Calibration Stations

The Department of Transportation (Department), Bureau of Motor Vehicles (Bureau), under 75 Pa.C.S. § 3368 (relating to speed timing devices), has approved for use, until the next comprehensive list is published, subject to interim amendment, the following: electronic speed-timing devices (radar); electronic speed-timing devices (nonradar), which measure elapsed time between measured road surface points by using two sensors; and electronic speed-timing devices (nonradar), which calculate average speed between any two points.

Under 75 Pa.C.S. § 3368(c)(2), the Department has approved, for use only by members of the State Police, the following electronic speed-timing devices (radar) when used in the stationary mode only:

- (1) BEE III, Directional. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.
- (2) Falcon Radar (identified on the radar housing as FALCON). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.
- (3) Falcon HR—Hand-held model. Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(4) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(5) KR-10, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(6) KR-10SP, Stationary Radar (identified on the radar housing as KR-10SP). Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

(7) KR-10SP, Stationary Radar (identified on the radar housing as KR-10). Manufactured by Kustom Electronics, Incorporated, 8320 Nieman Road, Lenexa, KS 66214.

(8) Pro 1000(DS). Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(9) Genesis-I. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(10) Genesis-II Select. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(11) Genesis GHS Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(12) Genesis GHD Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(13) Genesis GVP-D battery operated Hand-held model. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(14) Ranger EZ, Directional. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.

(15) Raptor RP-1. Manufactured by Kustom Signals Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

(16) Scout Handheld. Manufactured by Decatur Electronics, Incorporated/a Soncell NA Company, 3433 East Wood Street, Phoenix, AZ 85040.

(17) Speed-Gun Pro, Hand-held model. Manufactured by MPH Industries, 316 East 9th Street, Owensboro, KY 42303.

(18) Stalker Dual. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(19) Stalker Dual SL. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(20) Stalker Dual DSR. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(21) Stalker Basic. Manufactured by Applied Concepts, Incorporated, 2609 Technology Drive, Plano, TX 75074.

(22) Eagle Plus. Manufactured by Kustom Signals, Incorporated, 9652 Loiret Boulevard, Lenexa, KS 66219.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which measure elapsed time between measured road surface points by using two sensors:

(1) Electrical Speed Timing System. Manufactured by Richard Hageman, 98 South Penn Dixie Road, Nazareth, PA 18064.

(2) Model TK 100, Excessive Speed Preventor. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, RD 2, Hallstead, PA 18822.

(3) Model TK 100, Excessive Speed Preventor. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(4) Speed Chek (identified on the housing as Speed Chek model one, Mfd. for: The Union Agency, Unionville, PA 19375). Manufactured by Sterner Lighting Systems, Incorporated, 351 Lewis Avenue, Winsted, MN 55395.

(5) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Systems Innovation, Incorporated, Steam Hollow Road, RD 2, Hallstead, PA 18822.

(6) Model TK 100, Excessive Speed Preventor Infrared. Manufactured by Targetron, Incorporated, 190 Angletown Road, Muncy, PA 17756.

(7) Enradd, Model EJU-91. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(8) Enradd, Model EJU-91 with Non-Contact Road Switch System. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(9) Enradd, Model EJU-91 Wireless System. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

Under 75 Pa.C.S. § 3368(c)(1) and (3), the Department has approved the use of electronic and mechanical stopwatches as speed-timing devices for use by any police officer. The Department has approved these speed-timing devices upon submission of a certificate of stopwatch accuracy indicating that a stopwatch has been successfully tested in accordance with the requirements of 67 Pa. Code Chapter 105 (relating to mechanical, electrical and electronic speed-timing devices). The Department issues an approved speed-timing device certificate for the device, as required under 67 Pa. Code § 105.72 (relating to equipment approval procedure). The Department does not publish a listing of these approved speed-timing devices because they are approved individually by serial number and police department. Therefore, if a citation is contested, it is necessary for the police department to show both the certificate of stopwatch accuracy, which was issued within 60 days of the citation, and an approved speed-timing device certificate issued by the Bureau.

Under 75 Pa.C.S. § 3368(c)(3), the Department has approved, for use by any police officer, the following electronic speed-timing devices (nonradar) which calculate average speed between any two points:

(1) VASCAR-plus. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(2) VASCAR-plus II. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(3) VASCAR-plus III. Manufactured by Traffic Safety Systems a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(4) VASCAR-plus IIIc. Manufactured by Traffic Safety Systems, a division of Power Systems & Controls, Incorporated, 3206 Lanvale Avenue, Richmond, VA 23230.

(5) V-SPEC. Manufactured by YIS Incorporated, 1100 North Hartley Street, York, PA 17404.

(6) Tracker by Patco. Manufactured by Kustom Signals, Incorporated, 9325 Pflumm, Lenexa, KS 66215.

The Department, under 75 Pa.C.S. § 3368(d), has appointed the following stations for calibrating and testing speed-timing devices until the next comprehensive list is published, subject to interim amendment.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for radar devices, which may only be used by members of the State Police:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969. (Appointed: 12/22/01, Station R8.)

Guth Laboratories, Incorporated, 590 North 67th Street, Harrisburg, Dauphin County, PA 17111-4511 (Appointed: 01/27/97, Station R2.)

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063. (Appointed: 08/15/03, Station R11.)

Simco Electronics, 2125 South West 28th Street, Allentown, Lehigh County, PA 18103. (Appointed: 09/19/96, Station R9.)

Wisco Calibration Services, Inc., 820 Washington Boulevard, Pittsburgh, Allegheny County, PA 15206. (Appointed: 07/14/99, Station R10.)

YIS Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 01/14/75, Station R3.)

YIS/Cowden Group, Inc., 1100 North Hartley Street, York, York County, PA 17404. (Appointed: 8/20/04, Station R12.)

The Department has appointed, under 75 Pa.C.S. § 3368(b), the following Official Speedometer Testing Stations:

Briggs-Hagenlocher, 1110 Chestnut Street, Erie, Erie County, PA 16501. (Appointed: 03/25/93, Station S39). Device—Maxwell Dynamometer.

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 11/25/63, Station S19). Devices—Mustang Dynamometer, Davidheiser Storage Generator Speedometer Calibrator Mile-O-Meter.

George's Garage, 868 Providence Road, Scranton, Lackawanna County, PA 18508. (Appointed: 04/15/98, Station S8.) Device—Clayton Dynamometer.

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 01/03/84, Station S7.) Devices—Speed-Master Quartz Speedometer Tester, Stewart Warner Strobetachometer.

Maruti Auto Service Inc., 4030 New Falls Road, Bristol, Bucks County, PA 19007. (Appointed 11/4/2008, Station S11.) Devices—Maha Snap-On Dynamometer.

Powl's Speedometer Service, Incorporated, 2340 Dairy Road, Lancaster, Lancaster County, PA 17601—Also authorized to use mobile units. (Appointed: 06/09/97, Station S82.) Devices—YIS, Inc. Electronic Mile-O-Meter and Speedometer Testing Platform with Indicator.

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 06/29/62, Station S67.) Devices—Clayton Dynamometer, Mustang Dynamometer, Model MD-AWD-3K-ST.

S & D Calibration Services, 1963 Route 837, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/22/83, Station S35.) Devices—Clayton Dynamometer, Mustang Dynamometer, Stewart Warner Strobetachometer, Speed-Master Quartz Speedometer Tester.

YIS/Cowden Group Inc., 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 8/20/04, Station S9.) Devices—YIS, Inc. Electronic Mile-O-Meter and Speedometer Testing Platform with Indicator.

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for nonradar devices, which measure elapsed time between measured road surface points by using two sensors:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 04/07/93, Station EL3.)

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EL22.)

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EL1.)

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EL11.)

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units (Appointed: 05/07/91, Station EL21.)

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 07/31/97, Station EL18.)

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 02/20/80, Station EL7.)

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following Official Stopwatch Testing Stations:

Cal Tech Labs, 501 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15205. (Appointed: 12/22/07, Station W70.)

Department of General Services, Bureau of Procurement, 2221 Forster Street, Harrisburg, Dauphin County, PA 17125. (Appointed: 03/09/79, Station W18.)

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 10/28/77, Station W29.)

Leitzel's Jewelry, 607 East Lincoln Avenue, Myerstown, Lebanon County, PA 17067. (Appointed: 09/01/87, Station W58.)

Pinto Calibration Services, 651 Holiday Drive, Pittsburgh, Allegheny County, PA 15220—Also authorized to use mobile units. (Appointed: 10/24/14, Station W5.)

Precision Watch Repair Company, 1015 Chestnut Street, Room 1010, Philadelphia, Philadelphia County, PA 19107. (Appointed: 09/24/80, Station W54.)

Rabold's Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 09/15/86, Station W56.)

R & R Timing, 203 Shuster Hollow Road, Leechburg, Westmoreland County, PA 15656. (Appointed: 6/16/04 Station W10.)

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station W1.)

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 10/10/89, Station W61.)

Servinsky Jewelers, 610 Second Street, Cresson, Cambria County, PA 16630. (Appointed: 05/18/78, Station W40.)

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station W64.)

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 08/30/89, Station W60.)

The Department has appointed, under 75 Pa.C.S. § 3368(d), the following official Electronic Device Testing Stations for nonradar devices which calculates average speed between any two points:

Davidheiser's Speedometer Repair, Incorporated, 181 Ridge Road, Telford, Montgomery County, PA 18969—Also authorized to use mobile units. (Appointed: 02/11/93, Station EM23.)

Rabolds Services, 2034 Boas Street, Harrisburg, Dauphin County, PA 17103—Also authorized to use mobile units. (Appointed: 02/27/92, Station EM22.)

S & D Calibration Services, 29 Prosperity Street, Monongahela, Washington County, PA 15063—Also authorized to use mobile units. (Appointed: 03/14/02, Station EM1.)

S & D Calibration Services, 115 Joyce Drive, McMurray, Washington County, PA 15317—Also authorized to use mobile units. (Appointed: 09/14/82, Station EM6.)

Mahramus Specialty Auto Service, 286 Muse Bishop Road, Canonsburg, Washington County, PA 15317. (Appointed: 08/13/97, Station EM12.)

Pinto Calibration Services, 651 Holiday Drive, Pittsburgh, Allegheny County, PA 15220—Also authorized to use mobile units. (Appointed: 10/24/14, Station EM4.)

Targetron, Incorporated, 190 Angletown Road, Muncy, Lycoming County, PA 17756—Also authorized to use mobile units. (Appointed: 05/07/91, Station EM21.)

YIS/Cowden Group, 1100 North Hartley Street, York, York County, PA 17404—Also authorized to use mobile units. (Appointed: 12/20/80, Station EM5.)

Comments, suggestions or questions may be directed to Michael Smith, Manager, Administrative and Technical Support Section, Vehicle Inspection Division, Bureau of Motor Vehicles, Riverfront Office Center, 1101 South Front Street, Harrisburg, PA 17104, (717) 783-7016.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2322. Filed for public inspection December 30, 2016, 9:00 a.m.]

## Availability of Local Real Estate Tax Reimbursement Grants for Taxes Paid in 2016

The Department of Transportation (Department), Bureau of Aviation (Bureau), is accepting applications for Local Real Estate Tax Reimbursement Grants from qualifying owners of public airports who have paid local real estate taxes for the calendar year ending December 31, 2016.

Each year, under 74 Pa.C.S. Chapter 61, Subchapter B (relating to reimbursement of local real estate taxes for public airports) and 67 Pa. Code Chapter 477 (relating to local real estate tax reimbursement grants), the owner of a public airport shall be eligible for a grant from the local real estate tax reimbursement portion of the Aviation Restricted Account. These grants are available to reimburse airport owners for local real estate taxes paid on those portions of an airport which are aviation-related areas as defined in 74 Pa.C.S. § 5102 (relating to definitions). Prior to receiving a grant, each public airport owner shall enter into an agreement with the Department. This agreement shall specify that the owner shall continue, for a period of not less than 10 years, to maintain the property for which the grant will be sought as an airport at least equal in size and capacity as indicated in the owner's initial grant application. This agreement shall be a covenant, which runs with the land and shall apply to any subsequent purchases of land. Upon acceptance of any grant the covenant shall be deemed extended for 1 additional year. Any violation of the agreement shall make the owner liable for the repayment of the total appropriation for the year plus a penalty of two times the grant. In any action wherein the owner is found to have violated the agreement, the Department shall receive all costs of prosecution.

The final date for submission of applications for reimbursement of local real estate taxes paid in the calendar year ending December 31, 2016, is the close of business on February 1, 2017. Applications shall be filed with the Bureau using dotGrants, the Department's web based grants administration program. For more detailed information on the Real Estate Tax Reimbursement Grant Program, review the information on the Department's web site at <http://www.penndot.gov> (select "Doing Business," then "Aviation," then "Aviation Grants").

Interested persons may direct their request for online participation, inquiries or comments regarding the local real estate tax reimbursement grant program for eastern region airports to Catherine Green, Grant Specialist, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1222, [catgreen@pa.gov](mailto:catgreen@pa.gov) or for western region airports to Marcia Scott-Williams, Grant Specialist, Bureau of Aviation, 400 North Street, 6th Floor, Harrisburg, PA 17120, (717) 705-1205, [msscottwill@pa.gov](mailto:msscottwill@pa.gov).

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2323. Filed for public inspection December 30, 2016, 9:00 a.m.]



## Findings

Under section 2002 of The Administrative Code of 1929 (71 P.S. § 512) establishing the Department of Transportation (Department), the Deputy Secretary of Highway Administration, as delegated by the Secretary of Transportation, makes the following written findings:

The Department is planning to construct the following listed projects. Environmental and Section 4(f) Documentation have been developed for the following identified projects to evaluate the potential environmental impacts caused by these projects. The Section 4(f) documents also serve as the Section 2002 Evaluation. The approved documents are available in the Categorical Exclusion Expert System at <http://www.dotdom2.state.pa.us/ceea/ceeamain.nsf>. The environmental, economic, social and other effects of the proposed projects have been considered. Based upon studies, there is no feasible and prudent alternative to the use of the Section 2002 resources for the proposed identified projects, and all reasonable steps have been taken to minimize the effects.

- **SR 0015 Section 155—Clinton Township, Lycoming County.**

*Project Description:* The proposed project involves the replacement of the SR 0015 Bridge over Black Creek. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches.

*Environmental Documents:* BRPA CEE, approved on June 20, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on June 16, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.03 acre of permanent right-of-way (ROW) acquisition from the National Register of Historic Places (NRHP) eligible Eagle Grange No. 1 Hall Mill property. The project will not adversely affect the function/qualities of the Eagle Grange No. 1 Hall Mill property.

- **SR 0023 Section 000—West Hempfield Township, Lancaster County.**

*Project Description:* The proposed project involves the replacement of the SR 0023 Bridge over Chickies Creek. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA CEE, approved on April 18, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on February 26, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Fletcher-Drager Farm, eligible for listing on the NRHP, is located adjacent to the SR 0023 Bridge. The 81.6-acre farm is agriculturally significant with a period of significance from 1830 to 1960. The farmstead retains integrity of location, setting, design, materials, workmanship, feeling and association vividly illustrating its historical associations with mid-19th to mid-20th century diversified agriculture in Lancaster County. The new bridge will require approximately 0.07 acre of ROW from the Fletcher-Drager Farm to accommodate bridge and roadway widening and the wing walls. The area consists of agricultural fields located adjacent to the existing roadway. The Fletcher-Drager Farm will not be adversely affected as a result of this project.

- **SR 0046 Section A03—Norwich Township, McKean County.**

*Project Description:* The Department, through the P3 Rapid Bridge Replacement Project, proposes to replace the SR 0046, Section A03 (Emporium Road) Bridge over Havens Run in Norwich Township, McKean County on the existing alignment. The proposed project will replace the deteriorating structure, update guiderail, improve drainage and mill, and overlay the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* Level 1b CEE, approved on June 27, 2016, 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 10, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* Due to the proposed widening of the SR 0046 structure, a sliver acquisition of 0.18 acre of State Game Lands (SGL) # 030 is needed to install the new bridge and widen the roadway. The existing conditions of the area proposed for acquisition consist primarily of wetland bordered by upland forest. In addition, a portion of the northern parking area access located in the southeast quadrant will be acquired. This parking area access will be reconstructed after construction. Access to the southern entrance of the parking area will remain open during construction. The proposed impacts are immediately adjacent to the roadway, and will not affect the overall access to the resource or the recreational activities, features and attributes that qualify SGL # 030 for protection.

- **SR 0074 Section 000—Tyrone Township, Perry County.**

*Project Description:* The proposed project involves the replacement of the SR 0074 Bridge over Montour Creek. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA CEE, approved on May 31, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on March 8, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Bernheisel Farm, eligible for listing on the NRHP, is located west of the Montour Creek Bridge. The property includes a dwelling, a barn, and several historic and modern agricultural outbuildings. It is significant for its association with the theme of agriculture for the period of 1806—1960. The Bernheisel Mill Complex, also eligible for listing on the NRHP, is located east of the Montour Creek Bridge. The property includes a mill, two dwellings, two barns, and several historic and modern domestic and agricultural outbuildings. It is significant in the area of industry for the period of significance from 1836—1908. Approximately 0.07 acre will be acquired from the Bernheisel Farm and approximately 0.009 acre will be acquired from the Bernheisel Mill Complex. Neither of these properties will be adversely affected by the proposed project.

- **SR 0120 Section A16—Shippen Township, Cameron County.**

*Project Description:* The Department, through the P3 Rapid Bridge Replacement Project proposes to replace the SR 0120, Section A16 (St. Mary's Emporium Road) Bridge

over Big Run in Shippen Township, Cameron County on the existing alignment. The proposed project will replace the deteriorating structure, update guiderail, improve drainage, and mill and overlay the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA CEE, approved on July 11, 2016, 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 5, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The portion of SGL # 014 that will be affected by the SR 0120, Section A16 structure replacement will be directly around the existing culvert in all four quadrants. Only sliver acquisitions around the culvert and immediately adjacent to the roadway are proposed in each of the four quadrants. Approximately 0.19 acre will be acquired from SGL # 014. The existing conditions of the areas proposed for acquisition and temporary construction easements consist primarily of herbaceous, riparian vegetation in the north-west and southeast quadrants, forested wetland in the northeast quadrant and emergent wetland in the southwest quadrant. In addition, a portion of a parking area access located in the northwest quadrant will be acquired. This parking area access will be reconstructed after construction. The proposed impacts are immediately adjacent to the roadway, and will not affect the overall access to the resource or the recreational activities, features and attributes that qualify SGL # 014 for protection.

• **SR 0147 Section 110—Northumberland Borough, Northumberland County.**

*Project Description:* The proposed project includes roadway reconstruction, drainage improvements and structure work improvements to the Water Street/Duke Street intersection and improvements to the Water Street/King Street intersection.

*Environmental Documents:* ED2, approved on June 6, 2016, including an Individual Section 2002 Evaluation dated May 26, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The proposed project will require the complete acquisition of a historic house (296 Water Street) that is a contributing resource to the NRHP listed Northumberland Historic District. Acquisition of this property will result in 0.117 acre being acquired from the Northumberland Historic District. There will also be a 0.002-acre strip take from another parcel contributing to the Northumberland Historic District.

• **SR 0222 Section 01S—Macungie Township, Lehigh County.**

*Project Description:* The proposed project involves safety and mobility improvements along SR 0222 (Hamilton Road). The project includes widening of just over 1 mile of SR 0222 (Hamilton Road) to include two through-lanes in each direction, as well as a two-way center turn lane. Also included in the project are several intersection improvements and two bridge replacements (SR 0222 and SR 3012).

*Environmental Documents:* Level 1b CEE, approved on April 4, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on March 18, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project improvements will require 1.63 acre of ROW to accommo-

date the aforementioned roadway widening and 1.06 acre of perpetual drainage easement from the NRHP eligible Grim Seidel Farm. This area, totaling 2.69 acres, comprises approximately 1.9% of the property. The project will require 0.30 acre of ROW acquisition to accommodate the construction of a proposed cul-de-sac and stormwater management ditch from the NRHP eligible Edwin Gross house. This area comprises approximately 13.5% of the property. The project will also require approximately 0.44 acre of ROW from the Samuel Grim Historic District as a result of the reconfiguration of the intersection of Independent and Shantz Roads and installation of a stormwater management ditch and landscape restoration. The Section 4(f) properties will not be adversely affected by the proposed project.

• **SR 0234 Section 000—Butler Township, Adams County.**

*Project Description:* The proposed project involves the replacement of the SR 0234 Bridge over Opossum Creek. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA CEE, approved on May 31, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on April 5, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The John W. Dull Farm is eligible for listing on the NRHP for agricultural significance. There are six contributing buildings within the boundaries of the John W. Dull Farm including the circa-1856 primary dwelling, circa-1856 secondary dwelling (originally a summer kitchen), circa-1856 storage shed (likely a former springhouse), circa-1856 Pennsylvania barn, circa-1856 corner crib and circa-1856 hog house. The bridge project will require approximately 0.05 acre of permanent ROW acquisition from the John W. Dull Farm property. The proposed project will not adversely affect the Section 4(f) property.

• **SR 0267 Section D50—Meshoppen Borough, Wyoming County.**

*Project Description:* The proposed project involves the replacement of the SR 0267 Bridge over Little Meshoppen Creek. The project also includes guiderail updates, improved drainage and the mill, and overlay of the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* BRPA CEE, approved on April 8, 2016, 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 February 25, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Meshoppen Borough Park, approximately 4.2 acres, contains a baseball field, dugouts, a pavilion, a small parking lot and vegetation. The park is significant in terms of meeting the recreational goals of Meshoppen Borough. The new bridge will require approximately 0.06 acre of ROW from the Meshoppen Borough Park. The land to be acquired will be directly around the existing bridge in an area of mostly vegetation. Access to the park will not be impacted by the bridge replacement. There is an existing chain link fence that will be removed and replaced, with guiderail. The project will not affect activities, features or attributes of the park that qualify it as a Section 4(f) resource.

• **SR 0340 Section 000—Salisbury Township, Lancaster County.**

*Project Description:* The proposed project involves the replacement of the SR 0340 Bridge over Indian Spring Run. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* Level 2 CEE, approved on July 25, 2016, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, approved on May 2, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Pequea North Rural Historic District is eligible for listing on the NRHP for its significance in the areas of agriculture, settlement, religion and architecture. The period of significance for the Pequea North Rural Historic District extends from circa-1712, when settlement of the historic district began through 1954. The SR 0340 Bridge, constructed in 1930, was determined to be a contributing element. The new bridge will be contextually sensitive to the Pequea North Rural Historic District. The materials, massing and size of the replacement bridge will be sensitive to the local context and the overall setting of the historic district. The bridge will remain as a minor landscape feature within the existing setting. The proposed project will not adversely affect the Pequea North Rural Historic District.

• **SR 1018 Section 000—Lykens Township, Dauphin County.**

*Project Description:* The proposed project involves the replacement of the SR 1018 (Valley Drive Road) Bridge over Deep Creek. Additional project activities include updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are anticipated.

*Environmental Documents:* Level 2 CEE, approved on July 25, 2016, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, approved on May 10, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Lykens Valley Rural Historic District is eligible for listing on the NRHP for its significance in the areas of agriculture, mining and architecture. The historic district contributes to the broad patterns of agriculture and mining in this Commonwealth and continues to embody the distinctive characteristics of a 19th-century rural landscape. The Valley Drive Road Bridge, constructed in 1918, over Deep Creek was determined to be a contributing element to the Lykens Valley Rural Historic District. The new bridge will be contextually sensitive to the Lykens Valley Rural Historic District. The materials, massing and size of the replacement bridge will be sensitive to the local context and the overall setting of the historic district, and the bridge will remain as a minor landscape feature within the existing setting. The proposed project will not adversely affect the Lykens Valley Rural Historic District.

• **SR 2001 Section 012—Rush Township, Northumberland County and Mayberry Township, Montour County.**

*Project Description:* The proposed project involves the replacement of the SR 2001 Bridge over Little Roaring Creek and includes guiderail updates, drainage improvements and approach work.

*Environmental Documents:* BRPA CEE, approved on June 17, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on May 4, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The project will require approximately 0.02 acre of permanent ROW acquisition from the NRHP eligible Quitman Mill property to accommodate bridge and roadway widening and wing walls. The proposed project will not adversely affect the Section 4(f) property.

• **SR 2001 Section A01—Sergeant Township, McKean County.**

*Project Description:* The Department, through the P3 Rapid Bridge Replacement Project proposes to replace the SR 2001, Section A01 (Wilcox Clermont Road) Bridge over Sevenmile Run. The project also includes updating guiderail, improving drainage, and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA CEE, approved on September 23, 2016, 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 16, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* Permanent ROW will need to be acquired directly around the bridge to accommodate the wing walls and any bridge and roadway widening in addition to temporary construction easements needed to access the bridge location. A portion of the project will take place within Elk State Park from which approximately 0.04 acre of ROW will be permanently acquired. The land use of the property proposed for acquisition consists of herbaceous vegetation, palustrine emergent wetland and palustrine forested wetland. The impacts that will occur are immediately adjacent to the highway and will not affect access to the park, or the recreational activities, features or attributes that qualify Elk State Park as a Section 4(f) resource. The proposed project will not adversely affect the Section 4(f) property.

• **SR 3004 Section 006—Drumore Townships, Lancaster County.**

*Project Description:* The proposed project involves the replacement of the SR 3004 (Harmony Ridge Road) Bridge over Fishing Creek. Additional project activities include updating guiderail, improving drainage and milling and overlaying the approaches. Minor profile adjustments along the roadway approaches are also anticipated.

*Environmental Documents:* BRPA CEE, approved on June 28, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on April 19, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The Cowgill-Barkley House and the Pennock's Mill District are eligible for listing on the NRHP for association with commerce in Lancaster County with a period of significance of 1776—1920. The majority of the buildings and structures on the property contribute to the historic district. The project will require the permanent acquisition of 0.05 acre of ROW within the NRHP boundary of the Cowgill-Barkley House property and the Pennock's Mill District. These resources will not be adversely affected by the proposed project.

• **SR 4013 Section BMP—Sellersville Borough, Bucks County.**

*Project Description:* The proposed project involves the replacement of the bridge that carries SR 4013 (Main Street) over the East Branch Perkiomen Creek. The bridge and roadway will be located on nearly the same horizontal alignment as the existing bridge with minor changes to the roadway vertical profile.

*Environmental Documents:* Level 1b CEE, approved on May 9, 2016, a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on January 19, 2016, 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 January 21, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* Lake Lenape Park is eligible for listing on the NRHP as an area of recreation and conservation. The Lake Lenape Park has also been recommended to be considered a historic district by the Pennsylvania Historical and Museum Commission (Commission). Approximately 0.122 acre will be acquired from Lake Lenape Park. The Lake Lenape Park will not be adversely affected as a result of this project.

• **SR 4031 Section PSS—Pottstown Borough and North Coventry Township, Montgomery County.**

*Project Description:* The proposed project involves the modernization of 66 intersections. Improvements may include traffic signal upgrades, new signal controllers, signal mast-arms, signal heads, pedestrian signals, curb ramps, and related signing and pavement markings. New curb ramps constructed through this project will be ADA-compliant.

*Environmental Documents:* Level 1b CEE Re-evaluation, approved on June 2, 2016, and a Determination of Section 4(f) De Minimis Use Section 2002 No Adverse Use Historic Properties, approved on May 31, 2016.

*Proposed Use of Section 4(f)/2002 Resource:* The NRHP listed or eligible to be listed properties that will be affected, but not adversely affected by this project, in-

clude Pottstown Conservation District, Old Pottstown Historic District, Pottstown Industrial Historic District, High Street Historic District, The Hill School, Old Pottstown Historic District Boundary Increase, Charlotte Street Historic District, Reading Railroad, Schuylkill Canal, Pottstown Station, Pottstown Landing Historic District, Kenilworth Historic District, Pottstown Roller Mills, Hoffman's Store and William Grubb Mansion. A combined total of approximately 1.7 acre of ROW is required from these properties.

• **SR 7301 Section LYN—City of Bethlehem, Northampton County.**

*Project Description:* The proposed project involves the replacement of the camelback through-truss bridge carrying Lynn Avenue over the Lehigh Valley Rail Management Railroad in Bethlehem. The proposed replacement bridge will be significantly shortened due to all but one of the railroad lines no longer being active.

*Environmental Documents:* Level 2 CEE Re-evaluation, approved on June 30, 2016, and a Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges, approved on November 21, 2011.

*Proposed Use of Section 4(f)/2002 Resource:* The Lynn Avenue Bridge is a single span camelback through-truss bridge constructed in 1928. The City of Bethlehem, in cooperation with the Department, is proposing to replace the Lynn Avenue Bridge, which is structurally deficient and functionally obsolete. The bridge cannot be rehabilitated due to its excessive deterioration without affecting the historic integrity. In addition, the bridge's poor sight distances associated with the approaches and the "hump-back" vertical alignment would not be corrected by rehabilitation. The bridge has been marketed as part of the Department Historic Bridge Marketing program for the past 20 months and a Memorandum of Agreement has been executed between Federal Highway Administration and the Commission.

LESLIE S. RICHARDS,  
*Secretary*

[Pa.B. Doc. No. 16-2324. Filed for public inspection December 30, 2016, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P.O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock triploid grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Cherry Ridge Association Lake Wanoka Resort	Lake Wanoka N 41.51722 W -75.27833	Cherry Ridge Township Wayne County	42-acre lake discharges to an Unnamed Tributary to Middle Creek to the Lackawaxen River	<i>Milfoil spp., Bladderwort, Pondweed spp.</i>

JOHN A. ARWAY,  
*Executive Director*

[Pa.B. Doc. No. 16-2325. Filed for public inspection December 30, 2016, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Renewal of Designation as a Certified Reinsurer

Hannover Rück SE of Hannover, Germany has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 19, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2326. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Application for Renewal of Designation as a Certified Reinsurer

Underwriters at Lloyd's, London has applied for renewal of its designation as a certified reinsurer in this Commonwealth. The application was received on December 19, 2016, and was made under section 319.1(a) of The Insurance Company Law of 1921 (40 P.S. § 442.1(a)) and 31 Pa. Code § 161.3a (relating to requirements for certified reinsurers).

Persons who wish to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the

application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Kimberly A. Rankin, Director, Bureau of Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, krankin@pa.gov. Comments received will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2327. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P.L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile insurance policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Kevin and Tammy Kennedy; File No. 16-116-203610; Atlantic States Insurance Company; Doc. No. P16-12-012; January 19, 2017, 10 a.m.

The following hearings will be held in Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Jason Kline; File No. 16-116-204080; Travelers Property Casualty Insurance Company; Doc. No. P16-12-011; January 31, 2017, 10 a.m.

Appeal of Melanie Bolton; File No. 16-115-203558; State Farm Mutual Automobile Insurance Company; Doc. No. P16-12-014; January 31, 2017, 2 p.m.

Following the hearings and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues

presented at a hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in a hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend a previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2328. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insurer has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with the company's termination of the insured's homeowners policy. The hearing will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's Administrative Hearings Office in Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in Hearing Room 2026, Piatt Building, 301 5th Avenue, Pittsburgh, PA 15222.

Appeal of Donegal Mutual Insurance Company; File No. 16-116-203293; Jarrod and Judith Levy; Doc. No. P16-11-011; January 31, 2017, 11 a.m.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 16-2329. Filed for public inspection December 30, 2016, 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 17, 2017. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-2016-2580001. Pampering Plus, Inc.** (1522 Old York Road, Abington, Montgomery County, PA 19001) in paratransit service, between points in the Counties of Montgomery, Bucks and Delaware, and the City and County of Philadelphia.

**A-2016-2580273. Godezi, LLC** (419 14th Street, Huntingdon, Huntingdon County, PA 16652) for the right to transport as a common carrier, by motor vehicle, persons in paratransit service, within 75 air statute miles from the business location of 419 14th Street, Huntingdon, Huntingdon County, to points in Pennsylvania, and return.

**A-2016-2580393. David Snader, t/a Snader Transportation** (532 Airport Road, New Holland, Lancaster County, PA 17557) in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

#### Applications of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.*

**A-2016-2578367. ABC Movers Philadelphia, Inc.** (600 Red Lion Road, Apartment L5, Philadelphia, PA 19115) household goods in use, between points in Bucks, Chester, Delaware and Montgomery Counties, and the City and County of Philadelphia.

**A-2016-2579707. R & J Adams Enterprises, LLC** (307 Olive Street, Johnstown, Cambria County, PA 15905) household goods in use, between points in Pennsylvania.

**A-2016-2579713. Samono, LLC, t/a Bensoter Limousine** (136 Pepper Drive, Collegeville, Montgomery County, PA 19426) household goods in use, between points in Pennsylvania, and return.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2330. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Service of Notice of Motor Carrier Formal Complaints

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due January 17, 2017, 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. Swinson Transportation, Inc.; Docket No. C-2016-2575035

#### 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 Swinson Transportation, Inc., (respondent) is under suspension effective October 25, 2016 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 7040 Wheeler Street, Philadelphia, PA 19142-1731.
3. That respondent was issued a Certificate of Public Convenience by this Commission on May 24, 2016, at A-8918786.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-8918786 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: 11/15/16

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](mailto:RA-PCCmplntResp@pa.gov)

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. 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. 16-2331. Filed for public inspection December 30, 2016, 9:00 a.m.]

### Transfer of Control

**A-2016-2580274, A-2016-2580275, A-2016-2580276, A-2016-2580277, A-2016-2580278, A-2016-2580279, A-2016-2580280 and A-2016-2580281.** Level 3 Communications, Inc.; Level 3 Communications, LLC; TelCove Operations, LLC; TelCove of Pennsylvania, LLC; Broadwing Communications, LLC; WilTel Communications, LLC; Global Crossing Telecommunications, Inc.; Global Crossing Local Services, Inc.; Level 3 Telecom Data Services, LLC; CenturyLink, Inc. Joint application for the transfer of control of Level 3 Communications, Inc., together with Level 3 Communications, LLC, TelCove Operations, LLC, TelCove of Pennsylvania, LLC, Broadwing Communications, LLC, WilTel Communications, LLC, Global Crossing Telecommunications, Inc., Global Crossing Local Services, Inc. and Level 3 Telecom Data Services, LLC, to transferee, CenturyLink, Inc.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before January 17, 2017. Filings must be made

with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, on the Pennsylvania Public Utility Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

*Joint Applicants:* Level 3 Communications, Inc.; Level 3 Communications, LLC; TelCove Operations, LLC; TelCove of Pennsylvania, LLC; Broadwing Communications, LLC; WilTel Communications, LLC; Global Crossing Telecommunications, Inc.; Global Crossing Local Services, Inc.; Level 3 Telecom Data Services, LLC; CenturyLink, Inc.

*Through and By Counsel:* Zsuzsanna E. Benedek, Esquire, CenturyLink, Inc., 240 North Third Street, Suite 300, Harrisburg, PA 17101; and Catherine Wang, Esquire, Danielle C. Burt, Esquire, Morgan, Lewis & Bockius, LLP, 2020 K Street, NW, Washington, DC 20006-1806

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 16-2332. Filed for public inspection December 30, 2016, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 17-002.1, General Construction Services for the Phase I Port Development Improvements at PAMT, and Project No. 17-003.4, Electrical Work for the Phase I Port Development Improvements at PAMT, until 2 p.m. on Thursday, February 2, 2017. Information (including mandatory prebid information) can be obtained from [www.philaport.com](http://www.philaport.com) under "Our Port," then "Procurement" or call (215) 426-2600.

JEFF THEOBALD,  
*Executive Director*

[Pa.B. Doc. No. 16-2333. Filed for public inspection December 30, 2016, 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 the 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 on the previously listed webpage. 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.

PATRICK McDONNELL,  
*Acting Chairperson*

[Pa.B. Doc. No. 16-2334. Filed for public inspection December 30, 2016, 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 requests 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 18, 2017    Mary Jane L. Book                    1 p.m.  
                                 Disability Application 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. 16-2335. Filed for public inspection December 30, 2016, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Actions Taken at December Meeting

As part of its regular business meeting held on December 8, 2016, in Annapolis, MD, the Susquehanna River Basin Commission (Commission) took the following actions: 1) approved the applications of certain water resources projects; 2) accepted settlements instead of penalties from Panda Hummel Station, LLC, Panda Liberty, LLC, Panda Patriot, LLC and Montage Mountain Resorts, LP; and 3) took additional actions as set forth in the following Supplementary Information.

The business meeting was held on December 8, 2016. Comments on the proposed consumptive use mitigation policy may be submitted to the Commission on or before January 30, 2017.

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, or submitted electronically at <http://mdw.srbc.net/ProposedRulemakingSeptember2016/>. Also see the Commission web site at [www.srbc.net](http://www.srbc.net).

### Supplementary Information

In addition to the actions taken on projects identified in the previous summary and the listings as follows, the following items were also presented or acted upon at the business meeting: 1) adoption of a resolution urging President-elect Trump and the United States Congress to provide full funding for the Groundwater and Streamflow Information Program, thereby supporting the Susquehanna Flood Forecast and Warning System; 2) approval/ratification of a contract and two agreements; 3) approval to extend the comment deadline for the Consumptive Use Mitigation Policy to January 30, 2017; 4) a report on delegated settlements with the following project sponsors, under SRBC Resolution 2014-15: Lewistown Borough Municipal Authority, in the amount of \$5,250, Columbia Water Company, in the amount of \$7,500, Eagle Lake Community Association, in the amount of \$7,500, and Fox Hills Country Club, in the amount of \$5,000; and 5) approval to extend the term of an emergency certificate with Hazleton City Authority to December 8, 2017.

*Compliance Matters:*

The Commission approved settlements instead of civil penalties for the following projects:

1. Panda Hummel Station, LLC, Hummel Station, Shamokin Dam Borough and Monroe Township, Snyder County, PA—\$22,750.
2. Panda Liberty, LLC, Liberty Station, Asylum Township, Bradford County, PA—\$30,000.
3. Panda Patriot, LLC, Clinton Township, Lycoming County, PA—\$44,250.
4. Montage Mountain Resorts, LP, City of Scranton, Lackawanna County, PA—\$72,000.

*Project Applications Approved:*

The Commission approved the following project applications:

1. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Bowman Creek), Eaton Township, Wyoming County, PA. Renewal of surface water withdrawal of up to 0.290 mgd (peak day) (Docket No. 20121201).
2. Project Sponsor and Facility: Cabot Oil & Gas Corporation (Susquehanna River), Susquehanna Depot Borough, Susquehanna County, PA. Renewal with modification of surface water withdrawal of up to 1.500 mgd (peak day) (Docket No. 20120903).
3. Project Sponsor and Facility: Chester Water Authority, East and West Nottingham Townships, Chester County, PA. Interconnection with the Town of Rising Sun of up to 1.800 mgd (peak day).
4. Project Sponsor and Facility: Conyngham Borough Authority, Sugarloaf Township, Luzerne County, PA. Groundwater withdrawal of up to 0.120 mgd (30-day average) from Well 6.
5. Project Sponsor: Exelon Generation Company, LLC. Project Facility: Muddy Run Pumped Storage Project, Drumore and Martic Townships, Lancaster County, PA. Authorization for continued operation under Section 801.12 of an existing hydroelectric facility.
6. Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, PA. Consumptive water use of up to 0.063 mgd (peak day).
7. Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well RW-1.
8. Project Sponsor: Future Power PA, LLC. Project Facility: Good Spring NGCC, Porter Township, Schuylkill County, PA. Groundwater withdrawal of up to 0.252 mgd (30-day average) from Well RW-2.
9. Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, PA. Renewal of consumptive water use of up to 1.510 mgd (peak day) (Docket No. 19851202).
10. Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, PA. Groundwater withdrawal of up to 1.870 mgd (30-day average) from the Gilberton Mine Pool.

11. Project Sponsor and Facility: Keystone Clearwater Solutions, LLC (Moshannon Creek), Snow Shoe Township, Centre County, PA. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20120910).

12. Project Sponsor: Lycoming County Water and Sewer Authority. Project Facility: Halls Station System, Muncy Township, Lycoming County, PA. Groundwater withdrawal of up to 0.158 mgd (30-day average) from Well PW-1.

13. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Minor modification to add a new source (Production Well 2) to existing consumptive use approval (no increase requested in consumptive use quantity) (Docket No. 20150907).

14. Project Sponsor and Facility: Moxie Freedom, LLC, Salem Township, Luzerne County, PA. Groundwater withdrawal of up to 0.062 mgd (30-day average) from Production Well 2.

15. Project Sponsor and Facility: Town of Nichols, Tioga County, NY. Groundwater withdrawal of up to 0.250 mgd (30-day average) from Well PW-1.

16. Project Sponsor and Facility: Town of Nichols, Tioga County, NY. Groundwater withdrawal of up to 0.250 mgd (30-day average) from Well PW-2.

17. Project Sponsor and Facility: Town of Rising Sun, Rising Sun District, Cecil County, MD. Interconnection with the Chester Water Authority of up to 1.800 mgd (peak day).

18. Project Sponsor and Facility: Sunoco Pipeline, L.P. (Conodoguin Creek), North Middleton Township, Cumberland County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

19. Project Sponsor and Facility: Sunoco Pipeline, L.P. (Frankstown Branch Juniata River), Frankstown Township, Blair County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

20. Project Sponsor and Facility: Sunoco Pipeline, L.P. (Susquehanna River), Highspire Borough and Lower Swatara Township, Dauphin County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

21. Project Sponsor and Facility: Sunoco Pipeline, L.P. (Swatara Creek), Londonderry Township, Dauphin County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

22. Project Sponsor and Facility: Sunoco Pipeline, L.P. (Tuscarora Creek), Lack Township, Juniata County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

23. Project Sponsor and Facility: SWEPI, LP (Cowanesque River), Deerfield Township, Tioga County, PA. Surface water withdrawal of up to 2.000 mgd (peak day).

24. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Hemlock Township, Columbia County, PA. Surface water withdrawal of up to 2.880 mgd (peak day).

25. Project Sponsor and Facility: Transcontinental Gas Pipe Line Company, LLC. Project: Atlantic Sunrise (Fishing Creek), Hemlock Township, Columbia County, PA. Consumptive water use of up to 0.100 mgd (peak day).

*Project Applications Approved Involving a Diversion:*

The Commission approved the following project applications involving a diversion:

1. Project Sponsor and Facility: Gilberton Power Company, West Mahanoy Township, Schuylkill County, PA. Into-basin diversion from the Delaware River Basin of up to 0.099 mgd (peak day) from Wells AN-P03 and AN-P04.
2. Project Sponsor and Facility: JKLM Energy, LLC, Roulette Township, Potter County, PA. Into-basin diver-

sion from the Ohio River Basin of up to 1.100 mgd (peak day) from the Goodwin and Son's Sand and Gravel Quarry.

*Authority:* Pub.L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* December 20, 2016.

ANDREW D. DEHOFF,  
*Executive Director*

[Pa.B. Doc. No. 16-2336. Filed for public inspection December 30, 2016, 9:00 a.m.]



