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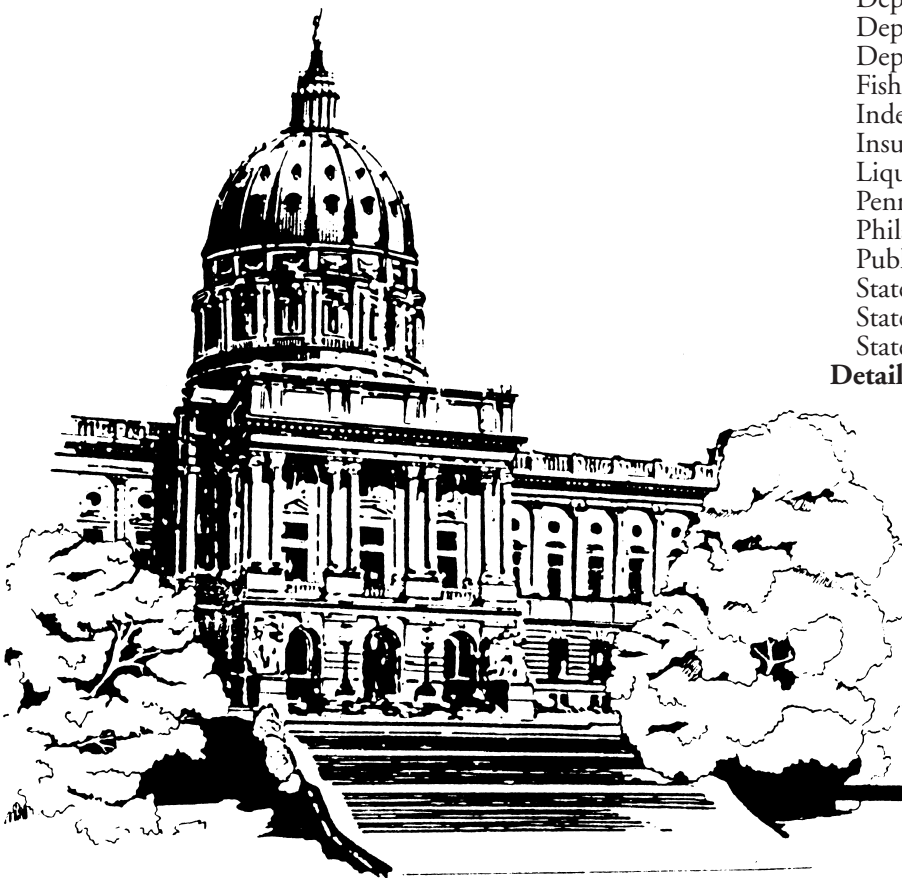
# PENNSYLVANIA BULLETIN

Volume 45  
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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 490, September 2015**

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

## *Pennsylvania Bulletin*

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

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#### **Printing Format**

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from 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 2015.

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# THE COURTS

## Title 207—JUDICIAL CONDUCT

### PART II. CONDUCT STANDARDS

[ 207 PA. CODE CH. 33 ]

#### Formal Advisory Opinion 2015-4

Notice is hereby given that the Ethics Committee of the Pennsylvania Conference of State Trial Judges has issued Formal Advisory Opinion 2015-4 Disqualification and Recusal which is set forth as follows.

EDWARD D. REIBMAN,  
*Chairperson*  
*Ethics Committee*  
*Pennsylvania Conference of State Trial Judges*

#### Annex A

### TITLE 207. JUDICIAL CONDUCT

#### PART II. CONDUCT STANDARDS

#### CHAPTER 33. CODE OF JUDICIAL CONDUCT

##### Subchapter B. FORMAL OPINIONS

##### § 15-4. Disqualification and Recusal.

A function of The Ethics Committee of the Pennsylvania Conference of State Trial Judges (the “Committee”) is to provide guidance regarding ethical concerns to judicial officers subject to the Code of Judicial Conduct (the “Code”). Inquiries regarding disqualification and recusal are among the more numerous questions addressed to the Committee. Because of the frequency of these inquiries, the Committee issues this Formal Advisory Opinion to assist judges on a matter of general importance to judicial officers subject to the Code.

This Formal Advisory Opinion is general in nature, does not address a particular situation, and is not in response to a specific request for an advisory opinion from a judicial officer. Therefore, the “rule of reliance” set forth in Preamble (8) of the Code does not apply to this Formal Advisory Opinion.<sup>1</sup>

##### *“Disqualification” and “Recusal”*

The terms “disqualification” and “recusal” have generated some confusion. According to the American Bar Association’s Joint Commission to Evaluate the Model Code of Judicial Conduct, the terms are used interchangeably in many jurisdictions.<sup>2</sup> In fact, Rules 2.7 and 2.11 of the ABA Model Code, which are the bases of Rules 2.7 and 2.11 of the *Pennsylvania Code*, refer only to “disqualification.” The Model Code does not refer to “recusal.”

Rules 2.7 and 2.11 of the *Pennsylvania Code* and their respective Comments use both terms and seem to recognize a distinction between them. Rule 2.7 of the *Code* provides:

<sup>1</sup> Preamble (8) states:

“The Ethics Committee of the Pennsylvania Conference of State Trial Judges is designated as the approved body to render advisory opinions regarding ethical concerns involving judges, other judicial officers and judicial candidates subject to the Code of Judicial Conduct. Although such opinions are not, *per se*, binding upon the Judicial Conduct Board, the Court of Judicial Discipline or the Supreme Court of Pennsylvania, action taken in reliance thereon and pursuant thereto shall be taken into account in determining whether discipline should be recommended or imposed.”

<sup>2</sup> American Bar Association’s Joint Commission to Evaluate the Model Code of Judicial Conduct, The Revised Model Code of Judicial Conduct, Rule 2.11, Comment (1).

A judge shall hear and decide matters assigned to the judge, except where the judge has recused himself or herself or when disqualification is required by Rule 2.11 or other law.

Comment (1) to Rule 2.7 states, in pertinent part:

... Although there are times when disqualification or recusal is necessary... [u]nwarranted disqualification or recusal may bring public disfavor to the court, and to the judge personally... [and]... a judge should not use disqualification or recusal to avoid cases that present difficult, controversial, or unpopular issues.

Comment (2) to Rule 2.7 provides:

This Rule [2.7] describes the duty of a judge to decide matters assigned to the judge. However, there may be instances where a judge is disqualified from presiding over a particular matter or shall recuse himself or herself from doing so. A judge is disqualified from presiding over a matter when a specified disqualifying fact or circumstance is present. *See* Rule 2.11. The concept of recusal envisioned in this Rule overlaps with disqualification. In addition, however, a judge may recuse himself or herself from presiding over a matter even in the absence of a disqualifying fact or circumstance where—in the exercise of discretion, in good faith, and with due consideration for the general duty to hear and decide matters—the judge concludes that prevailing facts and circumstances could engender a substantial question in reasonable minds as to whether disqualification nonetheless should be required. . . .

Comment (3) to Rule 2.7 states:

A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification or recusal, even if the judge believes there is no proper basis for disqualification or recusal.

Rule 2.11(A)(4) states:

... There shall be a rebuttable presumption that recusal or disqualification is not warranted when a contribution or reimbursement. . . .

And Comment (3) to Rule 2.6 states:

Judges must be mindful of the effect settlement discussions can have, not only on their objectivity and impartiality, but also on the appearance of their objectivity and impartiality. Despite a judge’s best efforts, there may be instances when information obtained during settlement discussions could influence a judge’s decision making during trial, and, in such instances, the judge should consider whether recusal may be appropriate. *See* Rule 2.11(A)(1).

In general, “disqualification” is a specified fact, circumstance or condition that makes one ineligible or unfit to serve, or otherwise deprives the judge of the power to preside. “Recusal” is the act of removing or absenting oneself in a particular case because the judge concludes that the prevailing facts or circumstances could engender a substantial question in reasonable minds whether the judge can be impartial.<sup>3</sup> Again,

<sup>3</sup> *Black’s Law Dictionary*, 7th Ed.

... a judge may recuse himself or herself from presiding over a matter even in the absence of a disqualifying fact or circumstance where—in the exercise of discretion, in good faith, and with due consideration for the general duty to hear and decide matters—the judge concludes that prevailing facts and circumstances could engender a substantial question in reasonable minds as to whether disqualification nonetheless should be required.

Rule 2.7 Comment (2).<sup>4</sup>

#### *Historical Perspective*

The current Code became effective on July 1, 2014. Prior to that time, Canon 3 C of the then-existing code, titled “Disqualification,” stated:

Judges *should* disqualify themselves in a proceeding in which their impartiality might reasonably be questioned. . . .

Code of Judicial Conduct (Pre-July 1, 2014), Canon 3 C. (Emphasis added.) Some have argued use of the word “should” made the command aspirational or permissive instead of mandatory, leaving the decision to recuse largely to the discretion of the judge.

The Committee rarely gave inquiring judges firm advice about the course of conduct to be taken in a particular situation; it simply issued a memorandum setting forth what it considered to be the relevant case law the judge should consider when exercising his/her discretion. A majority of the Committee felt only the Supreme Court or the Court of Judicial Discipline had the authority to relieve a judge of his/her duty to decide assigned matters; and, as a practical matter, if the Committee advised a judge to recuse in a particular situation, the judge would be almost obliged to follow that advice to avoid having to defend a potential charge of unethical conduct if the judge decided to reject the Committee’s advice and proceed to hear the matter. Furthermore, many of the operative facts bearing on recusal are best ascertained and weighed by the inquiring judge rather than by the Committee.

The current Code clarifies the use of the word “should.” Preamble (6) provides:

Where a Rule contains a permissive term, such as “may” or “should,” the conduct being addressed is committed to the personal and professional discretion of the judge or candidate in question, and no disciplinary action should be taken for action or inaction within the bounds of such discretion. . . .

The implication is the use of the word “shall” connotes an obligation.<sup>5</sup> It also clarified that a judge acting within the bounds of discretion should suffer no disciplinary action.

#### *Canon 1*

Canon 1 and the Rules under it reflect the broad, general, overarching principles of the Code. Canon 1 states:

A judge shall uphold and promote the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

And Rule 1.2 states:

A judge shall act at all times in a manner that promotes public confidence in the independence, in-

tegrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.<sup>6</sup>

Although the Rules under Canon 1, including Rule 1.2, standing alone, can be the basis for discipline, the succeeding Canons and their associated Rules more specifically address situations concerning the judge performing the duties of judicial office (Canon 2), engaging in personal and extrajudicial activities (Canon 3), and participating in political or campaign activities (Canon 4).

#### *Rules 2.7 (Responsibility to Decide) and 2.11 (Disqualification)*

As noted above, Rule 2.7 requires (“shall”) a judge to hear and decide assigned matters unless the judge recuses himself or herself, or is disqualified by Rule 2.11 or other law. Rule 2.11(A) provides:

A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to the following circumstances:

- (1) The judge has a personal bias or prejudice concerning a party or a party’s lawyer, or personal knowledge of facts that are in dispute in the proceeding.
- (2) The judge knows that the judge, the judge’s spouse or domestic partner, or a person within the third degree of relationship to either of them, or the spouse or domestic partner of such a person is:
  - a. a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
  - b. acting as a lawyer in the proceeding;
  - c. a person who has more than a de minimis interest that could be substantially affected by the proceeding;
- or
- d. likely to be a material witness in the proceeding.
- (3) The judge knows that he or she, individually or as a fiduciary, or the judge’s spouse, domestic partner, parent, or child, or any other member of the judge’s family residing in the judge’s household, has an economic interest in the subject matter in controversy or is a party to the proceeding.
- (4) The judge knows or learns that a party, a party’s lawyer, or the law firm of a party’s lawyer has made a direct or indirect contribution(s) to the judge’s campaign in an amount that would raise a reasonable concern about the fairness or impartiality of the judge’s consideration of a case involving the party, the party’s lawyer, or the law firm of the party’s lawyer. In doing so, the judge should consider the public perception regarding such contributions and their effect on the judge’s ability to be fair and impartial. There shall be a rebuttable presumption that recusal or disqualification is not warranted when a contribution or reimbursement for transportation, lodging, hospitality or other expenses is equal to or less than the amount required to be reported as a gift on a judge’s Statement of Financial Interest.

<sup>6</sup> The Code defines “impartiality”:

Absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before a judge.

Terminology, “Impartial, impartiality, impartially.”

The Code defines “impropriety” as:

... conduct that undermines a judge’s independence, integrity, or impartiality.

Terminology, “Impropriety.”

<sup>4</sup> But see Pennsylvania Rule 2.11(A): “A judge shall disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned. . . .”

<sup>5</sup> Garwin, et al., *Annotated Model Code of Judicial Conduct*, 2nd Ed., 2011, p.7.

(5) The judge, while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits the judge to reach a particular result or rule in a particular way in the proceeding or controversy.

(6) The judge:

a. served as a lawyer in the matter in controversy, or was associated with a lawyer who participated substantially as a lawyer in the matter during such association;

b. served in governmental employment, and in such capacity participated personally and substantially as a lawyer or public official concerning the proceeding, or has publicly expressed in such capacity an opinion concerning the merits of the particular matter in controversy; or

c. was a material witness concerning the matter.

*Id.*

The enumerated circumstances are not exhaustive. Under the Rule, the judge must disqualify himself/herself in any proceeding in which “the judge’s impartiality might reasonably be questioned.” *Id.*

Some of the circumstances outlined in the Rule are straightforward. E.g., there is little room for discretion where the judge or the judge’s spouse or domestic partner is a party or acting as a lawyer or is likely to be a material witness in the proceeding, or if the judge served as a lawyer in the matter in controversy. See Rule 2.11(A)(2)(a), (b) and (d), and Rule 2.11(A)(6)(a), respectively. In those situations, the judge is disqualified. However, other circumstances require the exercise of judgment and discretion, e.g., whether the interest of the judge or the judge’s spouse or domestic partner is “de minimis.” Rule 2.11(A)(2)(c).

Rule 2.11(A)(4) introduces, for the first time, the role of campaign contributions as a basis for mandatory disqualification.<sup>7</sup> However, this is not the first time judges have been cautioned that actions taken during a campaign can lead to recusal or disqualification. In *Caperton v. A. T. Massey Coal Co., Inc.*, 556 U.S. 868 (2009), the United States Supreme Court considered whether a state Supreme Court Justice’s denial of a recusal motion based upon campaign contributions violated the Due Process Clause of the Fourteenth Amendment to the United States Constitution. The majority stated:

[U]nder our precedents there are objective standards that require recusal when “the probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable.”

*Id.* at 872 (citation omitted). The Court found:

[T]here is a serious risk of actual bias—based on objective and reasonable perceptions—when a person with a personal stake in a particular case had a significant and disproportionate influence in placing the judge on the case by raising funds or directing the judge’s election campaign when the case is pending or imminent. The inquiry centers on the contribution’s relative size in comparison to the total amount of money contributed to the campaign, the total amount spent in the election, and the apparent effect such contribution had on the outcome of the election.

*Id.* at 884. The *Caperton* Court concluded the campaign efforts of the litigant’s chairman, chief executive officer and president had “a significant and disproportionate

influence” in placing the state Supreme Court Justice on the case, *id.*, and this influence,

coupled with the temporal relationship between the election and the pending case[,] “offer[s] a possible temptation to the average . . . judge to . . . lead him not to hold the balance nice, clear and true.”

*Id.* at 886 (citation omitted). The Court held that, under the circumstances, due process required recusal. *Id.* at 889-890.<sup>8</sup>

In all situations where the judge’s “impartiality might reasonably be questioned,” the ethical standards for disqualification and recusal are an objective test. See, *Pepsico v. McMillen*, 764 F.2d 458, 460 (7th Cir. 1985) (whether an objective, disinterested observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant doubt that justice would be done in the case).

#### *Exceptions to Mandatory Disqualification*

Unless the judge is disqualified for bias or prejudice under Rule 2.11(A)(1), Rule 2.11(C) permits a judge to disclose the basis for disqualification on the record and affords the parties and their lawyers the opportunity to consider, outside the presence of the judge and court personnel, whether they wish to waive the disqualification. If, following the disclosure, the parties and their lawyers agree, without participation by the judge or court personnel, that the judge should not be disqualified, the judge may participate in the proceeding. The agreement must be incorporated into the record of the proceeding.

In addition, the “rule of necessity” may override the requirement of disqualification. This rule permits a judge to decide a matter even though the judge would ordinarily be required to recuse, where the matter could not otherwise be heard by any other court, or the matter requires immediate judicial action and only that judge is available. Although Comment (3) to Rule 2.11 specifically recognizes that the “rule of necessity” may override the rule of disqualification, the effect of the Comments in the Code is unclear.<sup>9</sup> However, regardless of the effect of the Comments, the “rule of necessity” is based on common law and is an accepted part of Pennsylvania’s jurisprudence.

<sup>8</sup> For example, the Tennessee Code of Judicial Conduct provides:

The fact that a lawyer in a proceeding, or a litigant, contributed to the judge’s campaign, or supported the judge in his or her election does not of itself disqualify the judge. Absent other facts, campaign contributions within the limits of the “Campaign Contributions Limits Act of 1995,” *Tennessee Code Annotated* Title 2, Chapter 10, Part 3, or similar law should not result in disqualification. However, campaign contributions or support a judicial candidate receives may give rise to disqualification if the judge’s impartiality might reasonably be questioned. In determining whether a judge’s impartiality might reasonably be questioned for this reason, a judge should consider the following factors among others:

- (1) The level of support or contributions given, directly or indirectly, by a litigant in relation both to aggregate support (direct and indirect) for the individual judge’s campaign and to the total amount spent by all candidates for that judgeship;
- (2) If the support is monetary, whether any distinction between direct contributions or independent expenditures bears on the disqualification question;
- (3) The timing of the support or contributions in relation to the case for which disqualification is sought; and
- (4) If the supporter or contributor is not a litigant, the relationship, if any, between the supporter or contributor and (i) any of the litigants, (ii) the issue before the court, (iii) the judicial candidate or opponent, and (iv) the total support received by the judicial candidate or opponent and the total support received by all candidates for that judgeship.

*Tennessee Code of Judicial Conduct*, Rule 2.11, Comment 7.

<sup>9</sup> The ABA Revised Model Code of Judicial Conduct 2007 includes Comments as well as Canons and Rules. The Model Code states:

The Comments that accompany the Rules serve two functions. First, they provide guidance regarding the purpose, meaning and proper application of the Rules. They contain explanatory material and, in some instances, provide examples of permitted or prohibited conduct. . . .

Second, the Comments identify aspirational goals for judges. . . . ABA Revised Model Code of Judicial Conduct 2007, Scope (3) and (4).

In contrast, the Pennsylvania Supreme Court’s order of January 8, 2014, adopting the Pennsylvania Code, does not mention the Comments. The Order states, in part, that “new Canons 1 through 4 of the Code of Judicial Conduct of 2014 and the corresponding Rules are adopted in the attached form.”

<sup>7</sup> Rule 2.11(A)(4) is a “first inroad into complex issues associated with the financing of judicial campaigns. . . .” *Id.* at Rule 2.11(A), Comment (6).



See, e.g., *Stilp v. Commonwealth*, 905 A.2d 918, 929 (Pa. 2006) (justices with pecuniary interest in outcome of case may decide challenge to law affecting judicial compensation where all other judges have similar interest and no other provision or procedure exists to consider matter).

#### *When and What Should a Judge Disclose?*

Comment (3) to Rule 2.7, addresses the issue of *what* information a judge should disclose:

A judge should disclose on the record information that the judge believes the parties or their lawyers might reasonably consider relevant to a possible motion for disqualification or recusal, even if the judge believes there is no proper basis for disqualification or recusal.

*Id.* at Rule 2.7, Comment (3); *see also* Rule 2.11, Comment (5).

In deciding whether to disclose information and what information to disclose, a judge should first review the record to gain an understanding of the claims and defenses of the parties. A judge also should determine, to the extent possible, the identity of witnesses and the subject matter of their testimony. In obtaining information, a judge should avoid *ex parte* communications. Examples of appropriate disclosures include, but are not limited to, the following:

- A judge should disclose facts regarding the judge's current or former association or relationship with a party, a lawyer, or a witness.
- A judge should disclose that he or she provided legal services to a party or witness prior to taking the bench.
- A judge should disclose that a lawyer in the case represents or previously represented the judge.
- A judge should disclose that he or she holds an opinion about the merits of a claim or defense or the credibility of a witness. Even though the judge believes he or she can set aside the opinion and base decisions solely on the evidence and the law, the judge should disclose the opinion.

The Comments explain how a judge should make a disclosure. The disclosure should be on the record. In most instances, the judge will simply state the relevant facts on the record in the presence of the parties and the attorneys. The judge may also make a disclosure in a writing that is made part of the record. A judge may present documents or refer to records in other cases for the parties and lawyers to consider. In any case, after completing the disclosure, the judge should notify the parties that they may move orally or in writing for disqualification or recusal.

#### *Disqualification and Recusal Decision Worksheet*

Judges concerned about whether disqualification or recusal is appropriate may consider utilizing the following worksheet:

- 1.) Does the judge subjectively believe he/she can decide the case fairly and impartially? If so, proceed with the following steps of the worksheet. If not, the judge must recuse unless Question 7 (rule of necessity) is answered affirmatively.
- 2.) Is the fact pattern one of the enumerated examples in Rule 2.11(A) (1)—(6)? If so, disqualification is required unless either Question 6 (waiver) or Question 7 (rule of necessity) is answered affirmatively.

3.) Does the fact pattern suggest that the judge's impartiality might reasonably be questioned, that is, do the prevailing facts and circumstances engender a substantial question in reasonable minds that the judge would not be fair or impartial? If so, disqualification or recusal is required under Rule 2.11(A) or Rule 2.7 Comment (2) unless either Question 6 (waiver) or Question 7 (rule of necessity) is answered affirmatively.

4.) Even though the judge has concluded that disqualification or recusal is not required, are there facts or information the judge believes the parties or lawyers might reasonably consider relevant to a motion to disqualify or remove the judge? If so, the judge should disclose that information to the parties or lawyers.

5.) If a party moves for disqualification or recusal, the court should hold a hearing. "A party seeking recusal bears the burden of producing evidence to establish bias, prejudice, or unfairness which raises a substantial doubt as to the jurist's ability to preside impartially." *Com. v. Watkins*, 108 A.3d 692, 734 (Pa. 2014) (citation omitted).

6.) Except in instances of a judge's personal bias or prejudice as outlined in Rule 2.11(A)(1), do the parties waive disqualification pursuant to Rule 2.11(C)? If so, the judge may participate in the case after using the following procedure:

- a. the judge discloses the basis for the disqualification on the record;
  - b. the judge asks the parties and their lawyers to consider, outside the presence of the judge and court personnel, whether to waive disqualification; and
  - c. the judge incorporates any agreement to waive disqualification into the record of the proceeding.
- 7.) Does the rule of necessity override the rule of disqualification? See Comment 3 to Rule 2.11. If so, the judge may be able to participate.
- a. If the judge is the only judge available to hear a matter requiring immediate judicial action, the judge must disclose on the record the basis for disqualification and make reasonable efforts to transfer the matter to another judge as soon as practicable.
  - b. Other issues of necessity must be addressed on a case-by-case basis.

#### *Conclusion*

Ultimately, the issue of disqualification or recusal requires the judge to determine whether his or her impartiality might reasonably be questioned. If the judge has a doubt as to disclosure, it is, of course, more prudent to err on the side of disclosure. A judge should consider the following principle stated by the Supreme Court of Pennsylvania:

Due consideration should be given by [the judge] to the fact that the administration of justice should be beyond the appearance of unfairness. But, while the mediation of courts is based upon the principle of judicial impartiality, disinterestedness, and fairness pervading the whole system of judicature, so that courts may as near as possible be above suspicion, there is, on the other side, an important issue at stake: that is, that causes may not be unfairly prejudiced, unduly delayed, or discontent created through unfounded charges of prejudice or unfairness made against the judge in the trial of a cause. . . .

*Reilly by Reilly v. Southeastern Pennsylvania Transportation Authority*, 489 A.2d 1291, 1299 (Pa. 1985). The Court further stated that judges should not permit “unfounded and oftentimes malicious charges . . . to discredit the judicial system.” *Id.* While frivolous claims will no doubt come before the courts, it is imperative that, first and foremost, judges remain mindful of their duty to fairness, impartiality and judicial independence.

*The “Rule of Reliance”*

This Formal Advisory Opinion is intended to provide judges with broad guidance regarding one of the Ethics Committee’s most frequent areas of inquiry. Because this Formal Advisory Opinion does not address the specific facts of a particular case, a judge does not receive the benefit of the “rule of reliance” by reviewing the Committee’s general advice. If a judge has questions concerning the application of these guidelines, the judge should make a written request for advice from a member of the Committee, ordinarily from the representative for the zone in which the judge sits. The Code of Judicial Conduct provides that, although such opinions are not *per se* binding on the Judicial Conduct Board, the Court of Judicial Discipline, or the Supreme Court of Pennsylvania, action taken in reliance thereon shall be considered in determining whether discipline should be recommended or imposed. CODE, PREAMBLE (8).

[Pa.B. Doc. No. 15-1719. Filed for public inspection September 25, 2015, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CH. 5 ]

**Order Amending Rule 556 of the Rules of Criminal Procedure; No. 465 Criminal Procedural Rules Doc.**

**Order**

*Per Curiam*

*And Now*, this 8th day of September, 2015, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3) in the interests of justice and efficient administration, and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendment of Pennsylvania Rule of Criminal Procedure 556 is approved in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective November 1, 2015.

**Annex A**

**TITLE 234. RULES OF CRIMINAL PROCEDURE**

**CHAPTER 5. PRETRIAL PROCEDURES IN  
COURT CASES**

**PART E. Indicting Grand Jury**

**Rule 556. Indicting Grand Jury.**

(A) Each of the several courts of common pleas may proceed with an indicting grand jury pursuant to these

rules only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

**(B) Any court of common pleas seeking to resume the use of indicting grand juries pursuant to these rules shall petition the Supreme Court of Pennsylvania in the following form:**

**(1) The petition shall identify the petitioner, who shall be either the president judge or a designee, and the judicial district. If the petition is seeking permission to resume the use of indicting grand juries in a two-county judicial district, and the indicting grand jury is sought for only one county, that county shall be identified in the petition. The president judge’s designee shall be a member of the court of common pleas of the judicial district.**

**(2) The petition shall aver that the petitioner has reviewed the district attorney’s certificate required under paragraphs (B)(4) and (5) and the petitioner agrees with the averments contained therein.**

**(3) An original and 2 copies of the petition shall be filed, and shall bear an original signature of the petitioner.**

**(4) There shall be appended to the petition a certificate from the district attorney for the judicial district or, in the case of a two-county judicial district, a certificate from the district attorney or district attorneys for the county or counties within the judicial district.**

**(5) The district attorney’s certificate shall contain:**

**(a) the name and county of the district attorney;**

**(b) an averment that witness intimidation has occurred, is occurring, or is likely to occur in the judicial district or, in the case of a two-county judicial district where an indicting grand jury is sought for only one county, the county;**

**(c) An averment that the district attorney believes that an indicting grand jury will remedy the problem of witness intimidation; and**

**(d) the original signature of the district attorney.**

**Comment**

This rule was adopted in 2012 to permit the use of an indicting grand jury as an alternative to the preliminary hearing but only in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

The Supreme Court, by Order issued with the promulgation of the new Rules of Criminal Procedure governing the indicting grand jury, requires that each of the judicial districts must petition the Court for permission to resume using the indicting grand jury, *but only* as provided in these rules. **By further Order of the Supreme Court, the form and contents of the petition were established. See 43 Pa.B. 1706 (March 30, 2013). This rule was amended in 2015 to include the form and contents of the petition required to resume indicting grand juries as established by the Court’s Order.**

The rules in Chapter 5 Part E apply only to the indicting grand jury and do not apply to any county, regional, or statewide investigating grand jury.

**Official Note:** New Rule 556 adopted June 21, 2012, effective in 180 days; **amended September 8, 2015, effective November 1, 2015.**



*Committee Explanatory Reports:*

Final Report explaining the new rule published with the Court's Order at 42 Pa.B. 4153 (July 7, 2012).

**Final Report explaining the September 8, 2015 amendment regarding the content of the petition to resume using indicting grand juries published with the Court's Order at 45 Pa.B. 5786 (September 26, 2015).**

**FINAL REPORT<sup>1</sup>*****Amendment of Pa.R.Crim.P. 556*****Petitions Seeking Leave to Resume Indicting Grand Juries**

On September 8, 2015, effective November 1, 2015, upon the recommendation of the Criminal Procedural Rules Committee, the Court approved the amendment of Rule of Criminal Procedure 556 (Indicting Grand Jury) to include the required contents of the petition seeking leave to resume the use of indicting grand juries. The requirement to petition for the resumption of indicting grand juries was established in the Court's Order adopting the new indicting grand jury rules.<sup>2</sup> The contents of the petition were established by a later Order of the Court issued on March 12, 2013.<sup>3</sup>

The reason for this requirement was the manner in which the use of the indictment was originally supplanted by the use of criminal informations. The 1973 amendment of Article I, § 10 of the Pennsylvania Constitution and the subsequent enabling legislation permitted, but did not mandate, the courts of common pleas to proceed by information instead of by indictment, but only with the permission of the Court. The Court then mandated that each court of common pleas petition for the Court's permission to proceed in the use of informations. The last court of common pleas received the Court's approval to proceed by information in 1991 and, effective in 1993, the Court rescinded the indicting grand jury rules as no longer necessary. The Court's approval of petitions to resume indicting grand juries merely reverses these earlier actions.

After two years of experience with the new indicting grand jury rules, the Committee concluded that it would be helpful to provide in the indicting grand jury rules, rather than just the Court's order, directions on how to go about doing so to courts seeking to resume indicting grand juries. Therefore, a new paragraph (B) has been added to Rule 556 listing the requirements for the contents of the petition. These requirements are taken from the Court's March 12, 2013 Order.

The amendment also clarifies the process for the resumption of the use of indicting grand juries. The Court's Orders used the phrase, "permission to summon an indicting grand jury" that suggests that a petition might need to be filed each time a grand jury has been summoned. Such an interpretation would be cumbersome and contrary to the intent of the current indicting grand jury rules when originally adopted. The existing text of the Rule 556 Comment uses the terminology of a petition "to resume using the indicting grand jury." The intention for the use of this terminology was that a court of

common pleas would only petition the Court once for the initial permission to resume the use of indicting grand juries.

Additionally, the amendment retains the terminology of the Court's Orders that the certification must be made by "the district attorney" rather than "the attorney for the Commonwealth" since the procedure under this rule would encompass the practice within judicial district as a whole rather than being applicable to an individual case.

[Pa.B. Doc. No. 15-1720. Filed for public inspection September 25, 2015, 9:00 a.m.]

## Title 249—PHILADELPHIA RULES

**PHILADELPHIA COUNTY****Pinelands Insurance Company Risk Retention Group, Inc.; Administrative Doc. No. 02 of 2015****Order**

*And Now*, this 3rd day of September, 2015, upon consideration of the following Order of Liquidation involving Pinelands Insurance Company Risk Retention Group, Inc. issued by the Superior Court for the District of Columbia on August 25, 2015, it is hereby *Ordered* and *Decreed* that all cases in which Pinelands Insurance Company Risk Retention Group, Inc. is a named party shall be placed in deferred status until further notice.

It is further *Ordered* and *Decreed* that all actions currently pending against any insured of Pinelands Insurance Company Risk Retention Group, Inc. shall be placed in deferred status until further notice.

*By the Court*

KEVIN M. DOUGHERTY,  
*Administrative Judge*  
*Trial Division*

ARNOLD L. NEW,  
*Supervising Judge*  
*Trial Division—Civil Section*

This Administrative Order is issued in accordance with the April 11, 1986 order of the Supreme Court of Pennsylvania, Eastern District, No. 55 Judicial Administration, Docket No. 1; and with the March 26, 1996 order of the Supreme Court of Pennsylvania, Eastern District, No. 164 Judicial Administration, Docket No. 1, as amended. This Order shall be filed with the Office of Judicial Records in a docket maintained for Orders issued by the First Judicial District of Pennsylvania, and one certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two certified copies of this Order, and a copy on a computer diskette, shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall be published in *The Legal Intelligencer*, and will be posted on the First Judicial District's website at <http://courts.phila.gov>. Copies shall be submitted to American Lawyer Media, the Jenkins Memorial Law Library, and the Law Library for the First Judicial District of Pennsylvania.

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

<sup>2</sup> See 42 Pa.B. 4140 (July 7, 2012).

<sup>3</sup> See 43 Pa.B. 1706 (March 30, 2013).

**IN THE SUPERIOR COURT FOR THE DISTRICT  
OF COLUMBIA CIVIL DIVISION**

District of Columbia, A Municipal Corporation, Petitioner v. Pinelands Insurance Company Risk Retention Group, Inc., Respondent; Civil Action No: 2015 CA 006558 B; Judge: JIC; Calendar No.:

**Order of Liquidation**

Upon consideration of the Emergency Consent Petition for an Expedited Order of Liquidation of Pinelands Insurance Company Risk Retention Group, Inc. Pursuant to D.C. Official Code §§ 31-1303, 31-1315, 31-1316 and 31-3931.01 et seq. on or before August 31, 2015, the Memorandum of Points and Authorities in support thereof, and the entire record herein, it is by this Court, this 25th day of August, 2015,

*Ordered*, that the Petition is hereby *Granted*; and it is

*Further Ordered*, that the Commissioner and his successors in office, are hereby appointed Liquidator of Pinelands Insurance Company Risk Retention Group, Inc. pursuant to D.C. Official Code § 31-1316 (2012 Repl.); and it is

*Further Ordered*, that the Commissioner as Liquidator shall take possession of the assets of Pinelands Insurance Company Risk Retention Group, Inc. and shall administer them under the supervision of this Court; and it is

*Further Ordered*, that the Commissioner as Liquidator shall be vested with the title to all property, contracts,

and rights of actions, and all of the books and records, wherever located, of Pinelands Insurance Company Risk Retention Group, Inc.; and it is

*Further Ordered*, that the Commissioner as Liquidator shall conduct the liquidation proceedings consistent with D.C. Official Code § 31-1316 (2012 Repl.) and shall be vested with the powers identified at D.C. Official Code § 31-1319 (2012 Repl.); and it is

*Further Ordered*, that for the purpose granting such order and further relief as this cause and the interests of the policyholders, creditors and the public may require, the Court shall retain jurisdiction in this matter until the Liquidator petitions this Court for an order discharging the liquidator pursuant to D.C. Official Code § 31-1318 (2012 Repl.); and it is

*Further Ordered*, that a status hearing in this matter shall be set for September 16, 2015, at 2:00 pm, at which time the parties shall report to Courtroom 317 of the Superior Court of the District of Columbia, 500 Indiana Avenue, NW, Washington, DC.

*So Ordered.*

GREGORY E. MIZE,  
*Judge-In-Chambers*  
*D.C. Superior Court*

[Pa.B. Doc. No. 15-1721. Filed for public inspection September 25, 2015, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CHS. 61, 63, 65 AND 79 ]

#### Fishing; Simplification and Consolidation

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 65 and 79. The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to Fish and Boat Code) (code).

#### A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2016, except for the amendments to § 65.24 (relating to miscellaneous special regulations) for Opossum Lake, Cumberland County, and Leaser Lake, Lehigh County, which will go into effect on June 18, 2016.

#### B. *Contact Person*

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

#### C. *Statutory Authority*

The amendments to §§ 61.1, 61.2, 61.7, 61.8, 63.3, 63.8, 63.48, 65.4a, 65.5, 65.7, 65.9, 65.11—65.19, 65.26 and 79.2 are published under the statutory authority of section 2102 of the code (relating to rules and regulations). The amendment to § 63.20 (relating to permits for the protection and management of trout and salmon) is published under the statutory authority of section 2904 of the code (relating to permits for protection and management of particular fish). The amendments to § 65.21 (relating to waters limited to specific purposes—exclusive use fishing areas) and § 65.24 are published under the statutory authority of section 2307 of the code (relating to waters limited to specific purposes).

#### D. *Purpose and Background*

It has long been a concern that the complexity and number of the Commission's fishing regulations may be a deterrent to people fishing. In response to those concerns, several Commissioners expressed an interest in regulation simplification and consolidation, and Executive Director John A. Arway directed Commission staff to review existing fishing regulations. A workgroup comprised of staff across bureau and office lines was formed in 2013. Workgroup meetings were held and drafts were circulated throughout 2013 and 2014. At the September 2014 Commission meeting, a preliminary draft with proposed regulatory amendments was shared with the Law Enforcement Committee. The Commission, at its January 2015 meeting, approved the publication of a proposed rulemaking containing proposed amendments and seeking public comments for 60 days.

#### E. *Summary of Changes*

As part of the regulation simplification and consolidation process, the Commission adopts a number of housekeeping and substantive changes. The housekeeping changes are to §§ 61.2, 61.8, 65.4a, 65.5, 65.7, 65.9, 65.11, 65.12, 65.14—65.19 and 65.21. The substantive changes are as follows.

(1) Because note 3 in § 61.1 (relating to Commonwealth inland waters) is not applicable to gizzard shad, the Commission deletes the reference to it (three asterisks after gizzard shad). In addition, because § 65.10 is reserved, references to this section and the program in note 2 of § 61.1 are deleted.

(2) In § 61.7 (relating to Susquehanna River and tributaries), the Commission deletes the note because the harvest of baitfish in this note is applicable only to landlocked alewife harvested from inland lakes, ponds and reservoirs and does not apply to this section.

(3) In § 63.3 (relating to fishing in stocked trout waters), the former definition of "approved trout waters" was "designated waters that contain significant portions that are open to public fishing and are stocked with trout." The term, however, suggests a much broader category of trout waters, including both stocked and wild, and may cause confusion among the public. Therefore, the Commission uses the term "stocked trout waters" to more accurately describe the category of trout waters at issue and now defines the term as "waters that are stocked with adult trout by the Commission." The Commission also amends other sections in Chapters 61, 63, 65 and 79 using "approved trout waters" to say "stocked trout waters."

(4) In § 63.48 (relating to permit for the use of cast nets or throw nets), the Commission deletes the restriction limiting baitfish to 8 inches in length because there is not a biological reason for the restriction.

(5) In §§ 65.5 and 65.7 (relating to catch and release artificial lures only; and trophy trout artificial lures only), the Commission deletes the list of prohibited lures and substances in favor of naming the permitted items only to eliminate confusion and having to name or describe all prohibited lures and substances.

(6) In § 65.11 (relating to panfish enhancement), the Commission makes the language consistent with the Summary Book and the intent of the regulation when it went into effect.

(7) The Commission deletes § 65.13 because the Commission's staff determined based on peer reviewed and published scientific research on the waters within this program that this regulation is ineffective.

(8) In § 65.14 (relating to catch and release fly-fishing only), the Commission deletes the reference to single hooks to clarify that multiple hooks are permitted. The Commission, however, does not delete the reference to "fly line with a maximum of 18 feet in leader material or monofilament line attached" to allow center-pinning techniques. To eliminate confusion and having to name or describe all prohibited lures and substances, the Commission deletes the list of prohibited items in favor of naming the permitted lures and substances only.

(9) In § 65.24, the Commission adopts the following amendments:

(a) The Commission deletes the miscellaneous special regulation on Elk Creek (Big Elk Creek), Chester County, because the harvest of alewife and blueback herring is not allowed in the Susquehanna system.

(b) The Commission deletes the miscellaneous special regulation on Opossum Lake, Cumberland County, as of June 18, 2016, because it specifically provides that it will remain in effect until that date.

(c) The Commission deletes the miscellaneous special regulation on the West Branch, Clarion River, Elk County, because wading is now permitted.

(d) The Commission deletes the miscellaneous special regulation on Lake Scranton, Lackawanna County, because the origin of this requirement was a lease agreement among Pennsylvania Gas and Water Company (now Pennsylvania American Water Company), Allied Services and the Commission, and the water company advised the Commission that it wishes to terminate the agreement. In addition, both Pennsylvania American Water Company and Allied Services requested that the miscellaneous special regulation be deleted.

(e) The Commission deletes the miscellaneous special regulation on Leaser Lake, Lehigh County, as of June 18, 2016, because it specifically provides that it will remain in effect until that date.

(f) The Commission changes the miscellaneous special regulation on the West Branch Delaware River, Wayne County, to be consistent with other changes throughout this chapter regarding to the use of prohibited lures and substances in artificial lures only areas.

(g) The Commission deletes the miscellaneous special regulation on Indian Lake, Westmoreland County, because the Commission has data to support designating this lake as big bass and panfish enhancement and the Commission has designated it accordingly.

(h) The Commission deletes the miscellaneous special regulation on Lake Winola, Wyoming County, because there is no biological support for this regulation.

The Commission amends these sections to read as set forth in the proposed rulemaking published at 45 Pa.B. 1619 (April 4, 2015) with the exception of § 65.14, which is amended to read as set forth in Annex A.

*F. Paperwork*

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

*G. Fiscal Impact*

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

*H. Public Involvement*

Notice of proposed rulemaking was published at 45 Pa.B. 1619 with a 60-day public comment period. The Commission received a total of 110 public comments—1 before, 107 during and 2 after the formal comment period. One comment generally supported and one comment generally opposed the proposed changes.

With regard to the proposed changes to § 65.11, the Commission received nine comments. One comment supported the proposed rulemaking and one comment suggested that the Commission expand the program and reduce the daily limit to 15 for each species with a total of no more than 45 combined species. The other comments seemingly misunderstand the proposed rulemaking

to mean that the Commission proposed to reduce the creel limit for carp (and other listed species), and those comments supported a reduction.

With regard to the proposal to rescind § 65.13, the Commission received 27 comments. Two comments supported elimination of the program, 5 comments were neutral and 20 comments opposed it.

With regard to the proposed amendments to § 65.14, the Commission received 1 comment supporting and 67 comments opposing center pinning in fly fishing only areas.

In addition, the Commission received two comments offering suggestions regarding other management options. Two comments (and several others addressing the rescission of § 65.13) urged the Commission to establish a valid Trout Management Plan prior to executing policy decisions on trout management matters. Of the 110 comments, 2 comments also suggested that the Commission increase the size limit for trout from 7 to 9 inches. Copies of the public comments were provided to the Commissioners.

*Findings*

The Commission finds that:

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

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

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

*Order*

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

(a) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 65 and 79, are amended by deleting § 65.13 and amending §§ 61.1, 61.2, 61.7, 61.8, 63.3, 63.8, 63.20, 63.48, 65.4a, 65.5, 65.7, 65.9, 65.11, 65.12, 65.15—65.19, 65.21, 65.24, 65.26 and 79.2 to read as set forth in 45 Pa.B. 1619 and by amending § 65.14 to read as set forth in Annex A.

(b) The Executive Director will submit this order, Annex A and 45 Pa.B. 1619 to the Office of Attorney General for approval as to legality and form as required by law.

(c) The Executive Director shall certify this order, Annex A and 45 Pa.B. 1619 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2016, except for the amendments to § 65.24 pertaining to Opossum Lake, Cumberland County, and Leaser Lake, Lehigh County, which will go into effect on June 18, 2016.

JOHN A. ARWAY,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-264 remains valid for the final adoption of the subject regulations.



Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 65. SPECIAL FISHING REGULATIONS

§ 65.14. Catch and release fly-fishing only.

(a) The Executive Director, with the approval of the Commission, may designate waters as catch and release fly-fishing only. The designation of waters as catch and release fly-fishing only shall be effective when the waters are so posted after publication of a notice of designation in the *Pennsylvania Bulletin*.

(b) It is unlawful to fish in waters designated and posted as catch and release fly-fishing only except in compliance with the following requirements:

(1) Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials so long as all flies are constructed in a normal fashion with components wound on or about the hook or hooks. Use or possession of any other lures or substances is prohibited.

(2) Fishing shall be done with tackle which is limited to fly rods, fly reels and fly line with a maximum of 18 feet in leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.

(3) No trout may be killed or had in possession.

(4) Open to fishing year-round.

(5) Taking of baitfish or fishbait is prohibited.

(6) Wading is permitted unless otherwise posted.

(7) A current trout/salmon permit is required.

(c) Notwithstanding the requirements of this section an angler in a boat may possess bait and fish caught in compliance with the seasons, sizes and creel limits in effect for the water from which taken, provided that the boat angler floats through the catch and release fly-fishing only area without stopping or engaging in the act of fishing or the boat angler puts in or takes out his boat at an access point within the catch and release fly-fishing only area.

[Pa.B. Doc. No. 15-1722. Filed for public inspection September 25, 2015, 9:00 a.m.]

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# PROPOSED RULEMAKING

## LIQUOR CONTROL BOARD

[ 40 PA. CODE CHS. 3, 5 AND 11 ]

### Limited Wineries

The Liquor Control Board (Board), under the authority of section 207(i) of the Liquor Code (47 P. S. § 2-207(i)), proposes to amend Chapters 3, 5 and 11 (relating to license applications; duties and rights of licensees; and purchases and sales).

#### Summary

In recent years, the Liquor Code (47 P. S. §§ 1-101—10-1001) has been amended to expand the business opportunities for holders of limited winery licenses. During this same time period, the Board amended its regulations to reflect some, but not all, of these changes. This proposed rulemaking will make the Board's regulations consistent with the Liquor Code.

This proposed rulemaking reflects that section 505.2(a)(1) and (2) of the Liquor Code (47 P. S. § 5-505.2(a)(1) and (2)) authorizes limited wineries to produce and sell alcoholic cider in addition to wine, section 505.2(a)(1) of the Liquor Code authorizes limited wineries to produce wine and alcoholic cider from any agricultural commodity, not just fruit, and section 505.2(a)(6.2) of the Liquor Code allows for on-premises consumption of wine and alcoholic cider. This proposed rulemaking reflects that section 505.2(a)(6.1) of the Liquor Code authorizes limited wineries to sell food for on-premises and off-premises consumption. Further, this proposed rulemaking reflects the current hours of operation for limited wineries, which are authorized by section 505.2(a)(6.3) of the Liquor Code.

In addition, the manner in which payment for wine and alcoholic cider may be made is proposed to be amended to be consistent with the Liquor Code. The list of items that limited wineries may sell is proposed to be updated to reflect section 505.2(a)(6.1) and (6.2) of the Liquor Code. Proposed amendments regarding sampling reflect that limited wineries can sell or give alcohol, or both, for on-premises consumption. Finally, a Liquor Code reference and a regulatory reference are proposed to be updated.

#### Affected Parties

The affected parties include present and future holders of limited winery licenses.

#### Paperwork Requirements

The proposed rulemaking would not require additional paperwork to be filed.

#### Fiscal Impact

The proposed rulemaking is intended to make the Board's regulations consistent with the Liquor Code. Therefore, a fiscal impact is not anticipated.

#### Effective Date

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

#### Public Comments

Interested persons are invited to submit written comments about this proposed rulemaking to Rodrigo Diaz, Executive Deputy Chief Counsel, or Justin Blake, Assis-

tant Counsel, Office of Chief Counsel, Liquor Control Board, Room 401, Northwest Office Building, Harrisburg, PA 17124-0001 within 30 days after publication in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Public comments will be posted on the Independent Regulatory Review Commission's (IRRC) web site. Personal information will not be redacted from the public comments received.

#### Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 2, 2015, the Board submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to IRRC and to the Chairpersons of the House Liquor Control Committee and Senate Committee on Law and Justice. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Board, the General Assembly and the Governor of comments, recommendations or objections raised.

TIM HOLDEN,  
Chairperson

**Fiscal Note:** 54-85. No fiscal impact; (8) recommends adoption.

#### Annex A

#### TITLE 40. LIQUOR

#### PART I. LIQUOR CONTROL BOARD

#### CHAPTER 3. LICENSE APPLICATIONS

#### Subchapter G. LIMITED WINERY LICENSES

#### § 3.62. Creation.

Under section 505.2 of the Liquor Code (47 P. S. § 5-505.2), holders of a [ **Limited Winery License** ] **limited winery license** may produce and sell wines **and alcoholic ciders**, subject to §§ 3.63, 5.103 and 11.111 (relating to agents; limited wineries; and sale by limited winery licensees).

#### § 3.63. Agents.

A limited winery licensee may employ individuals to solicit orders, off the licensed premises, for wine **and alcoholic cider** produced by it or to promote the sale of wines **and alcoholic ciders** off the premises. Agents may advertise and promote the sale of merchandise by "missionary work" of only brands sold by the limited winery licensee by whom the agents are employed and may solicit orders from licensees and make deliveries in properly registered vehicles.

#### § 3.64. Additional Board-approved locations.

(a) Additional locations, as authorized by section [ **505.2(3) of the Liquor Code (47 P. S. § 5-505.2(3))** ] **505.2(a)(3) of the Liquor Code (47 P. S. § 5-505.2(a)(3))**, may not be used by a limited winery licensee in the operation of a licensed business unless approved by the Board.



(1) An application for an additional location shall be made to the Board, accompanied by a \$220 fee. A renewal application shall be submitted annually and be accompanied by a \$75 fee.

(2) Applications for additional Board-approved locations may be submitted on a prior approval basis. If plans are approved, the necessary construction or alterations shall be completed within 6 months of the approval. Business may not be transacted until the premises has been reinspected and the Board has approved the completed construction or alterations.

(3) Portions of an additional Board-approved location premises shall be contiguous.

(4) Additional Board-approved locations of a limited winery license shall be under the control of a manager appointed in accordance with [ § 5.16 ] § 5.23 (relating to appointment of managers).

\* \* \* \* \*

## CHAPTER 5. DUTIES AND RIGHTS OF LICENSEES

### Subchapter H. RECORDS AND REPORTS—BREWERIES, BONDED WAREHOUSES, LIMITED WINERIES AND LICENSED DISTILLERIES OF HISTORICAL SIGNIFICANCE

#### § 5.103. Limited wineries.

(a) *Records.* A holder of a [ **Limited Winery License** ] **limited winery license** obtained under § 3.62 (relating to creation) shall maintain and keep on the licensed premises daily permanent records which shall conform to the requirements of section 512 of the Liquor Code (47 P. S. § 5-512). The records [ **shall** ] **must** include complete details concerning the source of [ **fruits** ] **agricultural commodities** used in the production of wines and **alcoholic ciders**. Electronic media recordkeeping, maintained and based upon generally accepted accounting principles, [ **shall** ] **will** be permitted [ **in lieu** ] **instead** of hard copy records. The recordkeeping system utilized by the licensee [ **shall** ] **must** have the capability to provide for the reconciling of required data. Entries shall be verifiable by supporting original documents. The records [ **shall** ] **must** include complete details concerning the source of [ **fruits** ] **agricultural commodities** used in the production of wines and **alcoholic ciders**.

(b) *Sales invoice.* In addition to the records prescribed in subsection (a), except as otherwise provided in this part, a sales invoice shall be prepared at the licensed premises for each sale. The sales invoice shall be prepared in accordance with the following:

(1) The sales invoice [ **shall** ] **must** be imprinted or affixed with the name and address of the limited winery.

(2) The sales invoice [ **shall** ] **must** show the name and address of the recipient of the merchandise, date of sale, number of units, size and type of package, brand name, selling price of the wine **or alcoholic cider, or both**, and the net cost to the customer. The name and address of private individuals is not required on sales invoices covering quantities of 16 liters or less; [ **in lieu** ] **instead** of preparing sales invoices for the sales, the transactions may be entered individually on a counter sheet maintained in columnar form showing the information required on sales invoices, other than name and address of the purchaser. The counter sheet shall be

totalled daily and the totals entered into the sales register noted in section 512 of the Liquor Code [ (47 P. S. § 5-512) ].

(3) The sales invoice [ **shall** ] **must** show the Commonwealth sales tax, where applicable, as a separate entry.

(4) The sales invoice may include other items permitted for sale by limited wineries if the sale of wines **or alcoholic cider, or both**, is listed separately from other permitted items sold by the licensee.

(5) An invoice shall be prepared for any amount of wine **or alcoholic cider, or both**, shipped to customers [ **via** ] **by** Transporter-for-Hire, Class C carriers. The invoice shall be prepared only for persons 21 years of age or older, and limited winery licensees shall request the signature of a recipient, 21 years of age or older, from the transporter making the deliveries and a return acknowledgment of delivery to the recipient. Copies of acknowledgments of delivery shall be maintained on the licensed premises for 2 years.

(6) When a sale requires the preparation of an invoice, one copy shall be given to the recipient of the merchandise and a copy retained on the licensed premises for 2 years.

(c) *Reports.* A licensed limited winery shall file reports in the manner set forth by the Board covering operations of their licensed business during the preceding calendar year. The reports shall be signed and sworn to by the licensee or his authorized agent and shall be filed with the Board at the time of the renewal or validation of the license. A copy of each report shall be retained on the licensed premises for at least 2 years from the date of filing. Failure to file the reports will preclude the Board from renewing or validating the license in question. These reports are in addition to information or reports the licensed limited winery may be required to provide to the Department of Agriculture under 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act) and regulations promulgated thereunder, including 7 Pa. Code § 104.75 (relating to accounting and payment).

## CHAPTER 11. PURCHASES AND SALES

### Subchapter C. WINES LIMITED WINERIES

#### § 11.111. Sale by limited winery licensees.

(a) A limited winery licensee, licensed under § 3.62 (relating to creation), may sell wines **and alcoholic ciders** produced on the licensed premises in accordance with the Liquor Code and this part, under the conditions in this subsection.

(1) [ **There may be no sales for consumption on the licensed premises.** ] **Sales may be made by the glass, bottle or any other open or closed container.**

(2) Wine **and alcoholic cider** sold under a limited winery license may be shipped by transporter-for-hire or in a vehicle properly registered with the Board, as provided in Chapter 9, Subchapter A (relating to transportation of liquor, malt or brewed beverages or alcohol).

[ (3) **Wine sold and destined to points within this Commonwealth shall be in sealed original containers.**

(4) **Sales may be made generally only between the hours of 9 a.m. and 9 p.m. Monday to Saturday, inclusive, and 10 a.m. to 6 p.m. on Sunday. During the period from the Thanksgiving Day holiday**

through New Year's Day, limited winery sales locations may remain open until 10 p.m. of sales day to conform with the closing times of neighboring mall or shopping district businesses. Additionally, a limited winery may request approval from the Board to extend sales hours in individual locations at other times during the year, or beyond the limits set in this section. The request shall be in writing, to the Board's Office of the Chief Counsel, and shall detail the exact locations where sales hours are proposed to be extended. The licensee shall also set forth the proposed hours and dates of extended operation, as well as the reason for, and justification of, the proposed extended sales hours. ]

(3) A limited winery may sell wine and alcoholic ciders from 7 a.m. until 2 a.m. of the following morning, Mondays through Saturdays, and from 9 a.m. until 2 a.m. of the following morning on Sundays.

[ (5) ] (4) While there may be no sales on credit, a limited winery may accept:

(i) From licensees and retail customers, checks drawn on their account, **cash, money orders, cashier checks, debit cards and electronic funds transfers.**

(ii) From retail customers, credit cards issued by banking or financial institutions subject to State or Federal regulations.

[ (6) ] (5) Visitors [ **on the licensed premises** ] at the winery or at one of the additional Board-approved locations may be provided, with or without charge [ **with** ], samples of wine or alcoholic cider, or both, produced by the limited winery [ **for tasting and with crackers, nuts, cheese, bread sticks and bread cubes to be used in conjunction with tastings** ]. Samples may also be provided, with or without charge, at locations licensed under a farmer's market permit or under the special permit available for participation in alcoholic cider, wine and food exhibitions. Samples may not be provided at a limited winery's storage facilities since only the licensee and its employees may be present at those locations.

[ (7) ] (6) Limited winery licensees engaged in the retail and wholesale sales of wine or alcoholic cider, or both, are responsible to conform to the Liquor Code and this title.

[ (8) ] (7) In addition to the sale of wines and alcoholic ciders, the following items are permitted to be offered for sale on the licensed premises:

(i) [ **Pennsylvania-grown fruits and the following products produced from the fruits:** ] Food for on premises and off premises consumption.

(A) [ **Juices.** ] Nonalcoholic beverages.

(B) Juice concentrates.

[ (C) ] **Jellies, jams and preserves.**

(ii) **Pennsylvania-grown mushrooms.** ]

[ (iii) ] (ii) Home winemaking equipment and supplies.

[ (iv) ] (iii) Wine and alcoholic cider serving and storage accessories as follows:

(A) Cork removers.

(B) Wine and alcoholic cider glasses and decanters.

(C) Wine and alcoholic cider racks.

(D) Serving baskets and buckets.

(E) Bottle stoppers.

[ (v) ] (iv) Publications dealing with wine and winemaking and alcoholic cider and cider making.

[ (vi) ] **Cheese, crackers, breads, nuts and preserved meats for consumption off the premises.** ]

(v) **Wine-scented or liquor-scented candles acquired or produced by the limited winery.**

[ (vii) ] (vi) Gift packages consisting of any combination of the items listed in subparagraphs (i)—[ (vi) ] (v).

[ (viii) ] (vii) Promotional items advertising the limited winery such as tee shirts, glassware, caps, and the like.

[ (9) ] (8) Sales on the licensed premises of merchandise not listed in paragraph [ (8) is ] (7) are subject to Board approval. The approval shall be requested by letter addressed to the Board. A limited winery licensee will be advised of approved items through an appropriate means of dissemination.

[ (10) ] (9) Mail, **Internet** or telephone orders may be accepted. Delivery of products shall be accomplished through the use of vehicles properly registered by the limited winery licensees or through properly licensed transporters. It is the responsibility of the limited winery licensee to insure that wine [ **is** ] and alcoholic cider are not delivered to minors and that proper invoices are maintained under § 5.103 (relating to limited wineries).

(b) The employment of an agent by a limited winery is governed by § 3.63 (relating to agents).

(c) Records, sales invoices and reports shall be kept as prescribed in § 5.103.

(d) The use of additional Board-approved locations by limited winery licensees is governed by § 3.64 (relating to additional Board-approved locations).

[Pa.B. Doc. No. 15-1723. Filed for public inspection September 25, 2015, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING AND SECURITIES

### Actions on Applications

The Department of Banking and Securities (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of 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 September 15, 2015.

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

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-10-2015	Riverview Financial Corporation Halifax Dauphin County  Application for approval to acquire 100% of Citizens National Bank of Meyersdale, Meyersdale.	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-10-2015	Riverview Bank Marysville Perry County  Application for approval to merge Citizens National Bank of Meyersdale, Meyersdale, with and into Riverview Bank, Marysville.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
8-31-2015	Univest Bank and Trust Company Souderton Montgomery County	250 Plaza Drive Collegeville Montgomery County (*Corrected Address Follows)  380 Water Loop Drive Collegeville Montgomery County	Opened
9-9-2015	ACNB Bank Gettysburg Adams County	1801 Baltimore Pike Hanover York County	Approved
9-10-2015	Republic First Bank Philadelphia Philadelphia County	230 Marter Avenue Moorestown Burlington County, NJ	Filed
9-10-2015	Republic First Bank Philadelphia Philadelphia County	Haddonfield Road and Chapel Avenue Cherry Hill Camden County, NJ	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
9-1-2015	Univest Bank and Trust Company Souderton Montgomery County	40 East Street Road Feasterville Bucks County	Closed
9-1-2015	Univest Bank and Trust Company Souderton Montgomery County	328 North Lewis Road Royersford Montgomery County	Closed
9-1-2015	Univest Bank and Trust Company Souderton Montgomery County	2685 County Line Road Telford Montgomery County	Closed

**CREDIT UNIONS****Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-10-2015	Hidden River Credit Union Pottsville Schuylkill County  Application for approval to merge Schuylkill Federal Credit Union, Pottsville, with and into Hidden River Credit Union, Pottsville.	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. 15-1724. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Substantial Amendment to the 2015 Action Plan; Public Hearing

The Department of Community and Economic Development (Department) is amending the Commonwealth's 2015 Action Plan. The Action Plan is the annual application to the United States Department of Housing and Urban Development (HUD) for Federal funds administered by the Commonwealth. Annually the Department prepares the Action Plan which outlines the method of distribution for Federal funding received by the Department. This Federal funding includes the Community Development Block Grant (CDBG), the HOME Investment Partnerships (HOME), the Emergency Solutions Grant, the Housing Opportunities for Persons with AIDS, the Community Development Block Grant-Disaster Recovery and the Neighborhood Stabilization Program (NSP) programs. The 2015 Action Plan for these funds was finalized and submitted to HUD on July 1, 2015. The items to be changed through this Substantial Amendment follow:

- Corrects the percentage of CDBG funding to be used for the entitlement (88.35%) and competitive (9.65%) formula distribution of funds caused by the repayment to HUD of ineligible costs from the 2012 monitoring.
- Description of the intended use of the recaptured funds and program income from NSP will be added to the resources for 2015.
- Removes the 10% change requirement currently in place to trigger a substantial amendment to the plans.

This leaves the minimum of a \$1 million change to trigger the need and anything below will be handled with an amendment.

- Additional detail of the required HOME resale/recapture stipulations to the guidelines.

Interested persons may view the Substantial Amendment at <http://community.newpa.com/> (scroll to the bottom of the page) or request a copy by following the procedure under Written Comments.

#### *Public Hearing*

The public hearing for the Substantial Amendment will be conducted by means of the Internet between 1 p.m. and 2 p.m. on Tuesday, September 29, 2015. This more widely available computer access will replace the onsite public hearing. The format will be more accessible than an in-person meeting because those who wish to make comment or discuss policy may participate directly from their electronic device or from a computer located at their public library.

An individual or organization may give testimony or comments by means of the Internet regarding the previously listed proposed changes. The Commonwealth encourages public participation in this process.

Advance registration is required to participate. Contact Megan L. Snyder at (717) 720-7404 to receive registration instructions for the public Internet hearing at least 24 hours prior to the hearing date. During the hearing, if support is required, call (717) 787-5327. The hearing will be shortened if there is no one to testify or there is minimal response.

Individuals with a disability or limited English proficiency who wish to participate in the public hearing should contact Megan L. Snyder, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg,



PA 17120-0225, (717) 720-7404 or TDD at (717) 346-0308 to discuss how the Department can accommodate their needs.

*Written Comments*

Written testimony, instead of Internet testimony, must be submitted by 5 p.m. on Monday, October 5, 2015. Submit comments to Megan L. Snyder, Department of Community and Economic Development, Center for Community Financing, 400 North Street, 4th Floor, Commonwealth Keystone Building, Harrisburg, PA 17120-0225, RA-DCEDcdbg&homequestions@pa.gov.

DENNIS M. DAVIN,  
*Secretary*

[Pa.B. Doc. No. 15-1725. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

### Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on October

14, 2015, from 1 p.m. to 3:30 p.m. The meeting will be held at the Giant Super Store, Susquehanna Conference Room, 2300 Linglestown Road, Harrisburg, PA 17110 (717) 545-0489. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at [www.ddap.pa.gov](http://www.ddap.pa.gov).

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information visit the Department's previously listed web site or contact Ann Catalano, Department of Drug and Alcohol Programs', Executive Office at (717) 214-1937.

Persons with disabilities who wish to attend the meeting and require an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 214-1937.

This meeting is subject to cancellation without notice.

GAROLD E. TENNIS, Esq.,  
*Secretary*

[Pa.B. Doc. No. 15-1726. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0013552 (IW)	Hercules Cement Stockertown Plant Quarry 501 Hercules Drive Stockertown, PA 18083	Northampton County Stockertown Borough	Bushkill Creek, Shoeneck Creek and Unnamed Tributary to Bushkill Creek (1-F)	Y
PA0060950 (Sewage)	Lackawanna Trail High School 28 Tunnel Hill Road PO Box 85 Factoryville, PA 18419	Wyoming County Clinton Township	Unnamed Tributary to South Branch Tunkhannock Creek (4-F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0085821—IW	Altoona Water Authority— Homer Gap 900 Chestnut Avenue Altoona, PA 16602	Blair County/ Logan Township	Homer Gap Run/11-A	Y
PA0085529—IW	Altoona Water Authority— Mill Run 900 Chestnut Avenue Altoona, PA 16602	Blair County/ Logan Township	Mill Run/11-A	Y
PA0085812—IW	Altoona Water Authority— Kettle 900 Chestnut Avenue Altoona, PA 16602	Blair County/ Logan Township	Kettle Creek/11-A	Y
PA0261572—SEW	Mt. Hope Nazarene Retirement Community 3026 Mt. Hope Home Road Manheim, PA 17545-9529	Lancaster County/ Rapho Township	Brubaker Run/7-G	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0010651 (IW)	Shippen Township Plant 1 Cameron Road Emporium, PA 15834-9797	Cameron County Shippen Township	Sinnemahoning Portage Creek (8-A)	Y
PA0228800 (Sewage)	Herndon Borough Jackson Township Joint Municipal Authority Right At Intersection of SR 147 & Trail 3010 Herndon, PA 17830-0381	Northumberland County Herndon Borough	(Susquehanna River)	Y



<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0014567 (Industrial Wastewater)	Jersey Shore Area Joint Water Authority Route 973 Jersey Shore, PA 17740-5046	Clinton County Pine Creek Township	(Pine Creek, 9A)	Y
PA0036846 (Sewage)	New Berlin Municipal Authority Wastewater Treatment Plant 710 Water Street New Berlin, PA 17855-8046	Union County New Berlin Borough	Penns Creek (6-A)	Y

*Southwest Regional Office: 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>
PA0219428 Sewage	VanKirk SRSTP 7669 Big Beaver Boulevard Wampum, PA 16157	Beaver County Big Beaver Borough	Unnamed Tributary of Beaver River (20-B)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0220981 (Sewage)	Scott A. Wilcox SFTF 18306 South Main Street Corry, PA 16407	Erie County Elgin Borough	Beaver Run (16-A)	Y
PA0000329 (IW)	PA American Water Ellwood 907 Lundys Lane Ellwood City, PA 16117	Lawrence County Wayne Township	Slippery Rock Creek (20-C)	Y

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

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

**PA0025917 A-1**, Sewage, SIC Code 4952, **Chalfont New Britain Township Joint Sewer Authority Bucks County**, 1645 Upper State Road, Doylestown, PA 18901. Facility Name: Chalfont New Britain Township Joint Sewer Authority. This existing facility is located in Doylestown Township, **Bucks County**.

Description of Existing Activity: Chalfont New Britain Township Joint Sewer Authority is requesting that the permitted hydraulic capacity of Chalfont New Britain STP be increased from 6.0 to 7.0 MGDs. The Department rerated the hydraulic design capacity of the facility from 6.0 to 7.0 MGDs. The NPDES permit is being amended to update the reference to the rerated hydraulic design capacity of the facility. This amendment does not affect the effluent limits for Outfall 001 which are based on an annual average design flow of 4.625 MGDs.

The receiving stream(s), Neshaminy Creek, is located in State Water Plan watershed 2-F and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply intake is for Aqua Pennsylvania located on Neshaminy Creek. The discharge is not expected to affect public water supplies.

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

The EPA Waiver is not in effect.

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

**PA0084212**, Sewage, SIC Code 4952, **Leacock Township Sewer Authority**, 3545 West Newport Road, Intercourse, PA 17534. Facility Name: Leacock Township WWTP. This existing facility is located in Leacock Township, **Lancaster County**.

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

The receiving stream(s), Muddy Run, is located in State Water Plan watershed 7-J and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.45 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Transmittance (%)	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	67	101	XXX	18	27	36
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	113	169	XXX	30	45	60
		Wkly Avg				
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		
Oct 1 - Apr 30	XXX	XXX	XXX	2,000	XXX	10,000
				Geo Mean		
Ammonia-Nitrogen						
May 1 - Oct 31	9.4	XXX	XXX	2.5	XXX	5.0
Nov 1 - Apr 30	28	XXX	XXX	7.5	XXX	15
Total Phosphorus	7.5	XXX	XXX	2.0	XXX	4.0
Total Dissolved Solids						
Influent	Report	Report	XXX	Report	XXX	XXX
Total Dissolved Solids	Report	Report	XXX	Report	XXX	XXX
Sulfate	Report	Report	XXX	Report	XXX	XXX
Chloride	Report	Report	XXX	Report	XXX	XXX
Bromide	Report	Report	XXX	Report	XXX	XXX

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

Parameters	Mass (lbs)			Concentration (mg/l)	
	Monthly	Annual	Minimum	Monthly Average	Maximum
Ammonia—N	Report	Report	XXX	Report	XXX
Kjeldahl—N	Report	XXX	XXX	Report	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX
Total Nitrogen	Report	Report	XXX	Report	XXX
Total Phosphorus	Report	Report	XXX	Report	XXX
Net Total Nitrogen	Report	7,306	XXX	XXX	XXX
Net Total Phosphorus	Report	974	XXX	XXX	XXX

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

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

The EPA Waiver is not in effect.

**PA0009253**, Industrial Waste, SIC Code 3795, **BAE Systems Land & Armaments**, PO Box 15512, York, PA 17405-1512. Facility Name: BAE Systems Land & Armaments. This existing facility is located in West Manchester Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated industrial waste, sewage and stormwater.

The receiving stream(s), Codorus Creek and Unnamed Tributary to Codorus Creek, are located in State Water Plan watershed 7-H and are classified for Warm Water Fishes, Migratory Fishes and 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 102 are based on a design flow of 0.071 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
UV Intensity (mW/cm <sup>2</sup> )	XXX	XXX	Report	XXX	XXX	XXX
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	23	XXX	46
Nov 1 - Apr 30	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	Report	XXX	2.0	XXX	4.0
Total Kjeldahl Nitrogen	Report	Total Monthly XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	Report Total Monthly XXX	XXX	Report	XXX	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.0288 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Tetrachloroethylene	XXX	XXX	XXX	0.0008	0.0016	0.002

The proposed effluent limits for Outfall 003 are based on a design flow of 0.144 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Tetrachloroethylene	XXX	XXX	XXX	0.0008	0.0016	0.002

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

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

The proposed effluent limits for Outfall 005 are based on a design flow of N/A MGD.

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

The proposed effluent limits for Outfall 006 are based on a design flow of N/A MGD.

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

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Total Kjeldahl Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Total Iron	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 007 are based on a design flow of N/A MGD.

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

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

- Stormwater Monitoring Requirements
- Chemical Additives
- Groundwater Cleanup

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

The EPA Waiver is in effect.

**PA0081744**, GWCU, SIC Code 4953, **York County Solid Waste & Refuse Authority**, 2700 Blackbridge Road, York, PA 17406-7901. Facility Name: York County Landfill. This existing facility is located in Hopewell Township, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated groundwater from a groundwater remediation system.

The receiving stream(s), Unnamed Tributary to Ebaugh's Creek is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation and Unnamed Tributary to Rambo Run is classified for Exceptional Value Waters, Migratory Fishes, aquatic life, water supply and recreation are located in State Water Plan watershed 7-I. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.346 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Antimony (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Copper (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Lead (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Mercury (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Silver (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Trichloroethylene (µg/L)	XXX	XXX	XXX	2.5	2.5	XXX
Vinyl Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.288 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Antimony (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Cadmium (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Copper (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Lead (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Mercury (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Total Silver (µg/L)	XXX	XXX	XXX	Report	Report	XXX
Trichloroethylene (µg/L)	XXX	XXX	XXX	2.5	2.5	XXX
Vinyl Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX

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

- **Site-Specific Study**

The permittee shall conduct and submit to the Department a study to develop a site-specific methylmercury criterion and a site-specific translation factor for Rambo Run and Ebaughs Creek. The study will be used to develop effluent discharge limits for total mercury for Rambo Run and Ebaughs Creek. Pursuant to 40 CFR 122.62 and 25 Pa. Code § 92a.72, based on the information presented by the permittee to the Department, or in the event of permittee's failure to present adequate information to the Department, the Department will amend the existing NPDES permit to include specific effluent limitations for total mercury.

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

The EPA Waiver is in effect.

**PA0085197**, Sewage, SIC Code 3999, **Kampel Enterprises Inc.**, 8930 Carlisle Road, Wellsville, PA 17365-9735. Facility Name: Kampel Enterprises Airplane & Metalwork. This existing facility is located in Warrington Township, **York County**.

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

The receiving stream(s), Unnamed Tributary of North Branch Bermudian Creek, is located in State Water Plan watershed 7-F and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0025 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	6.0	XXX	XXX	XXX
Total Residual Chlorine (Interim)	XXX	XXX	XXX	0.5	XXX	1.5
(Final)	XXX	XXX	XXX	0.33	XXX	1.1
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Geo Mean Report Avg Qrtly	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	XXX	XXX	XXX	5.0	XXX	10
Nov 1 - Apr 30	XXX	XXX	XXX	15	XXX	30
Total Phosphorus	XXX	XXX	XXX	Report Avg Qrtly	XXX	XXX

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

The EPA Waiver is in effect.

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

**PA0020800**, Sewage, SIC Code 4952, **White Deer Township Municipal Authority Union County**, PO Box 90, West Milton, PA 17886-0090. Facility Name: White Deer Township Municipal Authority Water System. This existing facility is located in White Deer Township, **Union County**.

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

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



The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>		<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report Daily Max	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.14	XXX	0.46
CBOD <sub>5</sub>	125	200	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report Daily Max	XXX	Report	XXX	XXX
Total Suspended Solids	150	225	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Ammonia-Nitrogen						
May 1 - Oct 31	10	15	XXX	2.0	3.0	4.0
Nov 1 - Apr 30	30	45	XXX	6.0	9.0	18.0
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Lead	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		
Total Zinc	Report	XXX	XXX	Report	XXX	XXX
	Avg Qrtly			Avg Qrtly		

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

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Minimum</i>	<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>		<i>Monthly Average</i>	<i>Maximum</i>
Ammonia—N	Report	Report		Report	
Kjeldahl—N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	
Net Total Nitrogen	Report	10,959			
Net Total Phosphorus	Report	1,461			

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

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

The EPA Waiver is not in effect.

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

**PA0036650**, Sewage, SIC Code 4952, **City of Titusville**, 107 North Franklin Street, Titusville, PA 16354-1734. Facility Name: Titusville WWTP. This existing facility is located in Titusville City, **Crawford County**.

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

The receiving stream(s), Oil Creek (Outfalls 001, 002, 004 & 006) and Church Run (Outfall 003), are located in State Water Plan watershed 16-E and are classified for cold water fishes, aquatic life, water supply and recreation. The discharges are not expected to affect public water supplies.



The proposed effluent limits for Outfall 001 are based on a design flow of 4 MGDs.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.42	XXX	0.63
CBOD <sub>5</sub>	834	1,334	XXX	25	40	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,000	1,500	XXX	30	45	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	2,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	200	XXX	XXX	6	XXX	12
Nov 1 - Apr 30	600	XXX	XXX	18	XXX	36
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Copper	0.73	XXX	XXX	0.022	XXX	0.044
Bis(2-Ethylhexyl)Phthalate						
(Interim)	Report	XXX	XXX	Report	XXX	XXX
(Final)	0.63	XXX	XXX	0.019	XXX	0.037

The proposed effluent limits for Outfalls 002, 003, 004 & 006 are based on a design flow of N/A MGD.

Monitor combined sewer overflows for cause, frequency, and duration and measure every overflow event volume to demonstrate compliance with the NMCs.

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

- Combined Sewer Overflow control requirements
- Federal Pretreatment Program Implementation
- Annual Whole Effluent Toxicity monitoring
- Solids Management
- Toxics Reduction Evaluation for Bis(2-Ethylhexyl)Phthalate

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 not in effect.

**PA0026174**, Sewage, SIC Code 4952, **City of Franklin and the General Authority of the City of Franklin**, 430 13th Street, Franklin, PA 16323. Facility Name: Franklin City STP. This existing facility is located in Franklin City, **Venango County**.

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

The receiving stream, the Allegheny River, is located in State Water Plan watershed 16-G 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 5.0 MGDs.

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
		Daily Max				
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	1,042	1,668	XXX	25	40	50
BOD <sub>5</sub>						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids						
Influent	Report	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	1,251	1,876	XXX	30	45	60

<i>Parameters</i>	<i>Mass (lbs/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Ammonia-Nitrogen						
May 1 - Oct 31	Report	XXX	XXX	Report	XXX	Report
Nov 1 - Apr 30	Report	XXX	XXX	Report	XXX	Report
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200 Geo Mean	XXX	1,000
Oct 1 - Apr 30	XXX	XXX	XXX	2,000 Geo Mean	XXX	10,000
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX

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

- Requirement to Use eDMR System
- Maximizing Treatment at the Existing POTW
- Combined Sewer Overflows
- Solids Management
- Whole Effluent Toxicity (WET)

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 not in effect.

**PA0273023**, Storm Water, SIC Code 5171, **Reed Oil Company**, 511 Montgomery Avenue, New Castle, PA 16102-1111. Facility Name: Harned Oil. This proposed facility is located in Sadsbury Township, **Crawford County**.

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

The receiving stream(s), Unnamed tributary to Conneaut Lake, is located in State Water Plan watershed 16-D and is classified for High Quality Waters—Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average</i>	<i>Maximum</i>	
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	XXX	Report	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	Report	XXX	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
TRPH	XXX	XXX	XXX	15	30	XXX

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

- Requirements Applicable to Stormwater Outfalls
- Other Requirements
- Requirement to Use eDMR System
- Petroleum Marketing Terminals

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.

**PA0264041**, Sewage, SIC Code 8800, **Garth Mathe**, 3749 Williams Road, Erie, PA 16510. Facility Name: Garth Mathe SRSTP. This proposed facility is located in Harborcreek Township, **Erie County**.

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

The receiving stream(s), an unnamed tributary to Sevenmile Creek, is located in State Water Plan watershed 15-A and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0005 MGD.

Parameters	Mass (lb/day)		Minimum	Concentration (mg/l)		Instant. Maximum
	Average Monthly			Average Monthly		
Flow (MGD)	Report	XXX	XXX	XXX	XXX	XXX
BOD <sub>5</sub>	XXX	XXX	XXX	10	XXX	20
Total Suspended Solids	XXX	XXX	XXX	10	XXX	20
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	200	XXX	1,000
				Geo Mean		

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

- Other Requirements

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.

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

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

**WQM Permit No. 4615407**, Industrial Waste, **Pennsylvania American Water Company**, 800 W. Hershey Park Drive, Hershey, PA 19033.

This proposed facility is located in Norristown Borough, **Montgomery County**.

Description of Action/Activity: Installation of a new pipeline to existing outfall to discharge supernatant from wastewater clarifiers to the Schuylkill River.

**WQM Permit No. 1515403**, Sewage, **Phillip Sanderson**, 10 Jug Hollow Road, Phoenixville, PA 19460.

This proposed facility is located in Schuylkill Township, **Chester County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant.

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

**WQM Permit No. 4815401**, Sewage, **Pen Argyl Borough Municipal Authority Northampton County**, 11 North Robinson Ave, Pen Argyl, PA 18072.

This proposed facility is located in Pen Argyl Borough, **Northampton County**.

Description of Proposed Action/Activity:

Pen Argyl is proposing to install a centrifuge for the dewatering of biosolids.

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

**WQM Permit No. 0799404, Amendment No. 2**, Sewerage, **Freedom Township Water & Sewer Authority**, 131 Municipal Street, East Freedom, PA 16637.

This proposed facility is located in Freedom Township, **Blair County**.

Description of Proposed Action/Activity: Seeking permit approval for the Outfall 001 Replacement Project.

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

**WQM Permit No. 3284205 A-2**, Industrial Waste, **Fluid Recovery Service LLC**, PO Box 232, Creekside, PA 15732.

This existing facility is located in Washington Township, **Indiana County**.

Description of Proposed Action/Activity: Installation of interim treatment technologies including augmented chemical precipitation and filtration.

**WQM Permit No. 0215408**, Sewage, **W Elizabeth Sanitary Authority**, 125 Lower First St, West Elizabeth, PA 15088.

This proposed facility is located in West Elizabeth Borough, **Allegheny County**.

Description of Proposed Action/Activity: Sewer Upsize along Scotia Hollow & Walton Road; construction of a new pump station and forcemain to pump sewage flow to WESA STP.

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

**WQM Permit No. WQG01331502**, Sewage, **Varischetti & Sons Inc.**, 1228 Main Street, Brockway, PA 15824-1634.

This proposed facility is located in Washington Township, **Jefferson County**.

Description of Proposed Action/Activity: Upgrade of existing small flow treatment facility.

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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010915009	James L. Herman Enterprises 2371 Old Post Road Coplay, PA 18037	Bucks	Springfield Township	Cobbs Creek EV
PAI010915008	Scott Emerson 407 E. Lancaster Avenue Wayne, PA 19087	Bucks	Milford Township	Tributary to Unami Creek HQ-TSF-MF
PAI015115003	Philadelphia Housing Authority 3100 Penrose Ferry Road Philadelphia, PA 19145	Philadelphia	City of Philadelphia	Schuylkill River WWF
PAI015115004	Property Exchange Agent, LP 6 E. 45th Street, Suite 801 New York, NY 10017	Philadelphia	City of Philadelphia	Lower Schuylkill River Watershed WWF
PAI015115005	TLBT, LLC 2005 Market Street Suite 1010 Philadelphia, PA 19103	Philadelphia	City of Philadelphia	Delaware River WWF-MF

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

*Lehigh County Conservation District, Lehigh Ag Center, Suite 102, 4184 Dorney Park Rd., Allentown, PA 18104*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023913015R(7)	Brad Nesland Dorney Park & Wildwater Kingdom 3830 Dorney Park Rd. Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek (HQ-CWF, MF)

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

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030714001	Reuban Newswanger Newswanger Poultry Layer House 4532 Clover Creek Road Williamsburg, PA 16693	Blair	Huston Township	Clover Creek (HQ-CWF) UNT Clover Creek (HQ-CWF)

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041415009	Verizon Wireless 18 Abele Rd Bridgeville, PA 15017	Centre	Ferguson Township	Spruce Creek HQ-CWF

*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>
PAI056315004	Washington County 100 West Beau Street, Suite 702, Washington, PA 15301	Washington County	Hopewell Township	UNT to Cross Creek (HQ-WWF)

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

*Venango County Conservation District, 1793 Cherrytree Road, Franklin, PA 16323*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI066110001R	GOC Property Holdings Tracy Rudolph 175 Main Street Oil City, PA 16344	Venango	Rouseville Boro	

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

PAG-12            CAFOs

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

*General Permit Type—PAG-02*

<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>
Snyder County Center Township	PAG02005515002	Amos Martin 698 Troxville Rd Middleburg, PA 17842	Dry Run, CWF	Snyder County Conservation District 403 W Market St Middleburg, PA 17842 (570) 837-3000 X110
Union County Buffalo Township	PAG02006015008	Kore Yoder 2454 Beaver Run Rd Lewisburg, PA 17837	Beaver Run, CWF, MF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg, PA 17837 (570) 524-3860

#### **CAFO Notices of Intent Received**

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

**PAG123813, CAFO, Heindel Steer Farms**, 13845 Ted Wallace Road, Brogue, PA 17309.

This existing facility is located in Chanceford Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: 2,108.5 AEU's.

The receiving stream, UNT West Branch Toms Run, is in watershed 7-I, and classified for: TSF.

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

**PAG123562, CAFO, Sauder Swine Farm**, 401 Elco Drive, Myerstown, PA 17067.

This existing facility is located in Jackson Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: 599.41 AEUs.

The receiving stream, UNT Tulpehocken Creek, is in watershed 3-C, and classified for: TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PAG123697, CAFO, Ebersole Farm**, 44 Kline Road, Shippensburg, PA 17257.

This existing facility is located in Southampton Township, **Cumberland County**.

Description of Size and Scope of Proposed Operation/Activity: 77.58 AEUs.

The receiving stream, Bulls Head Branch, is in watershed 7-B, and classified for: CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no



other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

**NPDES Permit No. PAG124851**, CAFO, **James W. Stahl**, 4089 Produce Rd, Selinsgrove, PA 17870-8161.

This proposed facility is located in Union Township, **Snyder County**.

Description of size and scope of proposed operation/activity: Construction of a swine finishing barn with concrete under-barn manure storage. The facility will be comprised of approximately 6,985 Swine, 145 Dairy Cows, 65 Dairy Calves, 65 Dairy Heifers, 3 Ponies, and 3 Horses. There are a total of 1,314.66 AEUs.

The receiving stream, Unnamed Tributary to Silver Creek, is in watershed 6-A and classified for: Warm Water Fishes and Migratory Fishes.

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

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

**APPLICATIONS**

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal / New / Application / Action</i>
Goss Family Farms Tim & Ron Goss 123 Decatur Road McClure, PA 17841	Mifflin	316.4	947.34	Swine	NA	Renewal
Franklin Family Farm Hord Family Farms, LLC 8815 Dry Run Rd. Mercersburg, PA 17236	Franklin	96.0 0 avail. for manure	1,756.45	Swine	NA	Renewal
Quality Livestock Company, LLC 1177 Gypsy Hill Road Lancaster, PA 17602	Lancaster	54.4	556.93	Swine	NA	New
Keister Family Farms, LLC 105 Keister Farm Lane Middleburg, PA 17842	Snyder	126.5	434.76	Poultry—Turkeys Steers	N/A	Application

## 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

*Southeast Region: Safe Drinking Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Permit No.1515527**, Public Water Supply

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township	West Brandywine
County	<b>Chester</b>
Responsible Official	Tony L. Fernandes 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Application Received Date	August 19, 2015
Description of Action	Replacement of Well No.1 with Well No. 4 at the Friendship Well Treatment facility.

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

**Application No. 3915505 Major Amendment**, Public Water Supply.

Applicant	<b>Big O Mobil Home Park</b> 153 Schweitz Road Fleetwood, PA 19522-9731
[Township or Borough]	Lower Macungi Township, <b>Lehigh County</b>
Responsible Official	C Edgar Opperman III Owner, Big O Mobil Home Park 153 Schweitz Road Fleetwood, PA 19522-9731
Type of Facility	PWS
Consulting Engineer	Bruce Radar, PE Berk Surveying & Engineering 311 East Main Street Fleetwood, PA 19522
Application Received Date	07/28/2015
Description of Action	Modification and installation of 3,000 gallon storage tank and pump station to the existing system.

**Application No. 5215501 MA**, Public Water Supply.

Applicant	<b>PA American Water</b> 800 W. Hershey Park Drive Hershey, PA. 17033
[Township or Borough]	Scott Township <b>Lackawanna County</b>
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply
Consulting Engineer	Mr. Daniel Rickard, PE PA American Water Company 2699 Stafford Avenue Scranton, PA 18505
Application Received Date	August 13, 2015
Description of Action	This project is to install new 20 feet 12 inch and 60 feet 36 inch chlorine contact main at the Milford Landing Water System.

**Application No. 1315502MA**, Public Water Supply.

Applicant	<b>Mahoning Manor Estate Home Owner's Association</b> 45 White Birch Lane Lehighton, PA 18235
[Township or Borough]	Mahoning Township, <b>Carbon County</b>
Responsible Official	Franklin Leon Morgan Vice President 45 White Birch Lane Lehighton, PA 18235
Type of Facility	PWS
Consulting Engineer	Eric S. Lundy, PE Nittany Engineering & Associates, 2836 Earlstown Road, Suite 1 Centre Hall, PA 16828

Application Received Date 08/07/2015  
 Description of Action Re-setting & re-sizing of the well pumps to reduced size from 26 GPMs to 5 GPMs and installation of chlorine contact pipe

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

**Permit No. 2215505, Minor Amendment,** Public Water Supply.

Applicant **GSP Management Company**  
 Municipality East Hanover Township  
 County **Dauphin**  
 Responsible Official Frank T. Perano, General Manager  
 P O Box 677  
 Morgantown, PA 19543-0677

Type of Facility Public Water Supply  
 Consulting Engineer James A. Cieri Sr, P.E.  
 James A. Cieri, PE  
 914 N Mountain Road  
 Harrisburg, PA 17112

Application Received: 9/8/2015  
 Description of Action Installation of a 4,000-gallon standpipe for finished water storage along with a new building to house a booster pump and relocated pressure tank and chlorination equipment.

*Southwest Region: Safe Drinking Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit No. 0415505,** Public Water Supply.

Applicant **Center Township Water Authority**  
 224 Center Grange Road  
 Aliquippa, PA 15001  
 [Township or Borough] Center & Potter Townships  
 Responsible Official Bill DiCioccio, Jr., Operational Supervisor

Center Township Water Authority  
 224 Center Grange Road  
 Aliquippa, PA 15001  
 Type of Facility New water treatment plant  
 Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.  
 846 4th Avenue  
 Coraopolis, PA 15108

Application Received Date September 2, 2015  
 Description of Action Construction of an interim surface water treatment facility.

**Application No. 3215506,** Public Water Supply.

Applicant **Central Indiana County Water Authority**  
 30 East Wiley Street  
 Homer City, PA 15748

[Township or Borough] Homer City & Center Township  
 Responsible Official Robert Walbeck, Chairman  
 Central Indiana County Water Authority  
 30 East Wiley Street  
 Homer City, PA 15748

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date September 10, 2015  
 Description of Action Installation of the Circle Drive water storage tank with a mixing system.

**Application No. 3215507,** Public Water Supply.

Applicant **Central Indiana County Water Authority**  
 30 East Wiley Street  
 Homer City, PA 15748

[Township or Borough] Homer City & Center Township  
 Responsible Official Robert Walbeck, Chairman  
 Central Indiana County Water Authority  
 30 East Wiley Street  
 Homer City, PA 15748

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc  
 267 Blue Run Road  
 Suite 200  
 Cheswick, PA 15024

Application Received Date September 10, 2015  
 Description of Action Addition of a chlorine feed system at the Route 119 pump station.

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

**Permit No. 6215502,** Public Water Supply

Applicant **Warren County School District**  
 Township or Borough Pine Grove Township

County **Warren**  
 Responsible Official Dr. Norbert Kennerknecht  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P.E.  
 Deiss & Halmi Engineering, Inc.  
 105 Meadville Street  
 Edinboro, PA 16412

Application Received Date August 31, 2015  
 Description of Action Add disinfection per Groundwater Rule.

## MINOR AMENDMENT

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

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

**Application No. 4515504MA, Minor Amendment.**

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Dr.  
Hershey, PA 17033

[Township or Borough] Hamilton Twp., **Monroe County**

Responsible Official David R. Kaufman,  
Vice President—Engineering  
Pennsylvania American Water Company  
800 West Hersheypark Dr.  
Hershey, PA 17033

Type of Facility Public Water Supply

Consulting Engineer Scott Thomas, PE  
Pennsylvania American Water Company  
852 Wesley Dr.  
Mechanicsburg, PA 17055

Application Received Date 9/1/2015

Description of Action The applicant proposes the rehabilitation of Filter #1 including media replacement at the Stony Garden WTP.

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Application No. 3015507MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Whiteley Township

Responsible Official John W. Golding, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date September 1, 2015

Description of Action Installation of approximately 2,380 feet of 8-inch diameter waterline (Downer/Hook waterline project).

**Application No. 3015508MA, Minor Amendment.**

Applicant **Southwestern Pennsylvania Water Authority**  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

[Township or Borough] Whiteley Township

Responsible Official John W. Golding, Manager  
Southwestern Pennsylvania Water Authority  
1442 Jefferson Road  
PO Box 187  
Jefferson, PA 15344

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date September 8, 2015

Description of Action Installation of approximately 2,015 feet of 6-inch diameter waterline (Long Woods Road waterline project).

**Application No. 3215508MA, Minor Amendment.**

Applicant **Central Indiana County Water Authority**  
30 East Wiley Street  
Homer City, PA 15748

[Township or Borough] Homer City & Center Township

Responsible Official Robert Walbeck, Chairman  
Central Indiana County Water Authority  
30 East Wiley Street  
Homer City, PA 15748

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024

Application Received Date September 10, 2015

Description of Action Installation of approximately 21,200 feet of 12-inch, 8-inch and 6-inch diameter waterline.

**Application No. 3215509MA, Minor Amendment.**

Applicant **Central Indiana County Water Authority**  
30 East Wiley Street  
Homer City, PA 15748

[Township or Borough] Homer City & Center Township

Responsible Official Robert Walbeck, Chairman  
Central Indiana County Water Authority  
30 East Wiley Street  
Homer City, PA 15748

Type of Facility Water system

Consulting Engineer Bankson Engineers, Inc  
267 Blue Run Road  
Suite 200  
Cheswick, PA 15024



Application Received Date September 10, 2015  
 Description of Action Installation of approximately 4,200 feet of 6-inch diameter waterline.

**Application No. 5615510MA, Minor Amendment.**

Applicant **High-Top, LLC**  
 PO Box 1180  
 Chambersburg, PA 17201

[Township or Borough] Somerset Township

Responsible Official Tom Mangold, Manager  
 High-Top, LLC  
 PO Box 1180  
 Chambersburg, PA 17201

Type of Facility Brook Haven Acres

Consulting Engineer T3 Global Strategies, Inc.  
 10 Emerson Lane  
 Suite 808  
 Bridgeville, PA 15017

Application Received Date August 27, 2015

Description of Action Installation of two retention tanks and associated piping.

**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**

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**WA4-1015**, Water Allocations. **Industry Borough Municipal Authority**, 1149 East Willowbrook Drive, Industry, PA 15052, **Beaver County**. The applicant is requesting the right to withdraw 504,000 gallons of water, per day, from Wells No. 1 & No. 2 along the banks of the Ohio River.

**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:

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Malmstrom Residence**, 4 Wychwood Drive, Barrett Township, **Monroe County**. MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Edward Malmstrom, 27391 Oak Knoll Drive, Bonita Springs, FL 34134, submitted a Notice of Intent to Remediate. A release of No. 2 heating oil from a 550-gallon underground storage tank system located north of the residence. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in the *Pocono Record* on November 28, 2014.

**Mountain View Mobile Home Park**, 133 1/2 West Zimmer Drive, Lehigh Township, **Northampton County**. Light-Heigel & Associates, Inc., 39 Dock Street, Schuylkill Haven, PA 17972, on behalf of MHC Mountain View PA LP, 4 East Zimmer Drive, Walnutport, PA 18088, submitted a Notice of Intent to Remediate. Approximately 80 gallons of No. 2 fuel oil leaked from an aboveground storage tank. The proposed future use of the property will be residential. The Notice of Intent to Remediate was published in *The Morning Call* on August 30, 2015.



*Northwest Region: Environmental Cleanup & Brownfields Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481*

**Medicine Shoppe**, 629 State Street, City of Meadville, **Crawford County**. Moody & Associates, Inc., 11548 Cotton Road, Meadville, PA 16335, on behalf of Power, Power, Power, 623 State Street, Meadville, PA 16335, submitted a Notice of Intent to Remediate. The site had been a former gas station. Releases from the underground storage tank system have resulted in contamination to site soils and groundwater. The Statewide Health Standard has been selected for remediation of the site. Future use of the property will be commercial. The Notice of Intent to Remediate was published in *The Meadville Tribune* on August 31, 2015.

### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

#### Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### *New Applications Received*

**Sanpro LLC**, P. O. Box 336, Lakewood, NJ 08701. License No. PA-HC 0268. Received on August 7, 2015.

#### *Renewal Applications Received*

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Received on July 23, 2015.

**Advanced Disposal Services Solid Waste of Pa, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Received on August 17, 2015.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

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

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

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

Persons wishing to file a written protest or provide comments or additional information, which they believe should be considered prior to the issuance of a permit,

may submit the information to the Department’s Regional Office. A 30-day comment period from the date of this publication will exist for the submission of comments, protests and information. Each submission must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval/Operating Permit including the permit number and a concise statement regarding the relevancy of the information or objections to issuance of the permit.

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

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

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

### PLAN APPROVALS

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

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

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

**18-00033A: Renovo Energy Center, LLC** (5275 Westview Drive, Frederick, MD 21703). The Department has received the Plan Approval application for the construction and operation of the Renovo Energy Center, LLC 950 Megawatt Combined Cycle Electric Generating plant to be located in the Borough of Renovo, **Clinton County**. The received date of the application, as entered into the Department’s eFACTS system, is August 20, 2015.

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

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

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

**09-0235: C-P Flexible Packaging** (15 Grumbacher Rd. York, PA 17406) for construction and operation of a flexible packaging printing plant in Bristol Township, **Bucks County**. This facility is a synthetic minor facility for volatile organic compound (VOC) emissions, and natural minor for all other regulated pollutants. The Plan Approval and Operating Permit will contain requirements of testing, monitoring, recordkeeping, and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-05152C: Kellogg USA Inc.** (2050 State Road, Lancaster, PA 17604) for the replacement of an existing dryer and dryer cooler on the Coating Line with a new dryer and dryer cooler with increased capacity. One (1) new American Air Filter, Model W, Size 36, Rotoclone Wet Scrubber will be added to control the air emissions from the new equipment at the East Hempfield plant located in East Hempfield Township, **Lancaster County**. The expected decrease in facility emissions as a result of the changes proposed are: 0.002 tpy of PM. The facility is a State Only facility. DEP's review of the information submitted by the applicant indicates that the air contamination sources as constructed or modified will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12, and 25 Pa. Code § 123.13 Processes. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. If, after the project has been implemented, the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for plan approval, the requirements established in the plan approval will be incorporated into an Operating Permit pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450.

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

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

**47-00014C: United States Gypsum Company** (Plant Manager, 60 PPL Road, Danville, PA 17821) has submitted a plan approval for the revision of VOC emission restrictions with respect to the wallboard kiln dryer (Source ID P114) located at the Washingtonville Plant facility. The facility is located in Derry Township, **Montour County**.

The Department's review of the plan approval application and supplementary information submitted by the

facility indicates that the proposed revisions to the VOC emission restrictions will meet all of the applicable air quality regulatory requirements pertaining to the source, including the Department's Best Available Technology (BAT) requirements of 25 Pa. Code §§ 127.1 and 127.12. As a result of the revisions, the annual potential to emit VOC from the source will decrease. Based on these findings, the Department intends to approve the application and issue a plan approval for the proposed VOC emission revisions. In accordance with BAT, the proposed VOC emission rate from the existing wallboard kiln dryer will not exceed 4.6 pounds per hour (lbs/hr) while the dryer is processing wallboard containing no mold resistant additive; 25.9 lbs/hr and 0.019 pound VOC per pound of mold resistant additive while the dryer is processing wallboard containing mold resistant additive; and 30.3 tons in any 12 consecutive month period. The plan approval includes testing, monitoring, recordkeeping and reporting conditions to assure compliance with the proposed maximum VOC emissions rates. Additionally, the maximum mold resistant additive usage will be restricted based on daily average and rolling 12-month total and monitored continuously. All applicable Federal and State regulatory requirements including testing, monitoring, recordkeeping and reporting conditions to show compliance with the applicable requirements have been included in the plan approval.

The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 47-00014C, the requirements established in the plan approval will be incorporated into Title V Operating Permit 47-00014 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**17-00001G: NRG REMA LLC** (250 Power Plant Drive, Shawville, PA 16873) has submitted a plan approval application to the PA Department of Environmental Protection (DEP) for the proposed natural gas addition to the utility boilers at the Shawville Generating Station facility located in Bradford Township, **Clearfield County**. The plan approval application indicates that the utility boilers will be retrofitted with burners to accommodate natural gas. The proposed change in method of operation of the utility boilers, which are identified in the facility's Title V Operating Permit 17-00001 as Source IDs 031, 032, 033 and 034, will result in air contaminant emissions increases less than de minimis emissions levels. The company's New Source Review (NSR) applicability determination calculations show that there will be a total increase of annual VOC emissions from the utility boilers equal to approximately 18.3 tons per year (tpy). The total annual VOC emissions from the utility boilers, based on the NSR calculations, are equal to approximately 23.8 tpy.

PA DEP's review of the information submitted by NRG REMA LLC indicates that the proposed change in method of operation will comply with all applicable regulatory requirements, including the NSR requirements of 25 Pa. Code Chapter 127. Additionally, the proposed change in method of operation shows that the utility boilers upon startup will comply with all applicable Mercury and Air Toxics Standard (MATS) requirements as codified in 40 CFR Part 63 Subpart UUUUU. The utility boilers are



currently shut down. The company is planning to perform startup of the utility boilers sometime after the completion of the natural gas addition. The plan approval includes the applicable MATS requirement for the utility boilers. The utility boilers are required to be operated such that, the monthly heat inputs of fuels are monitored as well as the heat input calculations, in order to verify compliance with the clean fuel exemption of the MATS as codified under 40 CFR Section 63.9983. The Department-certified continuous emission monitoring systems (CEMS) installed on the utility boilers stacks will be used to monitor the hourly heat input to derive the monthly heat input and the heat input calculations. The heat input calculations are used to verify the utility boilers have been operated in a manner that each of the boilers meets the criteria for natural gas-fired electric utility steam generating unit, as specified in 40 CFR Section 63.10042. The permittee is required to certify the CEMS for natural gas combustion. Certification of the CEMS shall be obtained from the Department.

Based on the findings presented above, the Department proposes to issue a plan approval for the proposed change in method of operation of the utility boilers. The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions including the specifications of the application for Plan Approval 17-00001G, the requirements established in the plan approval will be incorporated into Title V Operating Permit 17-00001 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**14-00003G: Pennsylvania State University** (101P Physical Plant Bldg, University Park, PA 16802) for the construction of two Dooson model HP1600WCU air compressors powered by 580 brake-horsepower diesel-fired Cummins QSX15 reciprocating internal combustion engines at the University Park Campus East and West Campus Steam Plants located in College Township and State College Borough, **Centre County**.

The Department of Environmental Protection's (Department) review of the information submitted by the Pennsylvania State University indicates that the air contamination sources will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the new source performance standards (NSPS), the national emission standards for hazardous air pollutants (NESHAPs), and the best available technology (BAT) requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the air compressors. The emission from each proposed source included in this project will not exceed the following limits: Nitrogen Oxide—0.3 gram per horsepower-hour, Carbon Monoxide—2.6 grams per horsepower-hour, Particulate Matter—0.015 gram per horsepower-hour, Nonmethane Hydrocarbons—0.14 gram per horsepower-hour, Formaldehyde—580 ppbvd.

In addition to the emission limitations, the following is a brief description of the conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements. The diesel fuel fired in the stationary RICE

shall comply with the following per-gallon standards: (a) Sulfur content of 15 ppms maximum. (b) Cetane index or aromatic content, as follows: (i) A minimum cetane index of 40; or (ii) A maximum aromatic content of 35 volume percent. The permittee shall operate each of the stationary RICE no more than 200 hours in any 12 consecutive month period. The permittee shall equip the stationary RICE with non-resettable hour meters that log the runtime of the engines. The permittee shall demonstrate continuous compliance with the requirements of 40 CFR Part 63 Subpart ZZZZ by: (a) Conducting semiannual performance tests for formaldehyde to demonstrate that emissions remain at or below the formaldehyde concentration limits; and (b) Collecting the approved operating parameter (if any) data according to 40 CFR § 63.6625(b); and (c) Reducing these data to 4-hour rolling averages; and (d) Maintaining the 4-hour rolling averages within the operating limitations for the operating parameters established during the performance test. The diesel particulate filters incorporated into the stationary RICE must be installed with backpressure monitors that notify the permittee when the high backpressure limit of the engine is approached. The permittee shall minimize the engine's time spent at idle during startup and minimize the engine's startup time to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes. The permittee must keep records of any corrective action taken after a backpressure monitor has notified the owner or operator that the high backpressure limit of an engine is approached. The permittee shall create and maintain records pertaining to the operation of the stationary RICE, including the dates and durations of engine operation. At all times the permittee must operate and maintain the stationary RICE, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The stationary RICE are subject to the Standards of Performance for Stationary Compression Ignition Internal Combustion Engines (40 CFR Part 60 Subpart III). The permittee shall comply with all applicable requirements of 40 CFR §§ 60.4200 through 60.4219. The stationary RICE are subject to the National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (40 CFR Part 63 Subpart ZZZZ). The permittee shall comply with all applicable requirements of 40 CFR §§ 63.6580 through 63.6675.

The facility is a major (Title V) facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specification of the application for Plan Approval 14-00003G, the requirements established in the plan approval will be incorporated into Title V Operating Permit 14-00003 pursuant to the administrative amendment provisions of 25 Pa. Code § 127.450. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's North Central Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

**08-00047B: Milan Energy, LLC** (6051 Wallace Road Extension, Suite 100, Wexford, PA 15090) for the construction of three (3) 9,708 bhp (7.2 MWs) 4 stroke, lean burn Rolls Royce Bergen B-35:40-V16AG-2 natural gas-fired engine/generator sets, each equipped with both catalytic oxidation and selective catalytic reduction (SCR), at the proposed electric generating station located in Smithfield Township, **Bradford County**. The facility will

also include one (1) 0.64 MMBtu/hour natural gas-fired natural gas line heater; three (3) storage tanks ranging in size from 2,600 gallons to 6,000 gallons; one (1) desiccant dehydration system; various fugitive emissions.

On October 8, 2014, the Department issued Plan Approval 08-00047A for sources at this electric generating station. In that application, five (5) 6,023 bhp Jenbacher natural gas-fired engine/generator sets were approved. These engines were never constructed. The Rolls Royce Bergen engines proposed in this application will take the place of the originally proposed Jenbacher engines. The Department of Environmental Protection's (Department) review of the information submitted by Milan Energy, LLC indicates that the air contamination sources to be constructed will comply with all regulatory requirements, including monitoring, recordkeeping, and reporting requirements, and pertaining to air contamination sources and the emission of air contaminants including the National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines, 40 CFR Sections 63.6580 through 63.6675, the Standards of Performance for Stationary Spark Ignition Internal Combustion Engines, 40 CFR Sections 60.4230 through 60.4248, the Mandatory Greenhouse Gas Reporting Rule, 40 CFR Part 98, 25 Pa. Code Chapter 123 and the best available technology requirement (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed construction.

The emissions from each proposed engine included in this project will not exceed the following limits: 0.058 g/bhp-hr and 5.44 TPY NO<sub>x</sub>, 0.114 g/bhp-hr and 10.69 TPY CO, 0.037 g/bhp-hr and 3.47 TPY VOCs, 0.0006 lb/MMBtu and 0.13 TPY SO<sub>x</sub>, 0.050 g/bhp-hr and 4.67 TPY PM<sub>10</sub>/PM<sub>2.5</sub>, 0.0009 g/bhp-hr and 0.84 TPY formaldehyde, 10 ppmvds at 15% O<sub>2</sub> ammonia; no visible emissions equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour and equal to or greater than 30% at any time. In addition to the emission limitations, the following is a brief description of the types of conditions the Department intends to place in the plan approval in order to ensure compliance with all applicable air quality regulatory requirements: performance testing requirement for all engines to verify compliance with the emissions limitations; establish a facility-wide leak detection and repair (LDAR) program to account for fugitive emissions from high pressure connections; restrict the engines to natural gas firing only; in addition to performance testing, establish follow-up portable analyzer testing for NO<sub>x</sub> and CO for all engines every 2,500 hours of operation.

The facility is a State Only facility. If the Department determines that the sources are constructed and operated in compliance with the plan approval conditions and the specifications of the application for Plan Approval 08-00047B, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F. All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570-327-0550.

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

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

**11-00553A: Starprint Publications, Inc.** (722 Dulancey Drive, Portage, PA 15946) Notice is hereby given in accordance with 25 Pa. Code §§ 127.44—127.46 that the Department of Environmental Protection ("Department") intends to issue Air Quality Plan Approval: PA-11-00553A to Starprint Publications, Inc. ("Starprint") to allow the installation and temporary operation of a regenerative thermal oxidizer (RTO) for the control of two currently installed and one planned replacement printing presses by Starprint Publications, Inc. at its commercial printing facility (Facility) located in Portage Borough, **Cambria County**. This plan approval is also for the installation and temporary operation of the above-referenced replacement printing press and temporary operation of the two above-referenced currently installed printing presses at this Facility.

Potential to emit from the Facility is estimated to be 12.25 tons of volatile organic compounds (VOC), 0.34 ton of ethylene glycol, 0.41 ton of total hazardous air pollutants (HAP), 3.98 tons of nitrogen oxides (NO<sub>x</sub>), 3.34 tons of carbon monoxide (CO), 0.30 ton of total particulate matter (PM), 0.02 ton of sulfur dioxide (SO<sub>2</sub>), and 4,772 tons of carbon dioxide equivalents (CO<sub>2</sub>e) per year. Best available technology (BAT) for the operation of heatset web offset lithographic printing presses is emissions capture and destruction by a RTO, use of low VOC content fountain solution and low vapor pressure cleaning solvent, and good work practices. Work practices include operating press dryers at a negative pressure relative to the press room, minimizing the use of manual cleaning solvent, and keeping cleaning solvent and used shop towels in closed containers when not in use. The authorization is subject to State regulations including 25 Pa. Code §§ 123.1, 123.2, 123.31, and 129.67b. Plan Approval has been conditioned to ensure compliance with all applicable rules. This includes emission limitations, monitoring, recordkeeping, reporting, and work practice conditions. Once compliance with the Plan Approval is demonstrated, the applicant will subsequently apply for a State Only Operating Permit in accordance with 25 Pa. Code Subchapter F.

A person may oppose the proposed plan approval by filing a written protest with the Department through Alan Binder via mail to Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222; email to [abinder@pa.gov](mailto:abinder@pa.gov); or fax to 412.442.4194. Additional written comments may also be submitted. Each protest or set of written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Plan Approval (PA-11-00553A) and a concise statement of the objections to the plan approval issuance and the relevant facts upon which the objections are based.

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

For additional information you may contact Alan Binder at 412.442.4168.



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

### OPERATING PERMITS

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

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

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

**39-00004: Mack Trucks, Inc.**, (7000 Albutis Road, Macungie, PA 18062) The Department intends to issue a renewal Title V Operating Permit for a motor vehicle manufacturing facility in Lower Macungie Township, **Lehigh County**. The facility's emission sources include (2) emergency generators, (2) emergency fire pumps, (1) burn-off oven, (5) spray booths, (1) touch up booth and (1) adhesive booth, (1) paint lab, (1) paint mix room, (1) solvent storage tank, (1) waste solvent tank, (5) bake ovens, (1) roller wash station, one (1) sanding booth, four (4) parts washing stations, and (1) spray gun cleaner station. The sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. Actual emission reported by the facility for year 2014 included: CO—1.00 tpy, Lead—0.0 tpy, NO<sub>x</sub>—2.40 tpy, PM<sub>10</sub>—8.50 tpy, PM<sub>2.5</sub>—0.189 tpy, SO<sub>x</sub>—0.0378 tpy, and VOC—189.65 tpy. The proposed Title V Operating Permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-05026: R. R. Donnelley & Sons, Co.** (1375 Harrisburg Pike, Lancaster, PA 17601-2612) for operation of printing presses controlled by a regenerative thermal oxidizer at their Lancaster West facility in Lancaster City, **Lancaster County**. Actual emissions from the facility in 2013 were estimated at 5.32 tons CO, 6.33 tons NO<sub>x</sub>, 0.49 ton PM<sub>10</sub>, 0.04 ton SO<sub>x</sub>, 73.81 tons VOC, 1.33 ton of a single HAP (glycol ethers), and 2.67 tons of combined HAPs. The Title V Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 25 Pa. Code 129.67b & 40 CFR 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

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

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

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

**09-00031: Eureka Stone Quarry, Inc.** (PO Box 249, Chalfont, PA 18914) for renewal of the State Only Operating Permit for a facility comprising a stone crush-

ing operation and two asphalt plants located in Wrightstown Township, **Bucks County**. The renewal includes minor changes in standard conditions in accordance with Department of Environmental Protection (DEP) guidelines. Ranges for allowable pressure drops for two baghouses controlling particulate matter emissions are set. A limit of 30% reconstituted asphalt pavement (RAP) by weight of total asphalt produced is set for Hot Mix Asphalt Plant 4. The facility is limited to emissions of 24.9 tons/year NO<sub>x</sub> and VOC on a 12-month rolling basis. The renewed Operating Permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**15-00068: Spring City Electrical Mfg. Co.** (One South Main St., P. O. Box 19, Spring City, PA 19475) for operation of their iron foundry and aluminum casting manufacturing facility in Spring City Borough, **Chester County**. The facility's major emission points include two (2) electric induction furnaces, a No. 2 fuel oil fired aluminum furnaces, molding, pouring and cooling operations and five (5) spray paint booths. This action is a renewal of the State Only Operating Permit. The initial permit was issued on 8-16-2005 and was renewed on 2-9-2011. The permit is for a non-Title V, Synthetic Minor facility. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirement.

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

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

**39-00026: Air Products and Chemicals, Inc.** (7201 Hamilton Blvd. Allentown, PA 18195-1526) The Department intends to issue a renewal State Only (Synthetic Minor) operating permit for an industrial gas manufacturing facility in Upper Macungie Township, **Lehigh County**. The permittee is taking limitations on emissions, operating hours, production/throughput, fuel type, and use of control devices to maintain Synthetic Minor status. The State Only (Synthetic Minor) operating permit includes emissions, monitoring, record keeping, reporting, testing and additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-03011: Giles & Yeckley Funeral Home and Crematorium, Inc.** (21 Chestnut Street, Mohnton, PA 19540-1926) to issue a State-Only Operating Permit for two crematory units at the facility in Mohnton Borough, **Berks County**. The facility's potential annual emissions include 0.02 ton of PM, 1.5 ton of NO<sub>x</sub>, 0.35 ton of CO, and 0.09 ton of VOCs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

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



**19-00016: Milco Industries, Inc.** (550 East Fifth Street, Bloomsburg, PA 17815) for their textile finishing facility located in Town of Bloomsburg, **Columbia County**. The facility is currently operating under the State Only operating permit 19-00016. The facility's main sources include two (2) identical Kewanee manufactured natural gas/#2 fuel fired boilers and two (2) natural gas fired tenter frame fabric dryers.

The facility has potential emissions of 14.42 tons per year of nitrogen oxides, 13.65 tons per year of carbon monoxide, 0.10 ton per year of sulfur oxides, 8.23 tons per year of particulate matter, 36.69 tons per year of volatile organic compounds, and 3.04 tons per year of total hazardous air pollutants (HAPs) while burning #2 fuel oil at the facility. The potential emissions at the facility reduced insignificantly due to removal of three emergency generators and one ethylene sterilizer. The boilers are subject to 40 CFR Part 63, Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. The emission limits, throughput limitations and work practice standards along with testing, monitoring, record keeping and reporting requirements have been included in the operating permit to ensure the facility complies with all applicable Federal and State air quality regulations. These operating permit conditions have been derived from the applicable requirements of 25 Pa. Code Chapters 121—145 as well as 40 CFR Parts 63.

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

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**03-00139: Brady's Ben Corporation/Kaylor Plant** (209 Cove Run Road East Brady, PA 16028) is for the limestone mining and quarrying for retail and wholesale located in Brady's Bend Township, **Armstrong County**. The operation of the facility's air contamination source consisting of 1-primary crusher, 1-hammer mill, 3-vibrating screens, 1-wash plant, 11-transfer belts, 6 stockpiles, and unloading/loading of trucks. The facility has the potential to emit: 5.77 tpy PM and 2.14 tpy PM<sub>10</sub>. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

**04-00226: Hanson Aggregates BMC, Inc./Sewickley Creek Asphalt Plant** (1008 Big Sewickley Creek Road, Sewickley, PA 15143) for the operation of a hot mix batch asphalt facility located in Economy Borough, **Beaver County**. The subject facility consists of one hot mix batch asphalt plants rated at 300 tons per hour. The batch plant is limited to 500,000 tons production in any consecutive 12-month period. The facility has the potential to emit: 32.5 tpy CO; 13.75 tpy NO<sub>x</sub>; 14.5 tpy SO<sub>x</sub>; 8 tpy VOC; 8.25 tpy PM and 2.5 tpy HAPs. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. Proposed SOOP includes conditions relating to applicable emission restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

## 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*

**32991301 and NPDES No. PA0215228. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To renew the permit for the Nolo Deep Mine in Buffington, Pine, Cherry Hill, Brush Valley Townships, **Indiana County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 9, 2015. Application received November 26, 2014.

**30743711 and NPDES No. PA0033511. Cumberland Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370). To renew the permit for the Cumberland Mine Coal Refuse Disposal Facility in Whiteley Township, **Greene County** and related NPDES permit. No additional discharges. The application was considered administratively complete on September 10, 2015. Application received June 9, 2015.

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

**33100102. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Renewal of an existing bituminous surface mine in Oliver Township, **Jefferson County**, affecting 32.0 acres. Receiving streams: Three unnamed tributaries to Little Sandy Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: September 9, 2015.

**33070107. Allegheny Enterprises, Inc.** (3885 Roller Coaster Road, Corsica, PA 15829) Renewal of an existing bituminous surface mine in Rose Township, **Jefferson County**, affecting 47.1 acres. Receiving streams: Eckler Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. This renewal is for reclamation only. Application received: September 4, 2015.

**33813020 and NPDES Permit No. PA0603465. Leonard W. Zenzi** (P. O. Box 62, Anita, PA 15711) Renewal of an existing bituminous surface mine and associated NPDES permit in Winslow Township, **Jefferson County**, affecting 285.2 acres. Receiving streams:

Unnamed tributaries to Trout Run and unnamed tributaries to Front Run, both classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application Received: September 9, 2015.

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

**17130105 and NPDES PA0269662. Corey L. Shawver DBA Hilltop Coal Company** (12 Dutchtown Road, Houtzdale, PA 16651). Commencement, operation, and restoration of a bituminous surface and auger mine located in Bigler and Woodward Townships, **Clearfield County** affecting 137.7 acres. Receiving stream(s): Unnamed Tributary to Japling Run and Unnamed Tributaries to Beaver Run classified for the following use(s): CWF, MF. There are no potable water supply intakes within 10 miles downstream. Application received: August 26, 2015.

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

**Permit No. 40763204R6. Northampton Fuel Supply Co., Inc.**, (1 Horwith Drive, Northampton, PA 18067), renewal of an existing anthracite coal refuse reprocessing operation in Newport Township, **Luzerne County** affecting 61.2 acres, receiving stream: Newport Creek to Susquehanna River, classified for the following uses: cold water and migratory fishes. Application received: September 11, 2015.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 58082806. Timber Lane Stone, Inc.**, (1903 Timber Lane, Clarks Summit, PA 18411), Stage I & II bond release of a quarry operation in Harford Township, **Susquehanna County** affecting 5.0 acres on property owned by Ruth Browne and Arnetta Ferguson. Application received: August 31, 2015.

**Permit No. 58970834. David B. Williams**, (305 Lane Road, Kingsley, PA 18826), Stage I & II bond release of a quarry operation in Brooklyn Township, **Susquehanna County** affecting 1.0 acre on property owned by Jeffrey Williams. Application received: August 31, 2015.

### MINING ACTIVITY NPDES DRAFT PERMITS

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

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

*Effluent Limits for Coal Mining Activities*

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

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

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

Alkalinity greater than acidity\*

\*The parameter is applicable at all times.

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

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

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

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

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

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

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

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

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

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

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

#### *Coal NPDES Draft Permits*

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

**NPDES No. PA0606111 (Mining permit no. 32663056), Beilchick Brothers**, P. O. Box 7, Heilwood, PA 15745, renewal of an NPDES permit for a surface coal mine in Pine Township, **Indiana County**, affecting 748.0 acres. Receiving streams: unnamed tributaries to/and Little Yellow Creek, classified for the following use: high quality cold water fishes. This receiving stream is included in the Kiskiminetas-Conemaugh River TMDL. Application received: October 9, 2014.

The outfall(s) listed below discharge to unnamed tributaries to/and Little Yellow Creek.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
002 (Treatment Facility 1-1)	N



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

<i>Outfall: 002</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0
Osmotic Pressure (milliosmoles/kg)			50.0

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

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

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
006 (Sediment Pond 2)	N

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

<i>Outfalls 006</i> <i>Parameter</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>Maximum</i>
Iron (mg/l)	1.5	3.0	3.5
Manganese (mg/l)	1.0	2.0	2.5
Aluminum (mg/l)	0.75	1.5	1.8
Total Suspended Solids (mg/l)	35.0	70.0	90.0

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

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

**NPDES PA0256901 (Mining permit No. 17080111), Waroquier Coal Company**, P. O. Box 128, 3056 Washington Avenue, Clearfield, PA 16830, renewal of an NPDES permit for surface and auger mining in Lawrence Township, **Clearfield County**, affecting 176.0 acres. Receiving stream(s): Unnamed Tributaries to West Branch Susquehanna River and West Branch Susquehanna River, classified for the following use(s): Cold Water Fisheries. [West Branch Susquehanna River TMDL] Application received: June 8, 2015.

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 West Branch Susquehanna River and West Branch Susquehanna River.

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
TFH	N
TFI	N
TFJ	N
TFK	N

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

<i>Parameter</i>	<i>Minimum</i>	<i>30-Day</i> <i>Average</i>	<i>Daily</i> <i>Maximum</i>	<i>Instant.</i> <i>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)		0.75	1.5	1.88
Alkalinity greater than acidity <sup>1</sup>				
Total Suspended Solids (mg/l)		35.0	70.0	90.0

*Noncoal NPDES Draft Permits*

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

**NPDES PA0608874 (Mining permits No. 08830301, Chemung Plant and 08140301 Chemung Plant #2 (NW)), Dalrymple Gravel & Contracting Company, Inc.**, 2105 South Broadway, Pine City, NY 14871, renewal of NPDES permit for Noncoal Surface Mine in Athens Township, **Bradford County**, affecting 337.3 acres. Receiving stream(s): Chemung River, classified for the following use(s): WWF. Application received: July 20, 2015.

There are no outfalls directly to streams. The outfall points listed below are contained onsite and are sampled only for oil and grease on a monitor only basis.

The outfall(s) listed below are contained onsite:

<i>Outfall No.</i>	<i>New Outfall (Y/N)</i>
B82	Yes
D83	Yes

The proposed effluent limits for outfalls B82 and D83 will include:

Parameter	Minimum	30-Day Average	Daily Maximum	Instant. Maximum
Oil and Grease	Monitor Only	Monitor Only	Monitor Only	Monitor Only

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E46-1127. Whitemarsh Township**, 616 Germantown Pike, Lafayette Hill, PA 19444, Whitemarsh Township, **Montgomery County**, ACOE Philadelphia District.

To restore approximately 1.2 mile of the Andorra Creek’s floodplain and riparian Buffer to prevent streambank erosion within the channel and improve the water quality of the impaired watershed. The proposed work will impact 0.35 acre of wetland.

The site is located near Harts Lane and terminates near Spring Mill Park (Norristown, PA, Lat.: 40.0826; Long. -75.2602).

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

**E22-605: Dauphin County Board of Commissioners**, PO Box 1295, Harrisburg, PA 17108 in South Hanover Township and Hummelstown Borough, **Dauphin County**, U.S. Army Corps of Engineers Baltimore District.

To 1.) remove an existing structure; 2.) construct and maintain a 300.0-foot long, 34.67-foot wide three-span concrete spread box beam bridge with R-8 rip rap scour protection across Swatara Creek (WWF, MF) having an underclearance ranging from 4.3 feet to 14.2 feet; 3.) construct and maintain a gravel parking lot and geotextile boat ramp in the floodway of Swatara Creek (WWF, MF); and to install and maintain 1.) 82 feet of 24.0-inch diameter reinforced concrete pipe and R-6 rip rap scour protection; 2.) 34 feet of 24.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 3.) 35 feet of 18.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 4.) 57 feet of 24.0-inch diameter reinforced concrete pipe with R-6 rip rap scour protection; 5.) an 18.0-inch diameter reinforced concrete pipe outfall, all discharging to Swatara Creek (WWF, MF); and 6.) two temporary construction causeways in Swatara Creek (WWF, MF), all for the purpose of providing sustainable, safe and efficient crossing of Swatara Creek.

The project is located near the intersection of N. Duke Street and N. Railroad Street (Latitude: 40° 16' 14.1"N, Longitude 76° 42' 57.9"W) in South Hanover Township and Hummelstown Borough, Dauphin County.

The project is amended to include a full length causeway for construction and to provide and a crossing in case of an emergency.

**E06-700: PA Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18101 in Richmond Township & Fleetwood Borough, **Berks County**, U.S. Army Corps of Engineers Philadelphia District.

To remove existing structures and to install and maintain (1) a 42-inch diameter outfall to UNT Willow Creek (CWF, MF) and (2) one 29 x 45 inch and two 34 x 53 inch outfalls to Willow Creek (CWF, MF) along SR 0662 and SR 1010 in Richmond Township and Fleetwood Borough (Latitude: 40° 27' 19"; Longitude: -75° 49' 7.32"). The project proposes to impact 0.001 ac of Willow Creek and 0.03 ac of floodplain for the purpose of improving roadway drainage.

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

**E08-493. Pennsylvania Department of Transportation, Engineering District 3-0**, 715 Jordan Ave, Montoursville, PA 17754. SR 3018, Section 08M Storm Sewer Upgrade in the Borough of Towanda, **Bradford County**, ACOE Baltimore District (Towanda, PA Quad-range; Latitude: 41°45'57"; Longitude -76°26'53").

PA DOT Engineering District 3-0 proposes to upgrade a storm sewer in the Borough of Towanda. The storm sewer



will result in a new outfall to an unnamed tributary to the Susquehanna River. Currently storm water is flowing overland to the same location as the outfall. PA DOT proposes to install a 24-inch pipe with a 56 Ft x 28 Ft R-8 Rip Rap apron. A portion of the project is located within the Towanda Historic District. The outfall will not result in any impact to historic properties. The project will impact approximately 28 Ft of the Unnamed Tributary to the Susquehanna River stream bank. The project will not impact any jurisdictional wetlands. The unnamed tributary to the Susquehanna River is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards.

**E17-494. Pennsylvania Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0322, Section A04 Bridge Replacement over Laurel Run in Decatur Township, **Clearfield County**, ACOE Baltimore District (Wallaceton, PA Quadrangle; Latitude: 40° 55' 05"; Longitude -78° 15' 10").

PA DOT Engineering District 2-0 proposes to replace a two-span concrete T-beam bridge with a single span concrete bulb T-beam bridge on the existing horizontal and vertical alignment. The existing bridge has a total span of 61.25 Ft., a skew of 30 degrees, an under clearance of 1.48 Ft., and a low chord of 1,432.91 Ft. and a hydraulic opening of 116.7 Ft<sup>2</sup>. The proposed single span bridge has a span of 69.58 Ft., a skew of 30 degrees, an under clearance of 1.31 Ft., and a low chord of 1,432.96 Ft. and a hydraulic opening of 157.4 Ft<sup>2</sup>. The project will temporarily impact 0.77 acre and permanently impact 0.14 acre of jurisdictional wetlands. The wetland impact will be mitigated at the McPherron Wetland Bank. The project also proposes to temporarily impact 550 Ft of Unnamed Tributary during construction to accommodate traffic. Laurel Run is classified as a Cold Water Fishery by Title 25, Chapter 93 Water Quality Standards.

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

**E26-371, Church Communities of PA, Inc.**, 101 New Meadow Run Drive; Farmington, PA 15437, Wharton Township, **Fayette County**: ACOE Pittsburgh District.

The applicant is proposing to:

1. Operate and maintain riprap along both sides of an approximately 530 LF section of Deadman Run (Tributary of Meadow Run, HQ-CWF) and an approximately 720 LF section of an Unnamed Tributary of Deadman Run (Tributary of Meadow Run, HQ-CWF) from which sediment was previously removed;

2. Operate and maintain an 84" x 48" concrete box culvert within 40 LF of the unnamed tributary of Deadman Run, which replaced a previously existing dilapidated structure; and

3. Operate and maintain fill within an onstream pond that had been located on the unnamed tributary of Deadman Run.

This is an after-the-fact application for a project that was undertaken, in part, to alleviate flooding. The project is located approximately 0.3 mile southeast of the intersection of Route 40 and Route 381, in Wharton Township, Fayette County (Quadrangle: Fort Necessity; Latitude: 39° 48' 18"; Longitude: -79° 33' 37"; Sub-basin:19D; Chapter 93 Type: HQ-CWF).

**E63-675, Chapman Business Properties, LLC**, 100 Leetsdale Industrial Drive, Leetsdale, PA 15056, South Strabane Township, **Washington County**: ACOE Pittsburgh District.

The applicant is proposing to:

1. Place and maintain fill in 121 linear feet of an Unnamed Tributary (UNT) to Chartiers Creek (UNT 2) (WWF), with a drainage area of less than 100 acres and within 0.01 ac of wetland L along UNT 2;

2. Place and maintain fill in 85 linear feet of a UNT to Chartiers Creek (UNT 1) (WWF), with a drainage area of less than 100 acres;

3. Place and maintain fill in 125 linear feet of a UNT to Chartiers Creek (UNT 6) (WWF), with a drainage area of less than 100 acres;

4. Place and maintain fill in 400 linear feet of a UNT to Chartiers Creek (UNT 7) (WWF) with a drainage area of less than 100 acres;

5. Place and maintain fill in 0.01 acre of the floodway to Tributary 37078 to Chartiers Creek (WWF);

6. Construct and maintain an 80 foot long, 20 foot span, 9 foot clearance bridge over Tributary 37078 to Chartiers Creek (WWF) and over 0.01 acre of wetland G2 along Tributary 37078 to Chartiers Creek (WWF)

7. Place and maintain fill in 211 linear feet of a UNT to Chartiers Creek (UNT 5) (WWF), with a drainage area of less than 100 acres;

8. Construct and maintain a 98 linear foot, 36" reinforced concrete pipe culvert within Tributary 37084 to Chartiers Run (WWF)

9. Install a 6 inch sanitary sewer line underneath 70 linear feet of Tributary 37084 to Chartiers Creek (WWF);

10. Install a 12 inch waterline underneath 70 linear feet of Tributary 37084 to Chartiers Creek (WWF);

11. Install an 8" PVC sanitary line within 35 linear feet of the floodway to Tributary 37087 to Chartiers Creek (WWF);

For the purpose of developing commercial and light industrial lots, near the intersection of Racetrack Road and U.S. Route 19 (Washington Road) (Washington East PA USGS Topographic Quadrangle; Latitude: 40° 12' 57.67"; Longitude: -80° 12' 8.45"; Sub-basin: 20F; Chapter 93 Type: WWF), in South Strabane Township, Washington County. The project will permanently and cumulatively impact 1,190 linear feet of stream and 0.02 ac of wetland.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105*

**E4614-002, Township of Abington**, 1176 Old York Road, Abington, PA 19001, in Abington and Upper Dublin Townships, **Montgomery County**, U.S. Army Corps of Engineers, Philadelphia District.

To install a stormwater culvert and headwall that outlets into a box culvert located at the existing Commonwealth-constructed Upper Dublin Flood Protection Project. The flood protection project is located along an unnamed tributary to Sandy Run (TSF, MF), also known as the Ardsley Drainage Channel. The location of the project is at the upstream end of the flood protection project (Latitude 40° 7' 23"; Longitude: -75° 9' 21").

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

**E4129-100: Howard Energy Partners, LLC**, 512 Towne Plaza, Suite 120, Route 6, Tunkhannock, PA, 18657, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,284 square feet of an exceptional value palustrine emergent (EV-PEM) wetland and 78 linear feet of an unnamed tributary to Blockhouse Creek (Nauvoo, PA Quadrangle 41°32'44"N, 77°07'32"W);

2) A temporary road crossing using timber mats 3,582 square feet of a palustrine emergent (PEM) wetland (Nauvoo, PA Quadrangle 41°32'24"N, 77°07'43"W);

3) A 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 4 linear feet of an unnamed tributary to Blockhouse Creek (Nauvoo, PA Quadrangle 41°32'16"N, 77°07'33"W);

4) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 364 square feet of an exceptional value palustrine emergent and forested (EV-PEM/PFO) wetland and 40 linear feet of Blockhouse Creek (Liberty, PA Quadrangle 41°32'10"N, 77°07'24"W);

5) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 75 linear feet of an unnamed tributary to Blockhouse Creek (Liberty, PA Quadrangle 41°32'10"N, 77°07'00"W);

6) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 3,165 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'19"N, 77°05'18"W);

7) A temporary road crossing using timber mats impacting 187 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'18"N, 77°04'54"W);

8) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 6,764 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Liberty, PA Quadrangle 41°32'10"N, 77°04'40"W).

The project will result in 191 linear feet of temporary stream impacts, 16,346 square feet (0.38 acre) of temporary wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, **Tioga County**.

**E5929-048: Howard Energy Partners, LLC**, 512 Towne Plaza, Suite 120, Route 6, Tunkhannock, PA, 18657, Liberty Township, **Tioga County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 13,994 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'48"N, 77°09'05"W);

2) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter

natural gas pipeline, and a 16 inch diameter waterline impacting 4,915 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'37"N, 77°08'40"W);

3) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 5,129 square feet of an exceptional value palustrine forested (EV-PFO) wetland (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'07"W);

4) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 58 linear feet of Black Creek (CWF) (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'05"W);

5) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 2,524 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'29"N, 77°08'03"W);

6) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, a 20 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,085 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°33'25"N, 77°08'01"W);

7) A temporary road crossing using timber mats, a 16 inch diameter natural gas pipeline, and a 16 inch diameter waterline impacting 1,270 square feet of an exceptional value palustrine emergent (EV-PEM) wetland (Nauvoo, PA Quadrangle 41°32'55"N, 77°07'38"W);

The project will result in 58 linear feet of temporary stream impacts, 23,788 square feet (0.55 acre) of temporary wetland impacts, and 5,129 square feet (0.12 acre) of permanent wetland impacts all for the purpose of installing a natural gas gathering line in Liberty Township, Tioga County. The permittee will provide 0.33 acre of onsite compensatory wetland mitigation in Liberty Township, Tioga County.

*Northwest Region: Oil and Gas Program Manager, 230 Chestnut Street, Meadville, PA 16335; 814-332-6860*

**E24-08-008, Seneca Resources Corporation**, 5800 Corporate Drive Suite 300, Pittsburgh, PA 15237. Clarion River Heath Surface Water Withdrawal in Millstone Township, **Elk County**, Army Corps of Engineers Pittsburgh District (Sigel, PA Quadrangle N: 40.351330; W: -79.021843).

The applicant proposes to construct and maintain two (2) adjacent permanent freshwater intake structures in the wild and scenic portion of the Clarion River. Two parallel eight inch high density polyethylene buried waterlines will transfer the freshwater from the intakes to a nearby 40 by 48 foot pump station building. From the pump station, one 12 inch high density polyethylene buried waterline will transport the freshwater approximately 2.8 miles north to an existing freshwater impoundment and well pad. The water obstructions and encroachments in the Elk County portion of the project are described below:

To construct and maintain:

<i>Impact No.</i>	<i>Description of Impact</i>	<i>Latitude / Longitude</i>
1	Two (2) permanent partially buried intake structures and associated 8 inch HDPE buried waterlines in the wild and scenic portion of the Clarion River (CWF) having 77 linear feet of temporary impacts and 13 linear feet of permanent impacts.	41° 21' 04.75" -79° 01' 18.65"
2	One (1) 12" diameter HDPE buried waterline with associated right-of-way and a temporary road crossing to cross Cline Run (WT, CWF) having 53 linear feet of temporary stream impacts.	41° 21' 42.98" -79° 01' 20.97"
3	One (1) temporary road crossing in the floodway of UNT to Cline Run (WT, CWF) having 58 linear feet of temporary floodway impacts.	41° 21' 51.94" -79° 01' 22.48"
4	One (1) 12" diameter HDPE buried waterline with associated right-of-way and a temporary road crossing to cross UNT to Cline Run (WT, CWF) having 8 linear feet of temporary stream impacts.	41° 21' 04.75" -79° 01' 21.79"
5	One (1) temporary road crossing in the floodway of UNT to Cline Run (WT, CWF) having 82 linear feet of temporary floodway impacts.	41° 21' 53.56" -79° 01' 21.57"
6	One (1) 12" diameter HDPE buried waterline with associated right-of-way and a temporary road crossing to cross UNT to Cline Run (WT, CWF) having 128 linear feet of temporary stream impacts.	41° 21' 54.65" -79° 01' 21.50"
7	One (1) 12" diameter HDPE buried waterline with associated right-of-way and a temporary road crossing to cross UNT to Wyncoop Run (WT, HQ) and associated palustrine emergent wetland (PEM) (EV) having 1,250 square feet of temporary wetland impacts and 76 linear feet of temporary stream impact.	41° 22' 22.80" -79° 01' 24.24"
8	One (1) 12" diameter HDPE buried waterline with associated right-of-way and a temporary road crossing to cross UNT to Wyncoop Run (WT, HQ) having 78 linear feet of temporary stream impacts.	41° 22' 35.83" -79° 01' 25.52"
9	One (1) 12" diameter HDPE buried waterline with associated right-of-way to cross UNT to Wyncoop Run (WT, HQ) having 94 linear feet of temporary stream impacts.	41° 23' 05.88" -79° 01' 24.31"

In Elk County, the project will result in a total of 506 linear feet of temporary stream impacts, 13 linear feet of permanent impacts and 0.02 acre of temporary wetland impacts.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA62-051, USDA Forest Service, Allegheny National Forest**, 4 Farm Colony Drive, Warren, PA 16365. Tionesta Creek Restoration—Pre-project Testing, in Sheffield Township, **Warren County** and Howe Township, **Forest County**, ACOE Pittsburgh District (Sheffield and Lynch, PA Quadrangles N: 41°, 37', 38.62"; W: 79°, 02', 15.72").

The US Forest Service proposes to excavate 7 holes along Tionesta Creek to evaluate the depth to bedrock. This information is needed to design engineered wood structures that are proposed as part of an aquatic habitat improvement project that will be authorized separately. The test pits will temporarily disturb up to 210 square feet of Tionesta Creek, and substrate will be restored to original contours upon completion of the tests. Six test locations are proposed in Sheffield Township, Warren County, and 1 in Howe Township, Forest County.

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### ACTIONS

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

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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or Amendment
Section III	WQM	Industrial, Sewage or Animal Wastes; Discharges to Groundwater
Section IV	NPDES	MS4 Individual Permit



<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
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**

*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>
PA0043567—SEW	York Springs Municipal Authority 311 Main Street PO Box 222 York Springs, PA 17372	Adams County/ Huntingdon Township	Gardner Run/7-F	Y
PA0021644—SEW	Dover Borough 46 Butter Road Dover, PA 17315	York County/ Dover Borough	Fox Run/7-F	Y

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

<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>
PA0209694 (Sewage)	Sherwood Retirement & Personal Care Home 3995 Route 414 Canton, PA 17724	Bradford County Canton Township	Alba Creek (4-C)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0097756	Highland Sewer & Water Authority Beaverdam Res Shawnee Road Sidman, PA 15955	Cambria County Summerhill Township	18-E	Y
PA0216186 (Sewage)	Mining Technology & Training Center STP 197 Dunn Station Road Prosperity, PA 15329-1625	Greene County Washington Township	Ruff Creek (19-B)	Y
PA0255009 (Sewage)	Flight 93 National Memorial 278 Park Headquarters Road Stoystown, PA 15563	Somerset County Stonycreek Township	Lamberts Run (18-E)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0045039 (Sewage)	Oil Creek State Park 305 State Park Road Oil City, PA 16301-9733	Venango County Cornplanter Township	Oil Creek (16-E)	Y
PA0222798 (Sewage)	Westline Inn 15 El Day Drive Westline, PA 16740-2821	McKean County Lafayette Township	Unnamed tributary to Kinzuza Creek (16-B)	Y
PA0239071 (Sewage)	Exit 60 Sewerage I-80 Exit 60 State Route 66 North Clarion, PA 16214	Clarion County Paint Township	Unnamed Tributary to Clarion River (17-B)	Y

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

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

**NPDES Permit No. PA0058629**, Industrial, **Jamison's Used Auto Parts**, 529 Flint Hill Road, King of Prussia, PA 19406.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: To discharge from a facility known as Jamison's Used Auto Parts to Unnamed Tributary to the Schuylkill River in Watershed(s) 3-F.

**NPDES Permit No. PA0012629**, Industrial, Amendment 2, **Philadelphia Energy Solutions (Refining and Marketing), LLC.**, 3144 W. Passyunk Avenue, Philadelphia, PA 19145-5208.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: To discharge from a facility known as Point Breeze Processing Area to Schuylkill River in Watershed(s) 3-F.

**NPDES Permit No. PA0011533**, Industrial, Amendment 1, **Philadelphia Energy Solutions (Refining and Marketing), LLC.**, 3144 W. Passyunk Avenue, Philadelphia, PA 19145-5208.

This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: To discharge from a facility known as Girard Point Processing Area to Schuylkill River in Watershed(s) 3-F.

**NPDES Permit No. PA0058211**, Industrial, **Real Property Operations, a series of Evergreen Resources Group, LLC.**, 2 Righter Parkway, Suite 200, Wilmington, DE 19803.

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

Description of Action/Activity: To discharge from a facility known as Read Boyd Farm to Marcus Hook Creek in Watershed(s) 3-G.

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

**NPDES Permit No. PA0275778**, Stormwater, SIC Code 3081, **Transilwrap Company, Inc.**, 146 North Commerce Way, Bethlehem, PA 18017.

This facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of stormwater.

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

**NPDES Permit No. PA0266078**, CAFO, **Robbie & Danyell Dickinson Farm**, 199 West McKinleyville Road, Hustontown, PA 17229.

This proposed facility is located in Taylor Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to operate a 341.42 AEUs with discharge to Watershed 12-C.

**NPDES Permit No. PA0266108**, Industrial Waste, **Transcontinental Gas Pipe Line Company, LLC**, (Rock Springs Expansion Project MP 5.5) 2800 Post Oak Blvd., Houston, TX 77056.

This proposed facility is located in Fulton Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Peters Creek in Watershed 7-K.

**NPDES Permit No. PA0262137**, Sewerage, **P.C.S. Chadaga, Log Cabin Court Mobile Home Park**, 123 Gilpin Drive, West Chester, PA 19382.

This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Conestoga River in Watershed 7-J.



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

**NPDES Permit No. PA0034576**, Sewage, SIC Code 4952, **Towanda Borough Municipal Authority Bradford County**, 724 Main Street, Towanda, PA 18848-1616.

This existing facility is located in Towanda Borough, **Bradford County**.

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

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

**NPDES Permit No. PA0254975**, SIC Code 8811, **Mark Skuse**, 131 Brewer Road, Freedom, PA 15042.

This proposed facility is located in New Sewickley Township, **Beaver County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sanitary sewage.

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

**NPDES Permit No. PA0273112**, SIC Code 8800, **Bruce A. Miller**, 106 Albert Drive, Prospect, PA 16052.

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

Description of Proposed Action/Activity: Issuance of an NPDES Permit for a new discharge of treated sewage.

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

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

**WQM Permit No. 0900407**, Sewage, Transfer, **Christopher Curtis**, 1071 Old Bethlehem Road, Quakertown, PA 18951.

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

Description of Action/Activity: Permit transfer for a single residence sewage treatment plant from Lon Moyer to Christopher Curtis.

**WQM Permit No. 1598404**, Sewage, Amendment 2, **Spring City Borough**, 6 South Church Street, Spring City, PA 19475-1809.

This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Modifications to existing trickling filters, new aerobic digester, installation of ballasted flow clarification process, replacement of existing chlorine disinfection with UV disinfection system.

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

**WQM Permit No. 4815402**, Sewage, SIC Code 4952, **Lower Nazareth Township**, 306 Butztown Road, Bethlehem, PA 18020.

This proposed facility is located in Lower Nazareth Township, **Northampton County**.

Description of Proposed Action/Activity: This permit is for a public sewer extension project, known as Hanoverville Road Sewer Service Area Expansion, consisting of approximately 4,275 LF of 3-inch low pressure sewers (LPS) and approximately 1,700 LF of 2-inch LPS to serve commercial and residential properties along Township Road T437 (Hanoverville Road). The project begins at Township Line Road and continues east to a point approximately 0.25 mile past the intersection of Township Road T435 (Keystone Drive). The design flow used to size the proposed sewer extension is approximately 23,250 gpd from 93 EDUs which will be conveyed by Hanover Township owned sewers to the City of Bethlehem wastewater treatment plant for treatment and disposal. Connections to the sewers are prohibited until inter-municipal agreements have been executed and written approval is obtained from the Department.

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

**WQM Permit No. 3614405**, Sewerage, **P.C.S. Chadaga**, **Log Cabin Court Mobile Home Park**, 123 Gilpin Drive, West Chester, PA 19382.

This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: This permit approves the construction/operation of sewerage facilities consisting of: Gravity sewer for the proposed mobile homes, a collection system pumping station, an influent pumping station, an equalization tank, BESST system, clarification, pressurized multimedia filters, UV disinfection, sludge holding, a control building, and an effluent pump station and force main with discharge to an unnamed tributary to Conewago Creek.

**WQM Permit No. 2299404, Amendment No. 3**, Sewerage, **Middletown Borough**, 60 West Emaus Street, Middletown, PA 17057.

This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: This permit approves modifications of sewage facilities consisting of: Replacement of the existing disinfection system with a 12.5% aqueous sodium hypochlorite system.

**WQM Permit No. 6715407**, Sewerage, **Fairview Township**, (North STP) 599 Lewisberry Road, New Cumberland, PA 17070-2510.

This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: This permit approves the construction of sewage facilities consisting of: Construction of collection and conveyance system in Fairview Farms area to serve 222 existing homes. Fairview Township Building and the Township's Roof Park. The project will include construction of four new pump stations.

**WQM Permit No. 2815201**, CAFO, **Leshers Poultry Farm, Inc.**, 1153 Swamp Fox Road, Chambersburg, PA 17202-8865.

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

Description of Proposed Action/Activity: This permit approves the construction/operation of manure storage facilities consisting of: A circular concrete storage facility that is approximately 135' x 14' deep. The useable storage capacity at a 2-foot freeboard is 1,284,814 gallons. Including the 100-year, 24-hour storm of (6.90-inches) 135,655 gallons of direct rainfall, 450,296 gallons of runoff, and 473,593 gallons (21.79-inches) annual rainfall and subtracting for evaporation, the effective capacity will be 225,270 gallons. This capacity would offer 7.5 months' worth of storage left for the egg wash water. A perimeter/leak detection system will be installed.

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

**WQM Permit No. 0379404 A-3**, Sewage, SIC Code 4952, **West Hills Area Water Pollution Control Authority**, 257 Linde Road, Kittanning, PA 16201.

This existing facility is located in North Buffalo Township, **Armstrong County**.

Description of Proposed Action/Activity: Construction/Modification of facilities to handle excessive wet weather flows in the collection system, at the wastewater treatment plant and at the Glade Run, Maple Lane and Applewold pump stations.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department's review of the Water Quality Management (Part II) Permit has not identified any significant environmental impacts resulting from this proposal.

**WQM Permit No. 6371406**, Sewage, SIC Code 4952, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314-1537.

This existing facility is located in Fallowfield Township, **Washington County**.

Description of Proposed Action/Activity: Construction of a dechlorination system at the existing Pigeon Creek Sanitary Authority Sewage Treatment Plant.

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

**WQM Permit No. 1015402**, Sewage, **Bruce A. Miller**, 106 Albert Drive, Prospect, PA 16052.

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

Description of Proposed Action/Activity: Single Residence Sewage Treatment Plant.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010915005	Worthington and Shagen Custom Builder, Inc. 1108 Wrightstown Road Newtown, PA 18940	Bucks	Solebury Township	Aquetong Creek HQ-CWF-MF
PAI011505043-R1	The Hankin Group 707 Eagleview Boulevard P.O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Unnamed Tributary to Valley Creek CWF-MF Shamona Creek HQ
PAI012315008	PECO, an Exelon Company 2301 Market Street, S7-2 Philadelphia, PA 19101	Delaware	Lower Chichester Township and Trainer Borough	Naamans Creek WWF-MF Marcus Hook Creek WWF-MF
PAI012315005	Monroe Energy, LLC 4101 Post Road Trainer, PA 19061	Delaware	Trainer Borough	Stoney Creek WWF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI014615002	901 Washington Partners, LP 55 Country Club Drive Suite 200 Downingtown, PA 19335	Montgomery	Whitemarsh Township	Schuylkill River WWF-MF
PAI015115001	Trustees of the University of Pennsylvania 3101 Walnut Street Philadelphia, PA 19104	Philadelphia	City of Philadelphia	Schuylkill River WWF-MF
PAI015114015	Hanover RS Limited Partnership 7901 Westpark Drive, Suite 99 McLean, VA 22102	Philadelphia	City of Philadelphia	Lower Schuylkill River WWF-MF Delaware River WWF-MF
PAI015115002	Franklin Towne Charter High School 5301 Tacony Street P.O. Box 310 Philadelphia, PA 19137	Philadelphia	City of Philadelphia	Frankford Creek WWF

*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>
PAI041415005	P R Properties Partnership 1042 E. Springfield Dr Bellefonte, PA 16823-8284	Centre	Marion & Walker Townships	Little Fishing Creek HQ-CWF
PAI041415008	Michael R. Lorenz 24 Christian Ln Cherry Hill, NJ 08002	Centre	Marion Township	Cedar Run HQ-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>
PAI056514002	Courtesy Suzuki Land Holdings, LP 13339 Route 30 North Huntingdon, PA 15642	Westmoreland County	North Huntingdon Township	UNT to Long Run (HQ-TSF)

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

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

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

PAG-1	General Permit for Discharges from Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges from Small Flow Treatment Facilities
PAG-5	General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Non-Exceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharges from Hydrostatic Testing of Tanks and Pipelines

PAG-11	General Permit for Discharges from Aquatic Animal Production Facilities
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)
PAG-14	(To Be Announced)
PAG-15	General Permit for Discharges from the Application of Pesticides

*General Permit Type—PAG-02*

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

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedminster Township Bucks County	PAG02000915018	TKC CLXVI, LLC 5935 Carnegie Boulevard Suite 200 Charlotte, NC 28209	Unnamed Tributary to Cabin Run CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG02000915020	Underland Holding LLP 5903 Michael Drive Bensalem, PA 19020	Tributary to Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Milford & Lower Milford Townships Bucks County	PAG02000915021	Community Baptist Church 50 East Paletown Road Quakertown, PA 18951	Unnamed Tributary to Macoby Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG02000913070(1)	Georgiana S. Coles 2335 Hollcong Road Hollcong, PA 18928	Watson Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bedminster Township Bucks County	PAG02000915029	Brian Kaczinski 485 Perry Auger Road Upper Black Eddy, PA 18972	Unnamed Tributary to Lake Nockamixon TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Makefield Township Bucks County	PAG02000914026(1)	Zaveta Excavation, LLC 4030 Skyron Drive, Suite H Doylestown, PA 18902	Houghs Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bensalem Township Bucks County	PAG02000914069	LBD Enterprises 1205 Park Road Bensalem, PA 19020	Unnamed Tributary to Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Warwick Township Bucks County	PAG02000915058	Prime Development Group, LP 350 South Main Street Suite 307 Doylestown, PA 18901	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Chalfont Borough Bucks County	PAG02000915054	JERC Partners XXV 171 State Route 173, Suite 201 Ashbury, NJ 08802	West Branch Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Southampton Township Bucks County	PAG02000915051	County Builders, Inc. 76 Griffithes Miles Circle Warminster, PA 18974	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Bristol Township Bucks County	PAG02000915032	Waste Management of Pennsylvania 1224 Hayes Boulevard Bristol, PA 19007	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG02001515025	East Fallowfield Township 2264 Strasburg Road East Fallowfield, PA 19320	Dennis Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



## NOTICES

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<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>
Tredyffrin Township Chester County	PAG02001515033	Tredyffrin/Easttown School District 940 West Valley Road Suite 1700 Wayne, PA 19087	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Fallowfield Township Chester County	PAG02001515031	Matthew Walton 42 Walton Drive Cochranville, PA 19330	Unnamed Tributary to Knight Run/Knight Run TSF/TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Easttown Township Chester County	PAG02001515030	Martyn Donald, Property Owner 168 Sycamore Lane Phoenixville, PA 19460	Darby Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
London Grove Township Chester County	PAG02001515012	London Grove Township 372 Rose Hill Road West Grove, PA 19390	Unnamed Tributary to East Branch White Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Pocopson Township Chester County	PAG02001515024	Dr. Susan B. Ward 666 Exton Commons Exton, PA 19341	West Branch Brandywine Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
		Co-Applicant: Dr. Gary Wingate 1197 Saint Andrews Lane West Chester, PA 19382		
Pennsbury Township Chester County	PAG02001515029	Anthony B. Dambro, Jr. 737 North Brook Road Kennett Square, PA 19348	West Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
West Sadsbury Township Chester County	PAG02001515017	Donald Kauffman 2775 South Black Horse Road Parkesburg, PA 19365	Officers Run & Unnamed Tributary to Officers Run TSF/TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Londonderry Township Chester County	PAG02001515026	Anthony B. Dambro, Jr. 737 North Brook Road Kennett Square, PA 19348	Doe Run & Middle Branch White Clay Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Highland Township Chester County	PAG02001515016	Terry Muto 203 Wilson Road Coatesville, PA 19320	Doe Run to West Branch Brandywine Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord and Thronbury Townships Delaware County	PAG02002314006	PENNDOT District 6.0 7000 Geerdees Boulevard King of Prussia, PA 19406	Webb Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Marple Township Delaware County	PAG02002315005	Marple Township 227 S. Sproul Road Broomall, PA 19008	Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Concord Township Delaware County	PAG02002315019	Brinton Land Development Assoc, LP 33 Rock Hill Road, Suite 200 Bala Cynwyd, PA 19004	West Branch of Chester Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<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>
Brookhaven Borough Delaware County	PAG02002315018	Chester Water Authority 415 Welsh Street Chester, PA 19013	Chester Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG02002315008	Haverford Township 2325 Darby Road Havertown, AP 19083	Naylor's Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Media Borough Delaware County	PAG02002315016	Commonwealth Real Estate Investors 260 East Baltimore Pike Media, PA 19063	Crum Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Cheltenham Township Montgomery County	PAG02004614089	Cheltenham Township 8230 Old York Road Elkins Park, PA 19027	Tookany Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Gwynedd Township Montgomery County	PAG02004615033	Steven Mongiardo P.O. Box 4, WP20-205 770 Sumneytown Pike West Point, PA 19486	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plymouth Township Montgomery County	PAG02004607100R(7)	Pennsylvania Turnpike 700 S. Eisenhower Boulevard Middletown, PA 17057	Plymouth Creek, Sawmill Run, Stony Creek TSF-WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG02004615060	Hazardous Sites Cleanup Act Program (HSCA) PA DEP 2 East Main Street Norristown, PA 19401	Park Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Franconia Township Montgomery County	PAG02004615038	JBS USA, LLC 249 Allentown Road Souderton, PA 18964	Unnamed Tributary TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG02004614012(4)	Providence Corporate Center, LP 100 Springhouse Drive Suite 205 Collegeville, PA 19426	Doe Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511511	Mark Nicoletti 100 Ross Road King of Prussia, PA 19406	Darby-Cobbs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511436	Philadelphia Harbison, L.P. 201A Berlin Road Cherry Hill, NJ 08034	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511415	Philadelphia Housing Authority 3100 Penrose Ferry Road Philadelphia, PA 19145	Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511434	Department of Military & Veterans Affairs Building 0-10, Fort Indiantown Gap Annville, PA 17003-5002	Poquessing Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Plains Township Luzerne County	PAG02004015016	Millennium Holdings IV, LLC Steven Ubaldini P. O. Box 1308 Kingston, PA 18704	Mill Creek (CWF, MF)	Luzerne Conservation District 570-674-7991
Dallas Borough Luzerne County	PAG02004014032	PennDOT District 4-0 Susan Hazleton, P.E. 55 Keystone Industrial Park Dunmore, PA 18512	Toby Creek (CWF, MF)	Luzerne Conservation District 570-674-7991

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

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Douglass Township Berks County	PAG02000615014 Issued	Telvil Corporation 528 Main Street Harleysville, PA 19438	UNT to Schuylkill River/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Centre Township Berks County	PAG02000615043 Issued	Lee Schlappich 1359 Main Street, Mohrsville, PA 19541	Irish Creek/ WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Bern Township Berks County	PAG02000615042 Issued	Empire Services 14 Clarion Street Reading, PA 19601	Plum Creek/ WWF, MF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
South Heidelberg Township Berks County	PAG02000615046 Issued	Lorimich IV, LLC 15 Old Swede Road Douglassville, PA 19518	Little Cacoosing Creek/WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657
Silver Spring Township Cumberland County	PAG02002115023 Issued	Team Rahal 6696 Carlisle Pike Mechanicsburg, PA 17050	Hogestown Run/ CWF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Silver Spring Township Cumberland County	PAG02002115022 Issued	Penn State University/ Penn State Hershey Medical Group 139J Physical Plant Building University Park, PA 16802	Conodoguinet Creek/ WWF, MF	Cumberland County Conservation District 310 Allen Road, Suite 301 Carlisle, PA 17013 717-240-5359
Lower Swatara Township and Londonderry Township Dauphin County	PAG02002214016 Issued	PA DOT 2140 Herr Street Harrisburg, PA 17103	Laurel Run/WWF; Susquehanna River/ WWF; Swatara Creek/WWF; Iron Run/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100

<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>
East Hanover Township Dauphin County	PAG02002214037-1 Issued	PA Dept. of General Services 18th & Herr Streets Harrisburg, PA 17125	Bow Creek/WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Centre Township Perry County	PAG02035015007 Issued	Timothy A. Mulhollem PO Box 508 New Bloomfield, PA 17068	Trout Run/CWF	Perry County Conservation District 31 West Main Street PO Box 36 New Bloomfield, PA 17068 717-582-5119
Dover Township York County	PAG02006715002 Issued	Terra Vista Associates, LLC 474 Mt. Sidney Road Lancaster, PA 17602	UNT to Fox Run/ TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
York Township York County	PAG02006715066 Issued	Timothy F. Pasch 2645 Carnegie Road York, PA 17402	Mill Creek/CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manchester Township York County	PAG02006715059 Issued	SB Busser, LLC 325 Busser Road York, PA 17406	UNT to Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Manchester Township York County	PAG02006715028 Issued	D-C Realty, LP 2295 Susquehanna Trail North York, PA 17404	UNT to Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
Monaghan Township York County	PAG02006715007 Issued	Land Market, Inc. PO Box 1064 Mechanicsburg, PA 17055	UNT to Fishers Run/ CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430
York Township York County	PAG02006715027 Issued	Springwood Development Corporation 146 Pine Grove Circle, Suite 200 York, PA 17403	UNT to Tyler Run/ WWF and Codorus Creek/WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 717-840-7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570.327.3636*

<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>
Spring Township	PAG02001415013	Allen Witherite 324 E. College Ave Pleasant Gap, PA 16823	UNT to Logan Branch, CWF	Centre County Conservation District 414 Holmes Ave Ste 4 Bellefonte, PA 16823 (814) 355-6817
Deerfield Township	PAG 02005915005	Thomas D. Clemens 2700 Clemens Rd Hatfield, PA 19440	UNT to Yarnell Brook, WWF UNT to Cowanesque River, WWF	
Bloom Township	PAG 02001715006	Pike Township Bigler's Run 4.0 P O Box 219 Curwensville, PA 1683	Bigler's Run CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield, PA 16830 (814) 765-2629



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>
Potter Township Beaver County	PAG02000415007	Weavertown Environmental Group 87 Montgomery Dam Road Monaca, PA 15061	Ohio River (WWF, N)	Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701
Big Beaver Borough Beaver County	PAG0200415008	Beaver County Corporation for Economic Development 250 Insurance Street Beaver, PA 15009	Beaver River (WWF)	Beaver County Conservation District, 156 Cowpath Road, Aliquippa, PA 15001 (724) 378-1701
Georges Township Fayette County	PAG02002614013	Borough of Fairchance 125 West Church Street Fairchance, PA 15436	Askon Hollow Run (WWF)	Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456 (724) 438-4497
Windber Borough Somerset County	PAG02005615002	Windber Borough 1401 Graham Avenue Windber, PA 15963	UNTB to Paint Creek (CWF); Seese Run (CWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
Black Township Somerset County	PAG02005615003	Pennsylvania Department of General Services, Second Floor, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125	UNTB to Coxes Creek (WWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
Somerset Township Somerset County	PAG02005615004	Buckeye Community Hope Foundation, 3021 East Dublin-Granville Road, Columbus, OH 43221	East Branch of Coxes Creek (WWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
Allegheny Township Somerset County	PAG02005615005	Independence Excavating, Inc., 5720 Schaaf Road, Independence, OH 44131	UNTB to Raystown Branch of the Juniata (CWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
Jenner Township Somerset County	PAG02005615006	Somerset County General Authority, 300 North Center Avenue, Suite 500, Somerset, PA 15501	UNTB to Quemahoning Creek (CWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652

<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>
Summit Township Somerset County	PAG02005615010	Meyersdale Storage, LLC 700 Universe Boulevard Juno Beach, FL 33408	UNTB to Casselman River (CWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
Summit Township Somerset County	PAG02005615010	Meyersdale Storage, LLC 700 Universe Boulevard Juno Beach, FL 33408	UNTB to Casselman River (CWF)	Somerset County Conservation District, Somerset County Ag Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501 (814) 445-4652
South Strabane Township Washington County	PAG02006315030	Pennsylvania American Water, 300 Galley Road, McMurray, PA 15317	UNT to Chartiers Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Hanover Township Washington County	PAG02006315037	Samuel and Son Seafood 3400 South Lawrence Street Philadelphia, PA 19148	Raccoon Creek (WWF)	Washington County Conservation District, Suite 105, 2800 North Main Street, Washington, PA 15301 (724) 705-7098
Jefferson Township Mercer County	PAG02001015028	Iron Mountain Information Management LLC Attn: Mr. Dionysius Annines 1137 Branchton Raod Boyer, PA 16020	UNT Slippery Rock Creek CWF	Butler County Conservation District 724-284-5270
Millcreek Township Erie County	PAG02002515013	Westminister Place Partnership 2601 West 26th Street Erie, PA 16506	Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Summit Township Erie County	PAG02002515018	Scott's Development Company 2225 Downs Drive Erie, PA 16509	UNT Walnut Creek CWF; MF	Erie County Conservation District 814-825-6403
Jefferson Township Mercer County	PAG02004315012	Nubridge Development 500 500 Clarksville Road Hermitage, PA 16148	UNT Magargee Run	Mercer County Conservation District 724-662-2242

*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>
Folcroft Borough Delaware County	PAG030037	Cork Ind Inc. 500 Kaiser Drive Folcroft, PA 19032	Hermesprota Creek—3G	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Whitpain Township Montgomery County	PAG030035	Wings Fld Preservation Assoc LP 1501 Narcissa Road Blue Bell, PA 19422	Unnamed Tributary to Prophecy Creek— 3-F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970

## NOTICES

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<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Philadelphia City Philadelphia County	PAR600112	Arca Advanced Proc LLC 4301 N Delaware Ave., Unit B Philadelphia, PA 19137	Frankford Creek— 3-J	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
South Coatesville Borough Chester County	PAR600113	Sms Mill Service Coatesville LLC P.O. Box 2859 Chesterton, IN 46304	West Branch Brandywine Creek—3-H	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
West Nottingham Township Chester County	PAR210037	New Enterprise Stone & Lime Co. Inc. DbA Martin Limestone Inc. PO Box 550 Blue Ball, PA 17506-0550	UNT to North East Creek 7-K	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Philadelphia City Philadelphia County	PAR800138	DHL Express USA Inc. 236 Wendell H Ford Boulevard Erlanger, KY 41018	UNT to Schulykill River & UNT to Mill Creek 3-F	Southeast Region Clean Water Program 2 E Main Street Norristown, PA 19401 484.250.5970
Hazle Township Luzerne County	PAR142210	International Paper 533 Forest Road Hazleton, PA 18202	Tomhicken Creek— 5-E	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511
Decatur Township Clearfield County (Industrial Stormwater)	PAG034823	CMP Energy Inc. P.O. Box 669 2719 Walton Street Philipsburg, PA 16866-0669	Laurel Run—8-D	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Bell Township Clearfield County	PAG034825	Keister Miller Investments LLC 204 Miller Road Mahaffey, PA 15757-7231	Unnamed Tributary to West Branch Susquehanna River—8-B	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530
Portage Township Cambria County	PAR606163	Portage Auto Wreckers 3740 Portage Street Portage, PA 15946-6541	Little Conemaugh River—18-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
East Franklin Township Armstrong County	PAR606131	Lucchetti Auto Inc. 126 Main Street Kittanning, PA 16201	Unnamed Tributary to Allegheny River— 17-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Hanover Township Washington County	PAR606118	Grubbs Auto Wrecking 1279 Rt 18 Burgettstown, PA 15021	Aunt Clara Fork Kings Creek—20-D	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

<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>
Latrobe Borough Westmoreland County	PAR806271	First Student, Inc. 110 Perimeter Park, Suite E Knoxville, TN 37922	Monastery Run— 18-C	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Johnstown City Cambria County	PAR126105	Pepsi Beverages Company 167 Allenbill Drive Johnstown, PA 15904	Stoney Creek—18E CWF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000
Bradford Township McKean County	PAG038323	Schlumberger Tech Corp 95 Rutherford Run Bradford, PA 16701	Rutherford Run— 16-C	DEP Northwest Regional Office Clean Water Program 230 Chestnut Street, Meadville, PA 16335-3481 814.332.6942

*General Permit Type—PAG-04*

<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>
Rayne Township Indiana County	PAG046454	LCT Energy LP 938 Mount Airy Drive Suite 200 Johnstown, PA 15904	Rayne Run—17-E	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-05*

<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>
Shaler Township Allegheny County	PAG056257	Glenshaw Sunoco LP 1357 Cathell Road Pittsburgh, PA 15236	Pine Creek—18-A TSF	DEP Southwest Regional Office Clean Water Program 400 Waterfront Drive, Pittsburgh, PA 15222-4745 412.442.4000

*General Permit Type—PAG-08*

<i>Facility Location Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Media Borough Delaware County	PAG080017	Aqua Pennsylvania Wastewater Inc. 762 Lancaster Avenue Bryn Mawr, PA 19010	Media WWTP Media, PA	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Souderton Borough Montgomery County	PAG080021	Souderton Borough 31 West Summit Street Souderton, PA 18964	Souderton WWTP Souderton, PA	Southeast Region Clean Water Program 2 E. Main Street Norristown, PA 19401 484.250.5970
Lawrence Township, Clearfield County	PAG084817	Clearfield Municipal Authority, 107 East Market Street, Clearfield, PA 16830-2405	Clearfield Municipal Authority Treatment Plant Lawrence Township, Clearfield County	DEP Northcentral Regional Office Clean Water Program 208 W Third Street Suite 101, Williamsport, PA 17701-6448 570.327.0530



*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Site Name &  
Location**Contact Office &  
Phone No.*Center Township  
Snyder County

PAG094841

Zooks Liquid  
Hauling, LLC  
3493 Middle Road  
Middleburg, PA 17842NOB Farm  
Center Township,  
Snyder CountyDEP Northcentral  
Regional Office  
Clean Water Program  
208 W Third Street  
Suite 101,  
Williamsport, PA  
17701-6448  
570.327.0530*General Permit Type—PAG-12**Facility Location &  
Municipality**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Fulton County/  
Bethel Township

PAG123807

White Oak Hollow  
Farms, LLC  
766 White Oak Hollow  
Road  
Warfordsburg, PA  
17267-8562UNT White Oak  
Run/TSFDEP—SCRO—  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110  
717-705-4707*General Permit Type—PAG-13**Facility Location  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Doylestown  
Borough  
Bucks County

PAG130111

Bucks County  
Neshaminy Manor  
Center Route 611 &  
Almshouse Road  
Doylestown, PA 18901Brock Creek, Core  
Creek, Delaware  
River, Mill Creek,  
Neshaminy Creek  
and Queen Anne  
Creek—2-E, 2-F and  
3-JSoutheast Region  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970Norristown Borough  
Montgomery County

PAG130179

Montgomery County  
PO Box 311  
Norristown, PA 19404East Branch  
Perkiomen Creek,  
Macoby Creek,  
Manatawny Creek,  
Mill Creek, Park  
Creek, Pennypack  
Creek, Perkiomen  
Creek, Schuylkill  
River, Skippack  
Creek, Stony Creek,  
Swamp Creek,  
Tacony Creek,  
Indian Creek,  
Wissahickon Creek,  
West Branch  
Neshaminy Creek,  
West Branch  
Perkiomen Creek  
and Wissahickon  
Creek—2-F, 3-D, 3-E,  
3-F and 3-JSoutheast Region  
Clean Water Program  
2 E Main Street  
Norristown, PA 19401  
484.250.5970Rose Valley  
Borough  
Delaware County

PAG130173

Rose Valley Borough  
Delaware County  
P.O. Box 198  
Rose Valley, PA 19065Ridley Creek and  
Vernon Run—3-GSoutheast Region  
Clean Water Program  
2 E Main Street,  
Norristown, PA 19401  
484.250.5970

**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>
Richard Buser 49 Buser Farm Lane York, PA 17406	York	146	1,009.96	Swine	NA	Approved
Franklin Family Farms McClay's Farm Mark Bricker 419 West High Street Elizabethtown, PA 17022	Franklin	7.5 0 avail. for manure	639.29	Swine	NA	Approved
Greystone Pork Farm Eldwin Martin 12950 Forge Rd. Mercersburg, PA 17236	Franklin	450	742.9	Swine	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**

*Southeast Region: Water Supply Management Program Manager, 2 East Main Street, Norristown, PA 19401*

**Operations Permit #1515502** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010, [(PWSID)] East Marborough Township, **Ches-ter County** on September 10, 2015 for the operation of existing Willowdale Well #6.

**Operations Permit #1515528** issued to: **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010 [(PWSID)] Tredyffrin Township, **Chester County** on September 4, 2015 for the operation of Grid Bee Mixer and Floating Spray Nozzle facilities approved under construction permit #1515528.

**Operations Permit #1515529** issued to: **North Coventry Water Authority**, P.O. Box 394, Pottstown, PA 19464, [(PWSID)] North Coventry Township, **Chester County** on September 14, 2015 for the operation of replacement Booster Pumps at the River Road Booster Pump Station facilities approved under construction permit #1514506.

**Permit No. 4615514, Minor Amendment.** Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hershey Park Drive Hershey, PA 17033
Township	Norristown
County	<b>Montgomery</b>
Type of Facility	PWS
Consulting Engineer	Pennsylvania American Water Company 800 West Hershey Park Drive Hershey, PA 17033
Permit to Construct Issued	September 11, 2015

**Permit No. 1515526, Minor Amendment.** Public Water Supply.

Applicant	<b>Scotts</b> 311 Reedville Road Oxford, PA 19363
Township	Lower Oxford
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Cedarville Engineering Group, LLC 1033 South Hanover Street Suite 300 North Coventry, PA 19465
Permit to Operate Issued	September 4, 2015

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

**Permit No. 2520062 Operations**, Public Water Supply.

Applicant	<b>PA American Water</b> 800 W. Hershey Park Drive Hershey, PA 17033
[Township or Borough]	Middle Smithfield Township <b>Monroe County</b>
Responsible Official	Mr. David Kaufman Vice President-Engineering
Type of Facility	Public Water Supply (Saw Creek Pump Station)
Consulting Engineer	Mr. Jeremy Nelson, PE PA American Water 800 W. Hershey Park Drive Hershey, PA 17033
Permit to Issued	08/21/2015

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

**Permit No. 2215504 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Borough of Middletown</b>
Municipality	Middletown Borough
County	<b>Dauphin</b>
Responsible Official	Tim Konek, Borough Manager 60 West Emaus Street Middletown, PA 17057
Type of Facility	Conversion of gas chlorination to sodium hypochlorite disinfection at Entry Point Nos. 103, 104 and 105.
Consulting Engineer	Joshua T. Fox, P.E. Herbert, Rowland & Grubic, Inc. 369 East Park Drive Harrisburg, PA 17111
Permit to Construct Issued	9/10/2015

**Permit No. 3615511 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>East Cocalico Township Authority</b>
Municipality	East Cocalico Township
County	<b>Lancaster</b>
Responsible Official	Terry W. Reber, Authority Administrator 102 Hill Road Denver, PA 17517
Type of Facility	Installation of a tank mixing system in the Pfautz Hill storage tank
Consulting Engineer	Rachael A. Kirkham, P.E. CDM Smith 205 Granite Run Drive Lancaster, PA 17601
Permit to Construct Issued	9/10/2015

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

**Permit No 1714504-MA—Operation—Public Water Supply.**

Applicant	<b>Clearfield Municipal Authority</b>
Township/Borough	Lawrence Township
County	<b>Clearfield</b>
Responsible Official	Kevin A. Shifter, Manager Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830
Type of Facility	Public Water Supply
Consulting Engineer	James F. Potopa, P.E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602-4496
Permit Issued	September 14, 2015

Description of Action      Operation of the 16" HDPE  
Moose Creek Rt. 322  
transmission line

*Southwest Region: Water Supply Management Program  
Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-  
4745*

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on September 3, 2015 for the operation of facilities approved under Construction Permit #0214537MA.

**Operations Permit** issued to: **Pittsburgh Water & Sewer Authority**, Penn Liberty Plaza I, 1200 Penn Avenue, Pittsburgh, PA 15222, (PWSID #5020038) City of Pittsburgh, **Allegheny County** on September 2, 2015 for the operation of facilities approved under Construction Permit #0213531MA.

**Operations Permit** issued to: **Glendale Valley Municipal Authority**, 1800 Beaver Valley Road, Flinton, PA 16640, (PWSID #4110060) Flinton, **Cambria County** on September 3, 2015 for the operation of facilities approved under Construction Permit #1111512.

**Operations Permit** issued to: **Northern Cambria Municipal Authority**, 1202 Philadelphia Avenue, Northern Cambria, PA 15714, (PWSID #4110003) Northern Cambria Borough, **Cambria County** on September 2, 2015 for the operation of facilities approved under Construction Permit #1113508.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) North Strabane Township, **Washington County** on September 3, 2015 for the operation of facilities approved under Construction Permit #0214505MA.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Amwell Township, **Washington County** on September 3, 2015 for the operation of facilities approved under Construction Permit #0214504.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Buffalo Township, **Washington County** on September 3, 2015 for the operation of facilities approved under Construction Permit #0214514MA.

**Operations Permit** issued to: **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, (PWSID #5020039) Buffalo Township, **Washington County** on September 3, 2015 for the operation of facilities approved under Construction Permit #0214511MA.

**Operations Permit** issued to: **Green Township Municipal Authority**, PO Box 129, 77 Musser Street, Commodore, PA 15729, (PWSID #5320029) Green Township, **Indiana County** on September 11, 2015 for the operation of facilities approved under Construction Permit #3215505.

**Operations Permit** issued to: **Green Township Municipal Authority**, PO Box 129, 77 Musser Street, Commodore, PA 15729, (PWSID #5320011) Green Township, **Indiana County** on September 11, 2015 for the operation of facilities approved under Construction Permit #3211507.

**Operations Permit** issued to: **Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022, (PWSID #5630039) Fallowfield Township, **Washington County** on September 11, 2015 for the operation of facilities approved under Construction Permit #6315514.

**Operations Permit** issued to: **Southwestern Pennsylvania Water Authority**, 1442 Jefferson Road, PO Box 187, Jefferson, PA 15344, (PWSID #5300017) German Township, **Greene County** on September 11, 2015 for the operation of facilities approved under Construction Permit #3015501.

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

**Transfer of Operation Permit** issued to **Woodmere Estates Development, LLC**, PWSID No. 6370047, Slippery Rock Township, **Lawrence County** on September 10, 2015. Action is for change in ownership; the potable water supplier will do business as Woodmere Estates. The new permit number is 3787502-T1.

**Operation Permit** issued to **The Ice Connection of Pittsburgh, Inc.**, PWSID No. 5100488, Middlesex Township, **Butler County**. Permit Number 1014508 issued September 10, 2015 for the operation of the water treatment system located at the Ice Connection of Pittsburgh. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on August 28, 2015.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

#### Plan Location:

Borough or Township	Borough or Township Address	County
Bethel Township	60 Klahr Rd Bethel, PA 19507	Berks

*Plan Description:* The Request for Planning Exemption for the Andre Azemar Subdivision, DEP Code No. A3-06922-285-3E, APS Id 878042, consisting of creating one new building lot to be served by Bethel Township Municipal Authority sewers and the Bethel Sewage Treatment Plant, is disapproved. This request was denied because it was deemed to be incomplete. The applicant failed to include: separate written certification from the permittee(s) of the sewage facilities to the municipality and the Department that there is capacity to receive and treat the sewage flows from the proposed new land development and that the additional wasteload will not create a hydraulic or organic overload or 5-year projected overload, as required by Chapter 71, Section 71.51(b)(2)(iii). The applicant was also informed that, according to the application mailer instructions, an authorized municipal official should sign section 8d of the application mailer if the information provided by the municipal authority is acceptable. And, the municipal official signing in section 8d should not be a representative of a separate municipal authority. The applicant was also informed that the "Pennsylvania Natural Diversity Inventory" search should include the entire subdivision, as described by the Department's technical guidance document "Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordina-



tion during Permit Review and Evaluation" (400-0200-001). The project is located along Interstate 78 and north of Legion Drive.

## HAZARDOUS SITES CLEAN-UP

### UNDER THE ACT OF OCTOBER 18, 1988

#### Notice of Proposed Interim Response

#### Railroad TCE Site; Northampton and Warwick Townships, Bucks County

The Department of Environmental Protection (the Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response action at the Railroad TCE Site, Northampton and Warwick Townships, Bucks County, Pennsylvania.

The Railroad TCE Site is located southeast of the intersection of Almshouse and Mearns Roads, on the border of Northampton and Warwick Townships. The Department has sampled over 60 residential and commercial wells, located along Creek Road, Hill Road, Lincoln Circle, and Charter Circle, and throughout the surrounding industrial complexes, between June 2011 and May 2015. Trichloroethylene (TCE) is the primary contaminant of concern detected in the samples. Other Volatile Organic Compounds detected in samples include 1, 1-Dichloroethene, Tetrachloroethene and 1, 4-Dioxane. To date, the sampling revealed that 8 private residences had TCE at or above the Safe Drinking Water Act Maximum Contaminant Level.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under Section 501(a) of HSCA, 35 P. S. § 6020.501(a). The Department hereby proposes the installation of a waterline to address and replace the contaminated water supplies. The proposed waterline project will include the installation of water mains and lateral connections, and the abandonment of private supply wells. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action, continued supply of bottled water, or the installation and continued maintenance of whole-house carbon filtration units. All alternatives with the exception of the no action alternative include restrictions of groundwater use.

This notice is being provided pursuant to Section 506(b) of HSCA, 35 P. S. § 6020.506(b). The Administrative Record which contains information that forms the basis and documents the selection of this response action is available for public review and comment. The Administrative Record is located at the Department; office located at 2 East Main Street, Norristown, PA 19401 and is available for review Monday through Friday from 8:00 am until 4:00 pm. Those interested in examining the Administrative Record at the Department's office should contact Josh Crooks at 484.250.5784 to arrange for an appointment. Additional copies of the Administrative Records are available for review at the Northampton and Warwick Township Buildings.

The Administrative Record will be open for comment from September 26th, 2015 until December 28th, 2015. Persons may submit written comments into the record during this time only, by sending them to Josh Crooks, Solid Waste Specialist at the Pennsylvania Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401 or by email at jcrooks@pa.gov. In

addition persons may present oral comments, for inclusion in the Administrative Record, at the public hearing. The Department has scheduled the hearing for November 17th, 2015 at 6:30 PM at the Warwick Township Building, 1775 Township Green Road, Jamison, PA 18929. Individuals wishing to present comments must register by calling the Department's Community Relations Coordinator, Virginia Cain, at 484.250.5943.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Ms. Cain at 484.250.5943 or the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

## 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:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Service Electric—Cablevision, Bloomsburg Hub, 1005 East 7th Street, Town of Bloomsburg, Columbia**

**County.** Black Rock Environmental, LLC, P.O. Box 288, Nazareth, PA 18064 on behalf of Service Electric Cablevision, 4949 Liberty Lane, Suite 400, Allentown, PA 18106 submitted a Final Report concerning remediation of site soils contaminated with gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Arthur Hoffman Property**, 514 North Broad Street, City of Allentown, **Lehigh County.** J. Rockwood and Associates, Inc. PO Box 1006, Easton, PA 18044, on behalf of Dr. Arthur Hoffman, 2829 Gordon Street, Allentown, PA 18104, submitted a Final Report concerning remediation of site soils contaminated with No. 2 heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Malmstrom Residence**, 4 Wychwood Drive, Barrett Township, **Monroe County.** MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013, on behalf of Edward Malmstrom, 27391 Oak Knoll Drive, Bonita Springs, FL 34134, submitted a Final Report concerning remediation of site soils contaminated with tert-Butyl-Methyl-Ether, Benzene, Toluene, Ethylbenzene, Xylenes, Cumene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Naphthalene. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Dolores Dowd Residence**, 1857 and 1859 Rockvale Road, Lancaster, PA 17602, West Lampeter Township, **Lancaster County.** Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Dolores Dowd, 1859 Rockvale Road, Lancaster, PA 17602 and Amr A. Shafshak, 154 Grant Avenue, Brooklyn, NY 11208-1804, submitted a Final Report concerning remediation of site soils and surface water contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

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

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

**Former Top's Diner Property**, 410 Central Avenue, Johnstown City, **Cambria County.** P. Joseph Lehman, Inc., Olde Farm Office Centre, P.O. Box 419, Hollidaysburg, PA 16648 on behalf of Sheetz, Inc., 5700 6th Avenue, Altoona, PA 16601 has submitted a Risk Assessment Report (RA) concerning the remediation of 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, and benzene in soil and 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, benzene, toluene, ethylbenzene, naphthalene, and dissolved lead in groundwater. The RA is intended to document remediation of the site to meet the Site Specific

standard. Notice of the RA was published in the *Tribune-Democrat* on August 28, 2015.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995  
PREAMBLE 3

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**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).**

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Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation; concentration of regulated substances in environmental media; benefits of reuse of the property; and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Service Electric—Cablevision, Bloomsburg Hub**, 1005 East 7th Street, Town of Bloomsburg, **Columbia**

**County.** Black Rock Environmental LLC., P.O. 288, Nazareth, PA 18064 on behalf of Service Electric Cablevision, 4949 Liberty Lane, Suite 400, Allentown, PA 18106, submitted a Final Report concerning the remediation of site soils contaminated with gasoline. The Final Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department on September 8, 2015.

*Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

**Maverick Residence,** 402 Reservoir Ridge Road, Middle Smithfield Township, **Monroe County.** MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 on behalf of Karl Maverick, 402 Reservoir Ridge Road, East Stroudsburg, PA 18302, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with MTBE, Benzene, Ethylbenzene, Cumene, Toluene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene and Naphthalene. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 10, 2015.

**AERC Recycling Solutions Facility,** 2591 Mitchell Avenue, City of Allentown **Lehigh County.** Environmental Consulting Inc., 2002 Renaissance Boulevard, King of Prussia, PA 19406 on behalf of AERC Recycling Solutions, 2591 Mitchell Avenue, Allentown, PA 18103, submitted a Final Report concerning the remediation of site soils contaminated with Mercury. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on September 9, 2015.

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

**Dolores Dowd Residence,** 1857 and 1859 Rockvale Road, Lancaster, PA 17602, West Lampeter Township, **Lancaster County.** Liberty Environmental, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Dolores Dowd, 1859 Rockvale Road, Lancaster, PA 17602 and Amr A. Shafshak, 154 Grant Avenue, Brooklyn, NY 11208-1804, submitted a Final Report concerning remediation of site soils and surface water contaminated with No. 2 fuel oil. The Final Report was administratively incomplete and was disapproved by the Department on September 10, 2015.

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

**South Side Works, South 26th Street & South Water Street—Parcels 24, 25, 26** (Former LTV South Side Works), City of Pittsburgh, **Allegheny County.** Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Urban Redevelopment Authority, 200 Ross Street, Pittsburgh, PA 15219 submitted a Final Report concerning remediation of site soils contaminated with volatile and semi-volatile organic compounds (VOCs & SVOCs) and metals. The Final Report demonstrated attainment of Site Specific standard for soil and was approved by the Department on September 10, 2015.

## HAZARDOUS WASTE TRANSPORTER LICENSE

### 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 Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

#### *Hazardous Waste Transporter License Renewed*

**Predator Trucking Company,** P.O. Box 315, McDonald, OH 44437. License No. PA-AH 0787. Effective July 13, 2015.

**AEG Environmental Products & Services, Inc.,** P.O. Box 286, Westminster, MD 21158. License No. PA-AH 0701. Effective August 17, 2015.

**Auchter Industrial Vac Service, Inc.,** 4801 S. Wood Avenue, Linden, NJ 07036. License No. PA-AH 0444. Effective August 24, 2015.

**Veolia ES Technical Solutions, LLC,** 1 Eden Lane, Flanders, NJ 07836. License No. PA-AH 0500. Effective August 25, 2015.

**Robbie D. Wood, Inc.,** P.O. Box 125, Dolomite, AL 35061. License No. PA-AH 0504. Effective August 27, 2015.

**Solvents and Petroleum Service, Inc.,** 1405 Brewerton Road, Syracuse, NY 13208. License No. PA-AH 0629. Effective August 27, 2015.

### Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act and regulations to transport hazardous waste.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Fred Pugliese dba Plainfield Motor Service,** 1 Genstar Lane, Joliet, IL 60435. License No. PA-AH 0573. Effective August 6, 2015.

**Cambridge Chemical Cleaning, Inc.,** P.O. Box 4220, Linden, NJ 07036. License No. PA-AH 0356. Effective August 21, 2015.

#### *Hazardous Waste Transporter License Expired*

**Parts Cleaning Technologies LLC,** 26400 Capitol, Redford, MI 48239-2505. License No. PA-AH 0719. Effective August 31, 2015.

**Care Environmental Corporation,** 429A East Blackwell Street, Dover, NJ 07801. License No. PA-AH 0735. Effective August 31, 2015.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

*Infectious and Chemotherapeutic Waste Transporter License Issued*



**Sanpro LLC**, P.O. Box 336, Lakewood, NJ 08701. License No. PA-HC 0268. Effective September 1, 2015.

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Weavertown Transport Leasing, Inc.**, 2 Dorrington Road, Carnegie, PA 15106. License No. PA-HC 0020. Effective on August 5, 2015.

**Advanced Disposal Services Solid Waste of Pa, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Effective on August 27, 2015.

**Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act) and Act 93 of June 28, 1988 and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Waste Management, Division of Hazardous Waste Management, PO Box 69170, Harrisburg, PA 17106-9170*

*Infectious and Chemotherapeutic Waste Transporter License Voluntarily Terminated*

**Northeast Pennsylvania Cremation Services, Inc.**, 143 Gravity Road, Lake Ariel, PA 18436. License No. PA-HC 0261. Effective July 20, 2015.

**S. H. Bio-Waste, LTD**, 104 G P Clement Drive, Collegetown, PA 19426. License No. PA-HC 0096. Effective August 25, 2015.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration issued Under the Solid Waste Management Act; the Residual Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Northwest Regional Office: 230 Chestnut Street, Meadville, PA 16335*

**General Permit Registration No. WMGR123NW013. Dan-Pun, LLC—Punxsutawney Facility**, 362 Water Street, Punxsutawney, PA 15767, Punxsutawney, **Jefferson County**, PA. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by Northwest Regional Office on September 3, 2015.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335 (814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**General Permit Registration No. WMGR123NW014. PennEnergy Resources, LLC—Pad W23**, Cornetti Road, Cabot, PA 16023, Winfield Township, **Butler County**, PA. Registration to operate under General Permit No. WMGR123 for storage and reuse of gas well frac water and production water. The registration was approved by Northwest Regional Office on September 3, 2015.

Persons interested in reviewing the general permit may contact Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335

(814) 332-6848. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

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

**Application(s) Approved 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.**

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915*

**Permit Application No. 101625. Environment Awareness Corp., Inc.**, 244 East Broad Street, Tamaqua, PA 18252. A permit renewal for the continued operation of a municipal solid waste transfer station known as Tamaqua Transfer Station located in Walker Township, **Schuylkill County**. The application was approved by the Regional Office on September 11, 2015.

Persons interested in reviewing the permit may contact Roger Bellas, Regional Waste Management Program Manager, Department of Environmental Protection, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18701-1915 at 570-826-2511. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

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

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

**GP14-46-0078: Bridgeport Crematory LLC**. (805 DeKalb Street, Bridgeport, PA 19405) On September 15, 2015 for a cremation unit, rated for 100 pounds per hour in Bridgeport borough, **Montgomery County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**GP1-05-03011A: Blue Triangle Hardwoods** (156 Industrial Blvd., Everett, PA 15537) on September 9, 2015, for a used No. 2 oil-fired boiler, 11.7 MMBtus/hr, under GP1, at their facility in West Providence Township, **Bedford County**.

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

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

**GP5-14-300: EXCO Resources (PA), Inc.** (260 Executive Drive, Suite 100, Cranberry Township, PA 16066) on September 10, 2015, for operation of following existing sources: one 1,340 bhps Caterpillar G3516TALE, natural gas-fired compressor engine; one 15 MMBtus/hr Exterran



dehydrator equipped with a 0.75 MMBtu/hr natural gas-fired reboiler; one 100 bbls condensate tank; and various fugitive emissions pursuant to the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at the Confer Compressor Station located in Burnside Township, **Centre County**. The Department also aggregated the air contaminant emissions from the Confer P-32 well pad.

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

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**GP9-33-172C: Original Fuels Inc** (883 Saint Jacob Church Rd., Punxsutawney, PA 15767) on September 4, 2015, for the authority to construct and/or operate a diesel or No. 2 fuel fired internal combustion engine (BAQ-GPA/GP9) located at your facility in Perry Township, **Jefferson County**.

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**Plan Approvals Issued under the Air Pollution Control Act and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

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

**46-0024G: McNeil Consumer Healthcare LLC** (7050 Camp Hill Road) for the installation of a new dual fuel (natural gas and No. 4 fuel oil) On September 15, 2015 for a fired 24.2 MMBtus/hr Johnston Boiler (Source ID B08) at the existing pharmaceutical plant located in Whitmarsh Township, **Montgomery County**. An existing dual fuel (natural gas and No. 4 fuel oil) fired 25.1 MMBtus/hr Kewanee Boiler (Source ID B01) will be removed with this project. McNeil is a synthetic minor facility for Nitrogen Oxide (NO<sub>x</sub>), Volatile Organic Compound (VOC), and Particulate Matter (PM) emissions, currently operating under Synthetic Minor Operating Permit No. 46-00024. The installation will not trigger New Source Review or Prevention of Severe Deterioration for any criteria pollutant, including Greenhouse Gases. The requirements of 40 CFR Part 63 Subpart JJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources and the requirements of 40 CFR Part 60 Subpart Dc—New Source Performance Standards for Small Industrial, Commercial, and Institutional Steam-Generating Units apply to the boiler. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-0196H: Abington Reldan Metals, LLC** (550 Old Bordertown Road, Fairless Hills, PA 19030) On September 15, 2015 for construction and operation of one electric melt furnace and associated dry lime injection system at this precious metal recovery facility located in Falls Township, **Bucks County**. The exhaust from this process will be vented to Baghouse C08 for PM control. This Plan Approval will contain record keeping requirements, monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

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

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

**66-00001D: Proctor and Gamble Paper Products Co.** (P.O. Box 32, State Route 87 South, Mehoopany, PA 18629) On September 11, 2015 for revising some of the existing terms and conditions of Plan Approval 66-328-022 which P&G installed and presently operates a Rolls Royce Trent 60 natural gas-fired combustion turbine at their facility in Washington Township, **Wyoming County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-03002A: High Concrete Structures, Inc.** (125 Denver Road, Denver, PA 17517-9314) on September 8, 2015, for the modification of existing abrasive blasting operations (Source ID 301) and the installation of a new abrasive blasting area at their architectural precast concrete and structural precast systems facility in East Cocalico Township, **Lancaster County**.

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**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

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

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

**46-0142E: Custom Processing Services, LLC.** (461 State Street, East Greenville, PA 18041) On August 21, 2015, for the operation of a baghouse and cyclone in East Greenville Borough, **Montgomery County**.

**09-0009G: Quad Graphics Marketing, LLC.** (4371 County Line Rd, Chalfont, PA 18914-1825) On September 4, 2015 for installation of a new 38" Harris M1000BE heat set lithographic printing press (Press 54) with automatic blanket washers to replace the existing Press 21 in New Britain Township **Bucks County**.

**46-0020J: Superior Tube Co Inc.** (3900 Germantown Pike, Collegeville, PA 19426-3112) On September 1, 2015 to install steel pipe, and tubes in Lower Providence Township, **Montgomery County**.

**46-0283: Danco General Contracting.** (17 Penn Rd, Pottstown, PA 19464) On September 1, 2015, for the installation of a portable nonmetallic mineral processing plant and associated engines.

**09-0024H: Waste Mgmt of PA Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067-6702) On September 1, 2015 for construction and installation of a landfill gas fired 2,233 hp IC engine to generate 1,600 KWs of power to offset on-site electrical demand, in Tullytown Borough, **Bucks County**.

**46-0282: Titan Intl Inc.** (700 Queen St, Pottstown, PA 19464) On September 1, 2015 for the installation of two (2) reactor tanks, designated as Source ID 101 (Reactor Tank DT1) and Source ID 102 (Reactor Tank DT2) and two (2) natural gas cooking kettles, designated as Source ID 103 (Natural Gas Cooking Kettle 1) and Source ID 104

(Natural Gas Cooking Kettle 5) operating as part of a metal recovery process in Pottstown Borough, **Montgomery County**.

**09-0174E: Liberty Coating Co. LLC** (21 Steel Rd, Morrisville, PA 19067) On September 9, 2015 to install an interior abrasive blasting dust collector in Falls Township, **Bucks County**.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**38-05028C: Bemis Packaging, Inc.** (5 Keystone Drive, Lebanon, PA 17042-9791) on September 4, 2015, for the installation of two rotogravure printing presses, two additional regenerative thermal oxidizers, and a wax coater at the facility in South Lebanon Township, **Lebanon County**. The Title V plan approval also removes the synthetic minor facility VOC limit from State-Only Permit No. 38-05028 for existing sources at the facility. The plan approval was extended.

**31-05019A: Texas Eastern Transmission, LP** (PO Box 1642, Houston, TX 77251) on September 11, 2015, for a turbine upgrade project at the Entriken Compressor Station in Todd Township, **Huntingdon County**. The plan approval was extended.

**36-03030A: Allan Myers Materials PA, Inc.** (638 Lancaster Avenue, Malvern, PA 19355) on September 11, 2015, to reauthorize the operation of a portable crushing facility previously authorized under State-only Operating Permit No. 36-03030 at the Talmage quarry located in Upper Leacock Township, **Lancaster County**. The plan approval was extended.

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

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

**14-00002N: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on August 31, 2015, extended the authorization to March 31, 2016, to allow for the completion of construction of the Kiln No. 8 project in accordance with the terms of the plan approval. The construction of Kiln No. 8 is located at their Pleasant Gap plant located in Spring Township, **Centre County**. The plan approval has been extended.

**14-00002P: Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823) on August 31, 2015, extended the authorization to March 31, 2016, to allow for the completion of construction of the design changes to the Kiln No. 8 project in accordance with the terms of the plan approval. The construction of Kiln No. 8 is located at their Pleasant Gap plant located in Spring Township, **Centre County**. The plan approval has been extended.

**47-00014B: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) on August 31, 2015, extended the authorization an additional 180 days from November 26, 2015 to May 24, 2016, to continue the evaluation for compliance with the plan approval conditions. Additionally, the extension allows continued operation of the wallboard kiln located at their facility in Derry Township, **Montour County** pending issuance of Title V operating permit. The plan approval has been extended.

**47-309-001A: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) on August 31, 2015, extended the authorization an additional 180 days from

September 10, 2015 to March 8, 2016, to continue the evaluation for compliance with the plan approval conditions. Additionally, the extension allows continued operation of the synthetic gypsum unloading operations located at their facility in Derry Township, **Montour County** pending issuance of Title V operating permit. The plan approval has been extended.

**47-309-001: United States Gypsum Company** (60 PPL Road, Danville, PA 17821) on August 31, 2015, extended the authorization an additional 180 days from November 3, 2015 to May 1, 2016, to continue the evaluation for compliance with the plan approval conditions. Additionally, the extension allows continued operation of the facility located in Derry Township, **Montour County** pending issuance of Title V operating permit. The plan approval has been 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*

**09-00007: Waste Management Disposal Services of Pennsylvania, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) On August 12, 2015, for renewal of a Title V Operating Permit in Falls Township, **Bucks County**. A minor modification is concurrently being issued with this renewal. The modification replaces an operating hour restriction of a back-up enclosed flare with an equivalent heat input limitation. The renewal and modification of this operating permit does not authorize any change in method of operation of the landfill or back-up enclosed flare, nor does it authorize any increase in air emissions of any regulated pollutants above previously approved levels. The permit includes monitoring, recordkeeping, and reporting requirements designed to address all applicable air quality requirements.

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

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

**46-00270: Timberlane, Inc.** (150 Demorah Drive, Montgomeryville, PA 18936) On September 4, 2015 for the renewal of a Synthetic Minor Operating Permit for operation of a spray booth op located in Montgomeryville Township, **Montgomery County**. The renewal permit is for a non-Title V (State Only) facility. The facility elects to limit VOC emissions to less than 25 tons per year; therefore, the facility is considered a Synthetic Minor. There are no changes to sources operating at the plant since the last permit action and there are no new applicable State or Federal requirements at this time. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00098: SAP America Inc.,** (3999 W Chester Pike, Newtown Square, PA 19073) On September 4, 2015, for the renewal of a Synthetic Minor Operating Permit in Newtown Township, **Delaware County**. The initial operating permit was issued on August 01, 2005. SAP America



Inc. operates a computer software development and support facility in Newtown Square. Sources of emissions from this facility are 8 boilers and 6 emergency generators. The potential emissions from this facility are: NO<sub>x</sub>—24.9 TPY, VOCs—1.1 TPY, PM/PM<sub>10</sub>/PM<sub>2.5-2.7</sub> TPY, SO<sub>x</sub>—50.8 TPY, and CO—20.7 TPY. The boilers are subject to 40 CFR Subpart JJJJJJ. Emergency generators are subject to 40 CFR Subpart IIII. The facility is subject to site level NO<sub>x</sub> emissions limit of 24.9 TPY. The permit contains monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**15-00147: Crazy Aaron Enterprises, Inc.** (201 Sabine Ave., Suite 100, Narberth, PA 19072) On September 15, 2015 for an initial State Only Operating Permit in East Pikeland Township, **Chester County**. Crazy Aaron is an existing putty manufacturing company that services the toy and novelty industry. Sources at the facility consist of four mixing blenders. The primary pollutant of concern from the plant is methanol, which is a by-product of the chemical process in the making of putty. The facility is categorized as a natural minor facility based on its potential emissions. The permit includes monitoring, record keeping and reporting requirements to address all applicable air quality requirements.

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

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

**40-00088: Pennsy Supply, Inc.** (P.O. Box 3331, Harrisburg, PA, 17105) issued on 9/14/15, for the operation of a sand and gravel beneficiating operation in Salem Township, **Luzerne County**. The sources consist of three (3) crushers and one (1) screen. The particulate emissions are controlled by water sprays. This is a renewal of a State-Only Operating Permit. The State-Only Operating Permit includes emission limits, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within applicable air quality requirements.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**06-05020: Craft Maid Kitchens, Inc.** (501 S. 9th Street, Bldg. C, Reading, PA 19602-2524) on September 4, 2015, for the wood kitchen cabinet manufacturing facility in Reading City, **Berks County**. The State-only permit was renewed.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**OP-11-00090: DLP Conemaugh Memorial Medical Center, LLC** (1086 Franklin Street, Johnstown, PA 15905) On September 14, 2015 the Department issued a State Only Synthetic Minor Operating Permit renewal for the operation of three 29.2 mmbtus/hr natural gas-fired water tube boilers with No. 2 fuel oil as back-up, one 20.9 mmbtus/hr natural gas-fired back-up boiler which also has the capability to burn fuel oil in the event of natural gas curtailment, eight (8) diesel-fired and three (3) natural gas-fired emergency generators, and four (4) ethylene oxide sterilizers at the Conemaugh Medical Center in the city of Johnstown, **Cambria County**. The facility is

subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The proposed Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping, reporting and work practice requirements.

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

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

**10-00267: Alcoa Incorporated, previously Three Rivers Aluminum Company (TRACO)** (71 Progress Avenue, Cranberry Industrial Park, Cranberry Township, PA 16066-3596) on September 14, 2015 for renewal of the Title V Operating Permit. The facility is located in Cranberry Township, **Butler County**. The facility's emitting sources include 1) Tellkamp Line & Binks Booth, 2) Coated-Extrusion Bake Oven, 3) Fill line adhesive Application (2 Lines), 4) Assembly (Sealing, Cleaning, Touch-up), 5) 2, 1,800 Tons Extrusion Presses & Preheaters, 6) 2,750—Ton Extruder W/Preheater, 7) Extrusion Aging Ovens (2), Acid Etch Tank & Heater (New source approved by RFD dated 9/2014), 8) Caustic Anodizing Tank, 9) Sulfuric Acid Anodizing Tank (4) (4th tank has added via approved RFD 4/2014), 10) Facility space heating (& HVAC System), 11) Miscellaneous Natural Gas Usage, 12) Degreaser Units (6) (previously 7), 13) Emergency Generators w/315 HP John Deere Engine (New source RFD approved on 10/2011), 14) Solvent Distillation Unit (New Source, Approved via RFD dated 1/5/2015) and 15) Small Batch Paint Mixing Room (New Source, Approved via RFD dated 06/08/2015).

The facility is a major facility due to its potential to emit of volatile organic compound. The facility is also subject to the Compliance Assurance Monitoring Rule (CAM) found in 40 CFR Part 64. Appropriate permit conditions to address the applicable CAM requirements have been included in the previous permit. The facility is also subject to 40 CFR Part 63, Subpart Mmmm for miscellaneous metal parts and products. Subpart Mmmm was included in the previous permit. The emergency generator Source ID #121 is subject to 40 CFR Part 60, Subpart IIII. Source ID #111: Caustic Anodizing Tank Heater and Source ID #116: Paint-line Washers—Stage 1 (2 Units), Stage 3 and Anodizing Tanks (4 Units—Tank 4, 7, 27, 29) are subject to 40 CFR Part 63, Subpart DDDDD. All applicable conditions of Subpart IIII and DDDDD have been included in the permit. The actual emissions of pollutants submitted by the facility for the 2014 emission inventory are as follows CO: 4.54 Tons per year (TPY), NO<sub>x</sub>: 5.41 TPY, 1.58 TPY, PM<sub>10</sub>: 1.58, PM<sub>2.5</sub>: 1.58 TPY, SO<sub>x</sub>: 0.03 TPY, VOC: 19.08 TPY.

**10-00379: Mountain Gathering** (810 Houston Street, Fort Worth, Texas 76102), on August 25, 2015, issued a new State Only Operating Permit for their Penn Cryo facility located in Penn Township, **Butler County**. The facility is a Natural Minor. Potential emissions are estimated as follows: NO<sub>x</sub>, 4.9484 tpy; CO, 10.3994 tpy; VOC, 3.7834 tpy; SO<sub>2</sub>, 0.3469 tpy; PM, 1.7892 tpy; and all combined HAPs, 0.1946 tpy. The primary sources at the facility are a 21.4 million Btus/hr process heater, 3 storage tanks, and a gas processing plant. Certain conditions from plan approval 10-379A pertaining to plant roadways were not included in the permit since they are no longer applicable. These specific conditions were no longer applicable since estimated particulate matter emissions from truck traffic were reduced from 11.01 tpy to

1.07 tpy because produced liquids leave the plant via pipeline rather than truck transport. The permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

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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*

**15-00148: Helicopter Support Inc. dba Sikorsky Commercial Inc.** (110 E. Stewart Huston Dr. Coatesville, PA 19320) On September 15, 2015 issued an amended Operating Permit for a change of ownership from Sikorsky Global Helicopters, Inc. to Helicopter Support Inc. dba Sikorsky Commercial Inc. This facility is located in Sadsbury Township, **Chester County**. This amended operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

*Contact: Thomas Hanlon, Facilities Permitting Chief, 717-705-4862, William Weaver, Regional Air Quality Manager, Telephone: 717-705-4702*

**36-05146: Talen Renewable Energy LLC** (835 Hamilton Street, Suite 150, Allentown, PA 18101-1139) on September 3, 2015, for the landfill gas-to-energy facility associated with the Frey Farm/Cresswell Landfill located in Manor Township, **Lancaster County**. The Title V permit was administratively amended in order to reflect a change of permittee name and address, and permit contact.

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

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-5226*

**30-00116: Columbia Gas Transmission, Inc.** (1700 MacCorkle Ave SE, Charleston, WV, 25314-1518), for the administrative amendment of an Air Quality Natural Minor State Only Operating Permit (SOOP) to incorporate the requirements of Plan Approval #PA-30-00116A pursuant to 25 Pa. Code § 127.450(a)(5) at the Waynesburg Compressor Station located in Waynesburg Borough, **Greene County**. This facility is subject to the applicable requirements of 25 Pa. Code Chapters 121—145. The amended SOOP includes conditions relating to applicable emissions restrictions, testing, monitoring, recordkeeping, reporting and work practice standards requirements.

**TVOP-32-00055 NRG Homer City Services LLC** (1750 Power Plant Road, Homer City, PA 15748) Administrative Amendment issued on September 10, 2015 to change the required time period for visual opacity monitoring. The Homer City Generating Station is located in Black Lick and Center Township, **Indiana County**.

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

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

*Contact: Devendra Verma, New Source Review Chief—Telephone: 814-332-6940*

**25-00025: General Electric Company** (2901 East Laker Road, Erie, PA 16531) The Department has reviewed a De minimis Emission Increase submittal from concerning the replacement/upgrade of a single paint booth (Source 603, 2-C-36) at their GE Transportation, Erie Plant facility located in **Erie County**.

The facility currently operates under Title V operating permit 25-00025. The Department hereby approves the De minimis emission increase. This source is exempt from plan approval as it complies with 25 Pa. Code § 127.449. This is the first De minimis emission increase which has occurred since their current Operating Permit was issued on July 31, 2013. Emissions are estimated to increase by 0.67 tpy of VOC and 0.043 tpy of PM as a result of this project.

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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*

**33971301 and NPDES No. PA0215031. Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201). To transfer the permit for the Dora No. 8 Mine in Perry Township, **Jefferson County** and related NPDES permit from AMFIRE Mining Company LLC to Rosebud Mining Company. No additional discharges. The application was considered administratively complete on March 4, 2015. Application received December 31, 2014. Permit issued September 4, 2015.

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

**Permit No. 32950201 and NPDES No. PA0213004. Cambria Reclamation Corporation**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019, permit renewal for the continued operation and restoration of a bituminous



surface mine in White and Rayne Townships, **Indiana County** affecting 256 acres. Receiving streams: McKee Run to Crooked Creek classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 6, 2015. Permit issued: September 1, 2015.

**Permit No. 32950201 and NPDES No. PA213004, Cambria Reclamation Corp.**, 2929 Allen Parkway, Suite 2200, Houston, TX 77019, commencement, operation and restoration of a bituminous surface mine and to adjust the permit boundary by one acre on the property along the eastern boundary of the permit area, to provide for reclamation of additional area containing coal refuse material in White and Rayne Townships, **Indiana County**, affecting 256 acres. Receiving streams: McKee Run to Crooked Creek classified for the following uses: cold water fishes and warm water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: May 6, 2015. Permit issued: September 1, 2015.

**Permit No. 56080101 and NPDES No. PA0262579, Coal Loaders Inc.**, 210 E. Main Street, P.O. Box 556, Ligonier, PA 15658, permit renewal for the continued operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 108.1 acres. Receiving stream: Stonycreek River classified for the following use: cold water fishes. The first downstream potable water supply intake from the point of discharge is Hooversville Borough intake. Application received: March 9, 2015. Permit issued: September 1, 2015.

**Permit No. 56970105 and NPDES No. PA0234630, Hoffman Mining, Inc.**, P.O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Paint Township, **Somerset County** affecting 171.0 acres. Receiving streams: unnamed tributary to Stonycreek River classified for the following uses: cold water fishes & trout stocked fishes. There are no potable water supply intakes within 10 miles downstream. Application received: February 9, 2015. Permit issued: September 1, 2015.

**Permit No. 11090101, Bedrock Mine, LP**, 111 Freeport Road, Pittsburgh, PA 15215, permit renewal for reclamation only of a bituminous surface and auger mine in Blacklick Township, **Cambria County** affecting 101 acres. Receiving stream: unnamed tributary to South Branch Blacklick Creek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 13, 2015. Permit issued: September 2, 2015.

**Permit No. 11080102 and NPDES No. PA0262641, Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface mine in Susquehanna Township, **Cambria County**, affecting 33.4 acres. Receiving streams: West Branch Susquehanna River classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 4, 2015. Permit issued: September 2, 2015.

**Permit No. 56080109 and NPDES No. PA0262706, PBS Coals, Inc.**, 1576 Stoystown Road, P.O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface & auger mine to change the land use from Woodland to Wildlife Habitat in

Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: unnamed tributaries to Wells Creek to Stonycreek classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 16, 2015. Permit issued: September 10, 2015.

**Permit No. 32000108 and NPDES No. PA0248801, River Hill Coal Co., Inc.**, P.O. Box 141, Kylertown, PA 16847, permit renewal for the continued reclamation of a bituminous surface mine in West Wheatfield Township, **Indiana County**, affecting 759.2 acres. Receiving streams: unnamed tributaries to/and Conemaugh River, Richards Run and Roaring Run classified for the following use: cold water fishes. There are no potable water supply intakes within 10 miles downstream. Application received: July 7, 2014. Permit issued: September 10, 2015.

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

**24743008, Fairview Coal Company** (P.O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous surface and auger mine in Fox Township, **Elk County**, affecting 66.0 acres. Receiving streams: Unnamed tributary to Benninger Creek and Benninger Creek. This renewal is issued for reclamation only. Application received: May 18, 2015. Permit Issued: September 10, 2015.

**33723006 and NPDES Permit No. PA0603406, Consol Mining Company, LLC** (CNX Center, 1000 Energy Drive, Canonsburg, PA 15317) Renewal of an existing bituminous surface and auger mine and its associated NPDES permit in Winslow Township, **Jefferson County**, affecting 450.2 acres. Receiving streams: Unnamed tributary to Soldier Run. Application received: June 22, 2015. Permit Issued: September 10, 2015.

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

**63-14-01GP-104, Rostosky Coal, LLC** (2578 Country Lane, Monongahela, PA 15063). General NPDES permit for stormwater discharge associated with mining activities on a Government Financed Construction Contract. Permit No. 63-14-01 located in West Pike Run Township, **Washington County** affecting 3 acres. Receiving stream: Pike Run. Application received: May 22, 2015. GP-104 permit issued: September 10, 2015.

#### *Noncoal Permits Issued*

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

**27152801, Trimont Energy, LLC** (1305 Grandview Avenue, Pittsburgh, PA 15211) Commencement, operation and restoration of a small industrial minerals mine in Harmony Township, **Forest County**, affecting 6.4 acres. Receiving streams: Dawson Run. Application received: June 22, 2015. Permit Issued: September 10, 2015.

**27152801-GP-104, Trimont Energy, LLC** (1305 Grandview Avenue, Pittsburgh, PA 15211) General NPDES Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 27152801 in Harmony Township, **Butler County**. Receiving streams: Dawson Run. Application received: June 22, 2015. Permit Issued: September 10, 2015.

**ACTIONS ON BLASTING ACTIVITY  
APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Issued*

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

**41154102. Midstream Explosives LLC** (289 Southside Drive, Newville, PA 17241). Blasting for Blanchard to Wissler Pipeline located in McNett Township, **Lycoming County** with an expiration date of August 31, 2016. Permit issued: September 3, 2015.

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

**30154002. KESCO, Inc.** (215 South Main St., Suite 2, Zelenople, PA 16063). Blasting activity permit for the construction of the Glass Joe Well Site pad, to conduct seismic activity located in Aleppo Township, **Greene County** with an exploration date of March 4, 2016. Blasting permit issued: September 10, 2015.

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

**Permit No. 35154105. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for Lackawanna Providence Pole Holes in the City of Scranton, South Abington Township and Dickson City Borough in **Lackawanna County** with an expiration date of December 31, 2015. Permit issued: September 8, 2015.

**Permit No. 46154109. Rock Work, Inc.**, (1257 DeKalb Pike, Blue Bell, PA 19422), construction blasting for Troutman Tract in Upper Providence Township, **Montgomery County** with an expiration date of September 30, 2016. Permit issued: September 10, 2015.

**Permit No. 67154113. Abel Construction Co., Inc.**, (PO Box 476, Mountville, PA 17554), construction blasting for Reservoir Heights in West Manheim Township, **York County** with an expiration date of September 8, 2016. Permit issued: September 10, 2015.

**Permit No. 38154120. M & J Explosives, LLC**, (PO Box 1248, Carlisle, PA 17013), construction blasting for Lebanon Valley Distribution Center in Bethel Township, **Lebanon County** with an expiration date of September 8, 2016. Permit issued: September 11, 2015.

**Permit No. 38154121. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Gloninger Woods Park in North Cornwall Township, **Lebanon County** with an expiration date of December 30, 2015. Permit issued: September 11, 2015.

**Permit No. 38154122. Keystone Blasting Service**, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Bachman Run in South Annville Township, **Lebanon County** with an expiration date of September 30, 2016. Permit issued: September 11, 2015.

**Permit No. 38154123. Maine Drilling & Blasting, Inc.**, (PO Box 1140, Gardiner, ME 04345), construction blasting for Lebanon Valley Distribution Center in Bethel Township, **Lebanon County** with an expiration date of December 31, 2015. Permit issued: September 11, 2015.

**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.*

**E46-1124. Upper Dublin School District**, 1580 Fort Washington Avenue, Maple Glen, PA 19002, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To remove approximately 1,650 cubic yards of fill material along with four existing tennis courts, in and along the 100-year floodplain of Sandy Run for the purpose of reducing flooding concerns for the school.

The site is located at Sandy Run Middle School (Lat. 40.1273, Long. -75.171092).

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)).

**E51-270. Philadelphia Water Department**, 1101 Market Street, Philadelphia, PA 19107, City and **County of Philadelphia**, ACOE Philadelphia District.

To construct and maintain a new 48-inch ductile iron pipe outfall structure cored through the existing Naval Reserve Basin Bulkhead for the purpose of enhancing the stormwater infrastructure associated with the Langley Avenue (S.R. 9015) improvement project.

The site is located near the Philadelphia Navy Yard (26th street to League Island Boulevard), at Broad Street (Philadelphia, PA USGS Quadrangle, Lat; 39.89419; Long. -75.176869).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E46-1120. Montgomery County Planning Commission**, P.O. Box 311, Norristown, PA 19404-0311, Pottstown Borough, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain a 10-foot wide trail located partially along the floodway/floodplain of the Schuylkill River (WWF, MF). The proposed trail will be built within the road right of way on Industrial Highway. The trail section will narrow the existing roadway section by 10 feet along the river side of the road.

The site is located along Industrial Highway between Washington Street and east of Keim Street (Latitude: 40.238933; Longitude: -75.634127).

The issuance of this permit also constitutes approval of a Water Quality Certification under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E36-933: Transcontinental Gas Pipe Line Company, LLC**, 2800 Post Oak Boulevard, Level 17, Houston, TX 77056 in Fulton and Drumore Townships, **Lancaster County**, U.S. Army Corps of Engineers, Baltimore District.

To install and maintain the following:

Description of Impact	Resource Name (Chapter 93 Designation)	Impact Dimensions (Length x Width) (Feet)		Permanent Impact Area (acres)		Temporary Impact Area (acres)		Latitude	Longitude
		(Permanent)	(Temporary)	(Permanent)	(Temporary)	(Permanent)	(Temporary)		
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Fishing Creek (EV, MF)	40 (Permanent)	35 (Temporary)	3 (Permanent)	3 (Temporary)	0.003	0.002	39° 48' 39"	-76° 14' 31"
		40 (Permanent)	74 (Temporary)	125 (Permanent)	125 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Fishing Creek (EV, MF)	40 (Permanent)	63 (Temporary)	25 (Permanent)	25 (Temporary)	0.03	0.04	39° 48' 23"	-76° 14' 27"
		40 (Permanent)	55 (Temporary)	107 (Permanent)	107 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Fishing Creek	40 (Permanent)	20 (Temporary)	0 (Permanent)	18 (Temporary)	0.00	0.01	39° 48' 22"	-76° 14' 24"
		40 (Permanent)	58 (Temporary)	5 (Permanent)	5 (Temporary)				



<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	40 (Permanent)	48 (Permanent)	0.05	0.10	39° 47' 02"	-76° 14' 11"
		55 (Temporary)	48 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent)	53 (Permanent)	0.01	0.11	39° 47' 02"	-76° 14' 11"
		85 (Temporary)	53 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 47' 01"	-76° 14' 10"
		26 (Temporary)	77 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Susquehanna River	0 (Permanent)	0 (Permanent)	0.00	0.04	39° 47' 01"	-76° 14' 10"
		20 (Temporary)	79 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Peters Creek (HQ-WWF, MF)	40 (Permanent)	30 (Permanent)	0.03	0.04	39° 46' 11"	-76° 12' 54"
		56 (Temporary)	30 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Peters Creek	40 (Permanent)	100 (Permanent)	0.08	0.14	39° 46' 11"	-76° 12' 54"
		55 (Temporary)	100 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent)	15 (Permanent)	0.01	0.03	39° 45' 27"	-76° 12' 27"
		66 (Temporary)	15 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Puddle Duck Creek	40 (Permanent)	108 (Permanent)	0.09	0.20	39° 45' 27"	-76° 12' 27"
		55 (Temporary)	108 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	10 (Permanent)	4 (Permanent)	0.001	0.02	39° 45' 26"	-76° 12' 27"
		122 (Temporary)	4 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Puddle Duck Creek (HQ-WWF, MF)	40 (Permanent)	4 (Permanent)	0.004	0.01	39° 44' 48"	-76° 12' 11"
		101 (Temporary)	4 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Puddle Duck Creek	40 (Permanent)	114 (Permanent)	0.09	0.23	39° 44' 48"	-76° 12' 11"
		55 (Temporary)	114 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 55"	-76° 11' 33"
		20 (Temporary)	107 (Temporary)				



## NOTICES

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<i>Description of Impact</i>	<i>Resource Name (Chapter 93 Designation)</i>	<i>Impact Dimensions (Length x Width) (Feet)</i>	<i>Permanent Impact Area (acres)</i>	<i>Temporary Impact Area (acres)</i>		<i>Latitude</i>	<i>Longitude</i>
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent)	3 (Permanent)	0.002	0.01	39° 43' 47"	-76° 11' 46"
		106 (Temporary)	3 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent)	185 (Permanent)	0.15	0.15	39° 43' 47"	-76° 11' 46"
		55 (Temporary)	185 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.07	39° 43' 46"	-76° 11' 46"
		27 (Temporary)	49 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.02	39° 43' 29"	-76° 11' 29"
		36 (Temporary)	18 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	40 (Permanent)	3 (Permanent)	0.01	0.01	39° 43' 29"	-76° 11' 28"
		80 (Temporary)	3 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of unnamed tributary to Conowingo Creek	40 (Permanent)	126 (Permanent)	0.12	0.18	39° 43' 29"	-76° 11' 28"
		55 (Temporary)	126 (Temporary)				
Temporary access road stream crossing	Unnamed tributary to Conowingo Creek (HQ-CWF, MF)	0 (Permanent)	0 (Permanent)	0.00	0.002	39° 43' 29"	-76° 11' 28"
		20 (Temporary)	3 (Temporary)				
Temporary access road floodway crossing	Floodway of unnamed tributary to Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 29"	-76° 11' 28"
		20 (Temporary)	112 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.0005	39° 43' 26"	-76° 11' 11"
		4 (Temporary)	5 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.03	39° 43' 32"	76° 11' 10"
		20 (Temporary)	56 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 33"	76° 11' 10"
		20 (Temporary)	21 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 34"	76° 11' 10"
		20 (Temporary)	30 (Temporary)				
Temporary access road floodway crossing	Floodway of Conowingo Creek	0 (Permanent)	0 (Permanent)	0.00	0.05	39° 43' 31"	76° 11' 10"
		20 (Temporary)	114 (Temporary)				

Description of Impact	Resource Name (Chapter 93 Designation)	Impact Dimensions (Length x Width) (Feet)	Permanent Impact Area (acres)	Temporary Impact Area (acres)		Latitude	Longitude
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	268 (Permanent)	0.19	0.76	39° 43' 19"	76° 10' 58"
		30 (Temporary)	129 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PSS wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.55	39° 43' 17"	76° 10' 58"
		133 (Temporary)	147 (Temporary)				
20.0-inch steel natural gas utility line stream crossing	Conowingo Creek (CWF, MF)	40 (Permanent)	49 (Permanent)	0.04	0.64	39° 43' 18"	76° 10' 55"
		649 (Temporary)	49 (Temporary)				
20.0-inch steel natural gas utility line floodway crossing	Floodway of Conowingo Creek	40 (Permanent)	116 (Permanent)	0.44	1.11	39° 43' 18"	76° 10' 55"
		649 (Temporary)	116 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.08	39° 43' 16"	76° 10' 56"
		92 (Temporary)	31 (Temporary)				
20.0-inch steel natural gas utility line wetland crossing	PFO wetland (EV)	30 (Permanent)	100 (Permanent)	0.06	0.32	39° 43' 17"	76° 10' 54"
		104 (Temporary)	100 (Temporary)				
Temporary access road wetland crossing	PEM wetland (EV)	0 (Permanent)	0 (Permanent)	0.00	0.01	39° 43' 16"	76° 10' 56"
		20 (Temporary)	20 (Temporary)				

The purpose of the project is to provide natural gas services for a proposed upgrade to the existing Wildcat Point electric generating facility located in Cecil County, Maryland. The project proposes to permanently impact 418.41 linear feet of stream channel, 1.26 acre of floodway, and 0.26 acre of wetlands. 0.37 acre of PFO wetland creation, 0.1 acre of PEM wetland creation and 0.13 acre of wetland enhancement, temporarily impacting 0.13 acre of PEM wetlands are proposed at 39° 49' 12.9"N/76° 09' 31.4"W.

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

**E19-309. Bloomsburg Fair Association**, 620 W 3rd Street, Bloomsburg, PA 17815. Disabled Vehicle Lot and Helicopter Pad, in Town of Bloomsburg, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quad-range Latitude: 40-59-34; Longitude: 76-28-16.8).

To construct, operate and maintain a disabled vehicle storage area located just north of the Fort McClure Blvd intersection at the eastern side of the existing parking lot. Eight stalls will be surrounded by a 28 ft by 72 ft security fence with associated gates. This permit also authorizes a helicopter pad that 45 ft by 40 ft across. To provide a level area for the concrete pad 240 cubic yards of fill shall be placed to a maximum depth at the center of

the pad approximately 2 feet. For security reasons a 111 ft by 186 ft perimeter fence will be installed with associated gates for access. Both of these projects are located in the floodway of Fishing Creek which carries a water quality designation of Warm Water Fishery. This project is located along the North East side of West Fort McClure Boulevard 0.4 mile south of the intersection with T-409. This permit was issued under Section 105.13(e) "Small Projects."

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

**E11-348, Pennsylvania Department of Transportation District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Adams Township, **Cambria County**, ACOE Pittsburgh District.

Has been given consent to:

Fill and maintain 170 feet of open channel and 313 feet of enclosure and construct and maintain 247 feet of open channel and 236 feet of enclosure on an unnamed tributary to the South Fork of the Little Conemaugh River (CWF) with a drainage area of 0.32 square mile; fill and maintain 200 feet of open channel and construct and maintain a replacement 200 feet of open channel on a second unnamed tributary to the South Fork of the Little Conemaugh River with a drainage area less than 100

acres; construct and maintain 18 feet downstream extensions on two existing SR 869 3 feet diameter parallel culverts that are 68 feet and 55 feet long on a third unnamed tributary to the South Fork of the Little Conemaugh River (CWF) with a drainage area of 220 acres.

In addition install and maintain road associated stormwater outfalls; and temporarily impact 485 feet of stream for the purpose of constructing the encroachments. This project is associated with the SR 869, Beaver Run Curve improvement project with these encroachments located in Adams Township, 1.0 mile west of Beaverdale (Beaverdale PA Quadrangle, North 12.4 inches and West 4.1 inches; Latitude 40° 19' 10" and Longitude -78° 43' 20") Cambria County.

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

**E0829-106: Appalachia Midstream, LLC**, 400 IST Center Suite 404, Horseheads, NY 14845, Overton Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. an 8 inch diameter natural gas line and a temporary timber mat bridge impacting 3,383 square feet of a Palustrine Forested Wetland (Overton, PA Quadrangle, Latitude: 41°34'50", Longitude: -76°34'30");

2. an 8 inch diameter natural gas line impacting 6 linear feet of an unnamed tributary to Lick Creek (EV, MF) and impacting 486 square feet of an adjacent Palustrine Forested and Palustrine Emergent Wetland (EV) (Overton, PA Quadrangle, Latitude: 41°34'47", Longitude: -76°34'56");

The project will result in 6 linear feet or 4 square feet of temporary stream impacts and 2,356 square feet (0.05 acre) of temporary PEM and PFO and 1,513 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 Overton Township, Bradford County.

**E5829-102: Middletown Township**, Williams Field Services Company, LLC; Park Place Corporate Center 2, 2000 Commerce Drive, Pittsburgh, PA 15275; Middletown Township, **Susquehanna County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) a natural gas compressor station fill permanently impacting 271 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 51' 33", Longitude: -76° 04' 54"),

2) a natural gas compressor station activities temporarily impacting 296 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 51' 33", Longitude: -76° 05' 00"),

3) a rip rap aggregate fill permanently impacting 103 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 51' 32", Longitude: -76° 05' 00"),

4) a rip rap aggregate fill temporarily impacting 70 lineal feet of an unnamed tributary to North Branch Wyalusing Creek (CWF-MF) (Lawton, PA Quadrangle; Latitude: 41° 51' 32", Longitude: -76° 05' 00"),

5) site grading and associated activities impacting 1,282 square feet (0.03 acre) of a PEM wetland (Lawton, PA Quadrangle; Latitude: 41° 51' 33", Longitude: -76° 04' 56").

Williams Field Services Company, LLC has constructed a natural gas compressor station located in Middletown Township, Susquehanna County. The project resulted in 374 lineal feet of permanent stream impacts, 366 lineal feet of temporary stream impacts, and 1,282 square feet (0.03 acre) of temporary wetland impacts all for the purpose of providing safe reliable distribution of Marcellus Shale natural gas to market.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

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

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

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

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

ESCGP-2 #ESX15-073-0005—Mahoning Gunn Well Pad Applicant Hilcorp Energy Company  
Contact Ms. Stephanie McMurray  
Address 1201 Louisiana Street, Suite 1400  
City Houston State TX Zip Code 77002  
County Lawrence Township(s) Mahoning  
Receiving Stream(s) and Classification(s) UNT to Marshall Run

ESCGP-2 #ESX10-083-0026—MROC Pad B Renewal Applicant Triana Energy, LLC  
Contact Walter Showen  
Address 900 Virginia Street East  
City Charleston State WV Zip Code 25301  
County McKean Township(s) Bradford  
Receiving Stream(s) and Classification(s) UNT to Minard Run & Minard Run EV

ESCGP-2 # ESG15-019-0025—Graham Header to Gray Pipeline Project  
Applicant Stonehenge Appalachia, LLC  
Contact Patrick Redalen  
Address 11400 Westmoor Circle, Suite 325  
City Westminster State CO Zip Code 80021-2738

County Butler Township(s) Connoquenessing, Butler and Center  
 Receiving Stream(s) and Classification(s) UNT to Yellow Creek, UNT to Little Connoquenessing Creek, Little Connoquenessing Creek, UNT to Crab Run, Crab Run, Crooked Run CWF

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

ESCGP-2 # ESX10-035-0003(01)  
 Applicant Name Anadarko E&P Onshore, LLC  
 Contact Person Rane Wilson  
 Address 33 West Third St., Suite 200  
 City, State, Zip Williamsport, PA 17701  
 County Clinton  
 Township(s) Noyes Twp  
 Receiving Stream(s) and Classification(s) UNT Boggs Hollow (EV), UNT Benjamin Run (Sled Road Hollow) (HQ-CWF)  
 Secondary—Boggs Hollow (EV), Benjamin Run (HQ-CWF)

ESCGP-2 # ESX29-115-15-0033  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Matthew Anderson  
 Address 310 State Route 29 North  
 City, State, Zip Tunkhannock, PA 18657-7845  
 County Susquehanna  
 Township(s) Harford Twp  
 Receiving Stream(s) and Classification(s) East Branch Martin's Creek (CWF)  
 Secondary—Martin's Creek (CWF)

ESCGP-2 # ESX29-115-15-0032  
 Applicant Name Williams Field Services Company, LLC  
 Contact Person Chad Johnson  
 Address 310 State Route 29 North  
 City, State, Zip Tunkhannock, PA 18657  
 County Susquehanna  
 Township(s) Lathrop Twp  
 Receiving Stream(s) and Classification(s) UNT to Horton Creek #4922 (CWF), UNT to Martins Creek #87825 (CWF)

*Southwest Region: Oil & Gas Program Mgr., 400 Waterfront Dr., Pittsburgh, PA*

ESCGP-2 No.: ESX15-007-0002  
 Applicant Name: PennEnergy Resources LLC  
 Contact Person Gregg A Stewart  
 Address: 1000 Commerce Drive Park Place One Suite 100  
 City: Pittsburgh State: PA Zip Code: 15275  
 County: Beaver Township: New Sewickley  
 Receiving Stream(s) and Classifications: UNT to Brush Creek/Slippery Rock Creek; Other WWF

ESCGP-2 No.: ESG14-125-0081  
 Applicant Name: Range Resources Appalachia LLC  
 Contact Person: Glenn D Truzzi  
 Address: 3000 Town Center Boulevard  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Buffalo  
 Receiving Stream(s) and Classifications: UNT to Buffalo Creek/Wheeling—Buffalo Creeks; HQ

ESCGP-2 No.: ESX15-125-0036  
 Applicant Name: MarkWest Liberty Midstream & Resources LLC  
 Contact Person: Rick Lowry  
 Address: 4600 J Barry Court Suite 500  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Smith, Robinson  
 Receiving Stream(s) and Classifications: UNTs to Little

Raccoon Run, Little Raccoon Run, Raccoon Creek;  
 Secondary Receiving Water Little Raccoon Run, Raccoon Creek, Ohio River

ESCGP-2 No.: ESG14-005-0017  
 Applicant Name: Apex Energy LLC  
 Contact Person: Ed Long  
 Address: 6041 Wallace Road Extension Suite 100  
 City: Wexford State: PA Zip Code: 15090  
 County: Armstrong Township(s): East Franklin and Sugarcreek  
 Receiving Stream(s) and Classifications: UNT Long Run (Western Drainage); Long Run (Eastern Drainage); Patterson Creek Watershed; HQ; Other Trout Stocked Fishery

## SPECIAL NOTICES

### Intent to Issue Plan Approval—IPAOP

*Philadelphia: Air Management Services, 321 University Avenue, Philadelphia, PA 19104-4543, Contact: Edward Wiener, Chief, Source Registration at 215-685-9426.*

**AMS 15095: Cancer Treatment Center of America** (1331 E Wyoming Ave., Philadelphia, PA 19124) for installing one (1) 1,100 KWs Electric Co-Generation, Combined Heat and Power system (CHP) that burns natural gas. There will be a potential emission increase of eight 12 tons of Nitrogen Oxides (NO<sub>x</sub>) per year for the facility. The plan approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

### Drinking Water State Revolving Fund Special Notice

### Special Notice Under the Federal Safe Drinking Water Act (SDWA) (42 U.S.C.A. §§ 300f, et. seq.)

#### Categorical Exclusion

*Southwest Region: Water Supply Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Authority of the Borough of Charleroi**, 3 McKean Avenue, PO Box 211, Charleroi, PA 15022

*Location:* Washington, PA.

*Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Authority of the Borough of Charleroi proposes to the redesign of GE/Zenon membrane filters and associated modifications with water treatment plant. The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby categorically excludes this project from the State Environmental Review Process.

#### Consent Order and Agreement

**York County Solid Waste and Refuse Authority**, 2700 Blackbridge Road, York, PA 17406

**York County Sanitary Landfill; NPDES Permit No. PA 0081744**; Hopewell Township, York County

This Consent Order and Agreement ("COA") is entered into this 21st day of August, 2015, by and between the Commonwealth of Pennsylvania, Department of Environmental Protection ("Department"), and York County Solid Waste and Refuse Authority ("YCSWA").



## Findings

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Pennsylvania Clean Streams Law, the Act of June 22, 1937, P. L. 1987, as amended, 35 P. S. § 691.1 et seq. (“The Clean Streams Law”); The Solid Waste Management Act, Act of July 7, 1980, P. L. 380, No. 97, as amended, 35 P. S. §§ 6018.101 et seq. (“SWMA”); Section 1917-A of the Administrative Code of 1929, Act of April 9, 1929, P. L. 177, as amended, 71 P. S. § 510-17 (“Administrative Code”); and the rules and regulations promulgated thereunder, and with the delegated authority to administer a permit program, the National Pollutant Discharge Elimination System (“NPDES”), under Section 402 of the Federal Clean Water Act, 33 U.S.C. § 1342.

B. YCSWRA, also known as York County Solid Waste Authority, owns and operates the York County Sanitary Landfill (“Landfill”) located in Hopewell Township, York County, and maintains a business address of 2700 Blackbridge Road, York, Pennsylvania 17406.

C. YCSWRA owns and operates a pump and treat air stripping system for the purposes of treating contaminated groundwater from an unlined portion of the Landfill. The pump and treat air stripping system is comprised of three air stripping towers. Air stripping towers 2 and 3 discharge treated groundwater to an Unnamed Tributary of Ebaughs Creek (“UNT Ebaughs Creek”), a Water of the Commonwealth, through Outfall 002. Air stripping tower 1 discharges treated groundwater to an Unnamed Tributary of Rambo Run (“UNT Rambo Run”), a Water of the Commonwealth, through Outfall 001.

D. The discharge of treated groundwater from the air stripping system and into UNT Ebaughs Creek and UNT Rambo Run through Outfalls 001 and 002 is authorized under the terms and conditions of NPDES Permit No. PA0081744, effective December 1, 2006, which expired November 30, 2011. YCSWRA timely applied for an NPDES renewal, which application was received by the Department on May 27, 2011, and YCSWRA’s treated groundwater discharge from the air stripping system continues to be authorized under NPDES Permit No. PA0081744 by virtue of its timely renewal application.

E. The discharges of treated groundwater are to the headwaters of UNT Ebaughs Creek and UNT Rambo Run that have small upstream drainage areas with little or no dilution. Based upon the available data, the Department takes the position that discharges have the reasonable potential to cause or contribute to an excursion above the mercury criterion in 25 Pa. Code Section 93.8d, Table 5, and in recognition of the parties’ disagreement regarding application of the 25 Pa. Code Section 93.8d, Table 5 criterion to the subject discharges, the Department has agreed to allow YCSWRA to develop a site-specific criterion for methylmercury, based on a fish tissue bioaccumulation factor (as recommended by EPA), that will be translated to a water column concentration for total mercury that is protective of human health. The study will be performed as required, including in accordance with 25 Pa. Code Section 93.8d, and will include a site-specific translator for converting the methylmercury criterion to total mercury for purposes of monitoring the discharges.

F. On November 30, 2011, the Department met with YCSWRA and informed YCSWRA that it would be required to meet the discharge limitation of 0.05 µg/l for

total mercury at Outfalls 001 and 002, or complete a study to develop a site-specific water quality criterion for methylmercury.

G. On May 9, 2012 the Department collected fish (brook trout) for tissue samples at two locations in Rambo Run. The purpose of the sampling was to determine the concentration of mercury in the fish, and to further determine if there was a reasonable potential to continue with a site specific methylmercury bioaccumulation factor study. The fish tissue concentrations were 0.036 mg/kg and 0.038 mg/kg.

H. By letter dated November 1, 2012, the Department advised YCSWRA that it must choose from the following two options regarding Mercury in its discharge:

1. Meet the Human Health Criteria for Hg of 0.05 ug/L as listed in 25 Pa. Code Chapter 93 Table 5. The Department will include a schedule in the permit to allow time to meet this more stringent limit.

2. Submit a Site-Specific study for the Department’s review utilizing the document titled *Site-Specific Methyl Mercury Fish Tissue Based Water Quality Criterion—Quality Assurance Project Plan/BAF Determination* dated February 27, 2012 provided to the Authority during the meeting on March 22, 2012. This option will be accompanied by a Consent Order and Agreement. Please note that the criteria developed utilizing this option would have to be used even if it is calculated to be more stringent than the existing Human Health Criteria.

On November 19, 2012, YCSWRA sent the Department an email stating that it “has chosen to conduct a stream survey to determine the site specific bioaccumulation factor as presented in your letter”.

I. In a series of meetings in 2013-2014, the Department and YCSWRA met to discuss the study and related matters.

J. During the same time period, the Department requested that YCSWRA collect 6 monthly samples of methylmercury from the two NPDES outfalls. YCSWRA submitted total mercury and methylmercury analytical results for monthly samples collected between June and November 2013.

K. By letter dated February 18, 2015, the Department advised YCSWRA that it had the following two options regarding the proposed total mercury limit in NPDES Permit No. PA0081744:

1. Accept a limit based on the existing water quality criteria for total mercury (0.05 ug/l) provided in 25 Pa. Code Chapter 93.

2. Develop and conduct a study to develop a site-specific criterion for total mercury for both Rambo Run and Ebaughs Creek.

Under the second option, if YCSWRA were to conduct the study, the study would include developing a site-specific methylmercury criterion, and a site-specific translation factor, which would be used to develop effluent discharge limits for total mercury for Rambo Run and Ebaughs Creek.

The Department’s letter referred to the following guidance documents: National Recommended WQ Human Health Criteria for Mercury (Draft, 12/30/2013); and Human Health Criteria-Methylmercury Fish Tissue Criterion (January 2001, EPA-823-R-01-001).

L. By email dated March 17, 2015, YCSWRA notified the Department that it “selected to conduct a stream survey in applicable water bodies to determine a site

specific criteria for total mercury for each of our treatment systems at the York County Sanitary Landfill”.

### Order

After full and complete negotiation of all matters set forth in this COA and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by YCSWRA as follows:

1. *Authority.* This COA is an Order of the Department authorized and issued pursuant to Section 5 of The Clean Streams Law, 35 P. S. § 691.5; and Section 1917-A of the Administrative Code, 71 P. S. § 510.17.

#### 2. Findings.

a. The Department and YCSWRA agree that the findings in paragraphs A through L are true and correct, and, in any matter or proceeding involving YCSWRA and the Department, YCSWRA shall not challenge the accuracy or validity of these findings.

b. The parties do not authorize any other persons to use the findings in the COA in any matter or proceeding.

#### 3. Corrective Action.

a. Within 60 days after the execution of this COA, YCSWRA shall submit a site-specific study plan (hereafter the “Plan”) that identifies and describes the “methodology to be utilized to develop a site-specific methylmercury criterion and translation factor for the unnamed tributaries to Rambo Run and Ebaughs Creek” (hereafter the “Site-Specific Study”). The site-specific methylmercury criterion will be applied with a site-specific translation factor, to develop effluent discharge limits for total mercury for Outfall 001 and Outfall 002. The Plan shall be performed in accordance with 25 Pa. Code Section 93.8d.

b. If the Department advises YCSWRA that additional information is needed to approve the Plan, YCSWRA shall submit the information within 15 days of the date of the Department’s request; however, upon written request, including a justification from YCSWRA, the Department may allow an extension for such a submittal.

c. In the event that the Department determines that the Plan as submitted by YCSWRA is deficient and notifies YCSWRA of the need for additional information, as set forth above in paragraph 3.b and YCSWRA fails to provide the Department with additional information sufficient to make the Plan approvable by December 31, 2015, the Department will amend NPDES Permit No. PA0081744 with a total mercury effluent limitation of 0.05 µg/l for Outfalls 001 and 002 as a monthly average. In the event that the Department takes the action just described, this COA terminates and YCSWRA retains the right to appeal the NPDES Permit.

d. Within 21 days following approval of the Plan by the Department, YCSWRA shall initiate implementation of the Site-Specific Study described in the Plan, unless the Department has agreed in writing to a later date, and shall commence the sampling required for the site-specific translation factor. The required sampling shall be performed at both Rambo Run and Ebaughs Creek, and shall be performed in accordance with the approved Plan.

e. For each month or portion thereof that follows YCSWRA’s initiation of the Site-Specific Study, YCSWRA shall submit a report to the Department outlining major activities accomplished, results received, and findings during the applicable month. The report shall be mailed

to Maria Bebenek, Manager, Clean Water Program, DEP, SCRO, 909 Elmerton Avenue, Harrisburg, PA 17110.

f. The Department will use its best efforts to provide a timely review of the monthly reports and notify YCSWRA if the Site-Specific Study is not being implemented consistent with the Plan.

g. During the implementation of the Site-Specific Study, YCSWRA may request modifications to the approved Plan. All modifications to the Plan shall be set forth in writing and approved by the Department.

h. Within 60 days after the completion of the Site-Specific Study, but no later than June 1, 2018, YCSWRA shall submit a “complete report” of the Site-Specific Study’s results and findings for Department review (hereafter, the “Site-Specific Study Report”), unless DEP agrees to an extension in writing. The Site-Specific Study Report shall include all raw data for fish tissue and water column, used to determine the BAF and the translation factor.

i. Upon receiving the Site-Specific Study Report, the Department will review the report to ensure that the Site-Specific Study followed the protocols in the approved Plan.

j. If the Department requires additional information to review or approve any submittal necessary to comply with this COA, YCSWRA shall submit the requested information within ten (10) calendar days of the date of the Department’s notice that such information is required; however, upon written request the Department may allow an extension for such a submittal.

#### 4. NPDES PERMIT

a. *2015 permit.* Within fifteen business days of the date of signing this Consent Order and Agreement, the Department will issue a draft NPDES permit. (The draft NPDES permit is attached as Exhibit A and is incorporated by reference). The Department will include in the permit a requirement for monitoring and reporting the total mercury concentration in the effluent from Outfalls 001 and 002 on a monthly basis. As set forth in Exhibit A, the draft NPDES permit will also include a reopener clause. Following close of the public comment period, the Department will issue a final NPDES permit (hereinafter called the “2015 permit”). If the Department issues the 2015 permit substantially in conformance with the terms of the attached Exhibit A insofar as they relate to the subject matter of this COA, YCSWRA will not challenge the permit requirements, conditions, or effluent limitations in any appeal filed with the Environmental Hearing Board or in any other administrative or judicial forum. Nothing in this paragraph shall limit YCSWRA’s right to appeal any permit requirements with respect to matters other than those that are the subject matter of this COA.

b. *Permit to be modified after Plan is completed.* As set forth above, in paragraph 3.i, upon receiving the Site-Specific Study Report, the Department will review the report to ensure that the Site-Specific Study followed the protocols in the approved Plan.

i. If the Department determines that the Site-Specific Study followed the protocols in the approved Plan, the Department will issue a draft NPDES Permit No. PA0081744 amendment to include a permit limit for total mercury in the discharges from Outfalls 001 and 002, which shall be based on the water quality criteria that was determined as a result of the Site-Specific Study. After the close of the public comment period, the Department will issue a final NPDES Permit No. PA0081744 amendment.

ii. If following review of the Site-Specific Study Report the Department determines that the Site-Specific Study did not follow the protocols in the approved Plan, the Department will issue a draft NPDES Permit No. PA0081744 amendment to include a total mercury effluent limitation of 0.05 µg/l for Outfalls 001 and 002 as a monthly average. After the close of the public comment period, the Department will issue a final NPDES Permit No. PA0081744 amendment. In the event that the Department takes the action just described, this COA terminates and YCSWRA reserves the right to appeal the Permit amendment's total mercury effluent limitation of 0.05 µg/l for Outfalls 001 and 002 as a monthly average.

iii. If necessary, the amended NPDES Permit No. PA0081744 will include a schedule for YCSWRA to upgrade the wastewater treatment plant to comply with the final effluent limitations. The schedule will provide for the submission of an administratively and technically complete Water Quality Management Part II Permit application for the wastewater treatment plant upgrades, which shall include a schedule for required construction no longer than two years from the date of the Part II Permit issuance.

iv. If the Department determines that the Site-Specific Study followed the protocols in the approved Plan, YCSWRA will not challenge before the Environmental Hearing Board or in any other administrative or judicial forum the site-specific methylmercury water quality criteria determined pursuant to the Site-Specific Study, provided that YCSWRA's rights to challenge before the Environmental Hearing Board and in any other administrative or judicial forum the discharge limits for total mercury the Department determines for Outfalls 001 and 002 under paragraph 4.b.i of this COA are in all respects fully preserved and unaffected by this COA insofar as those discharge limits are more stringent than necessary to meet the site-specific methylmercury criteria determined pursuant to the Site-Specific Study or are otherwise inconsistent with the Site-Specific Study.

#### 5. *Stipulated Civil Penalties.*

a. If YCSWRA fails to comply in a timely manner with the provisions of this COA, YCSWRA shall be in violation of this COA and, in addition to other applicable remedies, shall pay a civil penalty in the amount determined under the following schedule:

For any violation of paragraphs 3.a, 3.b, 3.d, 3.e, 3.h and 3.j, \$200 per day for the first 30 days of each violation, and \$500 per day for each violation extending beyond the first 30 days.

b. Stipulated civil penalty payments for any violation of paragraph 3 herein shall be payable monthly on or before the twenty-eighth day of each succeeding month, and shall be forwarded as described in paragraph 10 below.

c. Any payment under this paragraph shall neither waive YCSWRA's duty to meet its obligations under this COA, nor preclude the Department from commencing an action to compel YCSWRA's compliance with the terms and conditions of this COA. The payment resolves YCSWRA's liability only for civil penalties arising from the violation of this COA.

#### 6. *Additional Remedies.*

a. If YCSWRA fails to comply with any provision of this COA, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an order of the Department, including an action to enforce this COA.

b. The remedies provided by this paragraph and paragraph 5 are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy. The payment of a stipulated civil penalty, however, shall preclude any further assessment of civil penalties for the violation for which the stipulated civil penalty is paid.

c. No provision of this COA shall preclude the Department from pursuing civil penalties for past violations of NPDES permit PA 0081744, if any, or any future reported or documented violations, except those violations covered by Paragraph 5 of this COA.

7. *Reservation of Rights.* The Department reserves the right to require additional measures to achieve compliance with applicable laws. YCSWRA reserves the right to challenge any action which the Department may take to require those measures.

8. *Liability of Operator.* YCSWRA shall be liable for any violations of the COA, including those caused by, contributed to, or allowed by its officers, agents, employees or contractors. YCSWRA also shall be liable for any violation of this COA caused by, contributed to, or allowed by its successors and assigns.

#### 9. *Transfer of Site.*

a. The duties and obligations under this COA shall not be modified, diminished, terminated, or otherwise altered by the transfer of any legal or equitable interest in the Landfill or any part thereof.

b. If YCSWRA intends to transfer any legal or equitable interest in the Landfill and the transferred interest is affected by this COA, YCSWRA shall serve a copy of this COA upon the prospective transferee of the legal or equitable interest at least thirty (30) days prior to the completed transfer and shall simultaneously inform the Department's Southcentral Regional Office of such intent.

c. The Department in its sole discretion may agree to modify or terminate YCSWRA's duties and obligations under this COA upon transfer of the Landfill. YCSWRA waives any right that it may have to challenge the Department's decision in this regard.

10. *Correspondence with Department.* All correspondence with the Department concerning this COA shall be addressed to Maria Bebenek, Clean Water Program Manager, DEP Clean Water Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, Phone: 717-705-4795, Fax: 717-705-4760.

All Civil Penalty payments required under this document shall be made by corporate check or the like, made payable to "The Commonwealth of Pennsylvania, Clean Water Fund", and forwarded as described above.

11. *Correspondence with YCSWRA.* All correspondence with YCSWRA concerning this COA shall be addressed to Mr. Dave Vollero, YCSWRA, 2700 Blackbridge Road, York, PA 17406, Phone: 717-845-1066, Fax: 717-843-1544.

YCSWRA shall notify the Department whenever there is a change in the contact person's name or address. Service of any notice or any legal process for any purpose under this COA, including its enforcement, may be made by mailing a copy by first class mail to the above address.

#### 12. *Force Majeure.*

a. In the event that YCSWRA is prevented from complying in a timely manner with any time limit imposed under this COA solely because of a strike, fire, flood, act of God, or other circumstances entirely beyond YCSWRA's



control and which YCSWRA, by the exercise of reasonable diligence, is unable to prevent, YCSWRA may petition the Department for an extension of time. An increase in the cost of performing the obligations set forth in this COA shall not constitute circumstances beyond YCSWRA's control. YCSWRA's economic inability to comply with any of the obligations of this COA shall not be grounds for any extension of time.

b. YCSWRA shall only be entitled to the benefits of this paragraph if it notifies the Department within five business days by telephone and within ten business days in writing of the date it becomes aware or reasonably should have become aware of the event impeding performance. The written submission shall include all necessary documentation, as well as a notarized affidavit from an authorized individual specifying the reasons for the delay, the expected duration of the delay, and the efforts which have been made and are being made by YCSWRA to mitigate the effects of the event and to minimize the length of the delay. The initial written submission may be supplemented within ten business days of its submission. YCSWRA's failure to comply with the requirements of this paragraph specifically and in a timely fashion shall render this paragraph null and of no effect as to the particular incident involved.

c. The Department will decide whether to grant all or part of the extension requested on the basis of all documentation submitted by YCSWRA and other information available to the Department. In any subsequent litigation, YCSWRA shall have the burden of proving that the Department's refusal to grant the requested extension was an abuse of discretion based upon the information then available to it.

d. This paragraph 12 does not apply to requests by YCSWRA under paragraphs 3.c, 3.f and 3.i of this COA.

13. *Severability.* The paragraphs of this COA shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

14. *Entire Agreement.* This COA shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or intent of any provisions herein in any litigation or any other proceeding.

15. *Attorney Fees.* The parties shall bear their respective attorney fees, expenses, and other costs in the prosecution or defense of this matter or any related matters arising prior to execution of this COA.

16. *Modifications.* No changes, additions, modifications, or amendments of this COA shall be effective unless they are set out in writing and signed by the parties hereto.

17. *Titles.* A title used at the beginning of any paragraph of this COA is provided solely for the purpose of identification and shall not be used to interpret that paragraph.

18. *Decisions Under Consent Order.* Except as provided in Paragraphs 3 and 4, any decision which the Department makes under the provisions of this COA is intended to be neither a final action under 25 Pa. Code § 1021.2, nor an adjudication under 2 Pa.C.S. § 101. Any objection which YCSWRA may have to the decision will be preserved until the Department enforces this COA.

#### 19. *Dispute Resolution.*

a. YCSWRA may initiate dispute resolution under this paragraph, in response to any decision required of the Department under Paragraphs 3.c, 3.g and 4.b.ii.

b. To initiate dispute resolution, YCSWRA shall provide written notice to the Department within ten (10) days of the decision in dispute. YCSWRA shall have an additional ten days to provide the Department with a written list of objections to the decision in dispute, the relevant facts, analysis and opinions and other supporting data ("Statement of Position"). The Department shall have twenty (20) days to provide its Statement of Position.

c. Within the twenty (20) day period following receipt of the Department's Statement of Position, the Clean Water Program Manager and YCSWRA's Executive Director shall confer in an attempt to resolve the dispute. In the event the parties are unable to resolve the dispute within this period, the Statements of Position shall be provided to the Department's Southcentral Regional/Director to issue a final decision resolving the dispute.

d. During the pendency of the dispute resolution procedures set forth in Subparagraphs (b) and (c), any obligation to be performed under this Consent Order and Agreement which is the subject of such dispute and any associated activities whose performance is directly dependent upon the resolution of the dispute shall be postponed for a period of time not to exceed the actual time taken to resolve the dispute pursuant to Subparagraphs (b) and (c) or as otherwise agreed by the parties. All other obligations and activities shall be completed in accordance with the terms of this Consent Order and Agreement.

e. Any time period for dispute resolution set forth herein may be extended by written agreement of the parties.

f. For decisions which are specified as appealable to the Environmental Hearing Board under this COA, YCSWRA must either appeal the decision to the Board within thirty (30) days of its receipt, or initiate dispute resolution in the manner set forth in this paragraph and in all events before the expiration of the 30 day appeal period. If dispute resolution is initiated before the expiration of the appeal period, the effective date of the Department action that is the subject of the dispute shall be suspended until the Department makes a final decision under Subparagraph (c).

20. *Termination.* Except insofar as different termination dates arise under paragraphs 3.c and 4.b.ii, YCSWRA's obligations under this COA shall terminate when YCSWRA has completed the actions required in paragraph 3 and has paid the stipulated penalties, if any, due under paragraph 5.

*In Witness Whereof,* the parties hereto have caused this Consent Order and Agreement to be executed by their duly authorized representatives. The undersigned representatives of YCSWRA certify under penalty of law, as provided by 18 Pa.C.S. § 4904, that they are authorized to execute this Consent Order and Agreement on behalf of YCSWRA, that YCSWRA consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that YCSWRA hereby knowingly waives its right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under Section 4 of the Environmental Hearing Board Act, Act of July 13, 1988, P. L. 530, 35 P. S. § 7514; the Administrative Agency Law, 2 Pa.C.S. § 103(a) and Chapters 5A and 7A; or any other provisions of law.



For York County Solid Waste  
and Refuse Authority:

Name: David E. Vollero  
Title: Executive Director

Date 8/21/15

Name: Robert M Strielker  
Title: Attorney for YCSWRA

Date 8/21/15

For The Commonwealth of  
Pennsylvania, Department of  
Environmental Protection:

Maria Bebenek, P.E.  
Program Manager  
Clean Water Program

Date 8/21/15

Beth Liss Shuman  
Assistant Counsel

Date 8/21/15

**Exhibit A  
Draft NPDES Permit**

**AUTHORIZATION TO DISCHARGE UNDER THE  
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM  
DISCHARGE REQUIREMENTS FOR INDUSTRIAL WASTEWATER FACILITIES**

**3800-PM-WSFR0011 Rev. 8/2009  
NPDES PERMIT NO: PA0081744**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. Section 1251 et seq. ("the Act") and Pennsylvania's Clean Streams Law, as amended, 35 P. S. Section 691.1 et seq.,

York County Solid Waste and Refuse Authority  
2700 Blackbridge Road  
York, PA 17406-7901

is authorized to discharge from a facility known as York County Sanitary Landfill, located in Hopewell Township, York County, to Unnamed Tributary to Ebaughs Creek and Unnamed Tributary to Rambo Run in Watershed(s) 7-I in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts A, B and C hereof.

THIS PERMIT SHALL BECOME EFFECTIVE ON \_\_\_\_\_

THIS PERMIT SHALL EXPIRE AT MIDNIGHT ON \_\_\_\_\_

The authority granted by this permit is subject to the following further qualifications:

1. If there is a conflict between the application, its supporting documents and/or amendments and the terms and conditions of this permit, the terms and conditions shall apply.

2. Failure to comply with the terms, conditions or effluent limitations of this permit is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. (40 CFR 122.41(a))

3. A complete application for renewal of this permit, or notice of intent to cease discharging by the expiration date, must be submitted to DEP at least 180 days prior to the above expiration date (unless permission has been granted by DEP for submission at a later date), using the appropriate NPDES permit application form. (40 CFR 122.41(b), 122.21(d)(2))

In the event that a timely and complete application for renewal has been submitted and DEP is unable, through no fault of the permittee, to reissue the permit before the above expiration date, the terms and conditions of this permit, including submission of the Discharge Monitoring Reports (DMRs), will be automatically continued and will remain fully effective and enforceable against the discharger until DEP takes final action on the pending permit application. (25 Pa. Code §§ 92a.7(b), (c))

4. This NPDES permit does not constitute authorization to construct or make modifications to wastewater treatment facilities necessary to meet the terms and conditions of this permit.

DATE PERMIT ISSUED \_\_\_\_\_

ISSUED BY \_\_\_\_\_

Maria D. Bebenek, P.E.  
Clean Water Program Manager  
Southcentral Regional Office

**PART A—EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS**

I. A. For Outfall 001, Latitude 39° 47' 4.00", Longitude 76° 36' 1.00", River Mile Index 5.5, Stream Code 07378

Receiving Waters: Unnamed Tributary to Rambo Run

Type of Effluent: Treated groundwater from Tower 1

1. The permittee is authorized to discharge during the period from Permit Effective Date through Permit Expiration Date.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>			Concentrations (mg/L)			Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	1/week	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/week	Grab
Total Antimony (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Cadmium (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Copper (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Lead (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Mercury (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Silver (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Trichloroethylene (µg/L)	XXX	XXX	XXX	2.5 <sup>(3)</sup>	2.5 <sup>(3)</sup>	XXX	1/month	Grab

Outfall 001, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>			Concentrations (mg/L)			Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Vinyl Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 001

**PART A—EFFLUENT LIMITATIONS, MONITORING, RECORDKEEPING AND REPORTING REQUIREMENTS**

I. B. For Outfall 002, Latitude 39° 46' 41.00", Longitude 76° 36' 33.00", River Mile Index 1.7, Stream Code 06815

Receiving Waters: Unnamed Tributary to Ebaughs Creek

Type of Effluent: Treated groundwater from Towers 2 and 3

1. The permittee is authorized to discharge during the period from Permit Effective Date through Permit Expiration Date.

2. Based on the anticipated wastewater characteristics and flows described in the permit application and its supporting documents and/or amendments, the following effluent limitations and monitoring requirements apply (see also Additional Requirements and Footnotes).

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>			Concentrations (mg/L)			Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX	1/week	Measured
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0	1/week	Grab
Total Antimony (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Cadmium (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Copper (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Lead (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Mercury (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Total Silver (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab
Trichloroethylene (µg/L)	XXX	XXX	XXX	2.5 <sup>(3)</sup>	2.5 <sup>(3)</sup>	XXX	1/month	Grab

Outfall 002, Continued (from Permit Effective Date through Permit Expiration Date)

Parameter	Effluent Limitations						Monitoring Requirements	
	Mass Units (lbs/day) <sup>(1)</sup>			Concentrations (mg/L)			Minimum <sup>(2)</sup> Measurement Frequency	Required Sample Type
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum		
Vinyl Chloride (µg/L)	XXX	XXX	XXX	Report	Report	XXX	1/month	Grab

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s):

at Outfall 002

## Additional Requirements

The permittee may not discharge:

1. Floating solids, scum, sheen or substances that result in observed deposits in the receiving water. (25 Pa Code § 92a.41(c))

2. Oil and grease in amounts that cause a film or sheen upon or discoloration of the waters of this Commonwealth or adjoining shoreline, or that exceed 15 mg/l as a daily average or 30 mg/l at any time (or lesser amounts if specified in this permit). (25 Pa. Code § 92a.47(a)(7), § 95.2(2))

3. Substances in concentration or amounts sufficient to be inimical or harmful to the water uses to be protected or to human, animal, plant or aquatic life. (25 Pa Code § 93.6(a))

4. Foam or substances that produce an observed change in the color, taste, odor or turbidity of the receiving water, unless those conditions are otherwise controlled through effluent limitations or other requirements in this permit. (25 Pa Code § 92a.41(c))

## Footnotes

(1) When sampling to determine compliance with mass effluent limitations, the discharge flow at the time of sampling must be measured and recorded.

(2) This is the minimum number of sampling events required. Permittees are encouraged, and it may be advantageous in demonstrating compliance, to perform more than the minimum number of sampling events.

(3) The treatment technology can treat to non-detect for trichloroethylene and the most stringent criterion for trichloroethylene is 2.5 ug/l.

## Supplemental Information

The effluent limitations for Outfalls 001 and 002 were determined using effluent discharge rates of 0.346 MGD and 0.288 MGD, respectively.

## II. DEFINITIONS

*At Outfall (XXX)* means a sampling location in outfall line XXX below the last point at which wastes are added to outfall line (XXX), or where otherwise specified.

*Average* refers to the use of an arithmetic mean, unless otherwise specified in this permit. (40 CFR 122.41(l)(4)(iii))

*Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollutant loading to surface waters of the Commonwealth. The term also includes treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The term includes activities, facilities, measures, planning or procedures used to minimize accelerated erosion and sedimentation and manage stormwater to protect, maintain, reclaim, and restore the quality of waters and the existing and designated uses of waters within this Commonwealth before, during and after earth disturbance activities. (25 Pa. Code § 92a.2)

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility. (40 CFR 122.41(m)(1)(i))

*Calendar Week* is defined as the seven consecutive days from Sunday through Saturday, unless the permittee has been given permission by DEP to provide weekly data as

Monday through Friday based on showing excellent performance of the facility and a history of compliance. In cases when the week falls in two separate months, the month with the most days in that week shall be the month for reporting.

*Clean Water Act* means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A. §§ 1251 to 1387).

*Chemical Additive* means a chemical product (including products of disassociation and degradation, collectively "products") introduced into a waste stream that is used for cleaning, disinfecting, or maintenance and which may be detected in effluent discharged to waters of the Commonwealth. The term generally excludes chemicals used for neutralization of waste streams, the production of goods, and treatment of wastewater.

*Composite Sample* (for all except GC/MS volatile organic analysis) means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters (mL) each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to produce the composite. (EPA Form 2C)

*Composite Sample* (for GC/MS volatile organic analysis) consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the laboratory immediately before analysis and then one analysis is performed. (EPA Form 2C)

*Daily Average Temperature* means the average of all temperature measurements made, or the mean value plot of the record of a continuous automated temperature recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.

*Daily Discharge* means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day. (25 Pa. Code § 92a.2, 40 CFR 122.2)

*Daily Maximum Discharge Limitation* means the highest allowable "daily discharge."

*Discharge Monitoring Report (DMR)* means the DEP or EPA supplied form(s) for the reporting of self-monitoring results by the permittee. (25 Pa. Code § 92a.2, 40 CFR 122.2)

*Estimated Flow* means any method of liquid volume measurement based on a technical evaluation of the sources contributing to the discharge including, but not limited to, pump capabilities, water meters and batch discharge volumes.

*Geometric Mean* means the average of a set of n sample results given by the nth root of their product.

*Grab Sample* means an individual sample of at least 100 mL collected at a randomly selected time over a period not to exceed 15 minutes. (EPA Form 2C)

*Hazardous Substance* means any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act. (40 CFR 122.2)

*Hauled-In Wastes* means any waste that is introduced into a treatment facility through any method other than a direct connection to the wastewater collection system. The term includes wastes transported to and disposed of within the treatment facility or other entry points within the collection system.

*Immersion Stabilization (i-s)* means a calibrated device is immersed in the wastewater until the reading is stabilized.

*Instantaneous Maximum Effluent Limitation* means the highest allowable discharge of a concentration or mass of a substance at any one time as measured by a grab sample. (25 Pa. Code § 92a.2)

*Measured Flow* means any method of liquid volume measurement, the accuracy of which has been previously demonstrated in engineering practice, or for which a relationship to absolute volume has been obtained.

*Monthly Average Discharge Limitation* means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (25 Pa. Code § 92a.2)

*Municipal Waste* means garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste under this section from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility. (25 Pa. Code § 271.1)

*Non-contact Cooling Water* means water used to reduce temperature which does not come in direct contact with any raw material, intermediate product, waste product (other than heat), or finished product.

*Residual Waste* means garbage, refuse, other discarded material or other waste, including solid, liquid, semisolid or contained gaseous materials resulting from industrial, mining and agricultural operations and sludge from an industrial, mining or agricultural water supply treatment facility, wastewater treatment facility or air pollution control facility, if it is not hazardous. The term does not include coal refuse as defined in the Coal Refuse Disposal Control Act. The term does not include treatment sludges from coal mine drainage treatment plants, disposal of which is being carried on under and in compliance with a valid permit issued under the Clean Streams Law. (25 Pa. Code § 287.1)

*Severe Property Damage* means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 CFR 122.41(m)(1)(ii))

*Stormwater* means the runoff from precipitation, snow melt runoff, and surface runoff and drainage. (25 Pa. Code § 92a.2)

*Stormwater Associated With Industrial Activity* means the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant, and as defined at 40 CFR 122.26(b)(14) (i)—(ix) & (xi) and 25 Pa. Code § 92a.2.

*Total Dissolved Solids* means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR Part 136.

*Toxic Pollutant* means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains may, on the basis of information available to DEP cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformations in these organisms or their offspring. (25 Pa. Code § 92a.2)

### III. SELF-MONITORING, REPORTING AND RECORD-KEEPING

#### A. Representative Sampling

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity (40 CFR 122.41(j)(1)). Representative sampling includes the collection of samples, where possible, during periods of adverse weather, changes in treatment plant performance and changes in treatment plant loading. If possible, effluent samples must be collected where the effluent is well mixed near the center of the discharge conveyance and at the approximate mid-depth point, where the turbulence is at a maximum and the settlement of solids is minimized. (40 CFR 122.48, 25 Pa. Code § 92a.61)

#### 2. Records Retention (40 CFR 122.41(j)(2))

Except for records of monitoring information required by this permit related to the permittee's sludge use and disposal activities which shall be retained for a period of at least 5 years, all records of monitoring activities and results (including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records), copies of all reports required by this permit, and records of all data used to complete the application for this permit shall be retained by the permittee for 3 years from the date of the sample measurement, report or application, unless a longer retention period is required by the permit. The 3-year period shall be extended as requested by DEP or the EPA Regional Administrator.

#### 3. Recording of Results (40 CFR 122.41(j)(3))

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- The exact place, date and time of sampling or measurements.
- The person(s) who performed the sampling or measurements.
- The date(s) the analyses were performed.
- The person(s) who performed the analyses.
- The analytical techniques or methods used; and the associated detection level.
- The results of such analyses.

#### 4. Test Procedures

a. Facilities that test or analyze environmental samples used to demonstrate compliance with this permit shall be in compliance with laboratory accreditation requirements of Act 90 of 2002 (27 Pa. C.S. §§ 4101—4113) and 25 Pa. Code Chapter 252, relating to environmental laboratory accreditation.



b. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be those approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, unless the method is specified in this permit or has been otherwise approved in writing by DEP. (40 CFR 122.41(j)(4), 122.44(i)(1)(iv))

c. Test procedures (methods) for the analysis of pollutants or pollutant parameters shall be sufficiently sensitive. A method is sufficiently sensitive when 1) the method minimum level is at or below the level of the effluent limit established in the permit for the measured pollutant or pollutant parameter; or 2) the method has the lowest minimum level of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Chapter I, Subchapters N or O, for the measured pollutant or pollutant parameter; or 3) the method is specified in this permit or has been otherwise approved in writing by DEP for the measured pollutant or pollutant parameter. Permittees have the option of providing matrix or sample-specific minimum levels rather than the published levels. (40 CFR 122.44(i)(1)(iv))

#### 5. Quality/Assurance/Control

In an effort to assure accurate self-monitoring analyses results:

a. The permittee, or its designated laboratory, shall participate in the periodic scheduled quality assurance inspections conducted by DEP and EPA. (40 CFR 122.41(e), 122.41(i)(3))

b. The permittee, or its designated laboratory, shall develop and implement a program to assure the quality and accurateness of the analyses performed to satisfy the requirements of this permit, in accordance with 40 CFR Part 136. (40 CFR 122.41(j)(4))

#### B. Reporting of Monitoring Results

1. The permittee shall effectively monitor the operation and efficiency of all wastewater treatment and control facilities, and the quantity and quality of the discharge(s) as specified in this permit. (40 CFR 122.41(e), 122.44(i)(1))

2. Discharge Monitoring Reports (DMRs) must be completed in accordance with DEP's published DMR Instructions (3800-FM-BPNPSM0463). DMRs are based on calendar reporting periods unless Part C of this permit requires otherwise. DMR(s) must be received by the agency(ies) specified in paragraph 3 below in accordance with the following schedule:

- Monthly DMRs must be received within 28 days following the end of each calendar month.

- Quarterly DMRs must be received within 28 days following the end of each calendar quarter, i.e., January 28, April 28, July 28, and October 28.

- Semiannual DMRs must be received within 28 days following the end of each calendar semiannual period, i.e., January 28 and July 28.

- Annual DMRs must be received by January 28, unless Part C of this permit requires otherwise.

3. The permittee shall complete all Supplemental Reporting forms (Supplemental DMRs) provided by DEP in this permit (or an approved equivalent), and submit the signed, completed forms as an attachment to the DMR(s). If the permittee elects to use DEP's electronic DMR (eDMR) system, one electronic submission may be made for DMRs and Supplemental DMRs. If paper forms are used, the completed forms shall be mailed to:

Department of Environmental Protection  
Clean Water Program  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

4. If the permittee elects to begin using DEP's eDMR system to submit DMRs required by the permit, the permittee shall, to assure continuity of business operations, continue using the eDMR system to submit all DMRs and Supplemental Reports required by the permit, unless the following steps are completed to discontinue use of eDMR:

a. The permittee shall submit written notification to the regional office that issued the permit that it intends to discontinue use of eDMR. The notification shall be signed by a principal executive officer or authorized agent of the permittee.

b. The permittee shall continue using eDMR until the permittee receives written notification from DEP's Central Office that the facility has been removed from the eDMR system, and electronic report submissions are no longer expected.

5. The completed DMR Form shall be signed and certified by either of the following applicable persons, as defined in 25 Pa. Code § 92a.22:

- For a corporation—by a principal executive officer of at least the level of vice president, or an authorized representative, if the representative is responsible for the overall operation of the facility from which the discharge described in the NPDES form originates.

- For a partnership or sole proprietorship—by a general partner or the proprietor, respectively.

- For a municipality, state, federal or other public agency—by a principal executive officer or ranking elected official.

If signed by a person other than the above, written notification of delegation of DMR signatory authority must be submitted to DEP in advance of or along with the relevant DMR form. (40 CFR 122.22(b))

6. If the permittee monitors any pollutant at monitoring points as designated by this permit, using analytical methods described in Part A III.A.4. herein, more frequently than the permit requires, the results of this monitoring shall be incorporated, as appropriate, into the calculations used to report self-monitoring data on the DMR. (40 CFR 122.41(l)(4)(ii))

#### C. Reporting Requirements

1. Planned Changes to Physical Facilities—The permittee shall give notice to DEP as soon as possible but no later than 30 days prior to planned physical alterations or additions to the permitted facility. A permit under 25 Pa. Code Chapter 91 may be required for these situations prior to implementing the planned changes. A permit application, or other written submission to DEP, can be used to satisfy the notification requirements of this section.

Notice is required when:

a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b). (40 CFR 122.41(l)(1)(i))

b. The alteration or addition could significantly change the nature or increase the quantity of pollutants dis-

charged. This notification applies to pollutants which are not subject to effluent limitations in this permit. (40 CFR 122.41(l)(1)(ii))

c. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan. (40 CFR 122.41(l)(1)(iii))

d. The planned change may result in noncompliance with permit requirements. (40 CFR 122.41(l)(2))

2. Planned Changes to Waste Stream—Under the authority of 25 Pa. Code § 92a.24(a), the permittee shall provide notice to DEP as soon as possible but no later than 45 days prior to any planned changes in the volume or pollutant concentration of its influent waste stream as a result of indirect discharges or hauled-in wastes, as specified in paragraphs 2.a. and 2.b., below. Notice shall be provided on the "Planned Changes to Waste Stream" Supplemental Report (3800-FM-BPNPSM0482), available on DEP's website. The permittee shall provide information on the quality and quantity of waste introduced into the facility, and any anticipated impact of the change on the quantity or quality of effluent to be discharged from the facility. The Report shall be sent via Certified Mail or other means to confirm DEP's receipt of the notification. DEP will determine if the submission of a new application and receipt of a new or amended permit is required.

a. Introduction of New Pollutants (25 Pa. Code § 92a.24(a))

New pollutants are defined as parameters that meet all of the following criteria:

(i) Were not detected in the facilities' influent waste stream as reported in the permit application; and

(ii) Have not been approved to be included in the permittee's influent waste stream by DEP in writing.

The permittee shall provide notification of the introduction of new pollutants in accordance with paragraph 2 above. The permittee may not authorize the introduction of new pollutants until the permittee receives DEP's written approval.

b. Increased Loading of Approved Pollutants (25 Pa. Code § 92a.24(a))

Approved pollutants are defined as parameters that meet one or more of the following criteria:

(i) Were detected in the facilities' influent waste stream as reported in the permittee's permit application; or

(ii) Have been approved to be included in the permittee's influent waste stream by DEP in writing; or

(iii) Have an effluent limitation or monitoring requirement in this permit.

The permittee shall provide notification of the introduction of increased influent loading (lbs/day) of approved pollutants in accordance with paragraph 2 above when (1) the cumulative increase in influent loading (lbs/day) exceeds 20% of the maximum loading reported in the permit application, or a loading previously approved by DEP, or (2) may cause an exceedance in the effluent of Effluent Limitation Guidelines (ELGs) or limitations in Part A of this permit, or (3) may cause interference or pass through at the facility, or (4) may cause exceedances of the applicable water quality standards in the receiving

stream. Unless specified otherwise in this permit, if DEP does not respond to the notification within 30 days of its receipt, the permittee may proceed with the increase in loading. The acceptance of increased loading of approved pollutants may not result in an exceedance of ELGs or effluent limitations and may not cause exceedances of the applicable water quality standards in the receiving stream.

3. Reporting Requirements for Hauled-In Wastes

a. Receipt of Residual Waste

(i) The permittee shall document the receipt of all hauled-in residual wastes (including but not limited to wastewater from oil and gas wells, food processing waste, and landfill leachate), as defined at 25 Pa. Code § 287.1, that are received for processing at the treatment facility. The permittee shall report hauled-in residual wastes on a monthly basis to DEP on the "Hauled In Residual Wastes" Supplemental Report (3800-FM-BPNPSM0450) as an attachment to the DMR. If no residual wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report. The information used to develop the Report shall be retained by the permittee for five years from the date of receipt and must be made available to DEP or EPA upon request.

(1) The dates that residual wastes were received.

(2) The volume (gallons) of wastes received.

(3) The license plate number of the vehicle transporting the waste to the treatment facility.

(4) The permit number(s) of the well(s) where residual wastes were generated, if applicable.

(5) The name and address of the generator of the residual wastes.

(6) The type of wastewater.

The transporter of residual waste must maintain these and other records as part of the daily operational record (25 Pa. Code § 299.219). If the transporter is unable to provide this information or the permittee has not otherwise received the information from the generator, the residual wastes shall not be accepted by the permittee until such time as the permittee receives such information from the transporter or generator.

(ii) The following conditions apply to the characterization of residual wastes received by the permittee:

(1) If the generator is required to complete a chemical analysis of residual wastes in accordance with 25 Pa. Code § 287.51, the permittee must receive and maintain on file a chemical analysis of the residual wastes it receives. The chemical analysis must conform to the Bureau of Waste Management's Form 26R except as noted in paragraph (2), below. Each load of residual waste received must be covered by a chemical analysis if the generator is required to complete it.

(2) For wastewater generated from hydraulic fracturing operations ("frac wastewater") within the first 30 production days of a well site, the chemical analysis may be a general frac wastewater characterization approved by DEP. Thereafter, the chemical analysis must be waste-specific and be reported on the Form 26R.

b. Receipt of Municipal Waste

(i) The permittee shall document the receipt of all hauled-in municipal wastes (including but not limited to

septage and liquid sewage sludge), as defined at 25 Pa. Code § 271.1, that are received for processing at the treatment facility. The permittee shall report hauled-in municipal wastes on a monthly basis to DEP on the "Hauled In Municipal Wastes" Supplemental Report (3800-FM-BPNPSM0437) as an attachment to the DMR. If no municipal wastes were received during a month, submission of the Supplemental Report is not required.

The following information is required by the Supplemental Report:

- (1) The dates that municipal wastes were received.
- (2) The volume (gallons) of wastes received.
- (3) The BOD<sub>5</sub> concentration (mg/l) and load (lbs) for the wastes received.
- (4) The location(s) where wastes were disposed of within the treatment facility.
- (ii) Sampling and analysis of hauled-in municipal wastes must be completed to characterize the organic strength of the wastes, unless composite sampling of influent wastewater is performed at a location downstream of the point of entry for the wastes.

#### 4. Unanticipated Noncompliance or Potential Pollution Reporting

a. Immediate Reporting—The permittee shall immediately report any incident causing or threatening pollution in accordance with the requirements of 25 Pa. Code §§ 91.33 and 92a.41(b).

(i) If, because of an accident, other activity or incident a toxic substance or another substance which would endanger users downstream from the discharge, or would otherwise result in pollution or create a danger of pollution or would damage property, the permittee shall immediately notify DEP by telephone of the location and nature of the danger. Oral notification to the Department is required as soon as possible, but no later than 4 hours after the permittee becomes aware of the incident causing or threatening pollution.

(ii) If reasonably possible to do so, the permittee shall immediately notify downstream users of the waters of the Commonwealth to which the substance was discharged. Such notice shall include the location and nature of the danger.

(iii) The permittee shall immediately take or cause to be taken steps necessary to prevent injury to property and downstream users of the waters from pollution or a danger of pollution and, in addition, within 15 days from the incident, shall remove the residual substances contained thereon or therein from the ground and from the affected waters of this Commonwealth to the extent required by applicable law.

b. The permittee shall report any noncompliance which may endanger health or the environment in accordance with the requirements of 40 CFR 122.41(l)(6). These requirements include the following obligations:

(i) 24 Hour Reporting—The permittee shall orally report any noncompliance with this permit which may endanger health or the environment within 24 hours from the time the permittee becomes aware of the circumstances. The following shall be included as information which must be reported within 24 hours under this paragraph:

(1) Any unanticipated bypass which exceeds any effluent limitation in the permit;

(2) Any upset which exceeds any effluent limitation in the permit; and

(3) Violation of the maximum daily discharge limitation for any of the pollutants listed in the permit as being subject to the 24-hour reporting requirement. (40 CFR 122.44(g))

(ii) Written Report—A written submission shall also be provided within 5 days of the time the permittee becomes aware of any noncompliance which may endanger health or the environment. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

(iii) Waiver of Written Report—DEP may waive the written report on a case-by-case basis if the associated oral report has been received within 24 hours from the time the permittee becomes aware of the circumstances which may endanger health or the environment. Unless such a waiver is expressly granted by DEP, the permittee shall submit a written report in accordance with this paragraph. (40 CFR 122.41(l)(6)(iii))

#### 5. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under paragraph C.4 of this section or specific requirements of compliance schedules, at the time DMRs are submitted, on the Non-Compliance Reporting Form (3800-FM-BPNPSM0440). The reports shall contain the information listed in paragraph C.4.b(ii) of this section. (40 CFR 122.41(l)(7))

D. Specific Toxic Pollutant Notification Levels (for Manufacturing, Commercial, Mining, and Silvicultural Direct Dischargers)—The permittee shall notify DEP as soon as it knows or has reason to believe the following: (40 CFR 122.42(a))

1. That any activity has occurred, or will occur, which would result in the discharge of any toxic pollutant which is not limited in this permit, if that discharge on a routine or frequent basis will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(1))

a. One hundred micrograms per liter.

b. Two hundred micrograms per liter for acrolein and acrylonitrile.

c. Five hundred micrograms per liter for 2,4-dinitrophenol and 2-methyl-4,6-dinitrophenol.

d. One milligram per liter for antimony.

e. Five times the maximum concentration value reported for that pollutant in this permit application.

f. Any other notification level established by DEP.

2. That any activity has occurred or will occur which would result in any discharge, on a nonroutine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels": (40 CFR 122.42(a)(2))

a. Five hundred micrograms per liter.

b. One milligram per liter for antimony.

c. Ten times the maximum concentration value reported for that pollutant in the permit application.

d. Any other notification level established by DEP.



## PART B

## I. MANAGEMENT REQUIREMENTS

## A. Compliance

1. The permittee shall comply with all conditions of this permit. If a compliance schedule has been established in this permit, the permittee shall achieve compliance with the terms and conditions of this permit within the time frames specified in this permit. (40 CFR 122.41(a)(1))

2. The permittee shall submit reports of compliance or noncompliance, or progress reports as applicable, for any interim and final requirements contained in this permit. Such reports shall be submitted no later than 14 days following the applicable schedule date or compliance deadline. (25 Pa. Code § 92a.51(c), 40 CFR 122.47(a)(4))

## B. Permit Modification, Termination, or Revocation and Reissuance

1. This permit may be modified, terminated, or revoked and reissued during its term in accordance with 25 Pa. Code § 92a.72 and 40 CFR 122.41(f).

2. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated non-compliance, does not stay any permit condition. (40 CFR 122.41(f))

3. In the absence of DEP action to modify or revoke and reissue this permit, the permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time specified in the regulations that establish those standards or prohibitions. (40 CFR 122.41(a)(1))

## C. Duty to Provide Information

1. The permittee shall furnish to DEP, within a reasonable time, any information which DEP may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. (40 CFR 122.41(h))

2. The permittee shall furnish to DEP, upon request, copies of records required to be kept by this permit. (40 CFR 122.41(h))

3. Other Information—Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to DEP, it shall promptly submit the correct and complete facts or information. (40 CFR 122.41(l)(8))

## D. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes, but is not limited to, adequate laboratory controls including appropriate quality assurance procedures. This provision also includes the operation of backup or auxiliary facilities or similar systems that are installed by the permittee, only when necessary to achieve compliance with the terms and conditions of this permit. (40 CFR 122.41(e))

## E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge, sludge use or disposal in

violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. (40 CFR 122.41(d))

## F. Bypassing

1. Bypassing Not Exceeding Permit Limitations—The permittee may allow a bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions in paragraphs two, three and four of this section. (40 CFR 122.41(m)(2))

2. Other Bypassing—In all other situations, bypassing is prohibited and DEP may take enforcement action against the permittee for bypass unless:

a. A bypass is unavoidable to prevent loss of life, personal injury or “severe property damage.” (40 CFR 122.41(m)(4)(i)(A))

b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance. (40 CFR 122.41(m)(4)(i)(B))

c. The permittee submitted the necessary notice required in F.4.a. and b. below. (40 CFR 122.41(m)(4)(i)(C))

3. DEP may approve an anticipated bypass, after considering its adverse effects, if DEP determines that it will meet the conditions listed in F.2. above. (40 CFR 122.41(m)(4)(ii))

## 4. Notice

a. Anticipated Bypass—If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the bypass. (40 CFR 122.41(m)(3)(i))

b. Unanticipated Bypass—The permittee shall submit oral notice of any other unanticipated bypass within 24 hours, regardless of whether the bypass may endanger health or the environment or whether the bypass exceeds effluent limitations. The notice shall be in accordance with Part A III.C.4.b.

## II. PENALTIES AND LIABILITY

## A. Violations of Permit Conditions

Any person violating Sections 301, 302, 306, 307, 308, 318 or 405 of the Clean Water Act or any permit condition or limitation implementing such sections in a permit issued under Section 402 of the Act is subject to civil, administrative and/or criminal penalties as set forth in 40 CFR 122.41(a)(2).

Any person or municipality, who violates any provision of this permit; any rule, regulation or order of DEP; or any condition or limitation of any permit issued pursuant to the Clean Streams Law, is subject to criminal and/or civil penalties as set forth in Sections 602, 603 and 605 of the Clean Streams Law.

## B. Falsifying Information

Any person who does any of the following:

- Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit, or



- Knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit (including monitoring reports or reports of compliance or noncompliance)

Shall, upon conviction, be punished by a fine and/or imprisonment as set forth in 18 Pa.C.S.A § 4904 and 40 CFR 122.41(j)(5) and (k)(2).

#### C. Liability

Nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance pursuant to Section 309 of the Clean Water Act or Sections 602, 603 or 605 of the Clean Streams Law.

Nothing in this permit shall be construed to preclude the institution of any legal action or to relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under the Clean Water Act and the Clean Streams Law.

#### D. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (40 CFR 122.41(c))

### III. OTHER RESPONSIBILITIES

#### A. Right of Entry

Pursuant to Sections 5(b) and 305 of Pennsylvania's Clean Streams Law, and Title 25 Pa. Code Chapter 92a and 40 CFR 122.41(i), the permittee shall allow authorized representatives of DEP and EPA, upon the presentation of credentials and other documents as may be required by law:

1. To enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit; (40 CFR 122.41(i)(1))

2. To have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit; (40 CFR 122.41(i)(2))

3. To inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and (40 CFR 122.41(i)(3))

4. To sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Clean Streams Law, any substances or parameters at any location. (40 CFR 122.41(i)(4))

#### B. Transfer of Permits

1. Transfers by modification. Except as provided in paragraph 2 of this section, a permit may be transferred by the permittee to a new owner or operator only if this permit has been modified or revoked and reissued, or a minor modification made to identify the new permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (40 CFR 122.61(a))

2. Automatic transfers. As an alternative to transfers under paragraph 1 of this section, any NPDES permit may be automatically transferred to a new permittee if:

a. The current permittee notifies DEP at least 30 days in advance of the proposed transfer date in paragraph 2.b. of this section; (40 CFR 122.61(b)(1))

b. The notice includes the appropriate DEP transfer form signed by the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; (40 CFR 122.61(b)(2))

c. DEP does not notify the existing permittee and the proposed new permittee of its intent to modify or revoke and reissue this permit, the transfer is effective on the date specified in the agreement mentioned in paragraph 2.b. of this section; and (40 CFR 122.61(b)(3))

d. The new permittee is in compliance with existing DEP issued permits, regulations, orders and schedules of compliance, or has demonstrated that any noncompliance with the existing permits has been resolved by an appropriate compliance action or by the terms and conditions of the permit (including compliance schedules set forth in the permit), consistent with 25 Pa. Code § 92a.51 (relating to schedules of compliance) and other appropriate DEP regulations. (25 Pa. Code § 92a.71)

3. In the event DEP does not approve transfer of this permit, the new owner or operator must submit a new permit application.

#### C. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privilege. (40 CFR 122.41(g))

#### D. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for a new permit. (40 CFR 122.41(b))

#### E. Other Laws

The issuance of this permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations.

### IV. ANNUAL FEES

Permittees shall pay an annual fee in accordance with 25 Pa. Code § 92a.62. Annual fee amounts are specified in the following schedule and are due on each anniversary of the effective date of the most recent new or reissued permit. All flows identified in the schedule are annual average design flows. (25 Pa. Code § 92a.62)

Minor IW Facility without ELG (Effluent Limitation Guideline)	\$500
Minor IW Facility with ELG	\$1,500
Major IW Facility < 250 MGD (million gallons per day)	\$5,000
Major IW Facility ≥ 250 MGD	\$25,000
IW Stormwater Individual Permit	\$1,000
CAAP (Concentrated Aquatic Animal Production Facility)	\$0

As of the effective date of this permit, the facility covered by the permit is classified in the following fee category: Minor IW Facility without ELG.

Invoices for annual fees will be mailed to permittees approximately three months prior to the due date. In the event that an invoice is not received, the permittee is nonetheless responsible for payment. Throughout a five year permit term, permittees will pay four annual fees followed by a permit renewal application fee in the last year of permit coverage. Permittees may contact DEP at

717-787-6744 with questions related to annual fees. The fees identified above are subject to change in accordance with 25 Pa. Code § 92a.62(e).

Payment for annual fees shall be remitted to DEP at the address below by the anniversary date. Checks should be made payable to the Commonwealth of Pennsylvania.

PA Department of Environmental Protection  
Bureau of Point and Non-Point Source Management  
Re: Chapter 92a Annual Fee  
P.O. Box 8466  
Harrisburg, PA 17105-8466

## PART C

### I. OTHER REQUIREMENTS

A. The approval herein given is specifically made contingent upon the permittee acquiring all necessary property rights by easement or otherwise, providing for the satisfactory construction, operation, maintenance or replacement of all structures associated with the herein approved discharge in, along, or across private property, with full rights of ingress, egress and regress.

B. Collected screenings, slurries, sludges, and other solids shall be handled, recycled and/or disposed of in compliance with the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), 25 Pa. Code Chapters 287, 288, 289, 291, 295, 297, and 299 (relating to requirements for landfilling, impoundments, land application, composting, processing, and storage of residual waste), Chapters 261a, 262a, 263a, and 270a (related to identification of hazardous waste, requirements for generators and transporters, and hazardous waste, requirements for generators and transporters, and hazardous waste permit programs), Federal regulation 40 CFR Part 257, The Clean Streams Law, and the Federal Clean Water Act and its amendments. Screenings collected at intake structures shall be collected and managed and not be returned to the receiving waters.

The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

C. The terms and conditions of Water Quality Management (WQM) permits that may have been issued to the permittee relating to discharge requirements are superseded by this NPDES permit unless otherwise stated herein.

D. If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology (BAT) Economically Achievable or to Best Conventional Technology (BCT) is developed by DEP or EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding limitations of this permit (or if it controls pollutants not covered by this permit), DEP may modify or revoke and reissue the permit to conform with that standard or limitation.

### II. SITE-SPECIFIC STUDY

The permittee shall conduct and submit to the Department a study to develop a site-specific methylmercury criterion and a site-specific translation factor for Rambo Run and Ebaugh's Creek. The study will be used to develop effluent discharge limits for total mercury for Rambo Run and Ebaugh's Creek. Pursuant to 40 CFR Section 122.62 and 25 Pa. Code Section 92a.72, based on the information presented by the permittee to the Department,

or in the event of permittee's failure to present adequate information to the Department, the Department will amend the existing NPDES permit to include specific effluent limitations for total mercury.

### III. GROUNDWATER CLEANUP

A. If the applicable standard or effluent guideline limitation relating to the application for Best Available Technology Economically Achievable (BAT) or to Best Conventional Technology (BCT) is developed by the Department, or by EPA for this type of industry, and if such standard or limitation is more stringent than the corresponding conditions of this permit (or if it controls pollutants not covered by this permit), then the Department reserves the right to modify, or to revoke and reissue the permit to conform with that standard or limitation.

B. Sludges and other solids shall be handled and disposed of in compliance with 25 Pa. Code, Chapters 262, 263, and 264 (related to permits and requirements for landfilling and storage of hazardous sludge) and applicable federal regulations, the Federal Clean Water Act, RCRA and their amendments. The permittee is responsible to obtain or assure that contracted agents have all necessary permits and approvals for the handling, storage, transport and disposal of solid waste materials generated as a result of wastewater treatment.

C. Sampling shall be in accordance with monitoring requirements in Part A of this permit. All monitoring results shall be submitted with the monthly DMR.

D. There shall be no discharge of stripper tower cleaning wastewaters to waters of the Commonwealth. Cleaning wastewaters shall be discharged to the sanitary sewer or hauled off site for proper disposal.

E. The permittee shall operate the treatment facilities approved herein on a continual basis. If accidental breakdown or normal periodic maintenance should cause cessation of operation, the permittee shall take satisfactory measures to ensure the treatment works are placed back in operation at the earliest possible time. The permittee shall orally report to the Department within 24 hours of an unanticipated temporary shutdown of the treatment facility that is longer than 24 hours in duration or at least 24 hours prior to an anticipated maintenance shutdown.

#### **General NPDES Permit for Stormwater Discharges Associated with Construction Activities**

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

**PAG-02 27-32-14-002, Frantz Brothers Resources, LLC**, 24 Wilgus Road, Hillsdale, PA 15746. General NPDES Permit for Stormwater Discharges Associated with Construction Activities on GFCC Permit No. 32-13-02 in Green Township, **Indiana County**. Receiving stream: North Branch Two Lick Creek classified for the following uses: Cold Water Fishes. There are no potable water supplies located within 10 miles downstream. Notice of Intent for Coverage received: April 10, 2014. Coverage Approved: September 2, 2015.

#### **Authorization to Extract Noncoal**

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

**43151002. David Excavating & Paving Company, Inc., d/b/a David Construction Company** (1991 South Hermitage Road, Hermitage, PA 16148). Authorization to extract noncoal (industrial minerals) in the City of Her-

mitage, **Mercer County** to supply fill material for the Speedway Project. Receiving streams: Bobby Run. Application received: August 12, 2015. Authorization approved: September 10, 2015.

[Pa.B. Doc. No. 15-1727. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Bid Opportunity

**OSM 56(1489)102.1, Abandoned Mine Reclamation Project, Boswell North, Boswell Borough, Somerset County.** The principal items of work and approximate quantities include grading 78,500 cubic yards, channel excavation 3,988 cubic yards, tied concrete block erosion control mat 762 square yards, R-6 stone 2,067 square yards, R-4 stone 99 square yards and seeding 11.4 acres. This bid issues on September 25, 2015, and bids will be opened on October 29, 2015, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1728. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Nutrient Credit Trading Program; Certification Request

The Department of Environmental Protection (Department) provides notice of the following certification request that has been submitted under the Nutrient Credit Trading Program (Trading Program). See 25 Pa. Code § 96.8 (relating to use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay Watershed), published at 40 Pa.B. 5790 (October 9, 2010).

#### *Credit Certification Request*

The following request is being reviewed by the Department. The Department will accept written comments on this proposed pollutant reduction activity for 30 days.

<i>Applicant</i>	<i>Pollutant Reduction Activity Description</i>
Energy Works (Adams County)— Concentrated animal feeding operation layer manure from Hillendale Farms	This certification is for a manure gasification or conversion technology.

#### *Written Comments*

The Department must receive comments on this application for credit certification no later than Monday, October 26, 2015. Commentators are encouraged to submit electronic comments using the Department's eComment site at [www.ahs.dep.pa.gov/eComment](http://www.ahs.dep.pa.gov/eComment). Written comments with the subject line "Energy Works" should be submitted to the Policy Office, Department of Environ-

mental Protection, Rachel Carson State Office Building, P. O. Box 2063, Harrisburg, PA 17105-2063, [ecomment@pa.gov](mailto:ecomment@pa.gov).

For further information about this certification request or the Nutrient Credit Trading Program contact Jay Braund, Bureau of Point and Non-Point Source Management, Department of Environmental Protection, P. O. Box 8774, Harrisburg, PA 17105-8774, (717) 772-5636, [jbraund@pa.gov](mailto:jbraund@pa.gov), or visit the Department's web site at [http://www.depweb.state.pa.us/Nutrient\\_Trading](http://www.depweb.state.pa.us/Nutrient_Trading).

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 15-1729. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Oak Hill Nursing and Rehabilitation Center  
827 Georges Station Road  
Greensburg, PA 15601  
FAC ID # 150702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.25(b) (relating to kitchen):

Oak Hill Nursing and Rehabilitation Center  
827 Georges Station Road  
Greensburg, PA 15601  
FAC ID # 150702

The following long-term care nursing facilities are seeking exceptions to 28 Pa. Code § 205.6(a) (relating to function of building):

Elmwood Gardens  
2628 Elmwood Avenue  
Erie, PA 16508  
FAC ID # 680202

Redstone Highlands Health Care Center  
6 Garden Center Drive  
Greensburg, PA 15601  
FAC ID # 073202

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommoda-



tion to do so should contact the Division at the address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 15-1730. Filed for public inspection September 25, 2015, 9:00 a.m.]

**Renal Disease Advisory Committee Meeting**

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P. L. 419, No. 140) (35 P. S. § 6204), will hold its quarterly public meeting on Friday, October 16, 2015, 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 Carolyn S. Cass, Director, Division of Child and Adult Health Services, 7th Floor East, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, or for speech and/or hearing impaired persons call V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

KAREN M. MURPHY, PhD, RN,  
Secretary

[Pa.B. Doc. No. 15-1731. Filed for public inspection September 25, 2015, 9:00 a.m.]

**Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program); Maximum Allowable Prices and Competitive Prices**

**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) (relating to selection criteria for authorization and reauthorization; and terms and conditions of participation) and 7 CFR 246.12 (relating to food delivery systems), the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, 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

<i>Description</i>	<i>Maximum Allowable Price</i>
Canned Fish—Pink Salmon .....	\$2.20
Canned Fish—Sardines .....	\$1.50
Canned Fish—Tuna .....	\$1.29
Cereal (per oz.) .....	\$0.33
Cheese, 16 oz. ....	\$7.31
Eggs .....	\$2.95
Infant Cereal—8 oz. ....	\$2.25
Infant Fruits, 100%—4 oz. ....	\$0.72
Infant Vegetables, 100%—4 oz. ....	\$0.72
Infant Meats, 100%—2.5 oz. ....	\$1.06
Juice—11.5/12 oz. ....	\$2.36
Juice—48 oz. ....	\$3.05
Juice—64 oz. ....	\$3.89
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart .....	\$1.69
Kosher Low Fat Milk—1/2 gallon .....	\$3.27
Kosher Whole Milk—quart .....	\$1.80
Kosher Whole Milk—1/2 gallon .....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.27
Milk, Dry—25.6 oz. ....	\$9.55
Milk, Evaporated—12 oz. ....	\$1.43
Milk, Low Fat—quart .....	\$1.36
Milk, Low Fat—1/2 gallon .....	\$2.49
Milk, Low Fat Lactose Free—quart .....	\$2.32
Milk, Low Fat Lactose Free—1/2 gallon .....	\$3.89
Milk, Whole—quart .....	\$1.45
Milk, Whole—1/2 gallon .....	\$2.49
Milk, Whole Lactose Free—quart .....	\$2.47
Milk, Whole Lactose Free—1/2 gallon .....	\$3.79
Peanut Butter—16-18 oz. ....	\$3.29
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.29
Soy Beverage—8th Continent 64 oz. ....	\$3.49
Tofu—16 oz. ....	\$2.57
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Bread, 24 oz. ....	\$3.95
Whole Grain—Brown Rice, 16 oz. ....	\$1.80
Whole Grain—Brown Rice, 24 oz. ....	\$3.32
Whole Grain—Oats, 16 oz. ....	\$2.44
Whole Grain—Oats, 24 oz. ....	\$5.39
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.57
Whole Wheat Pasta .....	\$1.37
Yogurt Nonfat .....	\$2.90
Yogurt Lowfat .....	\$2.90
Yogurt Wholefat .....	\$2.90
Boost RTF Formula—8 oz. ....	\$1.69
EnfaCare RTF Formula—32 oz. ....	\$7.30
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$16.70
Nutramigen Concentrate Formula—13 oz. ....	\$7.39
Nutramigen RTF Formula—32 oz. ....	\$9.69
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.50
Pediasure RTF Formula—8 oz. ....	\$1.93
Pediasure w/Fiber RTF Formula—8 oz. ....	\$1.99
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.85
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$4.95
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.45
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.46
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$9.99
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.39
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.69



<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$8.15
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$16.99
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$22.49
Similac Go & Grow Powder—Sensitive—1.38 lbs. ....	\$22.59
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$7.65
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$15.69
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$7.29
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$15.59
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.11
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$7.59
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$15.89
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.09

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2 (relating to price adjustment).

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective, the Competitive Prices October 1, 2015, through December 31, 2015, 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 ....	\$2.89
Infant Cereal—8 oz. ....	\$2.24
Infant Fruits, 100%—4 oz. ....	\$0.69
Infant Vegetables, 100%—4 oz. ....	\$0.69
Infant Meats, 100%—2.5 oz. ....	\$1.05
Juice—11.5/12 oz. ....	\$2.29
Juice—48 oz. ....	\$3.00
Juice—64 oz. ....	\$3.59
Kosher Cheese—16 oz. ....	\$7.79
Kosher Low Fat Milk—1/2 gallon ....	\$3.15
Kosher Whole Milk—1/2 gallon ....	\$3.19
Milk, Low Fat—1/2 gallon ....	\$2.35
Milk, Whole—1/2 gallon ....	\$2.42
Peanut Butter—16-18 oz. ....	\$3.20
Whole Grain—Bread, 16 oz. ....	\$3.35
Whole Grain—Brown Rice, 16 oz. ....	\$1.69
Whole Grain—Oats, 16 oz. ....	\$2.39

<i>Description</i>	<i>Competitive Prices</i>
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.43
Whole Wheat Pasta ....	\$1.35
Similac Advance Concentrate Formula—Blue—13 oz. ....	\$4.95
Similac Advance Powder Formula—Blue—12.4 oz. ....	\$15.46
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.11
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$15.89

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, the Maximum Allowable Prices the Department of Health will pay Type 2 Stores in Regular Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.35
Beans/Peas—Dry—16 oz. ....	\$2.26
Canned Fish—Pink Salmon ....	\$2.26
Canned Fish—Sardines ....	\$1.59
Canned Fish—Tuna ....	\$1.35
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.33
Eggs ....	\$3.05
Infant Cereal—8 oz. ....	\$2.35
Infant Fruits, 100%—4 oz. ....	\$0.75
Infant Vegetables, 100%—4 oz. ....	\$0.75
Infant Meats, 100%—2.5 oz. ....	\$1.12
Juice—11.5/12 oz. ....	\$2.51
Juice—48 oz. ....	\$3.19
Juice—64 oz. ....	\$4.18
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.46
Milk, Dry—25.6 oz. ....	\$9.65
Milk, Evaporated—12 oz. ....	\$1.53
Milk, Low Fat—quart ....	\$1.42
Milk, Low Fat—1/2 gallon ....	\$2.52
Milk, Low Fat Lactose Free—quart ....	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.09
Milk, Whole—quart ....	\$1.50
Milk, Whole—1/2 gallon ....	\$2.59
Milk, Whole Lactose Free—quart ....	\$2.56
Milk, Whole Lactose Free—1/2 gallon ....	\$4.19
Peanut Butter—16-18 oz. ....	\$3.49
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.35
Soy Beverage—8th Continent 64 oz. ....	\$3.59
Tofu—16 oz. ....	\$2.62
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Bread, 24 oz. ....	\$4.00
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.39

<i>Description</i>	<i>Maximum Allowable Price</i>
Whole Grain—Oats, 16 oz. ....	\$2.55
Whole Grain—Oats, 24 oz. ....	\$5.89
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.59
Whole Wheat Pasta .....	\$1.64
Yogurt Nonfat .....	\$2.95
Yogurt Lowfat .....	\$2.95
Yogurt Wholefat .....	\$2.95
Boost RTF Formula—8 oz. ....	\$1.75
EnfaCare RTF Formula—32 oz. ....	\$7.44
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$16.74
Nutramigen Concentrate Formula—13 oz. ....	\$7.45
Nutramigen RTF Formula—32 oz. ....	\$9.79
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.55
Pediasure RTF Formula—8 oz. ....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.94
Similac Advance Concentrate—Blue Formula— 13 oz. ....	\$5.00
Similac Advance RTF—Blue Formula—32 oz. ....	\$7.55
Similac Advance Powder—Blue Formula— 12.4 oz. ....	\$15.58
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.09
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.27
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.19
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$22.55
Similac Go & Grow Powder—Sensitive— 1.38 lbs. ....	\$22.69
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.75
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$15.99
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.50
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.79
Similac Soy Isomil Concentrate—Pink Formula—13 oz. ....	\$5.29
Similac Soy Isomil RTF—Pink Formula—32 oz. ....	\$7.79
Similac Soy Isomil Powder—Pink Formula— 12.4 oz. ....	\$16.19
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.19

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2015, through December

31, 2015, the Competitive Prices for WIC Authorization for Type 2 Stores in Regular Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.20
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon .....	\$2.25
Canned Fish—Sardines .....	\$1.49
Canned Fish—Tuna .....	\$1.27
Cereal (per oz.) .....	\$0.32
Cheese, 16 oz. ....	\$6.86
Eggs .....	\$2.99
Infant Cereal—8 oz. ....	\$2.30
Infant Fruits, 100%—4 oz. ....	\$0.74
Infant Vegetables, 100%—4 oz. ....	\$0.74
Infant Meats, 100%—2.5 oz. ....	\$1.10
Juice—11.5/12 oz. ....	\$2.42
Juice—48 oz. ....	\$3.07
Juice—64 oz. ....	\$3.85
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon .....	\$3.19
Kosher Whole Milk—1/2 gallon .....	\$3.25
Milk, Low Fat—1/2 gallon .....	\$2.39
Milk, Whole—1/2 gallon .....	\$2.45
Peanut Butter—16-18 oz. ....	\$3.30
Whole Grain—Bread, 16 oz. ....	\$3.39
Whole Grain—Brown Rice, 16 oz. ....	\$1.79
Whole Grain—Oats, 16 oz. ....	\$2.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.45
Whole Wheat Pasta .....	\$1.60
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.58
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.29
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.19

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in Regular Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, the Maximum Allowable Prices the Department of Health will pay Type 3 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. ....	\$1.37
Beans/Peas—Dry—16 oz. ....	\$2.35
Canned Fish—Pink Salmon .....	\$2.30
Canned Fish—Sardines .....	\$1.65
Canned Fish—Tuna .....	\$1.40
Cereal (per oz.) .....	\$0.36
Cheese, 16 oz. ....	\$7.35
Eggs .....	\$3.15
Infant Cereal—8 oz. ....	\$2.40
Infant Fruits, 100%—4 oz. ....	\$0.80
Infant Vegetables, 100%—4 oz. ....	\$0.80
Infant Meats, 100%—2.5 oz. ....	\$1.17
Juice—11.5/12 oz. ....	\$2.56

<i>Description</i>	<i>Maximum Allowable Price</i>
Juice—48 oz. ....	\$3.30
Juice—64 oz. ....	\$4.27
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart	\$1.69
Kosher Low Fat Milk—1/2 gallon	\$3.30
Kosher Whole Milk—quart	\$1.80
Kosher Whole Milk—1/2 gallon	\$3.37
Milk, Dry—9.6 oz. ....	\$4.55
Milk, Dry—25.6 oz. ....	\$9.75
Milk, Evaporated—12 oz. ....	\$1.60
Milk, Low Fat—quart	\$1.47
Milk, Low Fat—1/2 gallon	\$2.62
Milk, Low Fat Lactose Free—quart	\$2.49
Milk, Low Fat Lactose Free—1/2 gallon	\$4.19
Milk, Whole—quart	\$1.57
Milk, Whole—1/2 gallon	\$2.69
Milk, Whole Lactose Free—quart	\$2.66
Milk, Whole Lactose Free—1/2 gallon	\$4.25
Peanut Butter—16-18 oz. ....	\$3.59
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.45
Soy Beverage—8th Continent 64 oz. ....	\$3.76
Tofu—16 oz. ....	\$2.72
Whole Grain—Bread, 16 oz. ....	\$3.63
Whole Grain—Bread, 24 oz. ....	\$4.07
Whole Grain—Brown Rice, 16 oz. ....	\$2.09
Whole Grain—Brown Rice, 24 oz. ....	\$3.59
Whole Grain—Oats, 16 oz. ....	\$2.70
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.64
Whole Wheat Pasta	\$2.17
Yogurt Nonfat	\$3.00
Yogurt Lowfat	\$3.00
Yogurt Wholefat	\$3.00
Boost RTF Formula—8 oz. ....	\$1.79
EnfaCare RTF Formula—32 oz. ....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.51
Nutramigen Concentrate Formula—13 oz. ....	\$7.49
Nutramigen RTF Formula—32 oz. ....	\$9.89
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.65
Pediasure RTF Formula—8 oz. ....	\$1.99
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.11
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.06
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.15
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.65
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.37
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.29
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$29.19
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.99
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.44
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.29
Similac Go & Grow Powder—Sensitive—1.38 lbs. ....	\$23.10
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.89
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.39

<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. ....	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$7.99
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.39
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2015, through December 31, 2015, 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	\$3.09
Infant Cereal—8 oz. ....	\$2.35
Infant Fruits, 100%—4 oz. ....	\$0.77
Infant Vegetables, 100%—4 oz. ....	\$0.77
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.47
Juice—48 oz. ....	\$3.29
Juice—64 oz. ....	\$4.00
Kosher Cheese—16 oz. ....	\$8.30
Kosher Low Fat Milk—1/2 gallon	\$3.29
Kosher Whole Milk—1/2 gallon	\$3.35
Milk, Low Fat—1/2 gallon	\$2.49
Milk, Whole—1/2 gallon	\$2.52
Peanut Butter—16-18 oz. ....	\$3.40
Whole Grain—Bread, 16 oz. ....	\$3.45
Whole Grain—Brown Rice, 16 oz. ....	\$2.05
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.58
Whole Wheat Pasta	\$2.10
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.15
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$16.37
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.39



**Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 1 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, 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 ....	\$3.05
Infant Cereal—8 oz. ....	\$2.32
Infant Fruits, 100%—4 oz. ....	\$0.74
Infant Vegetables, 100%—4 oz. ....	\$0.74
Infant Meats, 100%—2.5 oz. ....	\$1.10
Juice—11.5/12 oz. ....	\$2.45
Juice—48 oz. ....	\$3.14
Juice—64 oz. ....	\$3.95
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.43
Milk, Dry—25.6 oz. ....	\$9.65
Milk, Evaporated—12 oz. ....	\$1.49
Milk, Low Fat—quart ....	\$1.40
Milk, Low Fat—1/2 gallon ....	\$2.52
Milk, Low Fat Lactose Free—quart ....	\$2.42
Milk, Low Fat Lactose Free—1/2 gallon ....	\$3.99
Milk, Whole—quart ....	\$1.52
Milk, Whole—1/2 gallon ....	\$2.59
Milk, Whole Lactose Free—quart ....	\$2.55
Milk, Whole Lactose Free—1/2 gallon ....	\$3.89
Peanut Butter—16-18 oz. ....	\$3.40
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.35
Soy Beverage—8th Continent 64 oz. ....	\$3.55
Tofu—16 oz. ....	\$2.61
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Bread, 24 oz. ....	\$3.99
Whole Grain—Brown Rice, 16 oz. ....	\$1.95
Whole Grain—Brown Rice, 24 oz. ....	\$3.39
Whole Grain—Oats, 16 oz. ....	\$2.52
Whole Grain—Oats, 24 oz. ....	\$5.49
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.59
Whole Wheat Pasta ....	\$1.47
Yogurt Nonfat ....	\$2.95
Yogurt Lowfat ....	\$2.95
Yogurt Wholefat ....	\$2.95
Boost RTF Formula—8 oz. ....	\$1.70
EnfaCare RTF Formula—32 oz. ....	\$7.40
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$16.94
Nutramigen Concentrate Formula—13 oz. ....	\$7.43
Nutramigen RTF Formula—32 oz. ....	\$9.75
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$24.80

*Maximum Allowable Price*

<i>Description</i>	<i>Maximum Allowable Price</i>
Pediasure RTF Formula—8 oz. ....	\$2.04
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.05
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.89
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.00
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.49
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.79
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.09
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$28.79
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$7.79
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.29
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.29
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.17
Similac Go & Grow Powder—Sensitive—1.38 lbs.	\$23.00
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.69
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.19
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.49
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.89
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.21
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$7.79
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.35
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.59

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2015, through December 31, 2015, the Competitive Prices for WIC authorization for Type 1 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.20
Beans/Peas—Dry—16 oz. ....	\$2.10
Canned Fish—Pink Salmon ....	\$2.25
Canned Fish—Sardines ....	\$1.48
Canned Fish—Tuna ....	\$1.30
Cereal (per oz.) ....	\$0.32
Cheese, 16 oz. ....	\$6.91
Eggs ....	\$2.99
Infant Cereal—8 oz. ....	\$2.29
Infant Fruits, 100%—4 oz. ....	\$0.73
Infant Vegetables, 100%—4 oz. ....	\$0.73
Infant Meats, 100%—2.5 oz. ....	\$1.09



<i>Description</i>	<i>Competitive Prices</i>
Juice—11.5/12 oz. ....	\$2.35
Juice—48 oz. ....	\$3.06
Juice—64 oz. ....	\$3.66
Kosher Cheese—16 oz. ....	\$7.89
Kosher Low Fat Milk—1/2 gallon ....	\$3.19
Kosher Whole Milk—1/2 gallon ....	\$3.25
Milk, Low Fat—1/2 gallon ....	\$2.49
Milk, Whole—1/2 gallon ....	\$2.55
Peanut Butter—16-18 oz. ....	\$3.29
Whole Grain—Bread, 16 oz. ....	\$3.39
Whole Grain—Brown Rice, 16 oz. ....	\$1.79
Whole Grain—Oats, 16 oz. ....	\$2.45
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.50
Whole Wheat Pasta ....	\$1.40
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.00
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.79
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.21
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.35

**Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 2 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, 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 ....	\$3.15
Infant Cereal—8 oz. ....	\$2.46
Infant Fruits, 100%—4 oz. ....	\$0.76
Infant Vegetables, 100%—4 oz. ....	\$0.76
Infant Meats, 100%—2.5 oz. ....	\$1.17
Juice—11.5/12 oz. ....	\$2.56
Juice—48 oz. ....	\$3.33
Juice—64 oz. ....	\$4.24
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.69
Kosher Low Fat Milk—1/2 gallon ....	\$3.27
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.37
Milk, Dry—9.6 oz. ....	\$4.50
Milk, Dry—25.6 oz. ....	\$9.75
Milk, Evaporated—12 oz. ....	\$1.55
Milk, Low Fat—quart ....	\$1.44
Milk, Low Fat—1/2 gallon ....	\$2.62

<i>Description</i>	<i>Maximum Allowable Price</i>
Milk, Low Fat Lactose Free—quart ....	\$2.50
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.15
Milk, Whole—quart ....	\$1.57
Milk, Whole—1/2 gallon ....	\$2.69
Milk, Whole Lactose Free—quart ....	\$2.60
Milk, Whole Lactose Free—1/2 gallon ....	\$4.21
Peanut Butter—16-18 oz. ....	\$3.56
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.40
Soy Beverage—8th Continent 64 oz. ....	\$3.75
Tofu—16 oz. ....	\$2.68
Whole Grain—Bread, 16 oz. ....	\$3.59
Whole Grain—Bread, 24 oz. ....	\$4.05
Whole Grain—Brown Rice, 16 oz. ....	\$1.99
Whole Grain—Brown Rice, 24 oz. ....	\$3.69
Whole Grain—Oats, 16 oz. ....	\$2.88
Whole Grain—Oats, 24 oz. ....	\$5.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.64
Whole Wheat Pasta ....	\$1.74
Yogurt Nonfat ....	\$3.00
Yogurt Lowfat ....	\$3.00
Yogurt Wholefat ....	\$3.00
Boost RTF Formula—8 oz. ....	\$1.76
EnfaCare RTF Formula—32 oz. ....	\$7.74
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.08
Nutramigen Concentrate Formula—13 oz. ....	\$7.49
Nutramigen RTF Formula—32 oz. ....	\$9.85
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.20
Pediasure RTF Formula—8 oz. ....	\$2.06
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.09
Pediasure Sidekicks RTF Formula—8 oz. ....	\$1.97
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.10
Similac Advance RTF Formula—Blue—32 oz. ...	\$7.59
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.89
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.19
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$29.09
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$8.19
Similac Expert Care NeoSure RTF Formula— 32 oz. ....	\$8.34
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.39
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.40
Similac Go & Grow Powder—Sensitive— 1.38 lbs. ....	\$23.19
Similac for Spit Up RTF Formula—Green— 32 oz. ....	\$7.79
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$16.39
Similac Sensitive RTF Formula—Orange— 32 oz. ....	\$7.59
Similac Sensitive Powder Formula—Orange— 12.0 oz. ....	\$15.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$7.89
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.50
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$16.89

A store must permit purchase of WIC allowable foods that exceed the maximum allowable price to WIC participants using a WIC check; however, the amounts that exceed the maximum allowable price of any WIC allowable foods sold to WIC participants will be billed to the store on a quarterly basis in accordance with 28 Pa. Code § 1105.2.

*Competitive Prices*

To remain WIC Authorized, each store must maintain the minimum inventory of the following WIC food items at, or below, the Competitive Prices listed for the store's peer group. Effective October 1, 2015, through December 31, 2015, the Competitive Prices for WIC Authorization for Type 2 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.23
Beans/Peas—Dry—16 oz. ....	\$2.13
Canned Fish—Pink Salmon ....	\$2.29
Canned Fish—Sardines ....	\$1.62
Canned Fish—Tuna ....	\$1.32
Cereal (per oz.) ....	\$0.34
Cheese, 16 oz. ....	\$7.00
Eggs ....	\$3.09
Infant Cereal—8 oz. ....	\$2.42
Infant Fruits, 100%—4 oz. ....	\$0.75
Infant Vegetables, 100%—4 oz. ....	\$0.75
Infant Meats, 100%—2.5 oz. ....	\$1.15
Juice—11.5/12 oz. ....	\$2.50
Juice—48 oz. ....	\$3.16
Juice—64 oz. ....	\$3.90
Kosher Cheese—16 oz. ....	\$8.00
Kosher Low Fat Milk—1/2 gallon ....	\$3.25
Kosher Whole Milk—1/2 gallon ....	\$3.35
Milk, Low Fat—1/2 gallon ....	\$2.55
Milk, Whole—1/2 gallon ....	\$2.59
Peanut Butter—16-18 oz. ....	\$3.39
Whole Grain—Bread, 16 oz. ....	\$3.49
Whole Grain—Brown Rice, 16 oz. ....	\$1.90
Whole Grain—Oats, 16 oz. ....	\$2.65
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.55
Whole Wheat Pasta ....	\$1.70
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.10
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$15.89
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.39
Similac Soy Isomil Powder Formula—Pink— 12.4 oz. ....	\$16.50

**Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties**

Under 28 Pa. Code §§ 1103.4(5) and 1105.3(a)(1) and 7 CFR 246.12, the WIC Program hereby publishes notice of the Maximum Allowable Prices and Competitive Prices for Type 3 Stores in High Cost Counties.

*Maximum Allowable Prices*

Effective October 1, 2015, through December 31, 2015, the Maximum Allowable Prices the Department of Health will pay Type 3 Stores in High Cost Counties for WIC allowable foods are as follows:

<i>Description</i>	<i>Maximum Allowable Price</i>
Beans, Canned—15.5/16 oz. ....	\$1.44
Beans/Peas—Dry—16 oz. ....	\$2.40
Canned Fish—Pink Salmon ....	\$2.49
Canned Fish—Sardines ....	\$1.75
Canned Fish—Tuna ....	\$1.50
Cereal (per oz.) ....	\$0.37
Cheese, 16 oz. ....	\$7.70
Eggs ....	\$3.25
Infant Cereal—8 oz. ....	\$2.80
Infant Fruits, 100%—4 oz. ....	\$0.93
Infant Vegetables, 100%—4 oz. ....	\$0.93
Infant Meats, 100%—2.5 oz. ....	\$1.27
Juice—11.5/12 oz. ....	\$2.63
Juice—48 oz. ....	\$3.46
Juice—64 oz. ....	\$4.33
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—quart ....	\$1.87
Kosher Low Fat Milk—1/2 gallon ....	\$3.37
Kosher Whole Milk—quart ....	\$1.80
Kosher Whole Milk—1/2 gallon ....	\$3.40
Milk, Dry—9.6 oz. ....	\$4.60
Milk, Dry—25.6 oz. ....	\$9.85
Milk, Evaporated—12 oz. ....	\$1.62
Milk, Low Fat—quart ....	\$1.59
Milk, Low Fat—1/2 gallon ....	\$2.72
Milk, Low Fat Lactose Free—quart ....	\$2.53
Milk, Low Fat Lactose Free—1/2 gallon ....	\$4.25
Milk, Whole—quart ....	\$1.74
Milk, Whole—1/2 gallon ....	\$2.79
Milk, Whole Lactose Free—quart ....	\$2.69
Milk, Whole Lactose Free—1/2 gallon ....	\$4.29
Peanut Butter—16-18 oz. ....	\$3.68
Soy Beverage—Pacific Natural Foods 32 oz. ....	\$3.50
Soy Beverage—8th Continent 64 oz. ....	\$3.90
Tofu—16 oz. ....	\$2.75
Whole Grain—Bread, 16 oz. ....	\$3.65
Whole Grain—Bread, 24 oz. ....	\$4.10
Whole Grain—Brown Rice, 16 oz. ....	\$2.45
Whole Grain—Brown Rice, 24 oz. ....	\$3.79
Whole Grain—Oats, 16 oz. ....	\$3.00
Whole Grain—Oats, 24 oz. ....	\$6.11
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.70
Whole Wheat Pasta ....	\$2.77
Yogurt Nonfat ....	\$3.05
Yogurt Lowfat ....	\$3.05
Yogurt Wholefat ....	\$3.05
Boost RTF Formula—8 oz. ....	\$1.89
EnfaCare RTF Formula—32 oz. ....	\$8.04
EnfaCare w/Iron Powder Formula—12.8 oz. ....	\$17.51
Nutramigen Concentrate Formula—13 oz. ....	\$7.99
Nutramigen RTF Formula—32 oz. ....	\$9.95
Nutramigen w/Enflora Powder Formula— 12.6 oz. ....	\$25.50
Pediasure RTF Formula—8 oz. ....	\$2.30
Pediasure w/Fiber RTF Formula—8 oz. ....	\$2.30
Pediasure Sidekicks RTF Formula—8 oz. ....	\$2.35
Similac Advance Concentrate Formula—Blue— 13 oz. ....	\$5.58
Similac Advance RTF Formula—Blue—32 oz. ....	\$7.79
Similac Advance Powder Formula—Blue— 12.4 oz. ....	\$17.39
Similac Expert Care Alimentum RTF Formula—32 oz. ....	\$10.39
Similac Expert Care Alimentum Powder Formula—16 oz. ....	\$29.99

<i>Description</i>	<i>Maximum Allowable Price</i>
Similac Expert Care for Diarrhea RTF Formula—32 oz. ....	\$8.49
Similac Expert Care NeoSure RTF Formula—32 oz. ....	\$8.54
Similac Expert Care NeoSure Powder Formula—13.1 oz. ....	\$17.49
Similac Go & Grow Powder Milk Based Formula—Blue—1.38 lbs. ....	\$23.45
Similac Go & Grow Powder—Sensitive—1.38 lbs. ....	\$23.50
Similac for Spit Up RTF Formula—Green—32 oz. ....	\$8.19
Similac for Spit Up Powder Formula—Green—12.0 oz. ....	\$17.39
Similac Sensitive RTF Formula—Orange—32 oz. ....	\$8.09
Similac Sensitive Powder Formula—Orange—12.0 oz. ....	\$16.99
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.85
Similac Soy Isomil RTF Formula—Pink—32 oz. .	\$8.04
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$17.49
Similac Total Comfort Powder Formula—Purple—12.0 oz. ....	\$17.49

<i>Description</i>	<i>Competitive Prices</i>
Whole Grain—Oats, 16 oz. ....	\$2.99
Whole Grain—Soft Corn or Whole Wheat Tortillas, 16 oz. ....	\$2.60
Whole Wheat Pasta ....	\$2.70
Similac Advance Concentrate Formula—Blue—13 oz. ....	\$5.58
Similac Advance Powder Formula—Blue—12.4 oz. ....	\$17.39
Similac Soy Isomil Concentrate Formula—Pink—13 oz. ....	\$5.85
Similac Soy Isomil Powder Formula—Pink—12.4 oz. ....	\$17.49

Persons with a disability who require an alternative format of this listing (for example, large print, audiotape, Braille) should contact Perce Morgan, Department of Health, Bureau of WIC, 625 Forster Street, 7th Floor West, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-1289, or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

KAREN M. MURPHY, PhD, RN,  
*Secretary*

[Pa.B. Doc. No. 15-1732. Filed for public inspection September 25, 2015, 9:00 a.m.]

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 October 1, 2015, through December 31, 2015, the Competitive Prices for WIC Authorization for Type 3 Stores in High Cost Counties are as follows:

<i>Description</i>	<i>Competitive Prices</i>
Beans, Canned—15.5/16 oz. ....	\$1.40
Beans/Peas—Dry—16 oz. ....	\$2.15
Canned Fish—Pink Salmon ....	\$2.48
Canned Fish—Sardines ....	\$1.68
Canned Fish—Tuna ....	\$1.48
Cereal (per oz.) ....	\$0.35
Cheese, 16 oz. ....	\$7.20
Eggs ....	\$3.19
Infant Cereal—8 oz. ....	\$2.76
Infant Fruits, 100%—4 oz. ....	\$0.90
Infant Vegetables, 100%—4 oz. ....	\$0.90
Infant Meats, 100%—2.5 oz. ....	\$1.25
Juice—11.5/12 oz. ....	\$2.60
Juice—48 oz. ....	\$3.37
Juice—64 oz. ....	\$4.20
Kosher Cheese—16 oz. ....	\$8.40
Kosher Low Fat Milk—1/2 gallon ....	\$3.35
Kosher Whole Milk—1/2 gallon ....	\$3.39
Milk, Low Fat—1/2 gallon ....	\$2.58
Milk, Whole—1/2 gallon ....	\$2.70
Peanut Butter—16-18 oz. ....	\$3.59
Whole Grain—Bread, 16 oz. ....	\$3.55
Whole Grain—Brown Rice, 16 oz. ....	\$2.40

## DEPARTMENT OF HUMAN SERVICES

### Changes to the All Patient Refined-Diagnosis Related Groups Classification System

The Department of Human Services (Department) is announcing its intent to change the relative values used for the fee-for-service (FFS) payment methodology for inpatient acute care services. Specifically, the Department intends to use National relative values instead of New York Medicaid relative values, effective for dates of discharge on and after October 1, 2015. Additionally, as part of the rebasing of the relative values, the Department intends to include managed care encounter data, along with FFS claims data to determine the adjustment factor.

*Background*

Effective July 1, 2010, the Department revised its Medical Assistance (MA) FFS payment methodology for inpatient acute care hospital services. The new methodology included adoption of the All Patient Refined-Diagnosis Related Groups (APR-DRG) patient classification system and implementation of APR-DRG relative values based on relative values developed by the New York Medicaid program. At the time the Department developed the new FFS payment methodology for inpatient acute care services, National relative values were not being utilized for payment by any payer in the Nation. For this reason, the Department adopted the New York Medicaid relative values.

*Discussion*

The World Health Organization has revised its International Statistical Classification of Diseases and Related Health Problems, or International Classification of Diseases (ICD), to version ICD-10. This classification system



provides diagnosis, procedure codes and other related data, which is used by the APR-DRG classification system to assign patients to specific DRGs for payment purposes. With the transition to ICD-10, the APR-DRG classification system will be updated to recognize and accept the revised diagnoses and procedure codes of ICD-10.

To comply with Federal requirements relating to transition to ICD-10, the Department will use the updated APR-DRG classification system for the FFS program so that the Department is able to accept the revised diagnosis and procedure codes of ICD-10, effective with dates of discharge on and after October 1, 2015.

With the adoption of the updated APR-DRG classification system, the Department intends to change the relative values used to determine the FFS payment for inpatient acute care services to National relative values. Recently, the National relative values were upgraded and are appropriate for use as a base for Medicaid payment systems. The National relative values represent a broader clinical approach to health care delivery.

Consistent with the State Plan, the Department will apply an adjustment factor to each of the new APR-DRG relative values so that the Commonwealth MA Statewide APR-DRG Case Mix Index is at a level that is budget-neutral. In addition to FFS claims data, the Department intends to use managed care encounter data to determine this adjustment factor to ensure budget neutrality across the MA Program.

#### *Fiscal Impact*

No fiscal impact is anticipated as a result of the change to the APR-DRG classification system.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Human Services, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

THEODORE DALLAS,  
*Secretary*

**Fiscal Note:** 14-NOT-975. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 15-1733. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Powerball

In accordance with 61 Pa. Code § 871.21 (relating to future changes to Powerball), the Secretary of Revenue (Secretary) announces the following changes to the Powerball regulations. This amendment provides updates to the game description and certain definitions. This amendment provides changes to prize payout probabilities and prize pool allocations. Additionally, this amendment further provides for changes to the power play promotion.

These changes will affect ticket sales beginning on Sunday, October 4, 2015, for the Powerball drawing on Wednesday, October 7, 2015. The changes to the regulation will be codified as paragraph (8) in 61 Pa. Code § 871.22 (relating to changes to Powerball):

(8) *Changes effective for Powerball tickets sold on or after October 4, 2015:*

(i) *Section 871.2(a) (relating to game description and purpose).* Powerball is a five out of 69 plus one out of 26 terminal-based lottery game which pays the grand prize on an annuitized, parimutuel basis. Except as provided in this chapter, all other prizes are paid on a set cash, single payment basis.

(ii) *Section 871.2(b) (relating to game description and purpose).* The purpose of the Powerball game is to determine winners from ticket holders matching five numbers from 1 through 69, and matching the separately drawn Powerball number, or a designated combination thereof, within a single play, with the five winning numbers and the Powerball number to be randomly drawn. Drawings will be conducted twice a week or as publicly announced by the Secretary.

(iii) *Section 871.3 (relating to definitions).*

*Advertised Grand Prize*—The estimated annuitized Grand Prize amount as determined by the MUSL Central Office by use of the MUSL Annuity Factor and communicated through the Selling Lotteries prior to the Grand Prize drawing. The Advertised Grand Prize is not a guaranteed prize amount and the actual Grand Prize may vary from the advertised amount, except in circumstances where there is a guaranteed Grand Prize amount as described in § 871.10 (relating to funding of guaranteed prizes).

*Basic Play*—Each set of six numbers consisting of five numbers from 1 through 69 and the Powerball number on a ticket purchased without the selection of any promotion, representing a single entry for a Powerball drawing and designated by a letter from A to E on a Powerball ticket.

*First set numbers*—The first group of numbers from 1 through 69, appearing in the top grid of a Powerball game panel.

*MUSL Annuity Factor*—The annuity factor as determined by the MUSL central office through a method approved by the MUSL Finance and Audit Committee and which is used as described in these rules.

*Panel or game panel*—One of five areas on the Powerball bet slip that contains two number grids. The upper grids (first set numbers) contain 69 squares, each numbered 1 through 69, and the lower grids (second set numbers) contain 26 squares, each numbered 1 through 26. Each panel is lettered either A, B, C, D or E.

*Powerball number or second set number*—The number selected from the second group of numbers, from 1 through 26, appearing in the lower grid of a Powerball game panel.

*Quick Pick*—The random selection by the Lottery's computer system of five numbers from 1 through 69 and a Powerball number from 1 through 26 that appear on a ticket in the Powerball game.

*Second set numbers*—The second group of numbers, from 1 through 26, appearing in the lower grid of a Powerball game panel.



*Ticket*—A Powerball ticket, produced by an on-line terminal from a licensed on-line retailer in an authorized manner, containing a letter prefix followed by five selected numbers from 1 through 69 and a single selected Powerball number from 1 through 26 for each basic play, ticket validation number data, drawing date, amount bet and any applicable promotion exercised by the player. Each set of five numbers and the Powerball number constitutes a basic play of which there may be one or more, up to ten on a ticket.

*Winning numbers*—Six numbers, the first five numbers from 1 through 69, and the Powerball number from 1 through 26, selected at a Powerball drawing and subsequently validated by the MUSL, which shall be used to determine the winning Powerball plays.

*(Editor's Note: This is a partial listing of the definitions applicable to Powerball. See § 871.3 (relating to definitions) for additional definitions.)*

(iv) *Section 871.7(c) (relating to time, place and manner of conducting drawings)*. The MUSL will draw at random five numbers from a set of balls numbered 1 through 69 and one Powerball number from a set of balls numbered 1 through 26 with the aid of mechanical drawing equipment. The drawings will be observed by security personnel and independent auditors and the validity of a drawing will be solely determined by the MUSL.

(v) *Section 871.8(a) (relating to expected prize payout percentages)*. Determination of expected prize payout percentages is as follows:

<i>Tickets Containing The Following, In One Single Lettered Game Section</i>	<i>Prize Category</i>	<i>Prize Payment</i>	<i>Approximate Percentage of Winnings Pool Allocated to Prize Category**</i>
Five first set numbers and the Powerball number	Grand Prize	Grand Prize	68.0131%
Five first set numbers	Second Prize*	\$1,000,000	8.5558%
Four first set numbers and the Powerball number	Third Prize*	\$50,000	5.4757%
Four first set numbers	Fourth Prize*	\$100	.2738%
Three first set numbers and the Powerball number	Fifth Prize*	\$100	.6899%
Three first set numbers	Sixth Prize*	\$7	1.2074%
Two first set numbers and the Powerball number	Seventh Prize*	\$7	.9981%
One first set number and the Powerball number	Eighth Prize*	\$4	4.3489%
None of the first set and the Powerball number	Ninth Prize*	\$4	10.4373%

\* Indicates a set prize.

\*\* Fifty percent of Powerball gross sales are allocated to the winnings pool for the payment of prizes.

(vi) *Section 871.8(c)(1)(iii) (relating to expected prize payout percentages)*. Any other amounts as agreed to by the MUSL Powerball Product Group in their sole discretion.

(vii) *Section 871.9(c) (relating to Powerball prize payments)*. The MUSL Annuity Factor is determined through a process as approved by the MUSL Finance and Audit Committee.

(viii) *Section 871.10 (relating to funding of guaranteed prizes)*. The MUSL Powerball Product Group may offer guaranteed minimum grand prize amounts or minimum increases in the grand prize amount between drawings or make other changes in the allocation of prize money where the MUSL Powerball Product Group finds that it would be in the best interest of the game. If a minimum grand prize amount or a minimum increase in the grand prize amount between drawings is offered by the Product Group, the grand prize shares shall be determined as follows:

(1) If there are multiple grand prize winners during a single drawing, each selecting the annuitized option prize, then a winner's share of the guaranteed annuitized grand prize shall be determined by dividing the guaranteed annuitized grand prize by the number of winners.

(2) If there are multiple grand prize winners during a single drawing and at least one of the grand prize winners has elected the annuitized option prize, the best bid submitted by the MUSL's preapproved qualified brokers shall determine the cash pool needed to fund the guaranteed annuitized grand prize.

(3) If no winner of the grand prize during a single drawing has elected the annuitized grand prize, the amount of cash in the grand prize pool shall be an amount equal to the guaranteed annuitized amount divided by the MUSL Annuity Factor.

(4) Section 871.10(4) is deleted in its entirety.

(5) Changes in the allocation of prize money shall be designed to retain approximately the same prize allocation percentages, over a year's time, as set for in § 871.8 (relating to expected prize payout percentages). Minimum guaranteed prizes or increases may be waived if the alternate funding mechanism as set for in § 871.8 becomes necessary.

(6) Approval of the MUSL Powerball Product Group is required to change the guaranteed minimum Grand Prize amounts or minimum increases in the Grand Prize amount. Any reduction in the minimum increases to the Grand Prize amount shall not become effective until after

a Grand Prize win following the action taken by the MUSL Powerball Product Group.

(ix) *Section 871.14(b) (relating to parimutuel prize pool)*. An amount equal to up to 5% of a party lottery's sales shall be deducted from a party lottery's grand prize pool and placed in trust in one or more prize pool accounts and prize reserve accounts until the prize pool accounts and party lottery's share of the prize reserve accounts reaches the amounts designated by the MUSL Powerball Product Group. The MUSL Powerball Product Group has established the following prize reserve accounts for the Powerball game: the Prize Reserve Account, which is used to guarantee the payment of valid, but unanticipated, Grand Prize claims that may result from a system error or other reason; and the Set Prize Reserve Account, which is used to fund deficiencies in the low-tier prize payments, subject to the limitations of these rules. The MUSL Powerball Product Group has established the following prize pool accounts for the Powerball game: the Grand Prize pool, which is used to fund the immediate Grand Prize; the Powerball Set Prize Pool, which is used to fund the Powerball Set Prize payments; and the Powerball Set-Aside Account, which is used to guarantee payments of the minimum or starting Grand Prize. The Power Play Prize Pool and Power Play Pool Account are described in § 871.20 (relating to power play promotion) of these rules. The Set Prize Pool Account holds the temporary balances that may result from having fewer than expected winners in the Powerball Set Prize (aka low-tier prize) categories. The source of the Set Prize Pool is the Party Lottery's weekly prize contributions less actual Powerball Set Prize liability. Once the

prize pool accounts and the party lottery's share of the prize reserve accounts exceeds the designated amounts, the excess shall become part of the grand prize pool. The MUSL Powerball Product Group, with the approval of the Finance and Audit Committee, may establish a maximum balance for the prize pool accounts and prize reserve accounts. The MUSL Powerball Product Group may determine to expend all or a portion of the funds in the prize pool accounts, except the Grand Prize pool account, and the prize reserve accounts for the purpose of indemnifying the Party Lotteries and Licensee Lotteries in the payment of prizes to be made by the Selling Lotteries, subject to the approval of the MUSL Board and for the payment of prizes or special prizes in the game, subject to the approval of the MUSL Finance and Audit Committee. The prize reserve shares of a party lottery may be adjusted with refunds to the party lottery from the prize reserve accounts as may be needed to maintain the approved maximum balance and shares of the party lotteries. A Party Lottery may contribute to its share of prize reserve accounts over time, but in the event of a draw down from the reserve account, a Party Lottery is responsible for its full percentage share of the account, whether or not it has been paid in full. Any amount remaining in the prize pool accounts or prize reserve accounts at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the members of the MUSL Powerball Product Group in accordance with State law.

(x) *Section 871.19 (relating to probability of winning)*. The probability of winning is as follows:

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*Tickets Containing The Following,  
In One Single Lettered Game Section*

Five first set numbers and the  
Powerball number

Five first set numbers

Four first set numbers and the  
Powerball number

Four first set numbers

Three first set numbers and the  
Powerball number

Three first set numbers

Two first set numbers and the  
Powerball number

One first set number and the  
Powerball number

None of the first set and the  
Powerball number

<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Grand Prize	1:292,201,338
Second Prize	1:11,688,053.52
Third Prize	1:913,129.1813
Fourth Prize	1:36,525.1673
Fifth Prize	1:14,494.1140
Sixth Prize	1:579.7646
Seventh Prize	1:701.3281
Eighth Prize	1:91.9775
Ninth Prize	1:38.3239

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(xi) *Section 871.20(c) (relating to power play promotion)*. The MUSL shall conduct a power play drawing and will announce results during each of the regular Powerball drawings held during the power play promotion. During each power play drawing a single number (2, 3, 4, 5 or 10) shall be randomly drawn. The 10X multiplier will be available for drawings in which the initially advertised annuitized Grand Prize amount is \$150,000,000 or less. The MUSL Powerball Product Group may elect to run limited promotions that modify the multiplier features.

(xii) *Section 871.20(e) (relating to power play promotion)*. In drawings where the 10X multiplier is available, the expected power play prize pool for power play set prizes shall consist of up to 49.969% of each drawing period's power play sales. In drawings where the 10X multiplier is not available, the expected power play prize pool for power play set prizes shall consist of up to 45.934% of each drawing period's sales. The prize payout percentage per draw may vary. The power play prize pool shall be carried forward to subsequent power play drawings if all or a portion of the percentage is not required to pay the power play prizes for the current power play drawing and held in the Power Play Pool Account.

(xiii) *Section 871.20(f) (relating to power play promotion)*. In drawings where the 10X multiplier is available, an additional 0.31% of power play sales may be collected and placed in the Power Play Pool Account, for the purposes of paying power play prizes. In drawings where the 10X multiplier is not available 4.066% of power play sales may be collected and placed in the Power Play Pool Account, for the purposes of paying power play prizes. Any amount remaining in the Power Play Pool Account at the end of the power play promotion shall be returned to all lotteries participating in the account after the end of all claim periods of all selling lotteries, carried forward to

a replacement game, or expended in a manner as directed by the MUSL Powerball Product Group in accordance with State law.

(xiv) *Section 871.20(g)(3) (relating to power play promotion)*. Other amounts as agreed to by the MUSL Powerball Product Group in their sole discretion.

(xv) *Section 871.20(j) (relating to power play promotion)*. Except as otherwise provided, all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

Prize Level	Powerball Set Prize Amount		Regardless of Power Play Number Selected				
			10X	5X	4X	3X	2X
Second Prize	\$1,000,000						
Third Prize	\$50,000	\$500,000	\$250,000	\$200,000	\$150,000	\$100,000	
Fourth Prize	\$100	\$1,000	\$500	\$400	\$300	\$200	
Fifth Prize	\$100	\$1,000	\$500	\$400	\$300	\$200	
Sixth Prize	\$7	\$70	\$35	\$28	\$21	\$14	
Seventh Prize	\$7	\$70	\$35	\$28	\$21	\$14	
Eighth Prize	\$4	\$40	\$20	\$16	\$12	\$8	
Ninth Prize	\$4	\$40	\$20	\$16	\$12	\$8	

(xvi) *Section 871.20(l) (relating to power play promotion)*. The probability of the various power play numbers being selected in a power play drawing.

(1) The probability of the various power play numbers being selected in a power play drawing when the 10X multiplier is available is:

Power Play Multiplier	Probability of Prize Increase
2	1:1.791666
3	1:3.30769
4	1:14.333333
5	1:21.5
10	1:43

(2) The probability of the various power play numbers being selected in a power play drawing when the 10X multiplier is not available is:

Power Play Multiplier	Probability of Prize Increase
2	1:1.75
3	1:3.23076
4	1:14
5	1:21
10	1:0

EILEEN H. McNULTY,  
Secretary

[Pa.B. Doc. No. 15-1734. Filed for public inspection September 25, 2015, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department

The following property is available for sale by the Department.

City of Erie, Erie County. This parcel contains approximately 0.0924 acre of unimproved land situated along Peach Street, Erie, PA. The property will be sold in as is condition. The estimated fair market value of the parcel is \$18,500. It has been determined that the land is no longer needed for present or future transportation purposes.

Interested public agencies are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to William G. Petit, District Engineer, Department of Transportation, Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301.

LESLIE S. RICHARDS,  
Secretary

[Pa.B. Doc. No. 15-1735. Filed for public inspection September 25, 2015, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Filing of Final Rulemakings

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-487	Environmental Quality Board Control of Volatile Organic Compound Emissions from Fiberglass Boat Manufacturing Materials	9/9/15	10/22/15
7-488	Board of Coal Mine Safety Standards for Surface Facilities	9/9/15	10/22/15

JOHN F. MIZNER, Esq.,  
*Chairperson*

[Pa.B. Doc. No. 15-1736. Filed for public inspection September 25, 2015, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval to Reinsure the Entire Book of Business of a Domestic Insurer

Healthcare Providers Insurance Exchange, a Pennsylvania domiciled reciprocal insurance exchange, has submitted an application for approval to reinsure its entire schedule of policies with Medical Mutual Insurance Company of North Carolina. The filing was submitted under section 319 of The Insurance Company Law of 1921 (40 P. S. § 442).

Persons wishing to comment on the transaction are invited to submit a written statement to the Insurance Department (Department) on or before the close of business on October 23, 2015. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@pa.gov](mailto:cbybee@pa.gov). Comments received will be part of the public record regarding the filing and will be forwarded to the applicant for appropriate response.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1737. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Application for Designation as a Certified Reinsurer

Münchener Rückversicherungs-Gesellschaft Aktiengesellschaft in München (Munich Re) has applied for designation as a certified reinsurer in this Commonwealth. The application was received on August 31, 2015, and was made under section 319.1(a) of The Insurance Com-

pany Law of 1921 (40 P. S. § 442.1(a)) and 31 Pa. Code § 161.3a(c) (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, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [krankin@pa.gov](mailto:krankin@pa.gov).

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1738. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Application for Designation as a Certified Reinsurer

Arch Reinsurance Ltd. has applied for designation as a certified reinsurer in this Commonwealth. The application was received on September 10, 2015, 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(c) (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, Company Licensing and Financial Analysis, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [krankin@pa.gov](mailto:krankin@pa.gov).

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1739. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Application for Domestic Certificate of Authority by Radian Mortgage Guaranty, Inc.

Radian Mortgage Guaranty, Inc. has applied for a Certificate of Authority to operate as a stock casualty insurance company in this Commonwealth. The initial filing was received on September 4, 2015, and was made under The Insurance Company Law of 1921 (40 P.S. §§ 341—1007.15).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda E. Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [cbybee@pa.gov](mailto:cbybee@pa.gov).

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1740. Filed for public inspection September 25, 2015, 9:00 a.m.]

### United of Omaha Life Insurance Company (MUTA-130240884); Rate Increase Filing for Several LTC Forms

United of Omaha Life Insurance Company is requesting approval to increase the premium an aggregate 27.3% on 266 policyholders of the LTC06IU Series. The requested increase will take place in two steps, each occurring 1 year apart. The first increase, effective December 1, 2015, will average 22.9%; the minimum increase any policyholder will receive is 0% and the maximum is 38%. The second increase, effective December 1, 2016, will average 3.6%; the minimum increase any policyholder will receive is 0% and the maximum is 20%.

The forms affected are LTC06UI-TQ, LTC06UI-G5-TQ, LTC06UI-G10-TQ, LTC06UI-G15-TQ, LTC06UI-NTQ, LTC06UI-G5-NTQ, LTC06UI-G10-NTQ and LTC06UI-G15-NTQ.

Unless formal administrative action is taken prior to December 10, 2015, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). To view these filing notices, hover the cursor over "Consumers" in the blue bar at the top of the webpage then select "Product Notices" from the drop down menu.

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Lavery, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlavery@pa.gov](mailto:jlavery@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

TERESA D. MILLER,  
*Insurance Commissioner*

[Pa.B. Doc. No. 15-1741. Filed for public inspection September 25, 2015, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Duquesne Light Company Plan for Seamless Moves and Instant Connects; M-2014-2401127

#### Final Order

The Pennsylvania Public Utility Commission (Commission) on September 3, 2015, adopted a Final Order in response to Duquesne Light Company Plan for Seamless Moves and Instant Connects (M-2014-2401127). A copy of the Order can be found on the Commission's web site at [http://www.puc.pa.gov/about\\_puc/consolidated\\_case\\_view.aspx?Docket=M-2014-2401127](http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2014-2401127).

A seamless move is the ability of a customer's choice of supplier to move with the customer to a new address within a single service territory without interruption. Instant connect is the ability of supply service to start on "day one" of new utility service—without the customer first having to go on default service. The Commission approved Duquesne Light Company's plan, filed on April 20, 2015, for implementing seamless moves and instant connects in its service territory by July 1, 2016. Duquesne Light Company was further directed to file with the Commission for its review and approval revised tariff supplements consistent with the terms of this Order at least 30 days prior to the availability of seamless moves and instant connect functions within its service territory.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1742. Filed for public inspection September 25, 2015, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by October 13, 2015. Docu-

ments filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-2015-2472606. Cathay Express, Inc.** (919 Wolf Street, Philadelphia, PA 19148) for the right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, between the Counties of Montgomery and Monroe; excluding service that is under the jurisdiction of the of the Philadelphia Parking Authority.

**A-2015-2487881. A-Merit Medical Transportation, Inc.** (P. O. Box 878, Huntingdon Valley, PA 19006) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, in wheelchair vans and sedans, between points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia.

**A-2015-2488916. Cefolo's, LLC** (347 Sun Valley Road, Mill Hall, PA 17751) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Centre and Clinton, to points in Pennsylvania, and return.

**A-2015-2489318. Personal Care Transport, LLC** (P. O. Box 1140, 625 North Pitt Street, Carlisle, Cumberland County, PA 17013) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Adams, Cumberland, Dauphin, Franklin, Perry and York, to points in Pennsylvania, and return. *Attorney:* Bret P. Shaffer, Esquire, Serratelli, Schiffman & Brown, PC, 2080 Linglestown Road, Suite 201, Harrisburg, PA 17110.

**A-2015-2501209. Sterling Chauffeured Services, LLC** (327 North Washington Avenue, Suite 510, Scranton, PA 18503) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Lackawanna, Luzerne, Wayne, Susquehanna, Pike, Wyoming and Monroe.

**A-2015-2501415. PHL Limo Services, LLC** (2555 Old Trevoise Road, Apartment D-5, Trevoise, PA 19035) for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the Counties of Bucks, Chester, Delaware and Montgomery; and from points in said counties to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the of the Philadelphia Parking Authority.

**Applications of the following for the approval of the right and privilege to *discontinue/abandon* operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.**

**A-2015-2496088. Derrick John Cimini** (5670 South Route 44 Highway, Jersey Shore, Lycoming County, PA 17740) discontinuance of service and cancellation of his certificate—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Lycoming County, to points in Pennsylvania, and return.

**A-2015-2498780. J. Hink Enterprises, LLC** (673 Chesapeake Court, Hermitage, Mercer County, PA 16148) household goods in use, for moves arranged by The Right Sort, LLC, between points in the Counties of Mercer and

Lawrence, and from points in those counties, to points in Pennsylvania, and vice versa.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1743. Filed for public inspection September 25, 2015, 9:00 a.m.]

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

Formal Complaints have been issued by the Pennsylvania Public Utility Commission. Answers must be filed in accordance with 52 Pa. Code (relating to public utilities). Answers are due October 13, 2015, 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. H2HAUL, LLC;  
Docket No. C-2015-2494465**

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 H2HAUL, LLC, (respondent) is under suspension effective July 13, 2015 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 6377 Tattler Rd, Columbus, OH 43230-5502.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 19, 2012, at A-8915134.
4. That respondent has failed to maintain evidence of both Cargo insurance and Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent pays the penalty of \$500 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-8915134 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hun-

dred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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

#### VERIFICATION

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

Date: 7/28/2015

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

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

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

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**Pennsylvania Public Utility Commission; Bureau of  
Investigation and Enforcement v. Harold G.  
Sheppard III, t/a HGS Transport;  
Docket No. C-2015-2500657**

#### 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 Harold G. Sheppard III, t/a HGS Transport, (respondent) is under suspension effective July 30, 2015 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 25 Cherry Hill Road, Ronks, PA 17572.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 18, 2013, at A-2013-2354006.



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-8915573 failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

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

#### VERIFICATION

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

Date: 8/27/2015

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

#### NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

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

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Or, emailed to Mr. Swindler at: [RA-PCCmplntResp@pa.gov](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.

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

ROSEMARY CHIAVETTA,  
Secretary

[Pa.B. Doc. No. 15-1744. Filed for public inspection September 25, 2015, 9:00 a.m.]



## Telecommunications

**A-2015-2503602. North Penn Telephone Company and Blue Ridge Digital Phone Company.** Joint petition of North Penn Telephone Company and Blue Ridge Digital Phone Company for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

North Penn Telephone Company and Blue Ridge Digital Phone Company, by their counsel, filed on September 14, 2015, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. The documents filed in support of North Penn Telephone Company and Blue Ridge Digital Phone Company joint petition are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, at the Commission's web site at [www.puc.pa.gov](http://www.puc.pa.gov) and at the applicant's business address.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 15-1745. Filed for public inspection September 25, 2015, 9:00 a.m.]

Employees' Retirement System's (System) denial of Claimant's request concerning the indicated account.

The hearings will be held before a hearing officer at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

November 5, 2015	Patricia L. Palotas (Purchase of Service/Private Entity)	1 p.m.
December 16, 2015	Robert J. Capo (Final Average Salary)	1 p.m.

Persons with a disability who wish to attend a previously listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lori Koch, Assistant to the Executive Director at (717) 720-4606 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matter will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

GLEN R. GRELL,  
*Executive Director*

[Pa.B. Doc. No. 15-1747. Filed for public inspection September 25, 2015, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 15-093.1, TMT—Perimeter Lighting, until 2 p.m. on Thursday, October 29, 2015. Information (including mandatory prebid information) can be obtained from the web site [www.philaport.com](http://www.philaport.com) under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 15-1746. Filed for public inspection September 25, 2015, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School

## STATE BOARD OF NURSING

**Commonwealth of Pennsylvania, Bureau of Professional and Occupational Affairs v. Patricia A. Doherty, RN, Respondent; File No. 14-51-02261; Doc. No. 0780-51-15**

*Notice to Patricia A. Doherty, RN:*

On May 5, 2015, the Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against you by filing an Order to Show Cause, before the State Board of Nursing, alleging that you have violated certain provisions of the Pennsylvania Professional Nursing Law, Act of May 22, 1951, P. L. 317, ("Act"). Pursuant to 1 Pa. Code § 33.31 and Rule 430 of the Pennsylvania Rules of Civil Procedure, 231 Pa. Code Rule 430, providing for service of process upon you by publication.

### Notice

Formal disciplinary action has been filed against you. You may lose your license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$10,000 for each violation, and the imposition of costs of investigation.

If you wish to defend against the charges in the attached Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from the Prothonotary for the Department of State, 2601 North Third Street, P. O. Box 2649, Harrisburg, PA 17105, telephone number, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. You also have the right to have an interpreter provided should you request one.

All proceedings are conducted under the Administrative Agency Law and the General Rules of Administrative Practice and Procedures.

You are directed to respond to the charges by filing a written answer within thirty (30) days of this NOTICE. IF YOU DO NOT FILE AN ANSWER, DISCIPLINARY ACTION MAY BE TAKEN AGAINST YOU WITHOUT A HEARING. To file your answer, you must bring or send an original and three (3) copies of your answer and any pleadings or other documents related to this matter to the following address:

Prothonotary  
Department of State  
2601 North Third Street  
P. O. Box 2649  
Harrisburg, PA 17105-2649

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

KRISTIN MALADY, BSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 15-1748. Filed for public inspection September 25, 2015, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations and Concentrated Animal Feeding Operations and Volunteers Complying with the Commonwealth's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Joshua M. Zimmerman 15 Gift Road Hamburg, PA 19526	Berks County/ Richmond Township	165.6	Broiler	Existing	Rescind
Sperry Farms, Inc.— Pullet Houses CH1 and CH2 5992 Leach Road Atlantic, PA 16111	Crawford County/ East Fallowfield Township	194.26	Pullets	New	Approved
Brian Doutrich 750 Whitman Road Lebanon, PA 17042	Lebanon County/ South Lebanon Township	278.18	Pullets	New	Approved
Walmore Holsteins, Inc.— Unit 4 2206 Gap Newport Pike West Grove, PA 19390	Chester County/ Londonderry Township	0	Cattle	Amended	Approved

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New, Amended, or Existing</i>	<i>Action Taken</i>
Mike Cassel 259 Auction Road Manheim, PA 17545	Lancaster County/ Penn Township	162.33	Broilers	Existing	Amended
Stephan Zook 1387 Route 403 North North Cambria, PA 15714	Indiana County/ Pine Township	50	Veal	Existing	Rescinded
Hammer Creek Holsteins Lavern Martin 260 Schaeffer Road Lebanon, PA 17042	Lebanon County/ Heidelberg Township	39	Heifers	Existing	Rescinded

RUSSELL C. REDDING,  
*Chairperson*

[Pa.B. Doc. No. 15-1749. Filed for public inspection September 25, 2015, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act) the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at The Nittany Lion Inn, 200 West Park Avenue, University

Park, PA 16803 on October 7, 2015, at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the regulations of the Commission or agency operations should contact Heather Mulhollan at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

ROBERT P. CARUSO,  
*Executive Director*

[Pa.B. Doc. No. 15-1750. Filed for public inspection September 25, 2015, 9:00 a.m.]

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Managing Editor (Name and complete mailing address) Corinne Marut, Pennsylvania Bulletin 641 Main Capitol Building, Harrisburg, PA 17120-0033		
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 If the publication is a general publication, publication of this statement is required. Will be printed in the September 26, 2015 issue of this publication.  Publication not required.

18. Signature and Title of Editor, Publisher, Business Manager, or Owner  
*Laura Campbell, Publisher* Date 9.26.15

I certify that all information furnished on this form is true and complete. I understand that anyone who furnishes false or misleading information on this form or who omits material or information requested on the form may be subject to criminal sanctions (including fines and imprisonment) and/or civil sanctions (including civil penalties).

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